

# **Belgrave's Quest for Moral Order in Bahrain, 1926-1957**

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## **Belgrave's Quest for Moral Order in Bahrain, 1926-1957**

### **Abstract**

This thesis examines how colonial decision-makers in Bahrain restricted, regulated and controlled the consumption of alcohol and practice of prostitution as immoral activities. It analyzes these activities as visible sites for understanding how colonial decision-makers relied on the Law to enforce a distinct moral authority in Bahrain, and reflects on the political imperatives behind these regulatory projects. It shows how colonial actors justified moral regulations as necessary to protect local custom, and saw their ability to be seen as protecting customary values as intimately tied to their political legitimacy in Bahrain. The thesis further identifies the impact of moral regulation in constituting and reinforcing a hierarchal social order, which posited Western nationals as the ultimate benefactors of social privilege.

The thesis places the project of moral regulation in its historic context, and identifies it as a response to social and demographic changes taking place in Bahrain following two transformative events: the discovery of oil in 1932, and the outbreak of the Second World War in 1939. It describes the impact of these events in driving an influx of British and American oil workers and military servicemen to Bahrain, many of whom engaged in visible displays of drunkenness and debauchery. It shows how colonial officials responsible for exercising authority over Bahrain viewed these trends with alarm, as likely to spur a broader process of social decline, and ultimately bring about challenges to Britain's political legitimacy in Bahrain.

The thesis analyzes the regulatory responses enacted by colonial decision-makers to limit the spread of these corrupting recreational habits, in the context of a

transforming urban environment. In liquor-control, it shows how colonial actors created and enforced a liquor-licensing system, which prohibited Bahraini nationals, Muslims, and most non-Muslim Arabs from purchasing and consuming liquor, while ensuring this privilege remained available to a minority group of mostly British and American nationals. It locates a second site of moral regulation laws governing prostitution. In this area, the thesis describes how colonial officials regulated and restricted prostitution as an undesirable activity, including by confining the practice to a geographic zone, subjecting prostitute women to mandatory health screenings, and justifying these actions as necessary to curb an epidemic of venereal diseases.

The thesis identifies the origins of these moral regulations as rooted in Victorian conceptions of morality and shows how, over time, the inherent paradox at the heart of these laws produced a complex and contradictory body of legislation that had the effect of discouraging perceived immoral behavior, while maintaining exceptions to these policies to cater to the desires of young, Western, and male demographic that sought access to recreation. The thesis traces the social consequences of these policies in affirming Western and European privilege and accelerating the subaltern status of outsider groups excluded from these privileges, including a minority groups of Jewish-Iranian nationals that came to exercise control over a growing underground trade in locally manufactured date liquor. The thesis also identifies the unintended impact of these Laws in acting as rallying points for a rising nationalist, anti-imperialist political movement in the year 1956. The findings are supported by a collection of eighty-one Court cases – brought against ninety-seven individuals- , which detail how British officials (including most prominently the Advisor to the Emir, Charles Belgrave)

prosecuted and punished violations of the Law.<sup>1</sup> Although the thesis covers the “Belgrave years” – between 1926-1956, a section of Chapter Three extends to the year 1965 in order to show the historical development of liquor regulations beyond his tenure in Bahrain.

### **Introduction**

In the year 1820, the populations residing across the Western shores of the Persian Gulf had their first encounter with the rising forces of European Imperialism when Great Britain entered into treaty relations with the Rulers of the Trucial Coast and Bahrain. Through a series of Agreements, Great Britain promised to provide Rulers in those territories with protection from external aggression, in exchange for the right to exercise control over their waterways, to the exclusion of rival European powers. By the early twentieth century, Great Britain had established a de-facto protectorate in Bahrain, where colonial officials managed and oversaw a range of economic, social, and political affairs. In the following decades, the developments taking place in these territories – and their implications for strategic colonial interests - formed the subject of thousands of pages of correspondence and reports exchanged between British officials based in the Gulf region, India, and London.

In 1944, the most influential British official responsible for overseeing policy in Bahrain wrote to the Foreign Office, lamenting a collapse in public morality taking place in Bahrain. In his dispatch, Charles Belgrave wrote despairingly:

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<sup>1</sup> The data includes cases brought against a total of ninety-seven individuals, including eighty-nine individuals accused of violating liquor-licensing laws, and a total of eight individuals accused of violating zoning laws regulating prostitution. Although the data covers ninety-seven individuals, the total number of court cases is only eighty-one (amounting to seventy-three cases in the area of liquor, and eight cases in the area of prostitution). This is due to the fact that multiple individuals were tried together in a total of sixteen cases involving liquor-related offences.

‘The state of public morality and honesty as a whole has definitely deteriorated during the war years. Drinking and illicit distilling have increased. In the past, drinking was confined to a few notorious persons – gradually others followed their example and the habit began to spread but recently there has been a rapid and noticeable increase in the number of Arabs who drink liquor. Action has been taken and the courts have inflicted severe penalties on Bahrain subjects convicted of drunkenness, being in possession of liquor, or manufacturing liquor. Gambling has increased and spread throughout the country villages, and statistics show an alarming increase in the number of cases of venereal diseases. His Highness (the Ruler) has agreed to treatment being compulsory wherever infection was found, particularly when prostitutes were reported.’<sup>2</sup>

The thesis explores three central themes, each of provide insight into the imperatives and impact of moral lawmaking in an unexplored context and the discourses used to justify this normative project.

The first theme covered by the thesis is the identification of a distinct domain of moral lawmaking: as discussed, enacted, and enforced by colonial officials in Bahrain. It identifies these moral laws as characterized by the presence of an ‘irreducible normative core’ and as driven by a ‘moral panic’, two criteria identified in the literature on Law and Morality as integral to processes of moral lawmaking.<sup>3</sup> The research focuses primarily on the figure of Charles Belgrave, the most influential colonial administrator in Bahrain’s history, and shows how his enforcement of moral laws was driven by his desire to restore Bahrain to a perceived, pre-industrial golden age of morality. The research conceives of Belgrave and other colonial administrators as social agents, influenced by the structural and normative ideals of early twentieth-century British society that emphasized order, sobriety, and chastity and which mandated and encouraged the spread of these values to colonized societies. The research traces the

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<sup>2</sup> The Bahrain Government Annual Reports 1924-1970, 8 vols. (Gerrard Cross: Archive Edition, 1986): ‘The Annual Report for the Year 1943-44’, Vol. 3, p. 22.

<sup>3</sup> Alan Hunt, *Governing Morals: A Social History of Moral Regulation*, (Cambridge: Cambridge University Press, 1999), p. 1-35.

influence of late Victorian values on moral legislation in Bahrain by chronicling the enactment of the Contagious Diseases Acts in Great Britain during the late nineteenth century and by showing how Laws modelled on this example were re-modelled and exported across diverse colonial settings.<sup>4</sup> The research also shows that while the Contagious Diseases Acts were directly modified and exported, the rise of temperance movements in Great Britain had a more indirect effect in influencing conceptions of alcohol among a generation of colonial decision-makers as undesirable, and as particular harmful to colonized communities.

The second theme covered by this dissertation is its analysis of the strategic and political objectives influencing moral lawmaking. Here, the thesis analyzes the discourses used by colonial actors to justify the enactment of Laws restricting alcohol and prostitution, and shows that they fluctuated between justifying moral lawmaking in terms of their own, ‘internally held’ moral ideals, and in terms of upholding and restoring the ‘external’ normative order that they believed to be under threat in Bahrain. The research analyzes efforts to uphold and protect the society’s ‘external morality’, as an externally oriented social action, aimed at generating a social response: in this case, acceptance of colonial rule as morally legitimate in the imagination of the colonized.<sup>5</sup> The thesis identifies the normative values influencing lawmaking as distinct but as nonetheless co-existing alongside other identifiable strategic and political objectives. In

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<sup>4</sup> These include the following Acts: Contagious Diseases Act 1864, Contagious Diseases Act 1866, and Contagious Diseases Act 1869.

<sup>5</sup> In ‘Economy and Society’, Weber defined Sociology as ‘a science concerning itself with interpretative understanding of social action and thereby with a causal explanation of its course and consequences.’ Integral to his concept of Sociology is the ‘Weberian social action’, which is an act that takes into account the responses and reactions of other social actors, or agents, and is thereby oriented in its course. A social action is therefore best understood in the context of the responses that it is intended to generate from other social agents. Max Weber, *Economy and Society*, Volume I, (Berkeley: University of California Press, 2013), p.1-52.

this sense, the research builds on contemporary theories about moral lawmaking, which identify normatively driven policies as often entangled with a range of other visible objectives that do not nonetheless diminish from their fundamentally normative character.<sup>6</sup>

A third theme covered by the research is its examination of moral lawmaking as a site for identifying broader themes about the character of colonial authority in Bahrain and its social impact. In this area, the research shows how colonial authorities viewed Bahrain's society through a hierarchical lens that privileged the status of certain nationalities and communities over others. Thus, while colonial authorities blamed 'Westerners', and mostly British and American subjects, for importing harmful habits to the society from abroad, they nonetheless went to extensive lengths to cater to the perceived social needs of this community, as a group whose appeasement they viewed as necessary to maintaining British economic and military interests in Bahrain. The research shows how, over time, this inherent paradox at the heart of colonial governance produced an increasingly complex and contradictory body of legislation that had the effect of discouraging perceived immoral behavior on the one hand, while also maintaining privileged exceptions to these regulations to cater to the desires and habits of British and American nationals. The thesis traces the consequences of these policies in affirming Western and European privilege and creating incentives for outsider groups excluded from these privileges to enter the black market trade in liquor. The research further analyzes the role of Court of the Political Agent in enforcing social

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<sup>6</sup> Alan Hunt, *Governing Morals: A Social History of Moral Regulation*, (Cambridge: Cambridge University Press, 1999), p. 1-35.

hierarchies, by inflicting strict punishments on Iranians, Iraqis, and non-Westerners implicated in the illegal manufacture and sale of liquor.

The thesis makes a substantial and original contribution to the literature on colonialism in Bahrain, which so far has been limited to studies of the political, economic, and military aspects of colonial authority. The thesis also makes an important contribution to the literature on the colonial regulation of alcohol and prostitution, an emerging historical sub-field which thus far includes few studies into the existence of such projects in the Middle East.

### **Literature Review: Theoretical Perspectives**

In this section, I provide a summary of the main theoretical perspectives informing the field of Law and Morality. This is not intended to act as a comprehensive review of the extensive literature in this area, but rather as a concentrated survey of the historical origins of the field, sociological approaches to it, and its contemporary trajectory, which are of analytical relevance to this study. As a cross-disciplinary work of research, this study also draws on studies in colonial history, which examine the impact of colonial regulation of alcohol and prostitution across various historic settings. References to this second body of literature are covered in Chapter Two, as part of an analysis of the historical trends in moral lawmaking within Great Britain, and the impact of these trends in influencing laws enacted in the colonial context

The history of moral regulation is an cross-disciplinary field of inquiry, drawing the interest of scholars in Law, History, Sociology, and across various area studies. This section begins by surveying some of the most influential works and ideas influencing

scholarship in this area, including the works of Emile Durkheim, Michel Foucault, and the historic debate between Oxford Professor of Jurisprudence HLA Hart, and the British jurist Lord Devlin. The literature review then examines contemporary perspectives on the topic, focusing on the work of Alan Hunt, Mitchell Dean, Philip Corrigan, and Derek Sayer.

The relationship between Law and morality has formed the subject of extensive debates between philosophers, academics, and scholars of jurisprudence. Historically, these debates first emerged through a clash between natural law theorists – who argued that laws are dependent for their authority on their compatibility with higher, moral principles – and legal positivists, who put forward the notion that a Law is valid provided it meets certain procedural standards, regardless of its moral dimensions.<sup>7</sup>

The concept of moral regulation – or law as a mechanism for regulating morality- originates with Emile Durkheim, a founding figure in the development of a Sociology of Law. Durkheim conceived of Law as intimately connected to social concepts of morality and as serving social functions. Durkheim characterized Law as a ‘social fact’, one of a multitude of socially-created and historically specific institutions, beliefs, and structures that constrain individual behavior in society, by requiring individuals to act in certain socially-recognizable ways. To Durkheim, legal rules are not distinct from moral rules by their character, or by the content or form of behavior they seek to regulate. Instead, Law and morality are distinct only in the way that

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<sup>7</sup> Ideas of ‘Natural Law’ have been developed by numbers Western philosophers, including Aristotle, Thomas Aquinas, Thomas Hobbes, and John Locke. Proponents of natural law legal theory argue that laws are dependent for their authority on their compatibility with higher, moral standards. This approach contrasts with the view put forward by legal positivists, including John Austin, Jeremy Bentham, and HLA Hart who argue that law is a social construction, conceptually distinct from morality, and that a given law is valid provided that certain procedural criteria related to its enactment are met.,

sanctions towards their breach are administered.<sup>8</sup> Durkheim frames moral regulation as necessary for maintaining a set of shared values, social roles, and moral boundaries in society, which play an important role in preserving social cohesion and protecting the individual and society from normative breakdown, characterized by a state of anomie.<sup>9</sup> I further elaborate on the significance of Durkheim's method to this study, in the section under 'Methodology' below.

Debates on the relationship between Law and morality have continued to preoccupy legal scholars and decision-makers into the twentieth century. Among the most influential debates on this relationship took place between H.L.A. Hart and the Lord Patrick Devlin following the publication of a report in 1957 by the Wolfendon Committee, a British parliamentary committee established to make recommendations on the Law governing homosexual practices. In its report, the Committee recommended the decriminalization of male homosexual activity between consenting adults, on the basis that criminal law should not intervene in the private lives of citizens, and that

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<sup>8</sup> Durkheim provides a framework for understanding how societies maintain solidarity and social cohesion, particularly during transitions from pre-industrial, to industrial levels of development.. In 'The Division of Labor in Society', Durkheim observes that societies in pre-industrial levels of development, whose economies rely mostly on manual labor, exhibit 'mechanical solidarity': characterized by homogeneity between individuals and strong social networks based on kinship, family, and tribe. Durkheim shows that as societies advance and industrialize, mechanical solidarity is replaced with 'organic solidarity.' This type of solidarity emerges not a result of the common beliefs of individuals but instead, as a result of their interdependence in a modern economy. Durkheim draws further distinctions between the role of Law in each kind of society. He shows that societies that are characterized by mechanical solidarity are governed mostly through repressive penal law, and rely primarily on coercion to punish those who deviate from established moral norms. The character of Law in advanced industrial economies, by contrast, is mostly restitutive and exercised through systems of Law such as contract and tort. Durkheim also elaborates on the role of Law in each society, and sees sanctions and legal rules as exerting the same incentives on individuals. In explaining the distinctions between these two types of rules, he notes that moral rules are 'diffuse' and 'administered by everybody, without distinction', whereas legal sanctions are 'organized' and 'applied only through the medium of a definite body.' In this sense, both Law and Morality have an equally coercive role in shaping social behavior. See: Emile Durkheim, *The Division of Labor in Society*, (Basingstoke: Macmillan, 1984), p.1-75. See also: Roger Cotterell, *Emile Durkheim: Law in a Moral Domain*, (Stanford: Stanford University Press, 1999), p. 60 , Steven Lukes and Devyani Prabhat, "Durkheim on Law and Morality: The Disintegration Thesis", *Journal of Classical Sociology*, Vol 12, No. 3, 2012.

<sup>9</sup> Emile Durkheim, *Suicide: A Study in Sociology*, (New York: The Free Press, 2014), p. 1-85.

there must remain ‘a realm of private morality which is ..not the law's business’.<sup>10</sup> The ensuing debate between H.L.A. Hart and Lord Devlin captured the issue in question, namely whether the State could justify criminalizing behavior considered by the majority of citizens to be immoral, including in instances where that behavior poses no demonstrable social harm.

In a lecture delivered in 1959, Lord Devlin defended the right of the State to criminalize immoral activities including in situations where the activities posed no direct material harm to any individual. Lord Devlin put forward several justifications for this premise, arguing that the role of criminal law is not merely to protect individuals from harmful behavior, but to protect society at large from moral collapse. Lord Devlin rejected the liberal notion that demonstrating proof of harm is necessary, or even a central concern of, criminal regulation. Instead, he argued that even ‘harmless immoralities’, in which no direct harm to an individual is caused, can threaten society in three main ways. First, the moral offender may weaken himself, and render himself less useful to society. Second, the vice might become widespread, and produce ‘an epidemic of social harm.’<sup>11</sup> Finally, the moral offender may also cause intangible harm to society by ‘weakening the moral bonds that maintain society's cohesion’, leading to social disintegration.<sup>12</sup> In summarizing his justification for preserving a distinctly moral

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<sup>10</sup> In a widely-cited justification for its decision, the Committee described the function of Criminal Law as ‘to preserve public order and decency, to protect the citizen from what is offensive and injurious, and to provide sufficient safeguards against exploitation and corruption of others .. not to intervene in the private lives of citizens, or to seek to enforce any particular pattern of behavior, further than is necessary to carry out the (above) purposes.’ See: Report of the Committee on Homosexual Offences and Prostitution (London: Her Majesty’s Stationary Office, 1957). See especially paragraphs 13 and 62.

<sup>11</sup> Patrick Devlin, *The Enforcement of Morals*, (Oxford: Oxford University Press, 1965), p.13

<sup>12</sup> *Ibid.*, p. 14.

domain in the Law, Lord Devlin stated: ‘Societies disintegrate from within more frequently than they are broken up by external pressure.’<sup>13</sup>

Lord Devlin's defense of the right of legislators to protect moral ideals through the Law provoked a response from several scholars, including H.L.A. Hart. In his response, Hart defended the right of the state to separate factual from normative aspects of Law, evoking Mill's harm principle.<sup>14</sup> Hart interpreted Devlin's arguments as resting on two main pillars: a ‘moderate thesis’ and an ‘extreme thesis’. Hart interpreted the moderate thesis as a defense of moral regulation, justified in terms of the prevention of social disintegration. Hart challenged this notion for resting on unsubstantiated and tautologous factual claims that were not empirically grounded in reality. Hart also challenged Devlin's ‘extreme thesis’, which he interpreted as the idea that a society is entitled to enforce its morality in order to preserve its communal way of life. Hart argued that this justified the legal enforcement of moral values, regardless of their content, simply because they were widely held.<sup>15</sup> He described this view as not only dangerous, but also as an inaccurate characterization of societies and social values as static and unchanging. In the following years, Hart further developed his positivist theory of Law, arguing that all rules in a modern legal system must meet the criteria set out in a rule of recognition in order to be validly classified as law. Although putting forth a positivist theory of Law, Hart nonetheless recognized the scope for morality to

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<sup>13</sup> *Ibid.*, p. 14.

<sup>14</sup> Mill argued for strict limits on the right of the State to curb the liberty of individuals except in situations where doing so was necessary to protect others. He wrote: ‘The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.’ John Stuart Mill, *On Liberty*, (London: Penguin Classics, 2010), p.1-64.

<sup>15</sup> HLA Hart, *Law, Liberty, and Morality* (Oxford: Oxford University Press, 1963) See also: Peter Cane, “Taking Law Seriously: Starting Points of the Hart/Devlin Debate”, *The Journal of Ethics*, Vol. 10, No. 1 (2006), p. 23.

enter the domain of regulation in exceptional circumstances, by accepting that there exists a ‘penumbra of uncertainty’ surrounding a minority of cases, in which neither the letter of law nor judicial precedent could clearly decide the outcome. Hart conceded that in such fringe cases, judges may be entitled to make moral judgments about the spirit of the law, which by nature entailed producing normative evaluations on the social consequences of adopting certain legal interpretations over others.<sup>16</sup>

Legal scholars have continued to weigh in on this debate. In 1977, Ronald Dworkin put forth a critique of Hart’s legal positivism, and articulated a constructivist, interpretative approach to Law that justified judicial reliance on moral principles during the course of decision making. Dworkin highlighted the importance of moral reasoning as part of a general judicial process of historical and institutional evaluation of the Law and its application, which he viewed as necessary for judges to arrive at the ‘right answer’ in any given case. Dworkin nonetheless articulated clear boundaries for the role of morality in Law, arguing that morality was only justified in shaping decision making if moral ideals were grounded in broader principles of reason and justice, as opposed to prejudice.<sup>17</sup>

Among the most influential theorists responsible for shaping the trajectory of contemporary theoretical scholarship on Law and morality is the Philosopher Michel Foucault. Although Foucault did not address ideas of Law directly, his theory of power and the forms of knowledge that sustain it have been central in influencing the work of a generation of scholars, including in Legal Sociology. Several of his conceptual

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<sup>16</sup> HLA Hart, *Essays in Jurisprudence and Philosophy*, (Oxford: Oxford University Press, 1983), p. 64-75.

<sup>17</sup> Ronald Dworkin, *Law’s Empire*, (Cambridge: Harvard University Press, 1986), p. 11-45. See also: Ronald Dworkin, *Taking Rights Seriously*, (London: Duckworth, 1977) p. 255

frameworks are particularly relevant. First, Foucault conceived of power not as a single top-down relationship but as ‘the multiplicity of force relations immanent in the sphere in which they operate.’<sup>18</sup> According to Foucault, power is not therefore something to be seized or shared, nor does it exist in a position of exteriority to other types of relationships. Instead, power is imminent in those relationship, emanating from all directions and exercised from innumerable points including in machineries of production, families, groups, and institutions. In *A History of Sexuality*, Foucault describes power as ‘a dense web that passes through institution without being localized in them.’<sup>19</sup> He builds on this definition of power to coin the term ‘bio-power’, a term that he uses to describe the collective disciplinary and regulatory interventions exercised by the State over the body, which rely on a corpus of knowledge on public health, demography, and sexuality. Foucault's theories of bio-power have been profoundly influential in shaping the trajectory of contemporary scholarship among theorists who analyze the ways in which discourse and knowledge of sexual relationships form part of a broader power structure that manifests itself not necessarily in terms of repression but through the construction of specific forms of knowledge and truths on sexuality and sexual practices that take the side of common morality and which have historically produced conceptions of sexuality that are “economically useful and politically conservative.”<sup>20</sup>

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<sup>18</sup> Michel Foucault, *The Will to Knowledge: The History of Sexuality Volume I* (London: Penguin Books, 1998), p. 25-36.

<sup>19</sup> *Ibid.*, p.25-26.

<sup>20</sup> To Foucault, power is not therefore something to be seized or shared, nor does it exist in a position of exteriority to other types of relationships. Instead, power is imminent in those relationships. Foucault builds on this definition of power to coin the term ‘bio-power’, a term that is particularly relevant to contemporary understandings of moral regulations that impact the body, such as prostitution. Foucault uses this term to describe the collective disciplinary and regulatory interventions by the State over the

## Contemporary Scholarship

In recent years, contemporary scholars have developed new frameworks to conceptualize the process by which morals become law. These ideas have formed the foundations of a distinct contemporary field on moral regulation. Among the leading figures in articulating a social theory of moral regulation is the scholar Alan Hunt. Writing in 1999, Hunt defines moral regulation as a distinct type of regulation, characterized by the presence of an irreducible normative core. He writes:

‘Moral regulation involves practices whereby some social agents problematize some aspect of the conduct, values, or culture of others on moral grounds and seek to impose regulation upon them. While moral politics is often complexly linked to the pursuit of economic or other interests, such politics is never reducible to a smokescreen or cover for more mundane class or sectional interests. There is an irreducible core in which people are mobilized and drawn into action by the passionate conviction that there is something inherently wrong or immoral about the conduct of others.’<sup>21</sup>

He continues:

‘Moral regulation involves the deployment of distinctively moral discourses which construct a moralized subject and an object or target which is acted upon by means of moralising practices... Moral regulation is not simply a disguise for economic or political interests, it is a discrete mode of regulation existing alongside and interacting with political and economic regulations.’<sup>22</sup>

Hunt sets out four central components characterizing any moral regulation, noting that these regulations fall within a distinct category of their own and cannot be confused with other economic, or political, projects. These four components include: a moralized

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body, which rely on a corpus of knowledge on public health, demography, and sexuality. See: Michel Foucault, *Discipline and Punish: the Birth of a Prison* (London: Penguin, 1991) and Michel Foucault, *The History of Sexuality: The Will to Knowledge* (London: Penguin, 1998).

<sup>21</sup> Alan Hunt, *Governing Morals: A Social History of Moral Regulation*, (Cambridge: Cambridge University Press, 1999), p. 1.

<sup>22</sup> *Ibid.*, p. 6.

subject, a moralizing object, evocation of normative discourses to justify the regulation, and the portrayal of a harm to be avoided.<sup>23</sup> Relying on a Foucaultian approach to power, Hunt describes moral regulation as capable of emerging from all directions including from above, for example through state-sponsored regulatory projects or criminal legislation, and from below, through civil society social campaigns.<sup>24</sup> He stresses the social impact of moral regulatory projects, noting that they frequently succeed in establishing an ‘umbrella effect’ by securing support from an array of otherwise diverse political and ideological actors.<sup>25</sup> Hunt also analyzes the role of Law within such projects, adding the criminal law is often viewed by social and regulatory agents as an essential component of a broader transformative social strategy.

In his writings, Hunt provides examples of some of the discourses historically evoked to justify moral regulations. Through empirically grounded observations, he shows that decision-makers often evoke nationalist sentiments to justify the enactment of moral regulatory projects, and portray regulation as necessary in the face of social decline, and as a means of returning to a ‘golden age’ of community.<sup>26</sup> Hunt identifies the social conditions giving rise to moral regulatory projects, and identifies the presence of an elevated state of anxiety, and a rising state of panic spreading among either social actors or policymakers, prior to the enforcement of moral policies. He notes that although all moral regulation is inherently concerned with enforcing normative ideals,

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<sup>23</sup> Hunt raises the example of moral discourses on child rearing. In such a case, moralized subjects are the parents, the moralized object (or target) is the child. He describes the normative discourses as typically concerning activities such as television, and finally demonstrates how these discourses center on a ‘harm to be avoided’, including, for example, poorly socialized or undisciplined children. *Ibid.*, p. 17

<sup>24</sup> Hunt evokes Foucault’s idea of ‘governance of others’ and ‘governance of the self’ to explain how projects that begin with self-governance often spill over and become transformed into strategies to regulate others.

<sup>25</sup> Hunt, *Governing Morals*, p. 9.

<sup>26</sup> *Ibid.*, p. 25-36.

historical moral regulation projects have been concealed through many different guises and discourses, including as medical projects, sanitary undertakings, and religious imperatives. To illustrate this concept, Hunt raises the example of nineteenth century social purity movements to elaborate on these examples and shows that although these projects were moral in nature, they were concealed and justified as necessary as medical initiatives. Hunt adds that in such cases, the social hygiene project did not extinguish the discourse of sexual purity entirely, and instead produced a medical-moral project that evoked both normative moral discourses, in addition to pseudo-scientific discourses.

In 1972, the British criminologist Stanley Cohen published a seminal study in the field of moral regulation, titled *Folk Devils and Moral Panics*. In his study, Cohen analyzed the British media's demonization of 'mods and rockers' – two youth subculture movements – and identified the demonization of these movements as fueled by a moral panic taking place within British society. Cohen investigated the rise of this panic, and grew increasingly convinced of the relationship between societal moral panics, and the enactment of moral regulation by decision-makers as a response to these sentiments. He identified moral panics as emerging primarily during periods of rapid social or economic change, owing to feelings of social dislocation spurred during these transformations. Cohen describes the rise of moral panics as inevitably tied to broader economic or political processes, stating: '(A moral panic is) a reaction to a new and seemingly threatening phenomenon arising as a consequence of that phenomenon's real

or supposed threat to certain positions, statuses, interests, ideologies, and values.<sup>27</sup> Cohen articulated the social function of moral panics in the long-term as responsible for clarifying the moral boundaries of a society, by clearly distinguishing desirable from objectionable behavior.<sup>28</sup>

Hunt and Cohen's approaches to moral regulation have come under attack by some scholars, who criticize the concept of moral regulation for being too fluid and analytically unclear. For example, Mitchell Dean argues that the notion of moral regulation delineates 'no clear domain that can be distinguished from other forms of political regulation or intervention.'<sup>29</sup> Dean calls for replacing this framework with a post-modern approach to the study of morality, which instead investigates broader questions about how regulation is used to form constructed identities that are formed, reformed, and which then reproduce distinct moral ideals in largely invisible ways.<sup>30</sup> Other scholars have adopted related criticisms. For example, Mariana Valverde has advocated for the abandonment of the concept of moral regulation altogether, on the basis that the concept tends to 'homogenize the field and import the assumption that we know where morality ends, and other things, (such as politics and the economy), begin.'<sup>31</sup> In response to these critiques, Hunt has pointed out that these criticisms highlight analytic shortcomings about how ideas of morality and Law are used, rather than providing evidence of any analytic deficiencies with the concepts themselves. Hunt

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<sup>27</sup> Cohen locates this moral panic in a case of characters including the media, the general public, the agents of social control, lawmakers, and politicians and action groups. See: Stanley Cohen, *Folk Devils and Moral Panics: the Creation of the Mods and Rockers* (London: Routledge, 1972), p. 191.

<sup>28</sup> *Ibid.*, p. 191-203.

<sup>29</sup> *Ibid.*, p. 191-203.

<sup>30</sup> *Ibid.*, p. 191-203.

<sup>31</sup> Mariana Valverde, *Law's Dream of a Common Knowledge* (Princeton: Princeton University Press, 2003). See also: Mariana Valverde and Lorna Weir, 'The Struggles of the Immoral: Preliminary Remarks on Moral Regulation,' *Resources for Feminist Research*, Vol. 18, No. 3 (1998), pp. 31-34.

further makes the case for the development of a distinct field of Law and morality, arguing that the concept of moral regulation points to ‘certain significant shared features of certain of types of projects, directed in the name of moral distinctions between good and bad, right and wrong’.<sup>32</sup>

Other scholars have developed Marxist frameworks for understanding the relationship between Law and morality. For example, the Sociologists Philip Corrigan and Derek Sayer unpack the nature of morality in capitalist societies, arguing that common morality in such settings inevitably embodies the interests of the propertied classes. From this perspective, Law is interpreted as a mechanism of class and economic power, deployed to perpetuate a capitalist status quo. Corrigan and Sayer observe: ‘moral regulation is a project of normalizing, rendering natural, taken for granted, what are in fact ontological and epistemological premises of a particular and historical form of social order.’<sup>33</sup> Corrigan and Sayer further highlight the integral role played by moral regulation during historical processes of state formation, by describing the importance of moral regulation in supporting nationalist sentiments and a sense of national community characterized by insider and outsider groups.

Moral regulation theory provides a valuable framework for understanding the influence of normative ideals on lawmaking, the intersection of these influences with broader social and economic factors, and the social conditions leading to the enactment of this type of Law.

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<sup>32</sup> Alan Hunt, ‘From Moral Science to Moral Regulation: Social Theory's Encounter With the Moral Domain,’ in *The Handbook of Historical Sociology*, ed. Gerrard Delanty and Engin F Isin (London: Sage Publications, 2003), p. 365.

<sup>33</sup> Corrigan and Sayer argue that moral regulation serves to create a social environment amenable to the development of certain societal orders, by justifying and legitimizing certain forms of regulations that ultimately secure political, economic, and social domination. See: Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (London: Basil Blackwell, 1985), p. 4.

## Methodology

This thesis applies a qualitative, Socio-Legal approach to the study of law, by uncovering the normative values influencing lawmaking, and the impact of Law in society. The thesis is grounded in three main theoretical approaches, including the sociological methods of Durkheim, Weber, and the analytical framework for understanding Law and morality developed by Hunt. The thesis also incorporates quantitative analysis, and namely descriptive statistics, in Chapter Four. This approach is included in order to draw out dominant trends in the data relating to court cases.

As described in the Literature Review, Durkheim developed an empirical, structural-functionalist approach to the study of society, by observing social facts, which he viewed as capable of revealing wider developments and trends within a society. Durkheim conceived of social facts as ‘things’, in the sense that they may not have tangible qualities but are capable of being externally viewed and objectively measured. Durkheim classified social facts into two categories, including material social facts (encompassing society and its structural institutions such as religious and political organizations), and non-material social facts (including morality, the collective consciousness, and societal norms). Building on positivist approaches to social research, Durkheim emphasized the importance of using indicators to measure changes in social facts and their relationships with one another including, for example, the statistical indicators that he used in his seminal study, *Suicide*.

This thesis relies on Durkheim’s methodology by adopting his notion of Law as a social fact. Through this framework, the thesis conceives of Law as capable of revealing the ideologies of colonial actors, their priorities in a protectorate State, and

the impact of law on society. This thesis also relies on Durkheim's methodology by conceiving of decision-makers as social actors themselves, and as therefore subject to a series of social facts themselves, the nature of which form a central aspect of this research. Finally, the thesis also incorporates Durkheim's descriptions of mechanical and organic solidarity as a framework for understanding the role of modernity and economic changes taking place in Bahrain following the discovery of oil, and the impact of these economic changes on society.

The second theoretical approach adopted by this study is the hermeneutic approach developed by Max Weber. Building on the work of a generation of German philosophers, Weber coined an interpretative approach to the study of the social world that enables an outside observer to relate to the inner, subjective meanings in a social situation by adopting the perspective of a social insider or internal actor. Through this method, Weber places the subject at the center of the social inquiry by allowing the observer to 'move' from his own mind to the mind of the subject whose actions he is observing, and back again. By assimilating the mind-set of the observed, the observer is able to make informed inferences about the values and motives influencing social actors and insiders, including decision-makers. While Durkheim's framework takes for granted the existence of a unified normative ideal operating within a given society, Weber's approach allows for specific insight into the values motivating individual decision-makers, which may or may not reflect the broader norms of the society. Through this method, Weber enables a more nuanced approach to social research.

Finally, the research also incorporates the theoretical frameworks for analyzing moral regulations and moral panics, as developed by Cohen and Hunt. These

frameworks are particularly useful in providing a guide for understanding the social factors influencing the rise of moral panics, the visible and invisible manifestations of such projects, and their role in fueling a distinctly normative process of lawmaking.

### Qualitative Legal Approach

The research relies on primary archival materials, including over 4,000 pages of historical documents housed at the British Library's India Office Records, and at the National Archives at Kew Gardens. Materials analyzed during the course of this study are described below.

#### (A) Correspondence and Court Documents

The British Library's India Office Records houses one of the largest and most significant collections on the modern history of the Persian Gulf and the Arabian Peninsula. Within this collection, I have relied on two catalogue series. The first is the series titled 'British Political Residency and Agencies in the Persian Gulf' (catalogue series IOR/R/15/2), which includes a range of materials related to the administrative exercise of Britain's policies in the Persian Gulf, including correspondence between British officials stationed at the Political Agency in Bahrain, the Political Residency in Bushire, and at the India Office, to which I devote particular attention. This catalogue series also contained correspondence drafted by Sir Charles Belgrave, the Advisor to the Ruler of Bahrain between the years 1926-1951, who played a central role in devising and implementing policy in Bahrain.

Within the India Office Records, I also relied on a second catalogue series, titled 'Records of the Political Agent's Court at Bahrain: 1913-1948' (catalogue series

IOR/R/15/3). Within these records, I have examined seventy-three cases heard at the Court of the Political Agent in Bahrain, against ninety-five individuals accused of consuming, manufacturing, selling, or transporting liquor, and against individuals accused of taking part in prostitution outside the parameters permitted by Law. These case files contain a range of materials including arrest warrants, interrogation records, appeal requests, and defense and prosecution testimonies in both Arabic and English. These court files shed light on the methods, reasoning, and Laws evoked by the Court of the Political Agent to punish and deter immoral activities.

The research has also been informed by documentary sources located at the National Archives at Kew Gardens, the official archives of the UK government. Documents examined from this source include the catalogue “Foreign Office: Political Departments: General Correspondence from 1906-1966” (catalogue series FO-371), which includes a further range of administrative documents and official correspondence related to the administration of British policy in the Persian Gulf region.

The research is further informed by archival materials from the Bahrain Historical and Archeological Society, which have acted as an important source of background information on the general exercise of colonial authority in Bahrain.

(B) Published Archival Collections: Government of Bahrain Annual Reports and Cambridge Archive Editions

The research also analyzes materials from the Cambridge Archive Editions, a published collection of eight volumes containing over five thousand pages of British government documents detailing the history and development of Bahrain between the years 1820-1960, authored by various British officials stationed in Bahrain during that period, and the “Bahrain Government Annual Reports 1924-1970”, a collection of eight volumes

covering five decades of social, economic, and administrative change in Bahrain, as reported on by the Advisor to the Ruler of Bahrain, Sir Charles Belgrave, in the reports up to 1956.

### (C) Other Materials

Finally, the research analyze materials from the private papers and diaries of Sir Charles Belgrave, as contained both in the annotated version of his diary “Personal Column”, published posthumously in 1972. It also includes material from the unannotated version of his diary, which is over two thousand pages long and is partly available online, and in almost full form at the archives of the University of Exeter. Finally, the research is also informed by eight oral interviews carried out with historians, lawyers, and scholars in Bahrain between April and September 2015, January 2016, and between October 2016- and March 2017.

### **Chapter Outline**

The thesis is divided into five chapters. The first Chapter analyzes the evolution of Britain’s authority in Bahrain. It describes the commercial objectives driving Britain to establish its earliest presence in the Persian Gulf region in the year 1820, and traces the expansion of its authority over time to include the imposition of de-facto protectorate status over Bahrain. The Chapter describes the system of capitulations enforced by British authorities to secure jurisdiction over all foreigners, and the contested nature of this authority among local actors. The chapter identifies the emergence of two strands of colonial policy in Bahrain: from the center of Imperial power in London, and from the peripheral sphere of power falling under the British Raj in India, both of which held decision-making authority over Bahrain. It shows that while officials stationed in India

avored direct intervention in Bahrain's internal affairs and the establishment of a formal protectorate over it, officials stationed in London instead favored the cessation of nearly complete authority to the local Ruler. The Chapter analyzes the process by which the interventionist approach won over in Bahrain, paving the way for the deposition of the Ruler in 1920 and an expanded form of colonial authority that exercised itself through political – in addition to social and moral – regulatory interventions. The Chapter also describes the customary normative order operating in Bahrain in the early years of colonial rule, to understand the impact of outside interventions in this area.

The second chapter describes demographic and economic taking place in Bahrain following the discovery of oil and the advent of the Second World War, and the impact of these changes on social behavior, evidenced through increases in the consumption of alcohol and prostitution in Bahrain. The chapter describes the perceptions held by colonial officials of these changes, focusing in particular on the figure of Charles Belgrave, the most influential colonial decision-maker in the country's history. It analyzes the social facts influencing these perceptions, and identifies Belgrave and other actors as colonial actors as social agents, influenced by the structural, ideological and social norms of late-Victorian British society. The Chapter traces the influence of these norms in shaping the moral ideologies of Belgrave and further describes the influence of Victorian-era legislation on the enactment of Laws by colonial officers targeting alcohol and prostitution in Bahrain. In this area, the research chronicles the enactment of the Contagious Diseases Acts in Great Britain during the late nineteenth century and shows how Laws modelled on this example were re-

modelled and exported across diverse colonial settings. The research describes the rise of temperance movements in Great Britain which had a more indirect effect in influencing conceptions of alcohol among a generation of colonial decision-makers as undesirable, and as particular harmful to colonized communities.

The third chapter describes the legal measures enacted by colonial decision-makers in Bahrain to restrict the consumption of alcohol, and analyzes the enforcement of these measures at the Court of the Political Agent. The Chapter shows how colonial decision-makers developed measures restricting the consumption of alcohol through a liquor-licensing system which they placed under the control of the Political Agent. This system awarded the right to consume and purchase alcohol to a minority of mostly British and American nationals, while prohibiting Bahraini nationals, and most others, from nationals from consuming or purchasing liquor. The Chapter analyzes the moral values underlying this system of regulation, and demonstrates continuity in legal policy towards alcohol over a broad historical period, including beyond Belgrave's era into 1965. Relying on data set of eighty-nine cases, the research examines the role of prohibitionist measures in fueling an underground industry in the production and sale of liquor, which created incentives for outsider social groups, and particularly a minority group of Iraq and Iranian Jews, to enter this trade. The Chapter analyzes the role of the Court in ultimately entrenching social hierarchies and privileging the role of Western and European nationals.

The fourth chapter builds on the third by expanding on the social role of the Court of the Political Agent in further depth. It adopts a qualitative approach to the data by drawing attention to the procedural measures adopted by the Court, and analyzes

these measures as a way of demonstrating the Court's intent to gain legitimacy in the public consciousness. The Chapter also adopts a social perspective by highlighting stories and anecdotes contained in the case files, and by showing how those operating in the underground liquor industry attempted to evade detection, and negotiated their status in Court.

The fifth chapter analyzes the legal regulations enacted in Bahrain to restrict, regulate, and control the practice of prostitution as the second site of a moral regulatory project which had the effect of reinforcing the privileges of Western and European nationals. The research describes the customary measures adopted by local courts to curb the practice, and shows how Belgrave enforced a new policy that aimed to restrict prostitution by confining it to a single geographic zone and which divided the main capital city into 'respectable' and 'non-respectable' zones. The Chapter also examines influence of the Contagious Diseases Acts on the regulation passed by Belgrave. It examines the enforcement of measures restricting prostitution at the Court of the Political Agent and shows that the Court enforced penalties against a range of actors, including prostitute women and taxi drivers, for violations of the law while enforcing almost no penalties against British and American nationals found procuring prostitution outside the established limits. The Chapter provides further insight into the complexities and contradictions of colonial governance in Bahrain, which aimed to limit the immoral recreational activities as a moral hazard, while ensuring that these activities nonetheless remained available to a small minority of Westerners who sought access to recreation. It also reveals the unintended impact of the Law in generating

hostility to the colonial project among residents of Manama and ultimately, in acting as a rallying point for a nationalist, anti-imperialist movement.

## **Chapter One: The Evolution of Britain's Authority in Bahrain**

### **Introduction**

This Chapter describes the evolution of Britain's authority in Bahrain. It chronicles how Britain established its earliest presence in the Gulf region, and analyzes how it expanded its role from a guarantor of maritime security, to a dominant colonial authority that exercised control over most aspects of internal decision making. The Chapter shows that as Britain's involvement in Bahrain's internal affairs grew, there emerged two distinct strands of colonial policy: from the center of imperial power in London, and from a peripheral sphere of influence falling under the British Raj in India, both of whom exercised authority over Bahrain. I show that officials in India largely subscribed to an interventionist strand of colonial policy that favored direct intervention in Bahrain, including the establishment of a direct protectorate over the State. This contrasts the approach favored by officials at the heart of imperial power in London, who favored minimal levels of involvement in Bahrain's internal affairs and nearly complete cessation of ruling prerogatives to the local Ruler. The Chapter analyzes how the interventionist strand of colonial policy took hold in Bahrain, leading to a form of colonial influence that secured its authority through not only political, but also social and moral regulatory interventions. The Chapter also analyzes the historic relationships between different social groups in Bahrain, and between those groups and British authorities.

## Pax Britannica

Bahrain is a cluster of islands located off the Western shores of the Persian Gulf. Its location at a crossroad of maritime trade routes exposed it to successive conquests by regional and European powers, including the Assyrian, Greek, and Portuguese forces. In 1631, Bahrain came under the control of the Safavid Empire.<sup>34</sup> In 1782, the Bani Utub tribes led by the Al Khalifa tribe conquered Bahrain from Zubara, overthrowing its Ruler, and imposing a new system of tribal governance to its inhabitants.<sup>35</sup>

The Al Khalifa conquest of Bahrain coincided with Britain's nascent interest in the Gulf region.<sup>36</sup> By the mid-eighteenth century, Britain's mercantile system had given way to roaring industrial capitalism, supported by a naval force that acted to secure control over international trade routes in order to gain access to raw materials and new markets.<sup>37</sup> The need to protect the passage of British vessels in the Persian Gulf prompted the East India Company to set up the first British base in the region in 1763, at the Persian port-city of Bushehr (Uniformly written as 'Bushire' by most colonial officials during the period in question). The British government stationed a Resident at

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<sup>34</sup> Hassan Radhi, *Judiciary and Arbitration in Bahrain: A Historical and Analytical Study* (New York: Kluwer Law International, 2003), p. 1. Zubara was a settlement town located on the coast of modern-day Qatar.

<sup>35</sup> Other tribes who accompanied the Al Khalifa include the al- Musallam, Al-Bin Ali, al-Sudan, Al-Binainain, Manna'a, and Al-Naim. See: Fuad Khuri, *Tribe and State in Bahrain: The Transformation of Social and Political Authority in an Arab State* (Chicago: University of Chicago Press, 1980), p. 24-25.

<sup>36</sup> The "Gulf region" is a term widely used to refer to the Gulf Cooperation Council States bordering the Western shores of the Persian Gulf, including modern-day Bahrain, Saudi Arabia, the United Arab Emirates, Qatar, Oman, and Kuwait. It is also used to encompass modern-day Iraq, Iran, and Yemen, which do not form part of this security union. For the purpose of the thesis, the term is used to refer to the historic territories and land areas which are today covered by these seven states only. The term 'Persian Gulf' is also contested – with many Arab States preferring to refer to the body of water that is shared between Iran and the Gulf States as the 'Arabian Gulf.' It is worth noting that all British sources from the period covered in this thesis adopt the term 'Persian Gulf.' This thesis uses both designation interchangeably but primarily follows the designation adopted in the colonial archives, Persian Gulf, for historical accuracy.

<sup>37</sup> Jawad Al Arrayed, *A Line in the Sea: The Qatar v. Bahrain Dispute in the World Court* (Berkeley: North Atlantic Books, 2003), p. 50.

the base, who took on responsibility for overseeing the commercial affairs of the Company. Summarizing British policy at the time, the Governor-General of the East India Company pragmatically stated: ‘Our concern is only with the maritime commerce of the Gulf and as long as that it not molested, it matters not to us whether one power or another holds domination over its shores.’<sup>38</sup>

As Britain’s commercial interests in the Gulf expanded, so too did its interest in securing a long-term presence in the region. In the absence of a formal state system in most of the Gulf, Britain began entering into treaties with tribal leaders who exercised authority over strategic areas, promising to provide them with protection from external aggression in exchange for ceding the right to wage war at sea to Great Britain. This new era of ‘Pax Brittanica’ had the effect of institutionalizing and legitimizing the governance of tribal rule in the region, and secured the ascent of certain tribes over others. The historian Fuad Khuri states: ‘Whoever was granted the right to negotiate and sign a treaty with British imperial authorities was likewise accorded a legitimate right to the territory he or his tribe happened to occupy at the time.’<sup>39</sup> Internally, these agreements also insulated tribal rulers from pressures exerted by communities residing within those territories, owing to the fact that their authority was derived, and guaranteed, by an external colonial power. Over time, the territorial delineations set out

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<sup>38</sup> Ibid., p. 53. Other treaties included Perpetual Maritime Truce of 1853, the Further Engagement for the Suppression of the Slave Trade 1856, and the Agreement for the Prohibition of Traffic in Arms 1902. See: Donald Hawley, *The Trucial States* (Melbourne: Allen and Unwin, 1971).

<sup>39</sup> In Bahrain this was passed as the “Friendly Convention between Sheikh Mahomed bin Khulefa, independent ruler of Bahrain, on the part of himself and successors, and Captain Felix Jones, Her Majesty’s Indian Navy, Political Resident of Her Britannic Majesty in the Gulf of Persia, on the part of the British Government, and dated May 31, 1861.” See: C. Atchinson, *A Collection of Treaties, Engagements, and Sunnuds Relating to India and Neighbouring Countries*, Vol. VII (Calcutta: Office of the Superintendent of Government Printing, 1909), p. 264.  
See: Khuri, *Tribe and State in Bahrain*, p. 22.

by these treaties formed the basis for the establishment of formal boundaries and the emergence of a modern state system.

### **The Legal Foundations of Political Authority**

The first formal agreement between Great Britain and the ruling Sheikhs of the Gulf was ‘The General Treaty of Peace With the Arab Tribes of the Persian Gulf of 1820’, which required the ‘pacified tribes of the Gulf’ to maintain peace with one another, and with Great Britain.<sup>40</sup> The agreement banned plunder and piracy on land and sea, ominously warning that ‘if any of the Arabs attacked any pass by land or sea of any nation whatsoever’ they should be accounted ‘an enemy of all mankind.’<sup>41</sup> Great Britain used this agreement to crush the fleets of rival Arab commercial traders who resisted British incursions into the waterways over which they traditionally held control.<sup>42</sup>

The Agreement strengthened the authority of the Resident at Bushire, by granting him responsibility to manage the political affairs of the areas that Great Britain held control over, and by awarding him the new title of Political Resident. Thereafter, a new hierarchy for overseeing relations with the Gulf Sheikhs and their subjects took hold, in which the Political Resident reported to the Government of India, which in turn reported to the India Office in London. Although the Government of India (headed by the Viceroy of India), was subordinate to London, it maintained significant autonomy in devising policies related to the Persian Gulf. Thus, in practice, authority over Bahrain was shared between officials based in London, and those acting and reporting directly

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<sup>40</sup> Arrayed, *A Line in the Sea*, p. 55.

<sup>41</sup> *Ibid*, p.55.

<sup>42</sup> A well-known example is the British destruction of the fleet at Sharjah. See: Fred Halliday, *Arabia Without Sultans* (London: Saqi Books, 2002), p. 428.

to India, such as the Political Resident. This chain of command remained in place from 1858 to 1947, whereupon India gained its independence and the India Office in London was dissolved. Thereafter, responsibility for overseeing relations with local Rulers was transferred directly to the Foreign Office in London.<sup>43</sup> In the same year, the headquarters of the Political Residency moved to Bahrain. The Political Resident represented the core of imperial power in the Persian Gulf region, and exercised his authority through a network of Political Agents, based in each of the Trucial States, Bahrain, and Qatar.<sup>44</sup> The Political Resident and Political Agents were the only foreign diplomats stationed in Bahrain, Qatar, and the Trucial States, and thus acted not only as the point of coordination between local rulers and the British government, but also as the ‘very small window through which the Rulers were obliged to channel their communications with the outside world.’<sup>45</sup>

In the following decades, Great Britain signed a series of agreements with the Ruler of Bahrain, which had the effect of gradually expanding Britain’s involvement in local affairs. Among the most significant of these agreements was the Friendly Convention of 1861, which granted Britain authority to act as the sole guarantor of Bahrain’s external security.<sup>46</sup> The Agreement also transferred jurisdiction over all judicial disputes involving British subjects based in Bahrain from the Ruler, to the Political Agent in Bahrain and his superior, the Political Resident in Bushire. By

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<sup>43</sup> Helene Von Bismarck, *British Policy in the Persian Gulf 1961-1968: Conceptions of Informal Empire* (London: Palgrave Macmillan, 2013), p. 7.

<sup>44</sup> Rupert Hay, *The Persian Gulf States* (Washington DC: Middle East Institute, 1959), p. 11-18.

<sup>45</sup> Von Bismarck, *British Policy in the Persian Gulf*, p. 17.

<sup>46</sup> Article 3 of the Agreement provides that: ‘The British Political Resident will take the necessary steps for obtaining reparation for every injury proved to have been inflicted, or in course of infliction, by sea upon Bahrain or upon its dependencies in the Gulf.’ See: See: C. U. Atchison, *Treaties and Engagements Relating to Arabia and the Persian Gulf* (Buckinghamshire: Archive Editions, 1987), p. 232.

enforcing a new system of capitulations on this basis, the agreement formalized the first legal distinction between foreigners and nationals in Bahrain.<sup>47</sup> In 1880 and 1892, the Ruler signed two Exclusive Agreements, agreeing not to enter into any treaty relations or correspond with any power other than the British government, and committing further to channel all his external relations through the British government and its representatives.<sup>48</sup>

By the late nineteenth century, Britain had secured complete domination over Bahrain's foreign and external affairs.<sup>49</sup> Nonetheless, there existed a complicated constitutional relationship between the two states. Britain had resisted classifying Bahrain as a protected state, the legal designation for states that ceded their external affairs to the British Crown. Nor had it classified Bahrain as a protectorate, the legal designation for states that had both their internal and external affairs managed by Great Britain. Leaving Bahrain and many of the Gulf States in a state of constitutional limbo was a deliberate policy of the Foreign Office, exercised to avoid attracting retaliation from Britain's regional rivals, including the Ottoman Empire and Persia, who resented Britain's encroachment in the East. The Government of India and its subordinates, on

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<sup>47</sup> This full title of this Agreement is the "Friendly Convention Entered Into Between Sheikh Mohamed bin Khulefa, Independent Ruler of Bahrain, on the part of Himself and Successors, and Captain Felix Jones, Her Majesty's Indian Navy Political Resident of Her Britannic Majesty in the Gulf of Persia, on the Part of the British Government". This is usually abbreviated to the "Friendly Convention." See: C. U. Atchison, *Treaties and Engagements Relating to Arabia and the Persian Gulf* (Buckinghamshire: Archive Editions, 1987), p. 232.

<sup>48</sup> Halliday, *Arabia Without Sultans*, p. 429.

<sup>49</sup> It is worth clarifying the legal difference between a protectorate and a protectorate. While both were formally independent states that had ceded defence and external affairs to the British Crown, only the latter had ceded authority over internal affairs. James Onley notes: "This distinction is not as clear-cut as it looks. First of all, 'external affairs' was an elastic term that could easily be used to encompass aspects of a protected state's internal affairs, such as the activities of foreign residents and businesses. Secondly, the designations of 'protected state' and 'protectorate' are not reliable indicators of the degree of control the Crown exercised." See: James Onley, 'The Raj Reconsidered: British India's Informal Empire and Spheres of Influence in Asia and Africa,' *Asian Affairs*, Vol. 40, No. 1 (2009), pp. 44-62.

the other hand, remained favourable to the idea that Britain should assume full jurisdiction over all of Bahrain's residents. For example, the Political Agent expressed his opinion to the Foreign Department in 1905 that 'it cannot be regarded otherwise than as a matter of considerable regret that the exigencies of Imperial politics do not admit of our making our moral protectorate over Bahrain subjects into an open and effective one at the present juncture.'<sup>50</sup>

### **Bahraini Society**

The Al Khalifa conquest of Bahrain in 1782 transformed Bahrain's demographic, economic, and political character. The most significant of these changes came about as the result of two processes: the imposition of tribal customs onto the island, and the subjugation of its native peasant population into a feudalist system of land tenure.

Prior to the arrival of the Al Khalifa, Bahrain was inhabited by a native Arab community, the 'Baharna', who resided on farmlands and in coastal villages.<sup>51</sup> As sedentary agricultural communities, the economic activities of the Baharna consisted mainly of vegetable farming and palm tree cultivation. Land and property appear to have been held based on the Islamic principle *Ihya'* according to which individuals acquire title to plots of land based on their usage and cultivation of that land.<sup>52</sup> While little is known about the political system in place, historians suggest that a council of religious jurists, made up of representatives from individual villages, collectively ruled

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<sup>50</sup> Letter from Political Agent in Bahrain, Manama, to Foreign Department, London, 11 March 1905, India Office Records, IOR/R/15/2/93, British Library.

<sup>51</sup> The term Baharana translates into Arabic as "of Bahrain", reflecting the native origins of this community on the islands.

<sup>52</sup> Khuri, *Tribe and State in Bahrain*, p. 28.

over the inhabitants. The Baharna community also adopted Shi'a Islam as a system of religious belief.

By contrast, the Al Khalifa and their accompanying tribes that conquered Bahrain came from Arab and mostly Bedouin communities, whose economic livelihoods centered on sea faring and pearl diving. They were also Sunni Muslims, and had developed a political system that concentrated authority almost entirely in the hands of a senior tribal chief. Competition between tribal members for the role of tribal chief could be fierce, leading at times to infighting and tribal coups. The Arabic term for tribal chief, "Sheikh", connotes a variety of meanings including the head of a single tribe, a senior tribal member, in addition to the head of state in its contemporary sense.

While sectarian differences and social habits set the Baharna and the Arab tribes apart, it is the economic and political subjugation of the Baharna at the hands of the Al Khalifa that played the most lasting role in shaping the relationship between the two communities. The Al Khalifa dealt with Bahrain as conquerors, incorporating the native inhabitants into a serf-like system of labour, and seizing their lands for economic gain.<sup>53</sup> In the immediate aftermath of their conquest, and as many Baharna fled to neighboring areas, the Al Khalifa took over their abandoned plots of land, in addition to agricultural fields retained by the remaining Baharna. The Al Khalifa merged these fertile agricultural lands into large estates, each managed by a senior member of the family. Although permitted to work on the lands, the Baharna peasants were subject to a multitude of taxes including date-garden tax, poll tax, fish tax, and water tax, which

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<sup>53</sup> Mohamed Al-Rumaihi, *Social and Political Change in Bahrain since the First World War* (Kuwait: Kuwait University Press, 1975), p. 87.

reduced most to the level of bare subsistence.<sup>54</sup> Commenting on the situation in 1922, the British Political Agent to Bahrain Major C. Daly wrote: 'Date garden tax was collected quite arbitrarily, according to the whim and appetite for oppression of the particular sheikhling, within whose area the garden exists... (Taxes) were collected from the Shi'a only.'<sup>55</sup> Sheikhs also often extracted forced labour from the Baharna, for menial activities including ditch digging.<sup>56</sup> Avenues for redress were non-existent. Commenting further on the situation, Daly stated: 'Every member of the Al Khalifa family used to convict and punish Baharna peasants without trial.'<sup>57</sup> Further harassment of the Baharna took place at the hands of the *Fidawis*, gangs made up of tribesmen loyal to individual Sheikhs.

While the Al Khalifa exercised tight controls over the agricultural activities that were historically managed by the Baharna peasants, they did not interfere in activities of pearling or fishing, which came under the control of Arab tribal groups that had either taken part in the initial conquest alongside the Al Khalifa, or migrated to Bahrain shortly thereafter. This is partly because these tribes strongly resisted any interference in their activities from the Al Khalifa, and threatened mass emigration from Bahrain at the slightest hint of such interference. Since pearl diving constituted the largest source of exports and provided the Ruler with an important source of customs revenues, the Al

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<sup>54</sup> Ibid.

<sup>55</sup> Letter from the Political Agent in Bahrain, Manama, to the Political Resident in the Persian Gulf, Bushire, 11 April 1922, India Office Records, IOR/R/15/2/86, British Library.

<sup>56</sup> Khuri notes that whenever such labour was needed, gangs loyal to a Sheikh would round up adult men from villages or a marketplace, direct them to the intended task, and release them once it was completed typically with little or no compensation. See: Khuri, *Tribe and State in Bahrain*, p. 49.

<sup>57</sup> Letter from the Political Agent in Bahrain, Manama, to the Political Resident in the Persian Gulf, Bushire. India Office Records, IOR/R/15/2/622, British Library. Also cited in: Mahdi al-Tajer, *Bahrain, 1920-1945: Britain, the Sheikh, and the Administration* (London: Routledge, 1987), p. 55.

Khalifa left these groups to operate freely and allowed them the right to organize their modes of production in accordance with their customary systems.<sup>58</sup>

### **The Customary Social Order**

As a society composed of closely knit communities involved primarily in manual economic labor, including pearl diving and agriculture, the social order operating in Bahrain during the early decades of the twentieth century exhibited a type of mechanical social solidarity consistent with that described by Durkheim. In this section, I describe the normative order operating in Bahrain during this period, and show that despite evidence of some divergences in the values of Bahrain's communities, these norms and customary beliefs nonetheless formed an important basis for broad social cohesion.

To the external observer, the normative order operating in Bahrain during this period would have been most visible in four main areas, including through the role of Islam in public life, in customary forms of social organization, social attitudes towards women, and through judicial rulings by Bahrain's customary Shari'ah (šarī'a) courts. The first and most important factor that influenced Bahrain's normative order is the Islamic religion, as interpreted through the Qur'an and sayings of the Prophet Mohamed. The influence of Islam on Bahrain's society is evident in the widespread acceptance of Islamic social principles governing marriage, family law, and gender relations. It is further visible in the prevalence of Islamic institutions and places of worship across Bahrain, and their role as hubs within which major social and religious occasions take place. Islamic institutions also shaped the early character of education.

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<sup>58</sup> Khuri, *Tribe and State in Bahrain*, p. 56-67.

For example, up until 1919, the sole source of education for young boys and girls consisted of Qur'anic schools, whose main purpose was to train children in memorizing and interpreting the full text of the Qur'an.<sup>59</sup>

### 1. Islam

While over 90% of Bahraini nationals identify as Muslim, this demographic is split between Sunni and Shi'a sects of Islam. Doctrinal differences between the two sects date back to a dispute between the followers of the Prophet Mohamed in the year 632 over his rightful successor. The majority of the world's Muslims are Sunnis – approximately 85 percent – and it is only in three states (Iran, Iraq and Bahrain) that Shi'as constitute a majority. Most scholars of Islamic history agree that differences between the two sects originated in a political dispute that led to divergences in the juridical conceptions of the two communities. In time, these differences grew into distinctly separate doctrines, and legal schools of jurisprudence, informed and influenced by a range of factors including prevalent social practices. For example, scholars have shown that the version of Sunni Islam practiced in the mainland of the Arabian Peninsula was heavily influenced by the patriarchal system, tribal norms, and customary laws operating in that area. In areas where Sunni Islam encountered Western or South-Asian influences, those social norms played a similar role in influencing the trajectory of Sunni religious practices. Historically, the doctrinal rifts between Sunnis

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<sup>59</sup> Young boys and girls that accomplished this feat were recognized through a special ceremony, in which the student was dressed in their best clothes and paraded through towns, with celebratory carols being sung in the streets. See: Al-Rumaihi, *Social and Political Change in Bahrain*, p. 186.

and Shi'as did not prevent the two sects from living side-by-side in many regions of the world, including in Bahrain, with limited outbreaks of hostility.<sup>60</sup>

While Bahrain's Sunni and Shi'a communities have largely lived alongside one another harmoniously, variances in interpretations of Islamic thought have also produced differences in the religious practices and values of each community. For example, the Shi'a Baharna particularly value conceptions of martyrdom and sacrifice as emulations of the Imam Hussein, an eminent figure in Shi'a Islam. As a community, Shi'a Muslims also receive guidance from living scholars who issue edicts that provide guidance on a range of practical and social questions. By contrast, Sunni Muslims favour more literal readings of the Qur'an and avoid debating new interpretations of Qur'anic law and principles on the basis that the gates for new religious interpretation have been closed. Hardline Sunnis also criticize the Shi'a for adopting excessively liberal interpretations of Islamic law, for example, by permitting temporary marriages. These are short-term marriages that are governed by a contract, which contains a distinct stipulation as to the dowry, and length of the marriage. Such criticisms, however, are largely unfounded: a similar concept of temporary marriages also exists in Sunni Islam and few scholars from either branch of the faith today recognize the practice as legitimate.

Other differences also exist in laws governing marriage, divorce, and inheritance.<sup>61</sup> In inheritance, Shi'a Islam adopts a more favorable approach towards

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<sup>60</sup> Doctrinal differences among adherents of Sunni Islam led to the emergence of four different schools, namely the Hanafi, Maliki, Shafi'i, and Hanbali schools. Shi'a Islam can also be broken down into several constituent schools. Although these schools vary on doctrinal and legal matters, each sect typically recognizes the legitimacy of other schools falling within the same sect. See: Jawad Al-Arday, *Islamic Law as Administered in British India and in Joint British Courts in the Arabian Gulf 1857-1947* (Manama: AlAyam Press, 2001), p. 111.

women, by permitting daughters without brothers to inherit the full value of accrued inheritance. Sunni tradition generally limits the share of daughters in such circumstances to no more than half.<sup>62</sup> As noted earlier, many such differences are not the result of clear theoretical or jurisprudential differences, but emerged because of multiple, inter-connected factors including political structures, customary behavior, and societal influences. Despite these differences, the two branches of the religion share common juridical foundations and an overall normative structure that promotes socially conservative and modest lifestyles, including by criminalizing the consumption of alcohol and sexual relations taking place outside the institution of marriage as offenses to the religion.

## 2. Customary Forms of Social Organization

While Islam has played a central role in shaping Bahrain's society, the character of customary social organizations produced further divergences in the customs of its communities. For example, while dozens of documented cases of honour killings taking place in Bahrain during the early twentieth century, these cases were concentrated mostly among Bahrain's Sunni Arab communities, who imported the practice to Bahrain from the mainland peninsula. Some cases are illustrative. A case documented in 1931 describes how a young pearl diver from the predominantly Sunni Arab town of Hidd returned to his home after spending several months away at the diving banks. Upon his return, the diver called his sister into a room and strangled her, leaving her for dead. The girl recovered and escaped, and the case was subsequently referred to a court.

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<sup>61</sup> Ibid., p. 121.

<sup>62</sup> Haideh Moghissi, *Women and Islam: Critical Concepts in Sociology* (London: Routledge, 2005), p. 62.

During the trial, the brother explained that he had decided to kill his sister after an acquaintance told him that she had brought disgrace on the family, by engaging in premarital sexual relations during his absence. The court sentenced the man to five years hard labour.<sup>63</sup>

In the same year, court documents describe the murder of a young Sunni Arab woman by four of her uncles, for giving birth to an illegitimate child. The records describe attempts by the court to bring her uncles to justice, with the court finding that they had escaped justice by fleeing to Qatar.<sup>64</sup> In this case, the court also noted that neighbours residing in the same predominantly tribal Arab village were aware of the murder, but made no attempt to bring it to the attention of authorities since such practices were recognized as legitimate within that community. Both these cases shed further light on divergences in the normative values of Bahrain's community, including between the Sunni Arab communities and Shari'ah court justices.

Variances in social custom are also evident between Bahrain's Muslim communities and its minority Christian and Jewish communities, who mostly migrated to Bahrain during the 1920's from Iran and Iraq, and maintained autonomy in areas of religious practice, and family law.

### 3. The Status of Women in Public Life

Evidence of Bahrain's customary normative order during the early twentieth century is also visible in the status of women in public life. As was customary in the wider region,

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<sup>63</sup> The Bahrain Government Annual Reports 1924-1970, 8 vols. (Gerrard Cross: Archive Edition, 1986): 'The Annual Report for the Year 1943-44', Vol. 3, p. 45

<sup>64</sup> Ibid., p. 360.

women were expected to devote themselves to household affairs and child rearing. Such was the extent of stigma around women in public life that most men refused to utter the names of their wives in public, choosing instead to refer to them through the names of their first-born male children, for example as ‘Mother of Mohammed.’<sup>65</sup> The extension of privileges such as education were also justified as enhancing women’s domestic function. For example, when the first school for women opened in 1928, the Lebanese Director of Education remarked that its purpose was to “prepare the girls to be respected wives, intellectual mothers, and educated housewives.”<sup>66</sup> In general, Sunni and tribal Arab communities held the most conservative attitudes towards women, and resisted changing to these attitudes well into the mid twentieth century. For example, when the first census was taken in Bahrain in 1949, government records documented how men in some of the Arab Sunni villages had taken objection to enquiries about the names of women in the household, but that the Shi‘a Baharna had not raised any objections to this question.<sup>67</sup> By the 1950s, attitudes towards women had begun to shift, as female education became increasingly common and as women began to take up employment in the public and private sectors.

#### 4. Shari‘ah Court Justices

The society’s normative order is also visible in the approaches and attitudes of Bahrain’s Shari‘ah court justices, and the role of these judges in shaping the boundaries of permissible social behavior. Up until 1926, Bahrain’s court system included

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<sup>65</sup> M.K. Nahhas and J. Katul, *Taqrīr ‘an at-tarbīyah fil-Baḥrain* (Cairo: Abdin Press, 1960), p. 33.

<sup>66</sup> *Ibid.*, p. 33

<sup>67</sup> The Bahrain Government Annual Reports 1924-1970, 8 vols. (Gerrard Cross: Archive Edition, 1986): ‘The Annual Report for the Year 1949-50’, Vol. 4, p. 62.

specialized diving and commercial courts, in addition to Sunni and Shi'a Islamic courts that exercised competence over most non-commercial matters.<sup>68</sup> In the absence of a written code, which was not introduced until the mid-1920s, justices largely justified their decisions on the basis of established religious, social, and customary practices, and resolved most disputes informally in their homes. The Shi'a and Sunni Islamic Courts were headed by "Qadis" (qāḍī): senior Islamic judges who were revered within their communities and who provided moral, spiritual, and political guidance beyond Bahrain's borders. For example, in 1919 Bahrain's Chief Sunni Qadi, Jassim Mahaza'a, wrote to the Ruler of Saudi Arabia, congratulating him on recent military victories and encouraging him to adhere to Islamic precepts always. In this letter, Mahaza'a warned the Ruler not to stray from these principles, noting soberly that it was the neglect of Shari'ah law that had brought about the ruin of the Turks.<sup>69</sup>

As widely respected Islamic scholars, Bahrain's Shari'ah court Justices exercised pride in their role as spiritual and moral leaders, believing they held a duty to protect the community from sin and corruption. These justices acted to deter and punish conduct found to violate established Islamic and moral principles, through a range of punishments including deportation, criminal sanctions, or public humiliation. While these punishments were often handed down swiftly, judges also adopted leniency in instances where victim-hood could also be established. For example, women who had been subject to attacks or physical assault because of their immoral behavior were not typically subjected to further punishment by these judges, who instead acted to protect

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<sup>68</sup> The Bahrain Government Annual Reports 1924-1970, 8 vols. (Gerrard Cross: Archive Edition, 1986): 'The Annual Report for the Year 1949-50', Vol. 5.

<sup>69</sup> Political Agency, Bahrain, 'News for the Week Ending Saturday 26<sup>th</sup> June 1915', 29 June 1915, India Office Records, IOR/R/15/2/58, British Library.

these women by prosecuting individuals accused of committing violence against them. For example, on March 24, 1913, a Shari‘ah court found that an Arab tribesman had kidnapped two daughters of an Iraqi prostitute, and refused to return them to her as she faced deportation to the Iraqi province of Basra. The court ordered the daughters to be returned to the woman, and sentenced the man to face public humiliation by being placed on a donkey with his face to the animal’s tail, and taken around the town and beaten.<sup>70</sup> Shari‘ah courts also acted against men engaging in honour killings, including by sentencing a man who attempted to murder his sister to five years of hard labour that same year.<sup>71</sup>

It is interesting to contrast the character of the normative order as understood by the Qadis with that adopted by tribal Arab groups, as further evidence of divergences in the normative values held by constituent elements of Bahrain’s society. While both tribal leaders and Shari‘ah court justices claimed to uphold Islamic values, the Qadis often relied on principles of equity and justice in their rulings. This contrasts with some of the Sunni Arab tribal groups who are documented to have evoked literalist conceptions of Islamic norms to legitimize a harsher range of punishments.

The earliest documented records also reveal that Bahrain’s judiciary took steps to protect the society from perceived immoral activity. Indeed, the first reference to morality in Bahrain’s colonial records describes the deportation of a number of ‘prostitutes and pimps’ by the chief Qadi in March 1913.<sup>72</sup> The following month, on

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<sup>70</sup> Political Agency, Bahrain, ‘News for the Week Ending Saturday 22 March 1913’, India Office Records, IOR/R/15/2/58, British Library.

<sup>71</sup> Ibid.

<sup>72</sup> Political Agency, Bahrain, ‘News for the Week Ending Saturday 5 April 1913, India Office Records, IOR/R/15/2/58, British Library.

April 6 1913, the Ruler adopted further action against prostitutes, by issuing a decree asserting that: ‘Recognized prostitutes and procurers will not be permitted to enter Bahrain or to reside therein, and such persons on arrival will be liable to be sent back to the places from which they came.’<sup>73</sup> The decree reflects prevailing normative understandings of prostitution as an undesirable practice, and its language also suggests that the Ruler and some justices believed that prostitution was being imported to the society from abroad. Finally, in referring to prostitutes and procurers as ‘recognized’, the language of the decree also reflects the reality that some offenders who had been deported were re-entering Bahrain; as civilian passengers on board the ships docking on Bahrain’s shores, as was widely documented in court documents from the era.

In acting to Bahrain’s society from corrupting activities, Justices also took steps to prevent and deter the consumption of alcohol, including by enforcing humiliating punishments against individuals caught possessing alcoholic spirits. For example, in August 1913, a man who was found with a bottle of liquor in the bazaar was sentenced by the chief Qadi to be placed on a donkey with the bottle around his neck, and his face blackened. The man was then paraded around town on the donkey, while receiving beatings.<sup>74</sup>

### **Securing Extra-Territorial Jurisdiction**

Following the enactment of the General Treaty of Peace with the Arab Tribes of the Persian Gulf of 1820, the British government continued to adopt a policy of non-intervention in Bahrain’s internal affairs. The first major exception to this policy

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<sup>73</sup> Ibid.

<sup>74</sup> Political Agency, Bahrain, ‘News for the Week Ending Saturday 28 July 1913’, India Office Records, IOR/R/15/2/58, British Library.

emerged through the declaration of extra-territorial jurisdiction over British subjects and foreigners residing in Bahrain. British officials established this system of capitulations both directly, by imposing it on the local ruler, and indirectly, as a result of the enactment parliamentary legislation passed in London (and namely how the enactment of the Foreign Jurisdiction Act of 1890).<sup>75</sup> The extension of extra-territorial jurisdiction in Bahrain was not a unique development, but represented part of a broader imperial policy that aimed to secure jurisdiction over all British and British-protected subjects residing in overseas territories.<sup>76</sup> This served several aims, including shielding British subjects residing abroad from potentially arbitrary exercises of authority, and allowing the British government to try and punish its nationals accused of committing serious crimes such as piracy and murder overseas. Over time this system acted as a gateway for interventionist colonial officials to shape and organize judicial policy across a range of territories, and extend Britain's political influence abroad.<sup>77</sup>

The first agreement extending British jurisdiction over its subjects in Bahrain was the Friendly Convention of 1861. This agreement transferred jurisdiction over British nationals to the British Political Agent in Bahrain and the Political Resident in Bushire, and formalized the first legal distinction between foreigners and nationals in

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<sup>75</sup> The Act granted the British government extra-territorial jurisdiction over its subjects residing in countries outside British territories. This was justified as necessary to protect growing numbers of British residents in those areas. In many areas, the exercise of such authority preceded the enactment of the Act and held no basis in local law. See: Helene Von Bismarck, *British Policy in the Persian Gulf 1961-1968: Conceptions of Informal Empire* (London: Palgrave Macmillan, 2013), p. 1-65.

<sup>76</sup> The term 'British protected subjects' refers to subjects of States who formally fell within the jurisdiction of the British Empire, such subjects of British India for example. See: John Spagnolo, 'Portents of Empire in Britain's Ottoman Extraterritorial Jurisdiction,' *Middle Eastern Studies*, Vol. 27, No. 2 (1991), pp. 256-282.

<sup>77</sup> Spagnolo states that these measures pointed to a relationship between a culturally motivated drive to introduce administrative order in a differently structured society, and the formal assumption of empire. By contrast, Pennell argues that these measures were enacted primarily to secure jurisdiction over disorderly British subjects living abroad. See: C.R. Pennell, 'The Origins of the Foreign Jurisdiction Act and the Extension of British Sovereignty,' *Historical Research*, Vol. 83, (2010), p. 465-485.

Bahrain.<sup>78</sup> In 1891, the British parliament approved the Foreign Jurisdiction Act, allowing Her Majesty to ‘hold, exercise, and enjoy any jurisdiction in foreign countries as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory.’<sup>79</sup> While the Foreign Jurisdiction Act of 1891 enabled the British government to claim extraterritorial jurisdiction over all British and British-protected subjects residing overseas, it remained silent on whether those capitulations could extend to other categories of foreigners residing in those states, such as other Europeans or non-native Arabs, in the case of Bahrain. The omission of an explicit clause to this effect reflects the likely intent of the drafters that jurisdiction was to be enjoyed exclusively over British subjects; in accordance with established principles of common law and with existing British practices.<sup>80</sup> British officials in the region nonetheless took advantage of this narrow window of ambiguity and extended the Act’s reach over all non-native subjects residing in Bahrain.

### **Growing Interventionism**

Beginning in the early twentieth century, there began to emerge a subtle but important difference in the approaches to the Gulf advocated by officials stationed in London, and those reporting to the Government of India. In London, the central priority towards the region remained securing the commercial waterways and land links to the subcontinent.

Moreover, policymaking in London was driven by fear that the appearance of overt

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<sup>78</sup> Article Five of the Friendly Convention states: ‘British subjects and dependents shall receive the treatment and consideration of the subjects and dependents of the most favored people. All offences which they may commit, or which may be committed against them, shall be reserved for the decision of the British Resident, provided the British Agent located at Bahrain shall fail to adjust them satisfactorily.’ See: Atchison, *Treaties and Engagements Relating to Arabia*, p. 236.

<sup>79</sup> Foreign Jurisdiction Act 1890, (Hansard, 14 February 1905) Available online at: <http://www.legislation.gov.uk/ukpga/Vict/53-54/37/body/enacted> (Accessed: 12 January, 2016).

<sup>80</sup> William Edward Hall, *A Treatise on the Foreign Power and Jurisdiction of the British Crown* (London: Clarendon Press, 1894) p. 222.

intervention in the Gulf Sheikdoms might attract retaliation from Britain's rivals in the region, including Persia and the Ottoman Empire. Thus, officials in London advocated a policy that emphasized limited forms of intervention in the region, and crucially, the need for any intervention to be masked as the independent decision of the Ruler and validated through the language of tradition and custom. In India, policy centered on a different set of concerns. Officials reporting to the Government of India largely subscribed to a line of thought that promoted greater intervention in the Gulf region, on the basis that failure to ensure stability in the region could challenge Britain's supremacy in the region from other European powers, including Germany, and shatter public opinion of Britain as an 'infallible empire' in India. Many of those who subscribed to this line of policy, dubbed the 'Imperial school', also viewed direct intervention in the Gulf as necessary to preserve the interests of local subjects residing in those states. Adherents to the interventionist school held further differences as to whether interventions necessarily needed to be couched as the legitimate decisions of the Ruler, with some arguing at times for open and visible intervention as a means of asserting and reaffirming Imperial authority.

The interventionist strand of policy was embodied by the British Political Resident in the Persian Gulf, Major Percy Cox, who held the position from 1904-1913. Cox was a towering figure in colonial history, best known for having served as High Commissioner of Iraq in 1922. In his biography on the life of Percy Cox, John Townsend observes that the central objective of Cox's approach during his tenure as Political Resident was to defend British interests, against Germany's growing ambition to expand its political and commercial interests in the Middle East. While there existed

no precedent in the Gulf, or in the records of the Government of India to assist in formulating a policy for many issues, Cox relied on his belief that Britain should intervene directly to secure the stability of the Gulf region, to guard the sanctity of British rule in India and in the broader Empire more generally.<sup>81</sup>

A few historic incidents are revealing of the importance of this interventionist approach in influencing policy in Bahrain. In 1904, a gang loyal to a cousin of the Ruler kidnapped a German merchant and attempted to subject him to forced labour. The gang then attacked and assaulted several Persian subjects. The attacks against the Persians angered the Shah's Government, leading to a fear among officials in London that the Shah might launch an attack on Bahrain in retaliation. In the following weeks, the aggrieved German citizen wrote to the Ruler of Bahrain, claiming restitution. Faced with a growing diplomatic crisis, the Government of India dispatched Major Cox to Bahrain to deal with the incidents.

Upon arriving to Bahrain, Major Cox took the son of the Ruler hostage and delivered an ultimatum to Sheikh Isa, demanding that he send the perpetrator of abuses into exile, prohibit the use of forced labour, and oversee the payment of a substantial financial settlement to the injured German and Persian parties as compensation. Cox made it clear that he was prepared to dispatch a warship to bombard Manama if the terms of the proposed settlement were not fulfilled. The Ruler quickly accepted the

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<sup>81</sup> In his biography on Percy Cox, Townsend observes: 'A century and more later, the concept of "the white man's burden" exercised through empire is seen as absurdly anachronistic, offensively patronising, racist and even downright silly. But in the last decades of Victorian Britain and in the early years of the twentieth century, the concept was upheld with a fervent missionary zeal by men and women who devoted their lives, and often gave their lives, to serving a cause which was not to be challenged.' See: John Townsend, *Proconsul to the Middle East: Sir Percy Cox and the End of Empire* (IB Tauris: London, 2010), p. 45.

terms of Cox's ultimatum. Cox then released the Ruler's son, warning the Sheikh that his rejection of advice from the Political Agent in such matters would no longer be tolerated.<sup>82</sup>

Following his return to Bushire from Bahrain, Percy Cox wrote to the Foreign Office, urging the British government to declare an open protectorate over Bahrain, and incorporate the Ruler's subjects under British protection, as it had with other European subjects. In his letter, Cox expressed regret that the government's fears of attracting retaliation from Persia had prevented it from exercising a full protectorate over Bahrain. He advocated unequivocally for the imposition of an open protectorate over Bahrain, on the basis that it would protect the local community from the Ruler's arbitrary authority, and preserve Britain's reputation outside Bahrain. In his letter to the Foreign Office, Cox wrote:

'It is a matter of considerable regret that the exigencies of imperial politics do not admit our making our moral protectorate over Bahrain subjects into an open and effective one, at a time when we are interesting a gradual increase in the European community in Manama for whom we practically accept before foreign powers as much responsibility as if we had a complete protectorate... The (British) Government cannot permit the protection which they give to (the Ruler) to be used as a shelter from which he may tyrannize over and ill-treat his subjects, as thereby an undesired stigma is liable to become attached to the British Government's name.'<sup>83</sup>

### **The Committee of Imperial Defence**

The case put forward by Major Cox for extending a formal protectorate over Bahrain persuaded London to launch a review into Bahrain's internal status. While both the

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<sup>82</sup> John Lorimer, *Gazetteer of the Persian Gulf, Oman, and Central Arabia: Volume I* (Reading: Garnet Publishing, 1998), p. 923.

<sup>83</sup> John Lorimer, *Gazetteer of the Persian Gulf, Oman, and Central Arabia: Volume I*, (Reading: Garnet Publishing, 1998), p.923.

Foreign Office and the Government of India agreed on the need to introduce a specialized law to conclusively secure jurisdiction over foreigners in Bahrain, the Foreign Office insisted that no legislation to this effect should be introduced until after the formation of a committee tasked with reviewing general British policy in the Gulf.<sup>84</sup> This led to the formation of the Committee of Imperial Defence, which recommended that the British government secure the written consent of the Ruler, approving the system of capitulations by which all jurisdiction over foreigners would be held by the Political Agent. This course of action was favoured on the basis that it would grant legitimacy to Britain's intervention in Bahrain, while also recognizing that 'in spite of the Committee members belief that Bahrain was virtually a British protectorate, the circumstances did not allow for the formal declaring of it as a protectorate' and thus it was necessary for it to appear as though the Sheikh acted independently in instigating his relinquishment of jurisdiction over foreigners to the British government.<sup>85</sup> This line of thinking reflected the perception in London that the Ruler should at all times be perceived to be acting independently at all times.

In July 1909, the Political Agent in Bahrain, Captain McKenzie, held a meeting with the Ruler, Sheikh Isa bin Ali Al Khalifa, demanding that he submit a written request to the British government asking to be relieved of judicial responsibility towards foreigners. Faced with no other choice, the Sheikh agreed to draft a letter based on a format given to him by the Political Agent. In this letter, Sheikh Isa begins by describing being under a heavy burden because of a backlog of judicial cases in

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<sup>84</sup> Letter from the Deputy Secretary of the Government of India, Delhi, to Political Resident in the Persian Gulf, Bushire, 19 July 1909, India Office Records, IOR/R/15/216, British Library. A good account of this episode is also chronicled in Radhi, *Judiciary and Arbitration in Bahrain*, p. 25.

<sup>85</sup> *Ibid.*

Bahrain, particularly those involving foreigners. He complains that such cases cause him ‘much confusion’ and pleads for the British government to ‘relieve him of this responsibility’ by assuming responsibility over cases involving foreigners. Sheikh Isa concludes his letter stating: ‘if cases have both foreigners and Bahrainis, then it is necessary to settle them jointly’, and ‘cases in which foreigners and my subjects are involved should be subject to consultation between us.’<sup>86</sup>

Instead of conclusively resolving the division of judicial authority, this course of action instead entrenched disagreements between the Ruler and the British administration, including over the definition of a ‘foreigner’ and the meaning of ‘my (the Sheikh’s) subjects.’ After signing the letter, the Ruler forcefully and openly rebelled against its terms, by insisting that the term ‘foreigner’ referred only to Western Europeans and did not encompass the subjects of neighboring Arab states.<sup>87</sup> Despite the Sheikh’s vehement objections, the Political Agent insisted on retaining jurisdiction over all foreigners including Iranians, Ottomans, Europeans, and other Arabs, which collectively formed a large section of the population.<sup>88</sup>

### **The Bahrain Order in Council**

In line with the recommendations made by the Committee of Imperial Defence, the Court at Buckingham Palace issued the Bahrain Order in Council in August 1913.<sup>89</sup> The Order represented a compromise between the interventionist and non-

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<sup>86</sup> Letter from the Ruler of Bahrain Sheikh Isa bin Ali, Manama, to Political Agent in Bahrain, Manama, 10 February 1919, India Office Records, IOR/R/15/2/7, British Library.

<sup>87</sup> Ibid.

<sup>88</sup> In 1890, the British government passed the Foreign Jurisdiction Act which laid down the conditions by which Great Britain would exercise jurisdiction over British nationals in territories subject to British control.

<sup>89</sup> The Bahrain Order in Council 1919, King’s Regulations, India Office Records, IOR/R/15/1/306, British Library. See Articles 30-55 in particular.

interventionist lines of policy by stopping short of declaring a protectorate over Bahrain while nonetheless extending the jurisdiction and powers of the Political Agent and Political Resident to ensure their control over the nomination of judges by the Ruler, and by reaffirming their authority over disputes involving all foreigners and even a small category of local subjects. The Act further strengthened their authority by setting out three categories of persons' subject to British jurisdiction: including British subjects and British-protected persons, foreigners whom the ruler of Bahrain 'has agreed with His Majesty for the exercise of jurisdiction by His Majesty', and Bahrain subjects registered in the Political Agency as being in regular service of either British subjects or foreigners. The Order granted the Political Resident final authority for deciding on the definition of a foreigner for the Act, stipulating that 'if any question arises whether the subjects or citizens of any country or state or tribe have or have not been placed under the jurisdiction of His Majesty by agreement with, or the consent of, the Sheikh of Bahrain, it shall be referred to the Court of the Political Resident.'<sup>90</sup>

While the Order in Council conclusively established British jurisdiction over a greater portion of Bahrain's residents, and granted the Political Resident decision making powers in deciding who came under his authority, it also transformed Bahrain's court structure by creating two new courts: A Chief Court which held the powers of a Higher and Appeals chamber, and a District Court that acted as a court of first instance. The Chief Court was to be headed by the Political Resident (and renamed 'the Court of the Political Resident'), and the District Court was to be headed by the Political Agent (and renamed 'the Court of the Political Agent'). Both bodies were to rely on laws and

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<sup>90</sup> Ibid.

decrees issued by the Crown (including Queen's Regulations, British Orders in Council, and laws passed in British India), allowing them to entirely surpass the local judicial system in disputes involving foreigners.<sup>91</sup> The Order also created a Joint Court for disputes between foreigners and locals, headed by the Political Agent and an official appointed by the Ruler. These new courts operated alongside three customary judicial bodies already in existence; namely the *Majlis al-'Urf* (Customary Court), which held jurisdiction over all civil disputes affecting Bahraini subjects, the *Salifah* Court, a specialized court holding jurisdiction over cases involving diving and maritime activity, and the Shari'ah Courts, which applied principles of Islamic law to family and personal status matters, with separate branches for Sunni and Shi'a Muslims.

While the Order in Council created a parallel legal infrastructure for the Political Agent and Political Resident to resolve disputes involving foreigners, the Order also granted British officials powers to directly interfere in the administration of disputes by local courts. This was accomplished by granting the Political Agent the authority to approve and veto the Ruler's nomination of court justices and members of the Customary Council, a right hitherto reserved exclusively to the ruling Sheikh. The Order further granted the Political Agent powers to review all judgements passed by the Shari'ah courts prior to their enforcement, and to revise both their findings and sentences.<sup>92</sup> There is also evidence to suggest that British officials, in practice, relied on the Act to extend protection to Bahraini subjects, particularly members of the Baharna community that complained of abuse.

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<sup>91</sup> Al-Baharna, *The Legal Status of the Arabian Gulf States*, p.14

<sup>92</sup> Al-Rumaihi, *Social and Political Change in Bahrain*, p. 287.

In a letter to the Political Resident dated June 3, 1914, the Political Agent in Bahrain Captain Terence Keyes defined foreigners as consisting of five main groups, including ‘(a) subjects of Christian Powers, British and other; (b) Indians, (c) Other British subjects and protégés, such as Egyptians, Somalis, Zanzibaris, etc., and perhaps Afghans; (d) Ottoman and Persian subjects; and (e) Arabs of the mainland, who are subjects of various autonomous or semi-autonomous Chiefs.’ In his letter, the Political Agent justified the extension of jurisdiction as necessary to protect Bahrain’s society from immoral persons, and particularly those of Iraq, Persian, and Jewish descent. He wrote:

‘Since Sheikh Isa handed over to the British government jurisdiction over foreigners, matters have developed considerably, namely in these areas: (1) An increase in foreigners carrying out genuine business in Bahrain. For these, the civil side of the Order is mostly adequate. (2) The use of Bahrain by Persian and Ottoman subjects, generally of an undesirable character, as an asylum. There has been in recent years a large influx of prostitutes, procurers, and other bad characters from Basra and Baghdad and also of Jews from those places who found it profitable to set up fictitious businesses in Bahrain, after trading for a short time, and sending all their assets out of the island, to go bankrupt.. Our assumption of jurisdiction over foreigners carries with it a moral obligation to protect Bahrain from persons of this description who began to make use of it under our aegis.’<sup>93</sup>

While the Order in Council placed all foreigners under British jurisdiction, it was not until the year 1937 that the Bahraini government issued the Bahrain Nationality Law, which established firm criteria for claiming Bahraini Nationality. The Law defined a Bahraini as any individual born in Bahrain prior to the enactment of the Law, or those whose fathers or paternal grandfathers were both in Bahrain prior to the enactment of

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<sup>93</sup> Political Agent in Bahrain, Manama, to Political Resident in the Persian Gulf, Bushire, 3 June 1914, India Office Records, IOR/R/15/2/719, British Library.

the Law. The Law broadly defined non-Bahrainis (or foreigners) as all those who had registered at the Political Agency, and those whose fathers possessed the nationality of another state who had registered at the Political Agency within a stipulated period.<sup>94</sup>

Finally, the Order in Council left little doubt as to the political role of the Political Resident in Bushire, noting that Bahrain ought to be treated as a British colony or possession, subject to adaptations, including ‘substituting the Political Resident in the Persian Gulf for the Governor of a colony or British possession.’<sup>95</sup>

### **Further Interventions**

Following the outbreak of the First World War in 1914, British officials in the India Office grew preoccupied with events taking place in other parts of the Arab world, and agreed to postpone the enforcement of the Order in Council until the end of the war. In 1919, the Foreign Office appointed Major H.R.P Dickson to serve as Political Agent to Bahrain. Having served previously in Iraq, Dickson established his reputation as a seasoned officer with considerable knowledge of Arab customs and culture. Like Major Cox, Dickson favored expanding Britain’s influence in Bahrain and

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<sup>94</sup> The Bahraini Nationality Law of May 1937 recognized individuals as Bahraini nationals based on their ability to establish either *jus soli* and *jus sanguini*. According to the Law, Bahraini nationals included ‘all persons born in Bahrain before or after the promulgation of the Law except as provided for in Article 2’, and ‘all persons born abroad before or after the promulgation of this Law whose fathers or paternal grandfathers were born in Bahrain, except persons whose fathers during the minority of such persons registered at the Political Agency in Bahrain in accordance with Article 2 or might have so registered if registered in Bahrain.’ Article 2 narrowed this criteria, noting that ‘Persons born in Bahrain, before or after the date of this Law whose fathers at the time of those persons birth possessed the nationality of another state shall not be considered to be Bahraini nationals (a) if they register at the Political Agency within one year of the date on which they attain the age of 18, if then resident in Bahrain, or within one year of the date of the commencement of their residence in Bahrain if not then resident in Bahrain; or (b) if they register at the Political Agency within one year of the date of the promulgation of this law if they have already attained the age of 18 and are resident in Bahrain; or (c) if they shall or have been registered at the Political Agency within two years of their birth or if their births shall have been registered within two years of their occurrence.’ See: Bahraini Nationality and Property Law 1937, India Office Records, IOR/R/15/1/151, British Library.

<sup>95</sup> The Act also required all British subjects, British protected subjects, and foreigners to register their names at a special register maintained by the Political Agent.

intervening to modernize its government and institutions, on the basis that doing so was beneficial to its people, and to the interests of the Empire.

Upon arriving to Bahrain, Dickson convinced the Ruler to set up a Municipal Council, responsible for overseeing road construction, public sanitation, and the creation of a municipal police force. Dickson used the Council to reinforce his authority, by insisting that the Ruler appoint half of its members from the community of British-protected foreigners and by further insisting that he oversee all appointments. Word spread of the Council's creation as a body threatening to impose alien customs over Bahrain. Large crowds gathered to protest its opening session. The Ruler appointed his eldest son, Abdullah, to head the Council. Angry at the prospect of sharing authority with Dickson, Abdullah proceeded to sabotage several of the Council's initiatives. Dickson intervened on several occasions with the Council's work, including by attending its meetings and instituting new by-laws without consulting Abdullah. These intrusions enraged Abdullah, fueling a growing campaign against the Agent.

For his part, the Ruler, Sheikh Isa bin Ali Al Khalifa, had grown increasingly resentful of the encroachment by British officials on his authority, and began rebelling against the terms of the Order in Council. In 1919, the Sheikh dismissed a number of members of the Consultative Council without notifying the Political Agent.<sup>96</sup> The following year, the youngest of his sons presented a letter to Sir Arthur Hirtzel, the Head of the Political Department at the India Office in London, outlining a series of

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<sup>96</sup> Al-Tajer, Bahrain, 1920-1945, p. 25.

requests including the complete abolishment of the system of capitulations.<sup>97</sup> After internal deliberations, the Secretary of State for India wrote back, declining most of the requests, and noting in private that the tendency of the Ruler was to exploit Bahrain and its subjects for the benefit of the ruling family and one or two leading Arab families.<sup>98</sup> With regard to exercising jurisdiction over foreigners, however, the Government of India informed the Ruler that he could be allowed to resume jurisdiction over the subjects of other Arab rulers if those rulers provided their consent. Dickson used this as an opportunity to teach the Sheikh a lesson. Without informing the Ruler, the Political Agent proceeded to write to the rulers of Saudi Arabia and Qatar, asking if they would allow their subjects to be placed under the jurisdiction of Sheikh Isa. Both rulers responded in the negative.<sup>99</sup> Dickson then published a notice reaffirming British jurisdiction over all foreign subjects. Dickson also placed several Bahraini women, who complained of mistreatment, under his protection, further enraging the Sheikh and compounding the resentment of his supporters, who accused the Political Agent and Resident of interfering with their established moral customs.<sup>100</sup> These interventions delighted many members of the Baharna community, who saw in the British a new ally in curtailing the power of the Al Khalifa.

For his part, Dickson grew increasingly unsettled by the campaign against him. Writing to the Civil Commissioner in Baghdad following the expiration of his appointment to Bahrain, Dickson reflected sombrely that the political atmosphere in

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<sup>97</sup> Al-Rumaihi, *Social and Political Change in Bahrain*, p. 289.

<sup>98</sup> Letter from Deputy Political Resident in the Persian Gulf, Bushire, to Acting Chief Commissioner in Iraq, Baghdad, 28 December 1919, India Office Records, IOR/R/15/2/319, British Library.

<sup>99</sup> Letter from Political Agent in Bahrain, Manama, to Political Resident in the Persian Gulf, Bushire, 8 May 1920, India Office Records, IOR/R/15/2/93. In his letter, the Political Agent wrote: 'Bin Saud now definitely objects to Shaikh of Bahrain controlling his subjects.'

<sup>100</sup> Al-Rumaihi, *Social and Political Change in Bahrain*, p. 293.

Bahrain was ‘wholly unsatisfactory’, and that there existed a ‘strong, long-standing, and deep-seated anti-British sentiment’ among its people.<sup>101</sup> Dickson further observed that ‘British prestige in Bahrain rests on fear and not on respect’, and expressed contempt for the Ruler, noting that he was a ‘imbued with sincere feelings of friendship for HM’s government but swayed and confused in his weakness by virile and astute minds.’<sup>102</sup> Dickson referred specifically to the 1918 speech of American President Woodrow Wilson which endorsed the right of all peoples to self-determination, complaining that the speech had agitated Bahrain’s ruling class and subjects, who had begun expressing hopes for full independence from British rule.<sup>103</sup>

### **The Height of Political Interventionism: Deposing the Ruler**

In 1921, the British government appointed Major Clive Daly as Political Agent. Like his predecessor, Dickson had also served in Iraq and favored an interventionist approach towards Bahrain. During his first months in Bahrain, Daly grew sympathetic towards the plight of the Baharna, choosing to extend British protection to a number of Baharna who complained that they had suffered injustices at the hands of the ruling family.<sup>104</sup> Encouraged by these gestures of sympathy, leading members of the Baharna community began mobilizing for greater reforms, including by presenting the Political

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<sup>101</sup> Al-Tajer, Bahrain, 1920-1945, p. 30.

<sup>102</sup> Letter from Political Agent in Bahrain, Manama, to the Civil Commissioner in Baghdad, 5 January 1920, India Office Records, IOR/R/15/2/93, British Library.

<sup>103</sup> The concerns expressed by Dickson towards rising anti-British sentiment in Bahrain mirrored similar concerns voiced by his predecessor Captain Bray, who had also observed a growing hostility towards the British in Bahrain, which he attributed to “religious, economic, and war reasons”. Bray proposed hosting a regular Majlis, or informal social gathering, to act as a vent for public opinion and bring the Political Agent in closer touch with British subjects, foreigners, and particularly, hostile local subjects. He further recommended instituting a series of indirect measures to improve public sentiment towards the British, including delivering letters of appreciation, presents, and engaging in visits to civil leaders. See: British Library, India Office Records and Private Papers, IOR/R/15/1/319.

<sup>104</sup> Fred Lawson, Bahrain: The Modernization of Autocracy (Colorado: Westview Press, 1989), p. 43.

Resident A.P. Trevor with a petition on December 1921, calling for changes and complaining that their community was in a state of great humiliation. Baharna representatives played on London's fears of external involvement in Bahrain's affairs, by warning the Agent that they would seek the protection of other Arab rulers if he failed to respond to their demands.

Although the Political Agent appeared willing to yield to the demands put forth by the Baharna, the Government of India instructed him not to bypass the Sheikh's authority and instead speak to him directly, and encourage him to institute reforms.<sup>105</sup> In February 1922, Baharna leaders presented a second petition directly to the Ruler, calling for an end to forced labour, the abolishment of taxes levied towards them, and fairer administration of justice. The petition also called for judicial authority to be concentrated in the hands of Sheikh Isa and his oldest son Hamad, whom they viewed as more sympathetic to their plight than other members of the ruling elite.

The following month, the Political Resident visited Bahrain, urging the Ruler to institute reforms. By then, groups of Baharna had begun refusing to pay discriminatory taxes. The Ruler's son, Hamad, appeared particularly conciliatory towards them, agreeing not to collect these taxes from them. After engaging in public consultations, Daly proposed a more equitable tax scheme, to be collected without sectarian discrimination. The Government of India wrote to the Political Agent agreeing to support the tax reforms, but reiterating the view held by London that it was imperative to avoid any accusation of interference between the ruler of Bahrain and his subjects.

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<sup>105</sup> Al-Tajer, Bahrain, 1920-1945, p. 33.

As news of the proposed tax scheme spread, Arab tribesman from the Dowasir tribe visited the Saudi ruler Abdulaziz bin Abdulrahman Al Sa‘ud (‘Ibn Sa‘ud’, or ‘Bin Saud’), requesting his support in standing against the plan for tax reform. Fearing that the reforms may encourage a similar movement for reform amongst the Shi‘a population in the Eastern coast of Saudi Arabia, Ibn Sa‘ud promised the Dowasir that he would support them in their efforts to resist the implementation of the tax plan. Events in Bahrain further attracted the attention of external powers when Persian newspapers began publishing a series of articles accusing British authorities in Bahrain of encouraging the abuse of Shi‘a. These articles alarmed British officials in the Gulf. Writing to the Government of India, the Political Resident blamed ‘anti-British agitators’ for the articles, noting with concern that the aim of the campaign was to generate the sympathy of the Persian government and revive its historical claims to Bahrain.<sup>106</sup>

Concern over the future of Britain in Bahrain drove the Foreign Office to write to the India Office in December 1922 and press for the introduction of reforms to ‘ensure the equitable treatment of Shia’s.’<sup>107</sup> As action stalled, Trevor wrote again to the Foreign Office in January 1923, calling for the introduction of reforms in Bahrain and noting that ‘The government must be prepared to back up moral pressure by material force if they are determined to carry the reforms. Forcible intervention is bound to attract hostile criticism but so too is inaction.’<sup>108</sup> The Foreign Office wrote to

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<sup>106</sup> Ibid., p. 48.

<sup>107</sup> Letter from Foreign Office, London, to India Office, London, 7 December 1922, India Office Records, IOR/R/15/2/93, British Library.

<sup>108</sup> Letter from the Political Agent in Bahrain, Manama, to Foreign Office, London, 27 January 1923, India Office Records, IOR/R/15/2/93, British Library.

the India Office again in March 1923, urging the immediate implementation of tax reforms in Bahrain and acknowledging for the first time that it may be necessary to ensure the forced retirement of Sheikh Isa if he proved unwilling to support the reforms. This time, London took the lead in calling for intervention, driven by concern that any further delay might lead to intervention in Bahrain by external powers. In April 1923 the Political Resident in the Gulf, A.P. Trevor departed on leave, replaced by Colonel Knox, who adopted a more skeptical view of intervention. That month, a quarrel broke out between two Saudi and Persian nationals in a central market in Bahrain, with clashes spreading to members of the Sunni Arab and Persian communities. A few weeks later, a group of Dowasir tribesmen attacked a Shi'a village, wounding several people and setting houses on fire.

Reacting to the spiraling turn of events, the Government of India wrote to Colonel Knox, making a clear case for intervention. The letter received by Knox read: 'Misrule in Bahrain has reached such a pitch that we must secure the introduction of fiscal and administrative reform(s) on the lines indicated by the Resident [Trevor].'<sup>109</sup> Knox wrote back to the Government of India, advocating for maintaining the status quo, arguing that 'Matters are no worse than the state of affairs we have tolerated for twenty years. We have no real case against Sheikh Isa to justify such strong measures as deposition.'<sup>110</sup> The Government of India wrote to Colonel Knox again, insisting on the need for intervention. Their plan was clear: Sheikh Isa must step aside, preferably

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<sup>109</sup> Letter from the Government of India, Delhi, to the Political Resident in the Persian Gulf, Bushire, India Office Records, IOR/L/PS/10/1039.

<sup>110</sup>Ibid.

without confrontation, and the heir-apparent Hamad was to take his place. Under Hamad's authority, the proposal for reforms could directly be implemented.<sup>111</sup>

On May 14 1923, Colonel Knox landed in Bahrain. Knox met with Sheikh Isa and instructed him to step down as Ruler.<sup>112</sup> After the Sheikh refused, Knox then met with his sons, Abdullah and Hamad, and insisted that they convince their father to abdicate. Faced with further refusal from his sons, Knox proceeded to hold a gathering of notables from across Bahrain's different ethnic and sectarian communities, and announced the retirement of Sheikh Isa and his replacement by his son, Hamad. At the meeting, Knox gave a lengthy address in Arabic, thanking Sheikh Isa for being a loyal friend of the British government, and announcing that he had voluntarily stepped down as a result of reaching the 'ripe age' of seventy-five years. Knox also announced the onset of a new era of reforms, which would be overseen by the new Ruler, Hamad. Knox then addressed each community separately, warning the ruling family and their supporters not to challenge the reforms or Hamad's authority. He also delivered additional warnings to the Baharna community, instructing them to avoid agitating for further reforms and instead trust that their status would gradually improve under Hamad. In the final portion of his address, Daly addressed the Shari'ah court justices, stating that the British would continue to affirm the supremacy of Islamic Law, and warning them that any corruption or mismanagement of judicial affairs would not be tolerated.<sup>113</sup>

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<sup>111</sup> Ali al-Jamri, "Old Greybeard of Bahrain", Islanders Oasis Blog, <https://alialjamri.wordpress.com/2013/07/25/old-greybeard-of-bahrain/> (Accessed: 28 December 2015).

<sup>112</sup> Al-Tajer, Bahrain, 1920-1945, p. 50.

<sup>113</sup> Letter from Political Resident in the Persian Gulf, Bushire, to Foreign Office, London, 29 May 1923, India Office Records, IOR/R/15/2/93, British Library.

## Reforms, Oil, and Modernity

Following the overthrow of Sheikh Isa, Daly enacted a program of sweeping reforms which abolished many unfair practices, created a more organized bureaucratic order, and strengthened the Rule of Law. Reforms included the creation of a civil list, which laid out fixed salaries for the ruling family, and the reorganization of the customs directorate under a British director, enabling the government to draft a monthly budget for the first time. Other reforms directly benefited the Baharna, including the introduction of a new land tax that replaced the multitude of arbitrary taxes collected from Baharna farmers, and which ‘spelled the end of the prevailing feudal estate system’.<sup>114</sup> Daly also oversaw the creation of a new court, the Bahrain State Court, to satisfy demands for a fairer judicial system. He also overhauled the customary system of loan payments and debt operating within the pearling industry, which had trapped many divers into lifelong servitude to their boat captains. Unsurprisingly, Daly’s reforms did not go unopposed, attracting continued resentment from Sheikh Isa’s supporters, who regularly petitioned the Political Resident his reinstatement and the dismissal of Daly.<sup>115</sup>

As Daly grew increasingly immersed in managing reforms in Bahrain, the Foreign Office decided to create a specialized position to provide the new Ruler, Hamad, with more direct guidance from the British government. In the summer of 1925 the Times Newspaper of London carried an advertisement that read: ‘Young gentleman, Public School and/or University education, required for service in an Eastern State.

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<sup>114</sup> Justin Gengler, *Conflict and Political Mobilization in Bahrain: Rethinking the Rentier State* (Bloomington: Indiana University Press, 2015), p. 41.

<sup>115</sup> Al-Tajer, *Bahrain, 1920-1945*, p. 64.

Good salary and prospects to suitable man.’<sup>116</sup> The advertisement attracted the attention of Charles Belgrave, a thirty-one-year-old Oxford University graduate who had served as a colonial officer in Darfur, Egypt’s Siwa Oasis, and in Tanganyika (modern-day Tanzania). After a meeting with the Political Resident, Belgrave was offered the position of Financial Advisor to Sheikh Hamad, arriving to Bahrain in 1926. Although acting as Advisor, Belgrave quickly became a central authority in his own right, and came to assume almost unrestrained executive, judicial, and legislative powers.<sup>117</sup>

### **Conclusion**

This Chapter has shown how Great Britain expanded its role in Bahrain from a guarantor of maritime security during the nineteenth century, to a dominant colonial authority that directly managed and intervened in domestic affairs by the early twentieth century. Indeed, Britain’s decision to respond forcefully to a series of internal crises, which culminated in Daly’s quiet coup against Sheikh Isa and his implementation of sweeping judicial and tax reforms, marked the triumph of the strand of interventionist colonial policy in Bahrain as championed by Percy Cox. This turn towards interventionism was conclusively entrenched following the arrival of Charles Belgrave to Bahrain. Soon after his arrival in 1926, Belgrave assumed control over vast sections of the government, well beyond his remit as a Financial Advisor to the Emir. With Bahrain firmly on the cusp of modernity, Belgrave’s involvement soon extended into the social lives and moral practices of Bahrain’s inhabitants.

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<sup>116</sup> Charles Belgrave, Personal Column, (London: Hutchinson, 1960), p. 1.

<sup>117</sup> *Ibid.*, p. 20-55.

## Chapter Two: Victorian Ideals

The appointment of Charles Belgrave as Financial Adviser to Sheikh Hamad in 1926 marked the triumph of the interventionist approach towards Bahrain. Despite being granted a narrow mandate to advise on economic policy, Belgrave soon assumed control over vast sections of the government apparatus, including by acting as a judge on the Bahrain court, issuing legislative decrees, and overseeing law enforcement as head of the police force. Soon, Belgrave came to represent the visible face of Britain's sprawling authority in Bahrain, referred to by most members of the public by his title only, *al-Mustashaar* (the Adviser).

Although Belgrave was one of dozens of officials appointed to represent Britain's interests in Bahrain, the length of his tenure, his friendship with the Ruler, and his extraordinary involvement in shaping the course of local affairs set him apart from any other British representative in the country's history. Belgrave remained in Bahrain for thirty-one years, entrenching decision making continuity during a period of economic and social upheaval characterized by economic development and the infiltration of Western cultural influences into Bahrain's previously insular society. During this period, Belgrave came to view himself as a stakeholder in the island's affairs, and as a close friend of the Ruler, Sheikh Hamad bin Isa Al Khalifa, describing him as a 'benevolent autocrat'.<sup>118</sup> Belgrave also came to see himself as personally responsible for protecting the society from corrupting external influences. Belgrave grew particularly concerned with what he viewed as a pattern of moral decline taking

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<sup>118</sup> Belgrave, Personal Column, pp. 68.

place in the society, evidenced in growing incidents of public drunkenness, and the increasing prevalence of prostitution across the capital city of Manama.

This Chapter examines the moral ideals of Charles Belgrave, the most influential figure in Bahrain's colonial history.<sup>119</sup> It identifies Belgrave as the archetypal Victorian gentleman: informed by a protestant morality that viewed the world as the site of a struggle between competing forces of good and evil. The Chapter is divided into three sections. The first identifies Belgrave as a social actor, influenced by the structural values and institutions of the late Victorian and early Edwardian British society in which he was raised. It also describes the prevailing structural norms and moral values of Victorian society, particularly its aristocratic class. It describes the preoccupation of Victorian society with curbing immoral activities as sources of worldly corruption, and situates Belgrave as part of this social order. The second section examines the role of the Law in this context, and shows how policymakers viewed regulation as an effective tool for transforming social behavior, and curbing immoral practices. This section describes moral lawmaking in two key areas: First, in the enactment of a series of 'Contagious Diseases Acts' in the years 1864, 1866, and 1869 which aimed to limit the spread of venereal diseases by imposing laws mandating surveillance and medical inspection on women suspected of acting as prostitutes. Here, the research shows the impact of the Acts in imposing a vision of morality that largely reinforced existing

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<sup>119</sup> The Chapter focuses on Belgrave as the most influential colonial figure in Bahrain's history. Although there were many other figures who exercised authority over Bahrain, either in their capacity as 'Political Agent' or 'Political Resident' Belgrave can be singled-out for the length of his tenure, and the extent of his unrivalled influence in shaping the course of local affairs, and the availability of information on his policies and perceptions of Bahrain. Belgrave is also unique in terms of the length of his tenure in Bahrain. For example, while Belgrave remained in power for thirty-one years, the position of Political Agent in Bahrain changed hands over 45 times between the years 1909-1971. See: Ben Cahoon, "Bahrain", World Statesmen, <http://www.worldstatesmen.org/Bahrain.html> (Accessed 09 July 2016).

gender and class inequalities. The Chapter also provides a second example of moral lawmaking taking place during this era, by examining laws enacted to restrict the consumption and purchase of alcohol during the First World War. It describes the general discourses sustaining these laws, which depicted alcohol as a threat to the efficiency of the Empire and as ill-suited to colonial and native subjects. The research traces the impact of both types of regulations on laws enacted in the colonial context, abroad. It shows that while the Contagious Diseases Regulations were modified, adapted, and exported to various colonial contexts, temperance regulations held a more indirect effect in influencing conceptions of alcohol as undesirable among a generation of colonial decision-makers, such as Belgrave. The aim of this analysis is to draw links between the enactment of moral laws in Great Britain, and the influence of these laws on regulations passed across various British-controlled territories, including in Bahrain.

The third section builds on the earlier analysis by describing social changes taking place in Bahrain following the discovery of oil. This section shows how Belgrave viewed himself as personally responsible for protecting the society from immoral practices which he interpreted as being imported to Bahrain from abroad. The purpose of this Chapter is to lay the groundwork for analyzing, in Chapters Three and Four, how Belgrave's moral ideals shaped his enactment and enforcement of moral regulation in Bahrain specifically targeting prostitution and alcohol, and to locate the origins of these Laws as rooted in late Victorian and early Edwardian conceptions of morality. The research further expands on the themes of the first Chapter by highlighting ongoing tensions between policies and laws enacted in the metropolis, and those in the colonies.

## Understanding Charles Belgrave

Prior to his arrival in Bahrain in 1926, Charles Belgrave embarked on an intellectual and career path common to many of the most influential colonial officers. Belgrave completed his university education at Lincoln College, Oxford, and established his early career as a colonial officer in Palestine, Egypt, and Sudan. During the First World War, Belgrave served as part of the Camel Corps: a camel-mounted infantry brigade created by the British government for service in the Middle East and in Africa. As part of this brigade, Belgrave took part in the Anglo-Egyptian Darfur expedition, in which a force of approximately 2,000 troops invaded the Sultanate of Darfur and deposed its Sultan.<sup>120</sup> After the expedition, Belgrave was transferred to work with the Egyptian government in the Frontier Districts Administration at the Siwa Oasis. Remarking on his time there, Belgrave noted that most of the individuals he had overseen were Egyptians, and that from that time on he had felt more compelled to work among Arabs than to continue his career in Africa. Belgrave went on to work as an administrative officer in in Tanganyika (Tanzania), where he remained for two years. Remarking on his deployment in Tanganyika, Belgrave remarked that he enjoyed a comfortable lifestyle and took part in hunting elephants, which allowed him to supplement his salary through the sale of their ivory.<sup>121</sup>

While on leave from Tanganyika, Belgrave spotted an advertisement in the Personal Column of The Times, for a vacancy in an 'Eastern state.'<sup>122</sup> Eager to expand

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<sup>120</sup> Charles Belgrave, Personal Column, (Hutchinson & Co Publishers Ltd: London, 1960), p. 8

<sup>121</sup> Ibid., p. 7

<sup>122</sup> Ibid., p. 7

his experience in the Orient, Belgrave applied for the position, and after learning that he would be stationed in Bahrain, tried to find out what he could about the country, remarking that ‘nobody seemed to have heard of the place.’<sup>123</sup> In his memoir, aptly titled ‘Personal Column’, Belgrave notes that he was attracted to the offer of service in Bahrain due to the scale of financial compensation, which provided him with the financial means to get married, and due to his desire to work in an Arab state. After accepting the position, Belgrave enrolled in an intensive Arabic-language program at the School of Oriental and African Studies. He also married Marjorie Barrett-Lennard, a woman from a similar aristocratic background, whose family had known the Belgraves for many generations. In describing their family connection, Belgrave noted that during his infancy, his and Marjorie’s mothers used to wheel them along in prams together at Kensington Gardens, on days when their nurses were on holiday.<sup>124</sup>

After just one month of marriage, Belgrave and his new wife departed for Bahrain. Remarking on this chapter of his life, Belgrave noted with pride that ‘although Marjorie had never been abroad, she showed few signs of alarm at the prospect of making her home in a completely unknown place, thousands of miles from England, among a race of people whom she had never met, whose language she could not speak.’<sup>125</sup> This statement perhaps mirrored his own initial anxieties towards being dispatched to an unknown island, thousands of miles away from his home.

During his first weeks in Bahrain, Belgrave grew acquainted with the new Ruler, Sheikh Hamad bin Isa Al Khalifa, describing him as a handsome man with good

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<sup>123</sup> Ibid., p. 9

<sup>124</sup> Ibid., p. 11

<sup>125</sup> Ibid., p. 12

features, fine hands, and lively dark eyes.<sup>126</sup> Belgrave also met with the Sunni and Shi'a Qadis.<sup>127</sup> Belgrave was impressed by the intellect the Sunni Qadi, Jassim Al-Mehazaa, describing him as a 'clever man and a wily politician, adept at sitting on the fence', whom he regularly called on for advice. After his death, Belgrave lamented that there was never another judge of his caliber in Bahrain. He also developed a friendship an acting Shi'a Qadi, noting the 'tremendous respect' that he enjoyed from members of his community, who used to 'fall on their knees and kiss the hem of his robe' when he visited their villages.<sup>128</sup> Despite the persistence of cultural and linguistic barriers, Belgrave maintained close relationships with several generations of Qadis during his time in Bahrain. Belgrave remarks on the character of these friendships, noting ironically in his diary that one of the Shi'a Qadis regularly consulted him about his domestic affairs and even asked him to be one of the executors of his will, 'despite considering me an infidel.'<sup>129</sup>

Many of Belgrave's early observations about Bahrain's society came from the years that he had spent as a judge on the Bahrain court, where he issued opinions on matters ranging from child custody, to contractual disputes. As an acting judge, Belgrave quickly gained exposure to Bahrain's society, its social norms, and the attitudes of its people. Soon, Belgrave began to see himself as a social insider. Belgrave writes: 'In the beginning I found it difficult to give advice about people and matters which were imperfectly known to me, but within a year or two I acquired a good

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<sup>126</sup> Ibid., p. 21

<sup>127</sup> Ibid., p. 45

<sup>128</sup> Ibid., p. 56

<sup>129</sup> Ibid., p. 56

knowledge of the characteristics of most of the people with whom I had dealings.’<sup>130</sup> In his role as a sitting judge, Belgrave wielded visible authority, and issued almost unilateral decisions on the cases before him. He saw himself as a paternal figure, fulfilling an obligation to guide a less-developed and largely illiterate society towards progress. This perception that was rarely challenged during his first years in Bahrain. In his diary, Belgrave wrote:

‘I found that there was no written code in Bahrain so judgments had to depend on common sense alone. It was rough and ready justice, but it had the advantage of being speedy. I sat three days a week with a minor Sheikh who was deaf, full and averse to making decisions. When I asked his opinion, he invariably replied: ‘I think the same as you, Excellency, I agree with whatever you say.’<sup>131</sup>

### **Victorian Society**

In understanding Belgrave’s perceptions as a decision-maker, it is necessary to shed light on his vantage point, as a member of the British upper class raised during the late years of the Victorian era. Gaining insight into the ideologies he encountered as a social actor influenced by Victorian social structures and institutions can provide valuable insight into the social facts influencing Belgrave’s perspective as a policymaker.

Charles Belgrave was born in 1896 in Hampshire, England to a wealthy upper-class family. During the turn of the century, Britain was entering the late Victorian era, a period of relative prosperity characterized by growing industrialization and the expansion of Empire abroad that created an atmosphere of national pride at home. Victorian society enforced unyielding social rules and a rigid, hierarchical class structure. Most members of Victorian society understood and accepted their place in the

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<sup>130</sup> Ibid., p. 68

<sup>131</sup> Ibid., p. 28

class structure, and class mobility was virtually unheard of. At the top of this hierarchy sat the aristocracy and landed gentry. The rising middle class was composed of merchants and entrepreneurs; whose success was largely a product of the Industrial Revolution. Most of the lower classes earned their livings from long and tedious employment in factory work or in agriculture, and suffered from stifling, entrenched poverty.<sup>132</sup>

Although Victorian society was organized along strict social hierarchies, a common morality transcended class divisions, and emphasized the importance of hard work, discipline, and individual responsibility. Underlying these shared normative values were clearly delineated ideas about respectable and un-respectable behavior, which emphasized the importance of good manners and chastity as central to preserving personal honor and decency. Religion pervaded social and political life, and the proper role of the State was also understood to include protecting the society from corrupting and sinful influences. Alcoholism and disease were viewed as twin evils, and Victorian society cast hygiene and physical cleanliness in distinctly moral terms and as a worldly obligation.<sup>133</sup> Concepts of paternalism, benevolence, and moral obligation were heavily intertwined, and Victorian society emphasized the obligation of all citizens to promote a common morality as a social responsibility. Victorian social values were emphasized in the literature of the day, through the work of authors including Charles Dickens, and Thomas Hardy.

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<sup>132</sup> Sally Mitchell, *Daily Life in Victorian England* (Connecticut: Greenwood Publishing Group, 1996), p. 265.

<sup>133</sup> *Ibid.*, p. 272

Victorian society also promoted strict gender roles. The society idealized the domestic role of women, and discussions of ideal womanhood emphasized that respectable women should be ignorant of sex before marriage. In some towns, women who walked alone on the streets at night – even to return home from the workplace – were considered sexually available and impure. The ‘gentleman’ was the masculine equivalent of the ideal woman and depicted in popular culture as an upper-class member of the aristocracy with strong ethics, a clear accent, and a polished physical appearance. Gentlemen were idealized as courteous, chivalrous actors, endowed with qualities of courage, and leadership.

### **Education in the Victorian Era**

By the turn of the century, the definition of a gentleman came to embody any male who had attended public school.<sup>134</sup> Families increasingly saw the importance of sending their young boys away to elite public schools, which provided the intellectual education and – equally importantly – the social indoctrination necessary for success in the upper echelons of society. These schools unified the aristocracy and upper-middle classes by morphing them into a ‘single elite’ class and prepared their graduates for careers at the highest levels of public service.<sup>135</sup>

At these institutions, academic excellence was not necessarily the focus of admission, nor was the content of the curriculum.<sup>136</sup> The advantage of attending these institutions was to gain the acquaintance of other young men who would, in a few decades, occupy influential positions in the government, among the clergy, and in

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<sup>134</sup> Ibid., p. 273

<sup>135</sup> Ibid., p. 181

<sup>136</sup> Ibid., p. 191

society.<sup>137</sup> These institutions were also celebrated for their role in developing the moral fiber and character traits of teenage boys. The Victorian emphasis on character referred primarily to two key personality traits: first, the acceptance of society's view towards one's proper place in the world, and second, the ability to observe and maintain social distinctions.<sup>138</sup> Students who had attended these institutions were therefore expected to use their positions to enforce and protect social hierarchies both at home and abroad, consistent with a belief in the intractability of class, power, and race. In this way, education served as an important vessel for social indoctrination and as a means of reinforcing existing, hierarchical class dynamics.

It is no coincidence that the advertisement Belgrave responded to in the Times had called for a public-school gentleman: the colonial service typically favored recruiting men who had been schooled at British public schools and within the Oxford and Cambridge traditions. This informal preference was at one point formalized in a report issued by the Macaulay Committee, set up in 1854 to study hiring policies in India and which recommended that civil servants selected to work at the East India Company should have obtained their first degrees from Oxford or Cambridge.<sup>139</sup> As both Universities attracted students from aristocratic backgrounds, requiring an Oxford or Cambridge degree rendered class as an invisible but determinative criteria for recruitment into the colonial service. Unsurprisingly, men from these backgrounds

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<sup>137</sup> Ibid., p. 195

<sup>138</sup> James Hubbard, *Education Under Colonial Rule: A History of Katsina College, 1921-1942*, (Maryland: University Press of America, 2000), p.31

<sup>139</sup> Refurbishing of Personnel Administration- Scaling New Heights, Second Administrative Reforms Commission Reports, Department of Administrative Reforms and Public Grievances, Government of India, 13 Dec. 2008, Web, [http://arc.gov.in/10th/ARC\\_10thReport\\_Ch2.pdf](http://arc.gov.in/10th/ARC_10thReport_Ch2.pdf) , accessed 22 March 2015.

proliferated the colonial services, where many held unfettered authority in shaping the destinies of distant colonies.

The years 1875 – 1922 witnessed the peak of the global influence and power of the British Empire. During this period, the Empire contained one-quarter of the world's population and showed no sign of slowing its territorial reach. The seemingly unstoppable power and expansion of the Empire fueled an unquestioning nationalism inside Britain, which elevated the status of explorers and missionaries to near mythical figures. The ideological myths legitimizing colonial expansion were engrained in British popular consciousness through literature, poetry, educational curriculums, historical discourses, scientific studies, and through the observations of imperial figures returning from distant lands. The observations of David Livingstone, a celebrated protestant missionary, are illustrative. Upon returning from Africa, newspapers and media sources celebrated his accomplishments in having gone forward 'to the dark interior of Africa' to spread Christianity. Thereafter, Livingstone published a series of widely-read reports, depicting Africans as helpless childlike pagans who needed Christianity and science to rescue them from their backwardness.<sup>140</sup>

The pervading belief in the imperial mission was sustained by two ideological pillars. The first was a religious imperative that mandated the spread of Christianity to distant lands. Popular discourse depicted Christian missionaries as fulfilling a Godly obligation to spread the word of Christ to backwards societies and lift indigenous peoples from their ignorance. The second ideological pillar sustaining the imperial mission was the culture of colonialism within Great Britain, which emphasized the

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<sup>140</sup> Mitchell, *Daily Life in Victorian England*, p. 265.

inherent rational superiority of Europeans, set against the child-like attributes of the colonized.<sup>141</sup> This particular ideological tenant was further sustained by the growing influence of ideas of Social Darwinism, which used scientific discourse to confirm the status of Anglo-Saxons as an advanced race, and the colonized societies of Africa and the Orient as trapped in earlier and more savage stages of social evolution. Together, these doctrines constituted an awkward marriage between conservative social ideals of the time, and the rising influence of scientific and rational discourse. Nonetheless, they provided a basis for the decimation of colonized cultures, and the imposition of Christianity and Western practices on indigenous societies.

While colonial adventurers saw themselves as responsible for bringing civilization to backwards societies, many also accepted an implicit responsibility to protect those same societies from aspects of modernity which were ill-suited to their simplistic intellects and emotions. The ingrained contradictions of colonial ideology also provided a basis for close regulation, observation, and suppression of the habits and practices of what were seen as emotional, naïve, and child-like.<sup>142</sup>

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<sup>141</sup> An example of this can be found in the poetry and stories of Rudyard Kipling, whose works elevate the function of the British Empire to mythical status, and celebrate imperialism as a benevolent enterprise responsible for lifting countless cultures out of civilizational backwardness. Kipling's writings are characteristic of a broader culture of colonialism that legitimized the role of white cultures in ruling over inferior races in Africa and the Orient, and further celebrated these conquests as in the interests of the conquered. See: See: Rudyard Kipling, "The White Man's Burden: The United States & The Philippine Islands, 1899", Rudyard Kipling's Verse: Definitive Edition (New York: Doubleday, 1929).

<sup>142</sup> Said uses the term Orientalism to describe inferior cultural representations of "the East" – the societies and peoples who inhabit Asia, North Africa and the Middle East, as produced by Western scholarship and culture. According to Said, Orientalism is inextricably tied to the imperialist societies that produced it. Said states: "Orientalism is a way of seeing that imagines, emphasizes, exaggerates, and distorts differences of Arab peoples and cultures as compared to that of Europe and the United States. It often involves seeing Arab culture as exotic, backwards, uncivilized, and at times dangerous. Orientalism provided a rationale for European colonialism based on a self-serving history in which the West constructed the East as extremely different and inferior, and therefore in need of Western intervention or rescue." Edward Said, "Orientalism" (London: Penguin Books, 1978), p. 58

## Regulating Immorality

Victorian society's conservative moral ethos and its idolization of the men serving in the colonial service as virtually infallible produced complex and often contradictory policies in the legislative arena. This was especially evident in laws regulations undesirable activities, such as prostitution. Indeed, during the mid-1850's, public concern mounted towards evidence of an epidemic of venereal diseases, including syphilis and gonorrhoea, spreading within the armed forces. Stories of young men returning from distant lands ridden with tropical diseases captured the attention of the media, and spurred public fears that these contaminated soldiers may transmit infection to their compatriot soldiers in the barracks and weaken the military institution. Although venereal diseases were rarely fatal, public concerns also centered on fears that these young men would infect their wives in Britain, and contaminate the health of the metropolitan population at home.<sup>143</sup> These anxieties were sustained by an 'unbreakable' association between venereal disease and morality in the public consciousness, which 'conjured images of promiscuity, licentiousness, and the natural run amok.'<sup>144</sup>

An alarmist campaign by media sources fueled a growing panic among lawmakers. Fearing the prospect of a venereal epidemic, the government established a Royal committee in 1862, tasked with investigating the prevalence of venereal diseases within the armed forces.<sup>145</sup> Acting on the committee's recommendations, the British parliament approved a series of three Contagious Diseases Acts in the years 1864, 1866,

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<sup>143</sup> Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London: Routledge, 2003), p.65.

<sup>144</sup> Philippa Levine, 'Venereal Disease', *Journal of the History of Sexuality*, Vol. 4, No. 4 (1994), pp. 579-602.

<sup>145</sup> Simon Heffer, *High Minds: The Victorians and the Birth of Modern Britain*, (London: Random House, 2013), p. 535

and 1869.<sup>146</sup> Rather than regulate the behavior or health of male soldiers, the obvious culprits responsible for carrying disease, the Acts instead imposed the burden of surveillance, and inspection on women suspected of acting as streetwalkers and as “common prostitutes” in garrison towns, The Acts did not include any guidelines to clarify which women would meet the definition of a ‘common prostitute.’<sup>147</sup> The targeting of prostitute women was justified on the basis of flimsy medical evidence that posited the prostitute as the primary receptacle for diseases. The Acts were enforced in several garrison towns that acted as permanent stations for army personnel, including in Chatham, Devonport, and Portsmouth.

Through three different pieces of legislation, the Contagious Diseases Acts imposed increasingly stringent measures on women suspected of acting as prostitutes, by requiring them to register with the government and undergo regular medical examinations. The first Contagious Diseases Act of 1864 granted police officers and medical examiners the right to charge any woman with being a prostitute, by providing evidence before a magistrate. The burden of proof in such cases fell on a defendant to establish her innocence. If unable to do so, she would be subject to mandatory examinations, and if found infected with any venereal disease, would be liable to

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<sup>146</sup>Jane Jordan and Ingrid Sharp (ed), *Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic (History of Feminism)*, (London: Routledge, 2003).

<sup>147</sup> The Acts did not define prostitution but instead referred to ‘common prostitutes’, a term derived from the Vagrancy Act of 1824. See: Paula Bartley, *Prostitution, Prevention and Reform in England, 1860-1914* (London: Routledge, 2012). P.202  
Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London: Routledge, 2003), p.65.

undergo forced treatment and incarceration in a local hospital for a period of up to three months.<sup>148</sup>

Additional measures targeting women suspected of selling sex were enacted through the second Contagious Diseases Act of 1866, which forced identified ‘prostitutes’ to undergo regular medical examinations at three-month intervals.<sup>149</sup> The Act also created a plainclothes police force to patrol the garrison towns in which the Acts applied, and granted police officers authority to force suspected prostitutes to undergo periodic medical examinations over a period of twelve months, and to be detained for up to six months in Lock Hospitals if found infected with disease.<sup>150</sup> The third Contagious Disease Act of 1869 granted judges the discretion to sentence women suspected of violating the Law to prison time with hard labor.<sup>151</sup> It also extended the geographic reach of the Acts to a fifteen-mile radius around most garrison towns in which they applied.<sup>152</sup>

The Acts passed with little public debate in a social climate that viewed the prostitute woman as the visible symbol of disease, filth, and immorality. These perceptions were exacerbated by a relentless media campaign, which reinforced the need for legislative measures to target this new threat. While intended to target ‘common prostitutes’, the Acts omitted any clear explanation as to who met this definition, paving the way for the abuse of hundreds of ordinary women whom

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<sup>148</sup> Kimeya Baker, ‘The Contagious Diseases Acts and the Prostitute: How Disease and the Law Controlled the Female Body’, *UCL Journal of Law and Jurisprudence*, Vol 1., No. 1 (2012), pp. 88-118.

<sup>149</sup> *Ibid.*, p. 93

<sup>150</sup> Heffer, *High Minds: The Victorians and the Birth of Modern Britain*, p. 535

<sup>151</sup> Kimeya Baker, ‘The Contagious Diseases Acts and the Prostitute: How Disease and the Law Controlled the Female Body’, *UCL Journal of Law and Jurisprudence*, Vol 1., No. 1 (2012), pp. 88-118.

<sup>152</sup> *Ibid.*, p. 88-118.

authorities suspected of acting as streetwalkers.<sup>153</sup> Indeed, many ordinary women found themselves detained by overzealous law enforcement authorities, and subject to forced medical examinations, for the simple act of crossing public roads unaccompanied after dark. The Acts also disproportionately targeted working-class women who exercised the highest levels of mobility by regularly traveling to and from the workplace.<sup>154</sup> A Select Committee of the House of Commons set up in 1869 to consider whether to extend the operations of the Act hailed the success of these Laws and did not recognize these failures, noting instead that ‘Prostitution appears to have diminished, its worst features to have been softened.’<sup>155</sup>

### **Exporting the Contagious Diseases Acts**

Following the enactment of the Contagious Diseases Acts in Great Britain, laws modelled on their example were exported to the colonial setting and justified through a medical-moral discourse that framed them as necessary to protect the health of military and navy servicemen stationed abroad.<sup>156</sup> Measures retaining the title of Contagious Diseases Acts, or reworded to ‘Cantonment Acts’, were adopted across many colonies in Asia and Africa by officials eager to stop the spread of disease among British servicemen. In India, Sir Griffith Evans urged his fellow members of the Viceroy's Council to enact prostitution control as a means of guarding ‘the safety of the

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<sup>153</sup> At no point did the Acts did not define what constituted a common prostitute and instead referred primarily to acts associated with prostitution including solicitation. See: Levine, *Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India*, p. 280.

<sup>154</sup> Judith Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State*, (Cambridge: Cambridge University Press, 1982).

<sup>155</sup> Report from the Select Committee on Contagious Diseases Act (1866); together with the Proceedings of the Committee, Minutes of Evidence, and Appendix. Vol. 28. London: House of Commons and Lords, 1869, p. 3.

<sup>156</sup> Jane Jordan, *Josephine Butler*, (London: John Murray, 2001), p. 66-78.

Empire.<sup>157</sup> By the 1870s, Contagious Diseases Ordinances broadly modeled on the metropolitan laws were enacted in more than a dozen colonies, including in India, Hong Kong, Queensland, and the Straits Settlements.<sup>158</sup> Similar legislation was also enacted in Palestine, Egypt, and Gibraltar.<sup>159</sup> Like their colonial counterparts, these laws justified regulatory interventions as necessary to improve modern sanitation and curb the spread of disease. These laws were also justified as a way of protecting vulnerable men from the lures and temptations of preying Oriental women, who were viewed as particularly promiscuous.

Contagious Diseases laws enacted in the colonies shared broad foundational similarities with their metropolitan counterparts. All laws broadly targeted the spread of disease within the armed forces as their primary objective, and held up the body of the prostitute woman as the key site for regulation. Laws enacted across the colonies also shared similarities in the methods of regulation that they prescribed: including by requiring women to register with the state, undergo compulsory medical examinations

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<sup>157</sup> Proceedings of the Council of the Governor General of India, (1895) Calcutta: Office of the Superintendent of Government Printing, Hon Sir Griffith Evans, 24 January 1895, 38, OIOC, V/9/29

<sup>158</sup> Levine states: 'Colonial contagious diseases legislation operated in almost all of Britain's overseas possessions. In India, the 1864 Cantonment Act brought regulation to military zones, while the 1868 Indian Contagious Diseases Act extended it to the cities. Queensland passed a Contagious Diseases Act in 1868 and the Straits Settlements adopted its first Contagious Diseases ordinance in 1870, for example. A peculiar example is Hong Kong, where formal regulation of brothels preceded the British law, introduced first in 1857.' See: Levine, *Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India*, p. 15

On India, see: Ashwini Tambe, 'The Elusive Ingenue: A Transnational Feminist Analysis of European Prostitution in Colonial Bombay', *Gender and Society*, Vol. 19, No. 2, (2005), pp. 160-179.

<sup>159</sup> For more on the system operating in Palestine, see: Deborah Bernstein, 'Gender, Nationalism, and Colonial Policy: Prostitution in the Jewish Settlement of Mandate Palestine, 1918-1944', *Women's History Review*, Vol. 2, No. 1 (2012), pp. 767-785

For an account of the system operating in Gibraltar, see: Philip Howell, 'Sexuality, Sovereignty, and Space: Law, Government, and the Geography of Prostitution in Colonial Gibraltar', *Social History*, Vol. 29, No. 4, (2004), pp. 444-464

For the system operating in Egypt, see: Hanan Hammad, 'Between Egyptian 'National Purity' and 'Local Flexibility': Prostitution in Al-Mahalla Al-Kubra in The First Half of the 20<sup>th</sup> Century', *Journal of Social History* Vol. 44 (2011), pp. 751-83.

and incur inpatient treatment if found infected with disease. Like their metropolitan counterparts, laws enacted in colonies were also framed through the neutral language of medicine, and justified as necessary to protect sanitation and public hygiene.<sup>160</sup>

Despite sharing these broad similarities, the metropolitan and colonial versions of the Contagious Diseases Acts differed in key ways. First, most colonial versions of the laws extended to the entire civilian population, and targeted women practicing prostitution in ordinary residential, or urban settings. This is in contrast with the metropolitan versions of the laws, which were not intended to apply to the civilian population at large, and only to women who ‘frequented’ military men.<sup>161</sup> Second, the domestic acts also downplayed the role of brothels in spreading disease, focusing instead on controlling the behavior of streetwalkers.<sup>162</sup> In colonial settings, the ‘reverse principle was articulated’, and the aim was to diminish or eradicate street walking, in favor of the more easily controlled and less visible brothel business. Legislation in the colonies was applied selectively in many instances, and served to reinforce existing racial hierarchies.<sup>163</sup> Philippa Levine, a Historian of Gender and Empire, notes: ‘The

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<sup>160</sup> Levine, *Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India*, pp. 54.

<sup>161</sup> *Ibid.*, p.50-64

<sup>162</sup> Levine attributes this to the social climate operating in Britain, noting that it would have been “folly” to attempt formal brothel registration in the political and moral climate of the 1860s. *Ibid.*, p. 54.

<sup>163</sup> In her study on prostitution in colonial Cairo, Biancani notes that regulation was predicated and enforced on a racial double standard, which posited native women as primary conduits of disease. This had direct consequences in the enforcement of law, where local women found to be infected with disease were forced to remain in specialized hospitals, European prostitutes, by contrast, were required only to report to their home embassies and consulates, and medical regulations against them were rarely enforced. This double standard in enforcement was further supported by the system of capitulations, which precluded Egyptian courts from exercising jurisdiction over foreigners. See: Francesca Biancani, *Let Down the Curtains Around Us: Sex Work in Colonial Cairo, 1882-1952*, Thesis submitted to the Department of Government of the London School of Economics and Political Science for the Degree of Doctor in Philosophy, London, 2012, available online at <http://etheses.lse.ac.uk/486/> accessed 22/05/2015 In her study on prostitution in colonial Bombay, Tambe offers a series of reasons to explain the imperatives driving the regulation of prostitution in colonial Bombay outside the framework of hygiene and medicine. These include staving off the boredom of soldiers and navy personnel, countering moral anxieties about possible homosexual relationships between military personnel, and regulating interracial

very different strategies for containing prostitution in domestic and in colonial Britain suggests that politicians viewed these environments quite differently... (and) sheds light on the role of social and cultural assumptions in structuring policy.’<sup>164</sup>

### **Opposition to the Acts**

While the Contagious Diseases Acts were embraced by lawmakers seeking to curb the spread of disease, they attracted social controversy in Great Britain almost immediately following their enactment, and brought together an unlikely alliance of protesters.<sup>165</sup> Opponents of the Acts seized on claims made by policymakers that justified these laws in terms of promoting hygiene and morality, arguing that the Contagious Diseases Acts achieved the opposite effect by encouraging sin. Opposition to the Acts emerged from two main constituencies: working-class women, and socially-conservative social purity activists. Stories of innocent women being seized from the streets and forced to undergo humiliating and painful tests struck a chord with women from these diverse backgrounds, providing fertile terrain for the rise of one of the earliest feminist movements, demanding the repeal of the Acts. Vocal opponents of the Acts included

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sexual recreation. She notes the role of the law in constituting and reinforcing racial hierarchies, arguing that authorities viewed Indian prostitution as part of the natural order, in contrast with British prostitutes who were considered as representatives of a more civilized order and therefore as ‘scandals to the nation’ when found to be engaging in prostitution. Within this order, European prostitutes occupied a middle-strata: as cleaner than their Indian counterparts and as less of a threat to the racial hierarchy than their British counterparts. These hierarchies also produced complex outcomes at the area of policy. For example, in the 1920s, British and European women became the subjects of anti-trafficking activists who viewed these white women as worthy of rescue, set against Indian prostitutes whose activities as brothel workers were viewed as part of a natural Indian social order. As a result, the state engaged in greater forms of surveillance against European and white women, amidst a belief that these women needed to be ‘saved.’ See: Ashwini Tambe, ‘The Elusive Ingenue: A Transnational Feminist Analysis of European Prostitution in Colonial Bombay’, *Gender and Society*, Vol. 19, No. 2, (2005), pp. 160-179. Perceptions of prostitution as natural in the Indian context, were likely fueled by images of the the Indian “devadasi”: girls from lower-caste backgrounds who were sent by their families to a temple to act in service of the Hindu Goddess of fertility. Young girls were trained in music and dance and often acted as concubines for upper-class men.

<sup>164</sup> Levine, *Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India*, pp. 54.

<sup>165</sup> Jeffrey Weeks, *Sex, Politics, and Society: The Regulation of Sexuality Since 1800*, (London: Longman, 1981).

puritanical Christian women, who accused the government of promoting immoral behavior ‘by creating an entire class of women sanctioned to be used by men in sex’.<sup>166</sup> These groups criticized the Acts as an affront to Christian morality and values.<sup>167</sup> Influential public figures including Florence Nightingale and John Stuart Mill publicly championed the repeal of these Laws, with Mill questioning ‘why the soldiery was being kept in idleness and vice ... And why the country was keeping an army of prostitutes to pander to their vices’, describing the situation as ‘monstrous.’<sup>168</sup> Over time, the regulations also attracted criticism from the medical establishment, which doubted the efficacy of registration and forced testing as a means of curtailing disease.<sup>169</sup>

On September 30 1869, feminist activists held a meeting to oppose the Contagious Diseases Acts. The meeting led to the formation of a new organization: the Ladies National Association for the Repeal of the Contagious Diseases Acts, headed by prominent campaigners including Josephine Butler.<sup>170</sup> In a widely distributed article

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<sup>166</sup> EM Sigworth and TJ Wycke, “A Study of Victorian Prostitution and Venereal Disease” in Martha Vicinus (ed), “Suffer and Be Still: Women in the Victorian Age”, (Indiana: Indiana University Press, 1972).

On January 1, 1870, the Ladies National Association issued a letter signed by prominent women, including Florence Nightingale, and Ursula Brigh, This encouraged thousands of women to join the campaign for the repeal of the Contagious Diseases Acts. See: Jane Jordan and Ingrid Sharp (ed), Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic (History of Feminism), (London: Routledge, 2003).

<sup>167</sup>Paul McHugh, Prostitution and Victorian Social Reform, (London: Routledge, 2014). See also: Ronald Hyam, Empire and Sexuality: British Experience (Studies in Imperialism), (Manchester: Manchester University Press, 2004).

<sup>168</sup> Heffer, High Minds: The Victorians and the Birth of Modern Britain, p. 535

<sup>169</sup> Levine, Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India, p. 3.

<sup>170</sup> E.M. Sigworth and T.J. Wycke, “A Study of Victorian Prostitution and Venereal Disease”, in Martha Vicinus (ed), Suffer and Be Still: Women in the Victorian Age, (Indiana: Indiana University Press, 1972). On January 1, 1870, the Ladies National Association issued a letter signed by prominent women, including Florence Nightingale, and Ursula Brigh, This further encouraged thousands of women to join the campaign for the repeal of the Contagious Diseases Acts. See: Jane Jordan and Ingrid Sharp ed., Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic (History of Feminism), (London: Routledge, 2003).

published in 1870, representatives of the Association explained their reasons for opposing the Acts, including that they ‘put the reputation (of women), their freedom, and their persons absolutely in the power of the police,’ and ‘made the path of evil more easy to our sons and the whole of the youth of England, inasmuch as a moral restraint is withdrawn the moment the state recognizes and provides convenience for the practice of a vice.’<sup>171</sup>

Over two decades, a coalition of Christian, socially- conservative, and reformist actors came together under the umbrella of the Association, to voice opposition to the Acts. These groups campaigned extensively for the abolition of these laws both domestically and in the colonies. Following widespread pressures, the parliament formed the Select Committee on Contagious Diseases Acts in 1882, acknowledging that the legislation had not been effective in curtailing the spread of Venereal Diseases. In 1886, the Acts were repealed domestically. In June 1888, a Resolution in the House of Commons mandated the official repeal of all Contagious Diseases legislation.<sup>172</sup>

Despite a growing consensus in Britain towards the desirability of repeal, colonial officials overseas displayed mixed responses towards these instructions. In Queensland, for example, colonial officials chose to ignore the Colonial Office altogether, and it was not until the 1912 that the Act began to be rescinded across Australia.<sup>173</sup> In addition, both India and Hong Kong protested instructions for repeal, opting instead to impose a ‘middle-ground solution’ that outlawed compulsory examinations while retaining existing brothel registration and licensing requirements.<sup>174</sup>

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<sup>171</sup>Judith Butler, *Personal Reminiscences of a Great Crusade*, (London: Horace Marshall and Son, 1896).

<sup>172</sup> Levine, *Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India*, p. 92.

<sup>173</sup> *Ibid.*, p. 101

<sup>174</sup> *Ibid.*, p. 99

Officials in these colonies – mostly British males from upper-class backgrounds- simply did not share the outrage of feminist campaigners, and instead viewed these laws as necessary to protect military men from the dangers of lustful Oriental women.<sup>175</sup> Many of these officers viewed the metropolitan intervention as evidence of “an inappropriate English morality that failed to account for the realities of the social, and sexual life of people in the colonies”.<sup>176</sup>

The rise of significant pockets of resistance against repeal within the colonies contrasted with the general trend in Great Britain for the reversal of these laws. The political turn towards abolition mirrored changes to the British social landscape, where feminist and social purity activists convinced the public of the need to fight for abolition in the colonies. Groups of activists continued to travel to the territories where the Acts were in force, demanding their repeal. Over time, however, this movement slowly lost momentum as the British public, and the broader feminist agenda, turned away from the issue of Venereal Diseases. Soon, however, the outbreak of war would place the issue firmly back in the public consciousness.

### **The First World War and A Renewed Moral Panic**

The outbreak of war in 1914 mobilized tens of thousands of young British army and navy personnel across the globe, creating a new war-time demography in many colonies and port cities.<sup>177</sup> Data from the year 1913- 1914 reveals evidence of a spike in venereal diseases among military troops coinciding with increased numbers of deployments- a trend that was seized on by the British media to return to its earlier hysteria towards the

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<sup>175</sup> Ibid., p. 102

<sup>176</sup> Deana Heath, *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia*, (Cambridge: Cambridge University Press, 2010), p. 22

<sup>177</sup> Levine, *Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India*, p. 145.

issue of sexually-transmitted diseases. During these years, the British media ran headlines depicting a new ‘war within a war’ in the colonies that mandated renewed action against venereal diseases.<sup>178</sup> This rhetoric provided renewed justification for the re-introduction of Contagious Diseases legislation in a number of colonies, and further justified the retention of laws targeting venereal diseases in the colonies that had resisted the general trend towards repeal during the late nineteenth century.

Contagious Diseases regulations continued to be enacted – and rescinded – in a piecemeal manner across the colonies during the inter-war period, and throughout the Second World War. While the general trend towards revocation persisted, a combination of national and trans-national forces produced divergences in approaches, specific to each context. A few examples are illustrative. In India, the cantonment brothel system remained in operation under the end of World War One, attracting the hostility of metropolitan activists who descended on India to campaign for their abolition. Following widespread pressures within Great Britain, the Commander in Chief in India ordered the closure of all brothels in cantonments. The brothel system continued to formally operate across other parts of India, where they came to be challenged once again during the mid-1920's by Western campaigners who linked the role of brothels to fueling trafficked European women. In 1956 the government of India passed the Suppression of Immoral Traffic in Women and Girls Act, targeting commercial prostitution and outlawing brothels.

Events in other colonies followed different trajectories. In Egypt, rising domestic opposition to the local version of the Acts emerged during the early years of

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<sup>178</sup> Ibid., p. 146

the First World War, coinciding with growing acknowledgment by the Egyptian government of the ineffectiveness of Contagious Diseases legislation in curtailing the spread of Venereal Diseases. In response to domestic opposition, the Egyptian government established the Purification Committee in 1916, to assess the efficacy of existing policies. The Committee concluded that the regulations had been ineffective in tackling the spread of disease and had instead created a ‘deceptive feeling of security’ among purchasers of sex, and inadvertently augmented their vulnerability to contagion.<sup>179</sup> Following the publication of the Committee’s recommendations, authorities issued a Law in 1921 banning Imperial troops from public brothels, while continuing to allow regulated sex work for the general public.

In Egypt, a series of distinctly local factors spurred the final turn to abolition.<sup>180</sup> During the mid-1920’s, rising anti-colonial nationalist sentiments spurred the growth of a distinctly nationalist feminist movement, led by prominent local feminists including Huda Sha’rawi. In this context, Sha’arawi established the Egypt Feminist Union, calling for revisions to Egypt’s personal status code and the end of the abuse of Arab women who catered to Western men.<sup>181</sup> During this period, social purity activists from Great Britain also descended on Egypt as part of their campaign for universal repeal. Although Egyptian and Western feminists agreed in principle on the aim of abolition,

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<sup>179</sup> Hanan Hammad, ‘Between Egyptian ‘National Purity’ and ‘Local Flexibility’: Prostitution in Al-Mahalla Al-Kubra in The First Half of the 20<sup>th</sup> Century’, *Journal of Social History* Vol. 44 (2011), pp. 751-83.

<sup>180</sup> Margot Badran, *Feminists, Islam, and Nation: Gender and the Making of Modern Egypt*, (New Jersey: Princeton University Press, 1995). See also Stephanie Limoncelli, *The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of Women*, (Stanford: Stanford University Press, 2012).

<sup>181</sup> Sania Lanfranci, *Casting Off The Veil: The Life of Huda Shaarawi, Egypt’s First Feminist*, (London, I.B. Tauris: 2011). See also: Jodi O’Brien (ed), *Encyclopedia of Gender and Society*, (London: Sage Publications, 2009), p. 40, Ibrahim Attiya, *Hoda Shaarawi: Al Zaman W-al Riyada*, (Michigan, Michigan University Press, 2009).

Egyptian feminists viewed their British counterparts with hostility, perceiving of the international feminist movement as ‘part and parcel of the colonial project.’<sup>182</sup> The Egyptian government soon took heed of Egypt’s vocal anti-regulation movement. In 1928, the Ministry of Health issued a decree forbidding the licensing of new prostitutes and the opening of new brothels. However, it was not until after the Second World War that the brothel system was finally rescinded, in 1949, by military decree.<sup>183</sup>

### **The Significance of the Acts**

Understanding how the Contagious Diseases Acts were enacted in Great Britain, and subsequently exported, modified, and repealed across various colonial settings, reveals some important features of this historical project in moral lawmaking. The social climate surrounding the enactment of the Contagious Diseases Acts satisfies many of the conditions set out by Alan Hunt in his description of periods of moral panic. These conditions include a social environment in which both the media and lawmakers deployed distinctly moral discourses to construct a moralized subject (in this case the spread of disease, and an object to be acted upon: the body of the prostitute woman).<sup>184</sup>

Relying on fears of disease and moral decline, law-makers justified the enactment of a

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<sup>182</sup> Biancani notes that regulation was predicated and enforced on a racial double standard, which viewed native women as primary conduits of disease. This has direct consequences in the enforcement of law, where local women found to be infected with disease were typically forced to remain in specialized hospitals, European prostitutes, by contrast, were required only to report to their home embassies and consulates, and medical regulations against them were rarely enforced. Francesca Biancani, *Let Down the Curtains Around Us: Sex Work in Colonial Cairo, 1882-1952*, Thesis submitted to the Department of Government of the London School of Economics and Political Science for the Degree of Doctor in Philosophy, London, 2012, available online at <http://etheses.lse.ac.uk/486/> accessed 22/05/2015  
For more on the system of capitulations see: See: Alexander de Groot, ‘The Historical Development of the Capitulatory Regime in the Ottoman Middle East from The Fifteenth to The Nineteenth Centuries’, *Oriente Moderno*, Vol. 22, No. 1 (2008), pp. 576-605

<sup>183</sup> Scholars attribute the final turn to abolition as a direct response to the anti-colonial and nationalist turn of Egyptian politics preceding the eventual success of the July 1952 Free Officers revolution. From this perspective, abolition can be understood as an outcome of a feminist nationalist campaign, and as part of a process of acknowledgment by the state towards the ineffectiveness of the Acts in quelling disease.

<sup>184</sup> Alan Hunt, “Governing Morals: A Social History of Moral Regulation”, (Cambridge: Cambridge University Press, 1999).

series of regulations that did little to target the actual harm complained of by the media, namely the spread of disease. These measures imposed a series of controls over the mobility and liberties of women suspected of acting as prostitutes, while taking no steps to regulate the behavior of military men implicated in the spread of disease. The Contagious Diseases Acts thus had the effect of entrenching prevailing social, gender, and class hierarchies within British garrison towns in which they applied, and in further exporting these same hierarchies to the colonial context.

The response by social actors to this project of moral regulation further reveals the unintended impact of the Law in generating grassroots opposition to the Acts both within Great Britain and in the colonies. In Great Britain, the Contagious Diseases Acts generated growing opposition from a rising feminist movement that campaigned against the Laws as harmful to women. In Egypt, and other colonial settings, these Laws came to represent officially-sanctioned systems of debauchery, and were seized upon by nationalist and feminist actors as evidence of the intent by colonial actors to corrupt established values. Perceptions held by social actors contrasted with those held by decision-makers in the colonies, who largely resisted instructions for repeal by pointing to the importance of regulations in maintaining order and protecting the health of British troops.

### **Regulating Liquor**

While the literature on moral regulation includes dozens of studies that analyze the impact of regulation on practices of prostitution across diverse colonial settings, scholars have devoted considerably less attention towards understanding the regulation

of alcohol and its social impact ‘outside the confines of Western history.’<sup>185</sup> This section investigates the rise of temperance movements in Great Britain during the nineteenth century, and their role in influencing conceptions of alcohol as a physically harmful and morally undesirable habit. It shows that while the Contagious Disease Acts played a direct role in influencing the trajectory of regulations governing prostitution in colonial settings, the imperative to regulate, restrict, and manage the consumption of alcohol within the colonies was more indirectly influenced by temperance movements that condemned insobriety as a threat to civilizational progress, and unsuitable for colonized peoples.

During the early nineteenth century, the growing influence of protestant Evangelical Protestantism in Great Britain, and the prevailing Victorian preoccupation with maintaining a puritanical society provided fertile terrain for the rise of a temperance movement that encouraged sobriety by associating alcohol with harmful anti-social behaviors, including drunkenness, sloth, and crime.<sup>186</sup> During this period, the British temperance movement gave rise to a more radical, teetotal movement that advocated complete abstinence from drinking and its complete criminalization.<sup>187</sup> In the year 1833, prominent temperance activist Joseph Livesy founded the Preston Temperance Society, which advocated complete abstinence from liquor. The society grew in influence as a rising teetotal movement attracted support from diverse segments of the society, including from the Christian establishment that depicted the consumption

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<sup>185</sup> Nathan Fonder, *Pleasure, Leisure, or Vice? Public Morality in Imperial Cairo, 1882-1949*, Dissertation Submitted to the Department of Middle Eastern Studies, Harvard University, June 2013, p. 10

<sup>186</sup> Protestant Evangelicalism was distinct from Catholicism in that it shifted people's focus away from achieving a state of grace, towards proving a state of grace through hard work, frugality, and the control of physical and emotional impulses. See: Weber, *The Protestant Ethic*, p

<sup>187</sup> Robert Duncan, *Pubs and Patriots: The Drink Crisis in Britain During World War One*, (Liverpool: Liverpool University Press, 2013), p. 24

of alcohol as at odds with leading a good Christian life. Social Darwinists also rallied behind the cause, by depicting drink as a symbol of racial degeneration, and as a surrender to lower animal instincts.<sup>188</sup> As with the Contagious Diseases Acts, this movements also brought together unlikely allies from opposite ends of the political spectrum. Elements of the medical establishment also joined the movement and depicted alcohol to the spread of venereal diseases, and even asserted its link with more threatening conditions such as cancer. Class was a central aspect of the debate, with teetotal activists depicting alcohol as part of the wayward habits of the lower working classes.<sup>189</sup>

The teetotal and temperance movements attracted the support of prominent politicians and public figures who brought valuable media attention to the debate and the threat posed by insobriety in the colonies. Indeed, between December 1886 and January 1887, the British parliamentarian William Sproston Caine spent two months in Egypt, observing Britain's policies in that country. Upon returning to Great Britain, Caine publicly condemned the British government for condoning the spread of intoxicants in Egypt.<sup>190</sup> In an interview with the *Pall Mall Gazette*, Caine is quoted as stating:

'Moral evil of the worst kind. When we went to Egypt we were going to establish the civil, moral, and Christian influences of our country on the banks of the Nile. What we have done has been to establish an enormous number of grog-shops and brothels. This is the most conspicuous sign of our civilizing mission in the land of the pharaohs.'<sup>191</sup>

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<sup>188</sup> *Ibid.*, p. 33

<sup>189</sup> *Ibid.*, p. 34

<sup>190</sup> "As Seen in Egypt: An Interview with Mr. Caine", *Pall Mall Gazette*, January 27, 1887, 1-2. Cited in: Nathan Fonder, 'Pleasure, Leisure, or Vice? Public Morality in Imperial Cairo, 1882-1949', Dissertation Submitted to the Department of Middle Eastern Studies, Harvard University, June 2013, p. 43

<sup>191</sup> *Ibid*

In his interview, Caine further singled out the role of the British military as the main community responsible for the proliferation of alcohol. He added: ‘Whatever may be the case elsewhere, Tommy Atkins can hardly be said to be a civilizing agent in Egypt .. The Arabs are learning to drink, and no one can say where the mischief will stop.’<sup>192</sup> Caine was particularly critical of the role of British servicemen whose lifestyle was a directly negative influence on the local population. To Caine, public insobriety in Egypt had much more damaging effect on the local community and threatened the entire imperial, civilizing mission.

### **Temperance Discourses: The First World War and the British Media**

By the early twentieth century, the teetotal movement slowly faded from relevance, as it failed to convince lawmakers of the merits of a complete liquor ban. However, the outbreak of the First World War brought the issue back into the public consciousness. While portrayed as a moral issue during the early nineteenth century, the question of liquor soon began to be understood in terms of national efficiency.<sup>193</sup> Insobriety came to be equated with a breakdown in army discipline and as a threat to the nation at war, creating a new link between abstinence and patriotism in the public consciousness.

In the context of an ongoing war effort, the British media praised the enactment of prohibitionist laws in Russia, and compared images of sober British military servicemen with their drunken and immoral German counterparts. Within this climate, a new generation of temperance activists seized on the new discourse of national efficiency to depict alcohol as immoral and a waste of precious food resources.<sup>194</sup> The

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<sup>192</sup> Ibid

<sup>193</sup> John Greenway, *Drink and British Politics Since 1830: A Study in Policy Making*, (Basingstoke: Palgrave Macmillan, 2003), p. 91

<sup>194</sup> Ibid., p. 33.

British parliament enacted a series of measures aimed at curtailing the consumption of alcohol among the general public, and among army troops in particular. On August 31 1914, the parliament enacted the Intoxicating Liquor (Temporary Restriction) Act, granting local licensing authorities the powers to restrict pub opening hours. While these measures were initially imposed in garrison towns, they soon became widespread within ordinary civilian towns. Months later, the parliament introduced a tax on beer, aimed at discouraging its consumption. By the spring of 1915, concern towards intemperance reached a 'fever pitch' with public opinion becoming vociferous in criticizing the moral laxity of those drinking during the war.<sup>195</sup> On February 28 1915, British Prime Minister Lloyd George delivered a speech that captured prevailing public sentiments towards drinking in the army and among those aiding the war effort. He stated:

'I hear of workmen in armament works who refuse to work a full week's work for the nation's need. What is the reason? ... Sometimes it is one thing, sometimes it is another, but let us be perfectly candid. It is mostly the lure of the drink. They refuse to work full time, and when they return their strength and efficiency are impaired by the way in which they have spend their leisure. Drink is doing more damage in the war than all the German submarines put together.'<sup>196</sup>

In May 1915, the government created the Central Control Board, endowed with authority to 'control the sale and supply of intoxicating liquor in naval, military, munitions, or transport areas, where such control should be found expedient for the successful prosecution of the war.'<sup>197</sup> Its first order, passed in July 1915, targeted fourteen areas with shipbuilding facilities and naval bases involved in war and

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<sup>195</sup> Ibid., p. 98.

<sup>196</sup> David Lloyd George, *War Memoires: Volume I*, (Odhams Press: London, 1938), p. 325

<sup>197</sup> The Defence of the Realm (Liquor Control) Regulations, 1915

mercantile activity. In those areas, the Central Control Board restricted the availability of liquor, reduced pub opening hours, and tightened sales restrictions.<sup>198</sup> By the end of that year, new regulations and a growing public consensus on the virtues of intemperance proved effective in reducing public drunkenness. In April 1916, the government passed the Output of Beer Restriction Act, limiting the aggregate quantity of beer brewed in the United Kingdom to twenty-six million barrels, a twenty-eight percent reduction from 1914.<sup>199</sup> These measures reflected the priorities of a war-time economy and the allocation of resources to the most essential industries. These measures attracted resentment from many army and navy personnel, who saw recreational alcohol as a necessity in coping with war-time pressures.<sup>200</sup> By the early 1920's, a prohibition movements had emerged in a number of Western states. For example, on January 16 1919, the United States passed the eighteenth amendment that prohibited the manufacture, sale, and transportation of alcohol. That same year, various types of prohibitionist laws had been enacted in Canada, Iceland, Norway, and Finland.

As prohibitionist regulations gained ground within Great Britain, many colonies adopted similar measures to restrict liquor in the context of new war-time demographic changes and the influx of thousands of weary and agitated imperial troops into various colonies. Indeed, these changes transformed previously quiet port cities into rowdy hubs for entertainment, as Imperial troops ran rampage in seek of entertainment and a release from the stresses and loneliness of war. This was evident in places such as Egypt, where the temporary stationing of British troops in Cairo created a surge in

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<sup>198</sup> Greenway, *Drink and British Politics Since 1830: A Study in Policy Making*, p. 142

<sup>199</sup> Arthur Shadwell, *Drink in 1914-1922: A Lesson in Control*, (Charleston, BiblioBazaar, 2009), p. 83

<sup>200</sup> *Ibid.*, p. 83.

public drunkenness and a thriving demand for brothels.<sup>201</sup> In his study on the role of Imperial troops in acting as corrupting agents in colonial settings, Nathan Fonder notes that the behavior of these troops was condemned by British officials. Fonder writes:

‘Shocked by the behavior of drunken troops and the accordant rise in prostitution in Cairo, leading British officers, the head of the police, and health officials were instructed by General Maxwell to form the Cairo Purification Committee in order to thoroughly consider the soldier’s life and to submit recommendations from time to time of the most efficient methods which should be adopted under martial law to ensure the amelioration of the welfare and health of troops.’<sup>202</sup>

In its recommendations, the Committee advocated the introduction of new licensing laws prohibiting the sale or consumption of liquor except within the vicinity of ‘the prostitutes quarter’, and that all establishments selling liquor should remain closed between 8 p.m. and 5 a.m.

### **Beyond the First World War**

The end of the First World War transformed public attitudes towards alcohol in Great Britain. In the immediate post-war environment, the justification for continued restrictions on personal liberties and choice appeared almost paradoxical to a public who celebrated the Allied victory as an advance for freedom and personal liberties. An article in the Daily Express captured public sentiment, noting: ‘The British people have given up their rights because they were told that the concession was necessary to beat the Germans. Now they feel that they have been tricked.’<sup>203</sup> The shift in public perception was both ‘dramatic and immediate’, and temperance as a social movement

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<sup>201</sup> Nathan Fonder, *Pleasure, Leisure, or Vice? Public Morality in Imperial Cairo, 1882-1949*, Dissertation Submitted to the Department of Middle Eastern Studies, Harvard University, June 2013, p. 21.

<sup>202</sup> *Ibid.*, p.118

<sup>203</sup> Anon., ‘Our King's Speech’, *The Daily Express*, February 15, 1921. Cited in: Henry Yoemans, *Alcohol and Moral Regulation: Public Attitudes, Spirited Measures, and Victorian Hangovers*, (Bristol: Policy Press, 2014)

was soon consigned to irrelevance.<sup>204</sup> By mid-1919, pub opening hours were relaxed, although some general licensing measures continued to remain in force.

While prohibitionist movements had failed in producing lasting changes to liquor regulations in Great Britain, and in many colonies, the campaigns against alcohol were effective in influencing a generation of law-makers, who continued to view insobriety as a source of inefficiency, and as especially harmful to native subjects abroad. This, while laws enacted to restrict the consumption of liquor during the First World War proved short-lived, their most important legacy was in framing alcohol as a moral hazard within the public consciousness, and as at odds with the kind of moral authority that the British Empire should embody. These perceptions proved particularly influential in influencing the trajectory of liquor regulations enacted in the colonies, beyond the First World War.

### **Belgrave's Perceptions of Social Change in Bahrain**

In this section, I analyze observations made by Charles Belgrave towards social changes taking place in Bahrain during the third and fourth decades of the twentieth century. I show how Belgrave's ideologies, as typical of views held by the Victorian aristocracy, influenced his perceptions of social change in Bahrain. I further describe how Belgrave viewed social changes taking place in Bahrain, including in areas of education, social dress, and in the growing spread of immoral recreational activities. I analyze how Belgrave blamed Westerners – and particularly British and American oil workers and military personnel – for importing undesirable habits to the society from abroad. This section lays the groundwork for assessing, in Chapters Three, Four, and

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<sup>204</sup> Ibid., p.1-54.

Five, how colonial officials including Belgrave enacted a series of Laws to slow and reverse the pace of these social changes, particularly in the areas of liquor and prostitution.

Belgrave arrived to Bahrain in 1926, to find an insular society governed through customary social and legal systems. High levels of social interconnectedness reflected the existing economic patterns of productivity, which centered around manual activities including agriculture and pearl-fishing. Opportunities for deviance were rare: alcohol was not available except to a small handful of Western nationals, and strictly controlled by the Political Agent, and local judges acted to discourage vices such as prostitution by deporting known offenders.

The discovery of oil in 1932, six years into Belgrave's tenure in Bahrain, marked a watershed moment in Bahrain's history. The oil industry propelled Bahrain's sluggish economy, introducing wealth, modernity, and new technologies to its inhabitants. It also accelerated the growth of public education and brought new political ideas to Bahrain, creating an educated and politicized class of citizens. Soon, new practices came to challenge established social customs, including in attitudes towards women, and in marital custom. New treaties further secured British hegemony in Bahrain, by prohibiting the Ruler from entering into any treaty arrangements without prior approval from the British government.

By the early 1940's, the rising wealth of the middle class enabled many students and working professionals to travel abroad, where some grew accustomed to partaking in new practices, such as recreational drink. Upon returning to Bahrain, a number of those who had grown accustomed to drinking abroad sought access to a local

supply of alcohol, which was strictly controlled by the Political Agent through a licensing system that enabled him to distribute liquor to a minority group of mostly British and American nationals and which upheld a blanket ban on the sale of liquor to all Bahraini nationals and Muslims, as initially imposed by the Ruler. These rising demands for liquor fueled the rise of an underground trade in locally manufactured date liquor as the only source of alcohol for those denied liquor on the basis of their nationalities. At the same time, thousands of American, British, and Arab workers flocked to Bahrain to work in its booming oil industry. Unable to access formal supplies of liquor, a number of these workers sought access to alcohol through the black market, further accelerating the trade in both locally-produced date liquor, and in re-sold commercial alcohol.

While the discovery of oil and establishment of a British military base in 1935 brought thousands of Westerners to Bahrain, the advent of the Second World War accelerated this trend, flooding Bahrain with military and navy servicemen who descended on its shores after weeks of restless containment inside convoy ships. By the late 1940s, make-shift brothels began to proliferate within residential areas in Manama. These brothels acted as entertainment hubs and provided both servicemen and oil workers with sex, alcohol, illegal opioids, and evenings filled with dancing, music, and entertainment. Soon, the spread of prostitution fueled a growing epidemic of venereal diseases, as Bahrain's reputation as a new hub for illicit entertainment began to spread across the region.

## Belgrave's Observations

Within a few years following the discovery of oil, Belgrave came to realize that the conservative, and lethargic society that he had grown familiar with was undergoing rapid changes. This section describes Belgrave's perceptions of societal change taking place in Bahrain. It contrasts his attitudes towards changes in areas of social dress and gender relations - which he observed with dispassionate detachment – with his reaction towards the rise in alcohol consumption, public drunkenness, and practice of prostitution, - which he viewed with alarm as social harms mandating regulation. The Chapter identifies the origins of Belgrave's attitudes as rooted in the late Victorian moral and racial ideologies, described earlier in this Chapter. It shows how Belgrave viewed the spread of drunkenness and prostitution as at odds with the development of a civilized society, and as harmful to Britain's image in Bahrain.

### 1) Social Dress

The growing 'Westernization' of Bahrain's society was most outwardly visible to Belgrave in changes to the social dress code. In *Personal Column*, Belgrave writes:

‘When I first arrived to Bahrain, I rarely saw an Arab wearing any kind of European clothes. Once, the son of the Sunni Qadi had returned from a visit to Egypt in a coat and trousers; his relations, who went on board the ship to meet him, refused to allow him to land until he had changed into Arab dress... (Nowadays) the younger men take to wearing shoes instead of sandals, and coats and waistcoats, under their cloaks.’<sup>205</sup>

Belgrave attributes these changes to the employment of young men at the oil fields, where they ‘discovered the inconvenience of wearing flowing robes.’<sup>206</sup> In *Personal Column*, Belgrave notes that the acceptance of a Western social dress code soon spread

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<sup>205</sup> Belgrave, *Personal Column*, p. 101

<sup>206</sup> Belgrave notes that this fuelled a trade in second-hand clothes in the market, and that in the early years of this trade it was not common to see Arabs dressed in Eastern European military uniforms, or even “a British postman’s coat and trousers.” Belgrave, *Personal Column*, p. 101

to other segments of the society, and gained widespread acceptance by the early 1940's.<sup>207</sup>

Belgrave makes similar observations on changes to the female dress code. He wrote:

‘Schoolgirls now wear uniforms and teachers wear European clothes under their abayas (cloaks). When young women from Bahrain go abroad, usually traveling by air, one sees them at the airport heavily shrouded in cumbersome black cloaks bidding farewell to elderly relations. Inside the aircraft, as soon as it leaves the ground, off go the black cloaks and the ladies appear in smart European clothes. This is probably due to the influence of the Lebanese teachers, whose clothes, from Beirut, are French in style.’<sup>208</sup>

Belgrave also observed a decline in numbers of women wearing the veil, adding that it was ‘likely to soon become a thing of the past’, a prediction that in time proved to be incorrect.

## 2) Attitudes towards Women

Belgrave also documented his impression of the liberalization of social attitudes towards women, which he attributed to the spread of education, the growing entry of women into the workforce, and increasing travel, and the introduction of technologies such as the cinema and wireless, which had encouraged women in Bahrain to compare themselves with women in other, ‘more advanced, parts of the Muslim world’.<sup>209</sup> Writing during the late 1940's, Belgrave observed that while social expectations typically mandated women to marry their first cousins, this custom was beginning to die out. As with most other social issues, Belgrave describes resistance to these changes from some tribal Arab families, noting that after the inauguration of the first girls'

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<sup>207</sup> Ibid., p. 102.

<sup>208</sup> Ibid., p. 63.

<sup>209</sup> Ibid., pp.59-63.

school in 1929, a number of leading tribal leaders petitioned the Sheikh for its closure as a ‘dangerous innovation.’<sup>210</sup>

### 3) Marital and Divorce Customs

Belgrave further remarked on changes taking place in marital and divorce customs. His observations on this topic provide an interesting example of the how the introduction of Western normative influences and Western education did not produce a homogeneous liberalizing effect, but also served to introduce new social conservatism in some areas. In his description of customary marital practices in Bahrain, Belgrave observed (on first arriving to Bahrain) that ‘there is no social stigma in divorce’, and that ‘divorce occurred with frequency.’<sup>211</sup> In supporting these assertions in his diary, Belgrave recalls a conversation with an old Shi‘a friend, who, when asked how many times he had been married, began ‘laboriously’ counting his wives on his fingers. When he had got to nearly twenty, the man gave up counting. This apparent fluidity of the marital institution began shifting by the 1940’s owing to the growing adoption of Western marital norms. During this period, Belgrave began observing that locals had ‘begun viewing divorce and constantly changing partners as distasteful, and a subject for bazaar gossip’.<sup>212</sup> By the early 1950’s, Belgrave observed:

‘Today it is unusual for young men to have more than one wife. A young Bahraini discussing the matter with me said: ‘To have more than one wife causes a great deal of domestic trouble. Besides, it is very expensive. Now that we are educated and our wives too, are educated, we regard them as companions and we only want one wife.’<sup>213</sup>

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<sup>210</sup> Ibid., p. 94.

<sup>211</sup> Ibid., p. 31.

<sup>212</sup> Ibid., p. 61.

<sup>213</sup> Ibid., p. 61.

#### 4) Alcohol and Prostitution

In his diary entries, letters, and authored reports, Belgrave described most social changes taking place in Bahrain with dispassion and detachment, viewing these changes as an inevitable aspect of modernization. This is in stark contrast with his observations of the growing consumption of alcohol and practice of prostitution in Bahrain, which he viewed with alarm, as socially harmful and as a threat to Bahrain's social order.

In the Annual Report for the year 1935, Belgrave remarked on the growing practice of prostitution taking place in Bahrain. Belgrave identified the threat emerging from this activity in both medical and moral terms, advocating for the enactment of Laws targeting the behavior of women believed to be acting as prostitutes. He wrote:

‘Immorality is undoubtedly increasing in Bahrain. The increase in prostitution is not due to the government but is a matter of supply and demand. During the last two years, numbers of foreigners earning good pay have come to Bahrain, usually without their families, from Persia, Iraq, and India, and this has undoubtedly caused an increase in prostitution. Venereal disease is rampant, and the proportion of persons suffering from it, especially in ophthalmic forms, is very high. The medical supervision of prostitutes would undoubtedly result in an improvement in public health. This suggestion was discussed and approved by the Manama Municipal Council some years ago, but it has not yet been possible to arrange the medical organization to cope with this matter.’<sup>214</sup>

Belgrave further lamented the growing spread of alcohol in Bahrain. In 1932, he wrote:

‘A few years ago drunkenness was almost unknown in Bahrain but during the last year or two the habit of drinking liquor has increased very rapidly. Today many of the young Arabs have acquired a liking for spirits, partly because they have had opportunities for drinking while traveling abroad, and frequent cases have occurred in which Arabs have been found to be taking opium... The great influx of well-paid foreigners from countries where the sale of liquor is allowed is the chief reason for the increase of cases against the liquor laws. There is undoubtedly an occasional leakage

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<sup>214</sup> The Government of Bahrain Administrative Reports 1926-1937, Report for the Year 1935-36, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

of liquor from (employees holding liquor licenses at) the Bahrain Petroleum Company but this is not sufficiently frequent to have any effect on the liquor question in general. The most effective way of preventing the increase in drinking is to deal very drastically with any cases which are proved in court.<sup>215</sup>

In his personal diary, Belgrave expressed further concern towards the growing consumption of alcohol among Bahrain's youth, writing:

'When I was first in Bahrain it used to be whispered that two or three Arabs were in the habit of drinking. When more Europeans came to live in the place and the Arabs took to traveling abroad, drinking became more prevalent. Today there are few young men of the upper, monied class who do not drink, some in moderation, some immoderately, and many because it has become the smart thing to flout the law.'<sup>216</sup>

### 7) Culprits: The Corrupting Outsider

Among the most enduring themes in Belgrave's writings on Bahrain is his criticism of outside groups for introducing immoral habits to Bahrain's society. The theme of the 'Corrupting Outsider' is evident in Belgrave's descriptions of two groups of foreigners. The first of these are 'Westerners', and namely British and American oil and military personnel, whom Belgrave blamed for falling short of the standards expected from representatives of a more civilized society. Belgrave is explicit in this assessment, writing:

'The deterioration in manners (of Bahrain's children and youth) is the fault of the Europeans. Many of them have strange ideas as to how to behave to people of a different race. Either they adopt an arrogant manner or they are too familiar and resent familiarity being returned. The following remark, made by Lord Morley, could well apply to Americans and Europeans in Bahrain: "While bad manners are a fault anywhere they are a crime in a native territory.'<sup>217</sup>

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<sup>215</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1932-33, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

<sup>216</sup> Belgrave, Personal Column, p. 104

<sup>217</sup> Ibid., p. 166

While Belgrave laid blame on British and American subjects for causing a collapse in public manners, he also blamed a second group of outsiders, namely illegal immigrants, for introducing crime, alcohol and other immoral practices to Bahrain. Belgrave wrote: ‘Many illegal immigrants came to Bahrain and the influx of undesirable aliens increased the amount of crime, especially opium traffic and the manufacture of illicit liquor.’ Belgrave’s reference to undesirable aliens is a reference to the hundreds of documented and undocumented ‘Persian subjects’ who migrated to Bahrain during this period. Belgrave’s concerns towards this particular pattern of migration are evident in dozens of letters exchanged between Belgrave and British officials during the 1940s. For example, in April 1948, Belgrave and the Acting Political Agent Cornelius James Pelly discussed the increase in numbers of Persians arriving to Bahrain, and exchanged thoughts on a series of strategies proposed by the Ruler to limit both legal and illegal migration of Persians.<sup>218</sup> The influx of Persians into Bahrain during this period is well-documented. In her study of the development of Manama, the historian Nelida Fuccaro writes: ‘The failure to control immigration from Iran (during the 1940s) was a thorn in the side of the government as Persian Shi‘a became the largest foreign community with no passports or recognized travel papers.’<sup>219</sup> She adds: ‘Between the years 1945-1947, some 3,000 Persians arrived in Bahrain.’<sup>220</sup> As a group, these Persian migrants were scapegoated and blamed by British officials and especially Belgrave for a range of ills affecting the society, including a growing underground trade in liquor and opium.

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<sup>218</sup> These strategies included the introduction of new requirements mandating Persians living in Bahrain legally to acquire special re-entry permits to enter the country following periods of time abroad. See: Secretary to the Political Resident of the Persian Gulf, Bushire, to the Political Agent, Bahrain, 30 March 1948, India Office Records, “Persians in Bahrain”, British Library, IOR/R/15/2/490 (33/72).

<sup>219</sup> Nelida Fuccaro, *Histories of City and State in the Persian Gulf: Manama Since 1800*, (Cambridge: Cambridge University Press, 2009), p. 208

<sup>220</sup> *Ibid.*, p. 209

While Belgrave laid the blame on corrupting outsiders for introducing undesirable habits to Bahrain's society, he also grew critical of the effects of softer forms of Western pop culture, including cinema and television programs, on Bahraini subjects, whom he described as simple and primitive. In his personal diary, Belgrave wrote: 'I am fond of films myself but I think an unrestricted diet of movies has a bad effect on a comparatively primitive people, and caused a deterioration in morals and manners.'<sup>221</sup> Writing in the late 1950s, Belgrave continued:

'Today Bahrain is unevenly coated with a Western veneer. In the towns radios blare from every house and coffee shop. The six cinemas in Manama are crowded every night, people watch 'canned' American programs from the TV stations in Saudi Arabia on their television sets, the shops are full of American clothes and expensive electric gadgets, over 7,000 motor vehicles crowd the roads, groups of hideous European-style bungalows spring up like mushrooms and posters advertising 'soft' drinks disfigure the streets. Arab dress has become old-fashioned among the younger men, and the women and girls wear European clothes under their black cloaks. In the summer there is an exodus to Europe ... People are healthier, no longer ridden in Malaria ... They have electricity and waters and travel in buses instead of donkeys... But still I doubt if the people are any happier than they used to be.'<sup>222</sup>

Over time, Belgrave also grew critical of the detachment of the foreigners residing in the oil town. He wrote:

'The majority of the European Bapco (Bahrain Petroleum Company) employees are British with a large proportion of Scots but most of the key posts are held by Americans... The style and tenor of life at Awali (the oil town) is completely different from that in Manama where local affairs play an important part in life and work. Many of the people who live at Awali have only the vaguest idea about how the country is run most of them, if asked, would say that they supposed that Bahrain was some sort of British colony or protectorate. They have little contact with the local Arabs except with the laborers with whom they work, and only a very few men can speak any Arabic.'<sup>223</sup>

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<sup>221</sup> Belgrave, Personal Column, p.92

<sup>222</sup> Ibid., p. 237

<sup>223</sup> Ibid., p.104

## 8) Education

Belgrave also questioned the value of education in Bahrain, describing the growing spread of secondary and tertiary education among Bahrainis as a “pain in the neck”. Belgrave further questioned the suitability of Western-style learning on what he described as a primitive and emotional people. He wrote:

‘I wonder whether in the long run education did not do more harm than good to the people of Bahrain but this nowadays is an unacceptable belief. Every year a larger proportion of the population become literate to the extent of being able to read and write but I do not think they were any happier than they used to be.’<sup>224</sup> He continued: “Education and travel and propaganda power of the radio have exposed the Gulf Arabs to outside influences and have filled the minds of the Intelligentsia with political ideas which appeal to their emotions, but which they understand imperfectly.”<sup>225</sup>

Belgrave was not the first colonial officer to view modernization and education as harmful to Bahrain’s society. His observations echoed the ideals of a generation of colonial officials who viewed native subjects as naïve, and in need of guidance. In line with this trend, Belgrave and other colonial representatives viewed themselves as not only responsible for bringing civilization to a backwards society, but also protecting members of that same society from aspects of modernity which were ill-suited to their simplistic intellects and emotions. These perceptions are well-documented across numerous letters, reports, and personal papers. For example, as early as 1919, the Acting Deputy Political Resident in the Persian Gulf, John Hugo Bill drafted a letter to

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<sup>224</sup> Ibid., p.

<sup>225</sup> Finally, it is also evident that Belgrave also believed that the British interventions in Britain has resulted in positive changes, to the benefit of its inhabitants. Writing at the end of his tenure in the state, he wrote: ‘I was disappointed to realize that so many of the things which I had worked hard to achieve such as Education, Security, and Public Health, were not the objects of bitter attack by the people who benefited from them.’ Ibid., p.237

Arnold Wilson, the Political Resident in the Persian Gulf. In his letter, Bill questioned the suitability of Western cultural influences on Gulf Arabs, writing:

‘It is an arguable proposition that the Coastal Arab, though an animal, is a fairly happy animal, and that the heady wine of western civilization may merely turn him into a discontented decadent. It is desirable to let the Powers that be know that we can either let the Arab continue to dream out his low life or we can set ourselves to create in him a divine discontent.’  
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### **Conclusion**

This Chapter has analyzed the perceptions held by Charles Belgrave of social and economic changes taking place in Bahrain following the discovery of oil. It has shown how development and modernity transformed Bahrain’s society from a community exhibiting the main traits of mechanical solidarity, into an industrialized society that no longer remained held together by a single set of commonly-held values. The Chapter has documented how Belgrave viewed the introduction of liquor and growth in prostitution during this period as a social harm, mandating strict regulation. It also shows how he blamed Westerners and outsider social groups for introducing these harmful habits to the society. The Chapter has identified Belgrave’s moral ideals as rooted in late-Victorian values, and has documented the legal and regulatory responses enacted by Victorian lawmakers seeking to curb immoral behavior, focusing on the examples of alcohol and prostitution. It has shown the impact of the Contagious Diseases Acts in subjecting women suspecting of acting as prostitutes to forced registration and mandatory hospitalization, and the export of regulations modelled on this example to numerous colonial settings. It has also analyzed the role of

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<sup>226</sup>John Hugo bill was the Acting Deputy Political Resident in the Persian Gulf between the years 1917-1919, where he filled in for Major Percy Cox. Letter from Deputy Political Resident in the Persian Gulf, Bushire, to Political Resident in the Persian Gulf, Bushire, 1 September 1919, India Office Records, IOR/R/15/2/93, British Library.

prohibitionist measures enacted during the First World War in influencing a generation of colonial decision-makers towards the threats of insobriety. The Chapter has laid the groundwork for showing, in Chapter Three, how Victorian-era values, and the regulations enacted to enforce these values, influenced the trajectory of moral regulations enacted by Belgrave and other colonial officials in Bahrain.

### **Chapter Three: Regulating Alcohol**

This Chapter describes the legal measures enacted by colonial officials in Bahrain to restrict and regulate the consumption of alcohol. It reveals continuity in these policies, and in the discourses used to justify their enactment, over a broad historical period marked by changes to the organization of British authority in the Gulf. The Chapter analyzes these continuities as evidence of an institutionalized moral culture affecting British policy in Bahrain, which transcended short-term political shifts. It also analyzes the role of the Law in institutionalizing social hierarchies in Bahrain, by revealing the nature of social privileges awarded to British, American, and European nationals in particular. The research further reflects on the role of the Law in reinforcing the status of subaltern groups, including Iranian and Jewish migrants in particular, and creating direct incentives for these groups to enter an underground trade in liquor.

The Chapter is divided into two sections. The first presents a chronology of liquor regulations enacted between the years 1913-1946, the period in which authority over Bahrain was shared between the Government of India, and the India Office in London.<sup>227</sup> It shows how British officials carved out a narrow exception to a policy prohibiting the sale of liquor by the Ruler of Bahrain, through a licensing system that they placed under the authority of the Political Agent. This system granted the Political Agent the power to authorize the import and sale of liquor to a minority of primarily British and American nationals. The Chapter describes a series of additional regulations enacted by British officials to uphold the aims of the licensing system, and identifies these regulations as driven by dual moral and political imperatives. At the level of

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<sup>227</sup> The Chapter begins with 1913 as the first year for which information on liquor regulations is publicly available in the historical records.

morality, it shows that colonial actors acted with the aim of protecting the externally-held' normative values that they believed to be under threat within Bahrain's society, and preserve the society's customary values. It also shows that colonial decision-makers acted to enforce their own 'internally held' moral values, which posited alcohol as a harmful social practice in and of itself. The Chapter shows that the moral imperatives influencing lawmaking were also intertwined with political considerations. In this sense, colonial officials recognized that their legitimacy in Bahrain rested on their ability to protect the society's customary values, and that their failure to do so might generate opposition to the British presence from the Ruler of Bahrain and its civil society. To this end, preserving the local normative order constituted a social action aimed at generating political acquiescence. Gaining insight into the moral drivers of law reveals the inherent contradictions of colonial policy: which, on one hand sought to protect public order and curb the spread of drunkenness as a social harm, while nonetheless ensuring the continued availability of liquor to a minority group of foreign oil workers and military servicemen who routinely abused their privileges.<sup>228</sup>

The second section of this Chapter chronicles the measures enacted to restrict the sale and consumption of liquor following the independence of India in 1947, and up until the year 1967. The independence of India was a seismic event in the history of the Empire, the most visible in a series of events that eventually lead to its collapse. In the Gulf, India's independence spurred changes to the existing chain of authority. Whereas

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<sup>228</sup> The terms 'internal' and 'external' are used to represent the perspective of colonial decision-makers. I used these terms to distinguish between the normative beliefs that were held by the decision-makers themselves (the 'internal' normative beliefs), and those which they believed existed in Bahrain (the 'external' normative beliefs). This is distinct from the use of these terms by, for example, Lon Fuller, who used the term 'internal morality' to refer to eight principles legal rules had to meet in order to count as laws. See: Lon L. Fuller, *The Morality of Law*, (New Haven: Yale University Press, 1969), p. 33-38.

the Political Resident previously reported to the Government of India, authority for the Gulf region was thereafter placed under the newly-created Eastern Department at the Foreign Office, to which the Political Resident reported directly. This section analyzes the discourses used to justify alcohol regulation in this period, through five additional historic episodes, taking place between 1947-1967. It shows that the post-1947 period saw a clearer and more overt articulation of the purpose behind the liquor-licensing system, its broad aim in securing privileges for a minority of Western and European nationals, and the creation of new segregated spaces that facilitated ability of foreigners to evade the general policies of prohibition in Bahrain. It also marks a new period of harmonization of liquor policies across the Gulf. Through this analysis, the Chapter shows that despite changes to the overall governance structure by which Britain exercised authority in Bahrain, the system of social privilege established through the liquor licensing system remained intact, and grew further entrenched through the enactment of new regulations to support its overall aims.

### **The Earliest Laws Prohibiting Alcohol**

The first Law restricting alcohol in Bahrain was issued by the Ruler of Bahrain, Sheikh Isa bin Ali Al Khalifa, on September 28<sup>th</sup> 1900. The Law, titled the ‘Prohibition against the Importation of Intoxicating Liquors into Bahrain’, was posted in a number of public places, reading:

‘Be it known to all who may see this notification that whereas I hear that intoxicating liquor is being imported into Bahrain for purpose of trade and whereas it is forbidden by the Shara (Shari‘ah) laws of Islam and is injurious to the body: I do hereby prohibit its importation into Bahrain; should I come to know that it has been imported for sale, it will be seized

and I will order its being thrown into the sea.'<sup>229</sup>

Upon receiving a copy of the notice, the Government of India directed a letter back to Sheikh Isa, informing him that it held no objection to his enactment of the regulation so long as 'Europeans were not prevented from importing liquor for their private use.'<sup>230</sup> In doing so, the Government of India acted to preserve the existing right of several dozen British personnel stationed in Bahrain to consume alcohol in their homes and at private social gatherings, which was already exercised as a matter of practice. The Government of India then proceeded to notify the Foreign Consul at Bushire and the British India Steam Navigation Company, responsible for carrying commercially imported liquor for Bahrain onto its ships, to refuse such cargo for Bahrain. In the following years, an informal system emerged, in which the Government of India permitted the Political Agent in Bahrain to import limited quantities of alcohol as an exception to the general policy of prohibition. The Government of India intended this liquor to be consumed by a small group of Europeans and British representatives numbering no more than two dozen. Through the development of this narrow exception, the Political Agent was granted exclusive authority to manage the distribution of alcohol, based on an assumption that no locally manufactured liquor existed in Bahrain. The system developed by the Government of India also reflected its own perceptions of Bahrain's society, as made up of either Muslim natives, to whom alcohol would remain prohibited, or non-Muslim and mostly Western foreigners, a minority of whom could be granted the privilege of alcohol consumption. Although simplistic, this policy proved

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<sup>229</sup> John Lorimer, *Gazetteer of the Persian Gulf, Oman, and Central Arabia: Volume I* (Reading: Garnet Publishing, 1998).

<sup>230</sup> *Ibid.*

largely effective in controlling the supply of liquor within Bahrain's small, insular, and mostly homogeneous society.

Over time, the exception developed by the Government of India developed into a formal licensing system, operated under the exclusive authority of the Political Agent. At the start of each calendar year, the Political Agent would decide on the total quantity of liquor to be imported into Bahrain for that year, and place the order with a single supplier- the distribution and shipping firm of Gray, MacKenzie and Company, which was granted a monopoly on the import of alcohol into Bahrain.<sup>231</sup> The Political Agent also held exclusive authority in deciding who among the community of foreigners would be granted liquor a license, and held further authority to revoke these licenses at his discretion. The licenses were physical documents, printed on paper, which stipulated both the type and quantity of liquor that a license-holder could purchase, and were typically valid for twelve calendar months, subject to renewal. License-holders were expected to consume alcohol in the privacy of their homes, or in small social gatherings with other license-holders. Various officials acting in their capacity as 'Political Agent' regularly reminded license-holders that their permits were a special privilege, and that the consumption of liquor in public, or public drunkenness, would not be tolerated and would result in the revocation of their licenses.

Officials in London recognized the liquor licensing system as a narrow exception to the Ruler's policy of prohibition, and enacted measures to preserve its strict application. For example, the Bahrain Order in Council, passed by the British

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<sup>231</sup> Gray MacKenzie and Company was a shipping agent for British India steamers, and worked between India, the Gulf States, and Europe. The Company's main activities were importing British and Indian goods to the Persian Gulf, including coffee, rice, and alcohol, and exporting goods to Europe including wood, spices, and dates. A restructured version of the company still exists in Bahrain, and has been renamed Bahrain Maritime and Mercantile International (BMMI).

parliament in 1913, set out the first formal penalties for smuggling liquor into Bahrain.

Article 27 of the Order reads:

‘If any person to whom this Order applies smuggles or imports into or exports from Bahrain any goods the importation or exportation whereof is lawfully prohibited, he shall be punished with imprisonment for a term which may extent to one year, or with fine which may extend to 2,000 rupees, or with both imprisonment and fine.’<sup>232</sup>

The Order in Council also included alcohol on a list of prohibited and restricted goods, alongside arms, ammunition, and drugs. A customs sheet issued by the Government of Bahrain in 1941 reiterated the general prohibition on liquor and the exceptions created for certain nationalities. For example, section 3(b) of the sheet included ‘alcoholic and intoxicating liquor’ under a list of prohibited and restricted items, noting that these items were banned ‘except for the personal consumption of Europeans and Americans, under Permit issued by H.B.M’s Political Agent.’<sup>233</sup> While the Political Agent’s monopoly over the sale of liquor enabled him to control its supply, it also guaranteed the Government of Bahrain an additional source of customs revenue which it set at 15%, the highest on all imported luxury goods.

In 1932, the position of Political Agent was taken up by Lieutenant-Colonel Percy Gordon Loch, a seasoned colonial officer who had served in Iraq alongside Percy

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<sup>232</sup> A separate schedule in the Order provides a list of prohibited and restricted goods, including arms and ammunition, intoxicating drugs, obscene and indecent material. It lists alcohol and intoxicating liquor as a prohibited item, with an exception being made for alcohol imported “under license issued by Her British Majesty’s Political Agent.” See: British Library, Bahrain Order in Council 1913: King’s Regulations, India Office Records and Private Papers, IOR/R/15/1/306.

<sup>233</sup> “Luxury items”, which were normally charged at 10%, including glass, gramophones, mirrors, optical goods, radio parts, and baths. No other item, besides alcohol, was charged at 15%. See: The Government of Bahrain Customs Department: Rules Stating Customs Offences, India Office Records, IOR/R/15/2/1327, British Library.  
See: Customs and Duty: Landing Certificates for Cargo Landed by Country Crafts, India Office Records, IOR/R/15/2/1315, British Library.

Cox, and later in India.<sup>234</sup> In a letter dated July 3<sup>rd</sup> 1933, Loch described the purpose of the licensing system and advocated the need to maintain its strict application in view of growing numbers of foreigners entering Bahrain. Loch wrote:

‘The exception to the regulations in Bahrain only covers drinks required by Europeans for their own consumption as a special exception to the rule. One would include Americans and Europeans as having the same social habits and customs. In the past, the community in Bahrain had been very small...there were in any case only one or two Europeans and the term had been stretched to cover one or two Anglo-Indians... but now the community is growing and in view of the spread of the drink habit it was essential to keep to what the Government of India had laid down.’<sup>235</sup>

In his letter Loch also argued against extending the licensing system to non-Bahraini Muslims who did not fall under the Ruler’s jurisdiction, such as those arriving to Bahrain from Iraq or Persia, on the grounds that doing so was likely to fuel accusations of interference in established moral customs by the Ruler and Bahrain's society.

In 1934, Lieutenant-Colonel Loch detailed the factors that he took into account when deciding whether to grant, or extend, liquor licenses to applicants. These factors included the applicant's medical history, his employment status, his religious and ethnic background, in addition to the likely reaction from other members of his community. Loch's reasoning was articulated in the case of Mr. K.M. Sayegh, an Iraqi license-holder who applied to the Political Agency in 1934 for an increase in his liquor ration. In April of that year, Lieutenant-Colonel Loch wrote directly to the applicant's employer, the Manager of the Eastern Bank, explaining the reasoning process through which liquor licenses were granted. He wrote:

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<sup>234</sup> Gordon Loch, *The Family of Loch* (Edinburgh: T. and A. Constable Ltd, 1934).

<sup>235</sup> It is unclear who the intended recipient of the letter was, as this is not indicated in its contents. Letter from the Political Agent in Bahrain, Manama, 3 April 1934, India Office Records, IOR/R/15/2/814, British Library.

‘Dear Sir,

I have the honour to inform you that I have received a request from Mr. K M Sayegh for an increase in the amount of liquor, for which a permit is given to him, on the grounds of bad health due to the amount granted to him (6 bottles of whisky and 18 of beer in each quarter of the year) being too small. I saw Mr. Sayegh on the fourth of February 1934 and offered to ask the Medical Officer at the Victoria Memorial Hospital to examine him and Mr. Sayegh took a letter from me to the Medical Officer. The Medical Officer reports that he is unable to recommend the grant of an increased permit on medical grounds. Mr. Sayegh does not appear to fully appreciate that the grant to him of a permit is an unusual privilege and has led to complaints from other members of his community. Nor is his record one which disposes me to regard such a request with favour. However, I am prepared to raise his limit to nine bottles of spirits and twenty-four bottles of beer in each quarter, on the distinct understanding that, if any larger quantity is asked for, or if any difficulties should arise in future, the privilege of receiving a permit will be withdrawn permanently. I have no objection to your communicating the contents of this letter to Mr Sayegh.’<sup>236</sup>

Lieutenant-Colonel Loch

### **The Growing Consumption of Alcohol among Locals**

Beginning in 1929, Charles Belgrave began to document violations to the liquor-licensing system, which he attributed primarily to the illegal production of arak, a locally manufactured date liquor.<sup>237</sup> In the year 1932, Belgrave detailed his frustration at the growing illegal consumption and production of liquor in Bahrain, which he claimed was introduced to the local society by Jews, Iraqis, and Bahrainis who had travelled abroad. He lamented, in particular, the implications of this growing habit on perceptions of British authority by the Ruler. He wrote:

‘In my last annual report I mentioned that there was an increase in the illicit manufacture and sale of liquor. A few years ago drunkenness was almost unknown in Bahrain but during the last year or two the habit of drinking liquor has increased very rapidly. The habit has been introduced

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<sup>236</sup> Letter from the Political Agent in Bahrain, Manama, to the Manager of the Eastern Bank Limited, Manama, India Office Records, IOR/R/15/2/814, British Library.

<sup>237</sup> Belgrave, Personal Column, pp. 20-55.

by Jews, Iraqis, and by Bahrain subjects who have travelled to 'wet' countries. HH Sheikh Hamad regards the use of alcohol by his subjects with extreme abhorrence and he is greatly concerned because several of the younger members of his own family have acquired the habit of intemperance. From the beginning of the year I have been dealing with this matter myself and by means of rewards I have obtained information which has led up to the conviction of about forty-two persons for being concerned in the manufacture or sale of Arak which is a potent liquor distilled from dates.

Elaborate organizations existed for selling and distilling liquor. Usually it was in the hands of a group of men but sometimes it was done by one or two individuals. They usually owned or rented several houses and constantly moved from one house to the other in order to evade suspicion. The distilling apparatus was kept in one house, usually next door to an empty or tumble down building and other houses and shops were used as distributing centres. Much ingenuity was displayed in disguising this traffic, underground rooms, false walls and wells were employed as hiding places for bottles and apparatus, one once case liquor was sold from a baker's shop and stores of full bottles were kept at the bottom of flour bins and in a disguised oven. The greatest help in detecting arak, and a feature which cannot be disguised, is its strong smell and this frequently disclosed its whereabouts during searches.<sup>238</sup>

In that year, Belgrave further articulated the purpose of the licensing-system as intended to cater to a small minority of Westerners, Europeans, and Americans. Belgrave recognized the difficulties in justifying these exceptions, particularly as the distinction between non-Muslim foreigners and locals appeared arbitrary at times. In the Annual Report for 1932-33, he wrote:

'The whole question of liquor is liable to become more complicated with the inevitable advent of more foreigners, apart from Europeans and Americans. Originally permits were issued only to Americans and Europeans, now permits are issued to Jews, Goanese, and Indians. The local Jewish community asked that they should be given permits, but permission was refused. On this account, they resent the fact that certain foreign Jews, Iraqis, are allowed permits.'<sup>239</sup>

As head of the Police Force, Belgrave began to launch targeted raids against the homes

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<sup>238</sup> The Bahrain Government Annual Reports 1924-1970, 8 vols. (Gerrard Cross: Archive Edition, 1986): 'The Annual Report for the Year 1932-33', Vol. I, p. 22.

<sup>239</sup> *Ibid.*, p.22

and workplaces of suspected alcohol producers, and meticulously documented the actions that he took against violators of the Law. Remarking on his discoveries, Belgrave wrote:

‘In the early days, much of the liquor which was drunk was Arak, distilled from dates. The police had order to do all that was possible to prevent its manufacture and sale and for years they waged war against the ‘moonshiners’, who were very clever in hiding their tracks. Often, I used to go out with the police on liquor raids, searching houses and gardens where, according to our information, arak was being distilled. I rather enjoyed these raids. We found a still in a shed in the lunatic asylum, operated by one of the watchmen, and one notorious liquor peddler had a cellar underneath one of the main streets, connected by an underground passage to his house, but the surface of the road caved in and exposed his hiding-place. Ruined houses in the country were favorite hiding-places and suppliers of bottled arak were often kept at the bottom of wells or buried in gardens.’<sup>240</sup>

Belgrave proudly relayed his skill in tackling criminality back to the Foreign Office. In 1933, he wrote:

‘From the beginning of the year I have been dealing with the matter myself and by means of reward I have obtained information which has led up to the conviction of about forty two persons for being concerned in the manufacture or sale of Arak, which is a potent liquor distilled from dates.’<sup>241</sup>

Belgrave acknowledged the limits of law enforcement in curbing a roaring demand for liquor, noting that the most immediate effect of the raids was not to deter production but instead to drive manufacturing activities from the capital into the countryside, where supplies would slowly be moved into the city through donkeys. He further acknowledged that the most visible effect of the raids was to drive up the price of Arak from an estimated two Indian rupees per bottle, to seven or eight Indian rupees per

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<sup>240</sup> Belgrave, Personal Column, pp. 105.

<sup>241</sup> The Bahrain Government Annual Reports 1924-1970, 8 vols. (Gerrard Cross: Archive Edition, 1986), ‘The Annual Report for the Year 1932-33’, Vol. I, p. 34.

bottle.<sup>242</sup> Belgrave also identified the central role played by members of the ruling family in fueling the trade in Arak and the inevitable difficulties that this cause in law-enforcement. Writing in 1930, he remarked:

‘The worst offenders are certain members of the Al Khalifa (ruling) family. Owing to their highly placed positions, and because they drink in their own houses, it is difficult for the police to take action against them.’<sup>243</sup>

Foreshadowing events to come, Belgrave remarked the following year:

‘The manufacture of Arak continues and its prevention becomes more and more difficult as many of the younger members of the Ruling family are addicted to it. Sheikh Hamad regards the use of alcohol by his subjects with extreme abhorrence and he is greatly concerned because several of the younger generations of his family have acquired the habit of intemperance.’<sup>244</sup>

The following section chronicles five incidents that detail how colonial officials reacted to violations of the liquor-licensing system. These incidents reveal the distinctly moral discourses used to justify the restriction of liquor, the political imperatives behind these laws, and the role of liquor regulations in revealing the social hierarchies reinforced by colonial decision-makers in Bahrain.

### **The Sheikh's Son**

The urgency of tackling the underground trade in Arak came to the attention of the Acting Political Resident in the Persian Gulf Lieutenant Colonel Hugh Vincent Biscoe in 1932, following his visit to Bahrain. On May 12 1933, Biscoe addressed a letter to the Political Agent, Colonel Loch, describing alcohol as a new threat to Bahrain's society. He wrote:

‘Cotton has its boll weevil, the Chinaman his poppy, and in Bahrain a new threat to its national life and that is drink.... “Sometime last year I heard that the sale of Araq was on the increase and had mentioned to Parke (the Previous Political Agent) that I thought it reflected on the police that more distillers were not brought to book. He was much annoyed by the aspersion but nothing came of it except for one or two minor prosecutions

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<sup>242</sup> The operative currency in Bahrain at the time was the Indian Rupee, abbreviated as “Rs” or “RS”.

<sup>243</sup> The Bahrain Government Annual Reports 1924-1970, 8 vols. (Gerrard Cross: Archive Edition, 1986), ‘The Annual Report for the Year 1932-33’, Vol. I.

<sup>244</sup> (Ibid).

of persons being found drunk, the symptoms being treated but not the disease. On my return from India, I heard from many sources that this trouble was increasing by leaps and bounds and discussed the matter with Shaikh Abdullah on my visit.<sup>245</sup>

In his letter, Biscoe described a meeting that he had attended with the Ruler's brother, Sheikh Abdulla, who had admitted to him that one of his own sons, Sheikh Mohammed, was addicted to drink and seldom sober. After asking Sheikh Abdulla what could be done to curb the habit, the Sheikh informed Biscoe that he could do little against his own son, since he was a grown man. After an extended discussion between Biscoe and Sheikh Abdulla, the Sheikh accused the Political Agency of culpability in the spread of liquor, since it had collected 'so much power in its hands, and consequently taken that power away from the Al Khalifa old-fashioned style of rule.'<sup>246</sup> Sheikh Abdulla warned Biscoe that the Agency would be failing in its duties if it did not take action. In describing this conversation to the Political Agent, Biscoe echoed Belgrave's oft-repeated complaint that Muharraq, the town in which Sheikh Abdulla and his son both lived, was one of the most difficult to deal with, since most consumers of alcohol in that town were members of the Ruling family.<sup>247</sup>

The meeting with Sheikh Abdulla convinced Lieutenant Biscoe of the need to dispel the perception that British representatives condoned the spread of drink in Bahrain. Biscoe thus proceeded to organize a meeting with the Ruler and found him eager to denounce the 'evil drink' and keen to take action to curb its spread. Biscoe then organized a second meeting between himself, the Ruler, Sheikh Abdulla, his son Mohammed, and Belgrave. At the meeting, Biscoe warned Mohammed that failure to

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<sup>245</sup> Letter from the Political Agent in Bahrain, Manama, to the Political Resident in the Persian Gulf, Bushire, 19 May 1933, India Office Records, IOR/R/15/2/814, British Library.

<sup>246</sup> (Ibid).

<sup>247</sup> (Ibid).

mend his ways would result in his father banishing him from Bahrain, an action that would hold the full support of the British government. In response, Mohammed denied that he was addicted to drink, arguing that his father had mistakenly accused him of driving his car into the sea drunk, and that the accident had only taken place as a result of malfunctioning brake pads in his vehicle.

In his letter to the Political Agent, Biscoe also reflected on the impact of the spread of liquor in damaging local perceptions of Britain's political authority. He blamed Persian nationals, and foreigners from the Omani town of Muscat, for fueling the underground trade in liquor, and reiterated Britain's responsibility for controlling the behavior of these communities of foreigners, who fell under the jurisdiction of the Political Agency. He wrote:

‘Drink seems to be considered one of the curses that follows an extension of our influence. In fact this view is probably right. Another point is that almost all the distillers of Araq are either Persians, or Muscatis, people for whom we are responsible. I hope, however, with Belgrave's cooperation it will be possible to stamp it out. Of course, constant vigilance will be required to see that it does not commence again for where there are purchasers it will always be liable to return.’<sup>248</sup>

Biscoe also blamed the former Political Agent, Parke, for the spread of liquor, writing:

‘I think Parke is largely responsible for the increase in the past year and the remark of the Emir of Muharraq (a local official) to Belgrave in this connection is amusing. Belgrave had asked him how it was that since those persons must be seen making and selling Araq last year, when he was Emir of Muharraq, he had not known of it. He replied that he had known (original emphasis) but when he had reported it to the Captain Parke, the latter discussed it with so many people first that when finally he went to raid any spot nothing incriminating was found!’<sup>249</sup>

After receiving a copy of Biscoe's letter, Belgrave addressed a formal response to the Political Resident, assuring him that he had expended great efforts in investigating the

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<sup>248</sup> (Ibid).

<sup>249</sup> (Ibid).

illegal production of alcohol as head of the police force, and adding that he had succeeded in uncovering eleven cases of illicit Arak distilling and stocking within just ten days. Belgrave noted with pride that his actions had dealt a 'severe check' to bootleggers, and had been met with praise by the local community, a number of whom had written in to congratulate Belgrave on his accomplishments.

In the following weeks, the Political Agent wrote to Belgrave, advising him to investigate whether liquor could be 'obtained freely in the bazaar', as some had suggested. Loch further speculated on the sources of the liquor supply, claiming that he had heard that 'the Jewish community may be a possible source.'<sup>250</sup> Loch urged Belgrave to take action against producers of liquor, including by assigning a plain clothes officer to discover source of supply. He also provided Belgrave with the names of five individuals, whom he suspected warranted further investigation.<sup>251</sup> In his reply, Belgrave lamented the spread of the habit, writing: 'I understand that my own cook is a noted drinker and as he has not got a license he must be obtaining it from somewhere!'<sup>252</sup>

### **Drinking on Board the Steamers**

In 1933 the government of Bahrain announced a new plan to extend the country's transport and infrastructure networks, and signed a civil agreement with the Royal Air Force to expand its flight operations from Bahrain. This expansion in infrastructure took place alongside a growth in the number of steamers docking Bahrain's shores, which brought a steady flow of cargo, commercial goods, and foreign personnel to the

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<sup>250</sup> Letter from the Political Agent in Bahrain, Manama, to the Advisor to the Emir, Manama, 5 June 1933, India Office Records, IOR/R/15/2/814, British Library.

<sup>251</sup> (Ibid).

<sup>252</sup> (Ibid).

island. Many of the steamers arriving to Bahrain originated from India and Western Europe, and some remained in the port for several nights at a time for transit and refueling. Some of these steamers also contained bar areas where crew members could purchase and consume alcohol. As foreign vessels docking in the port, these steamers did not enforce the liquor licensing laws applicable on the mainland, and soon, a growing number of locals and Western personnel began to board the ships to enjoy recreational evenings of drink and dance. During the weekends, drunken sailors and civilians would wander out of these vessels and into the town center, where some engaged in rowdy behavior, including by insulting or assaulting passers-by. The visible displays of insobriety alarmed the Political Agent and Belgrave, who took it upon themselves to elicit the support of the Ruler in enacting a regulation prohibiting the consumption of alcohol by members of the public on board streamers.

On February 21 1934, Belgrave wrote to the Political Agent Lieutenant-Colonel Loch, with good news. ‘Sir’, he wrote enthusiastically, ‘I have the honour to inform you that His Excellency Sheikh Hamad approves of our issuing the proclamation and to kindly let me know what day the Agency is issuing it, in order that a proclamation by the Bahrain Government can be issued simultaneously.’ Reference to simultaneous publication, by the Political Agency in English and by the Government of Bahrain in Arabic, was intended to ensure that the new law applied to both the foreign community, which fell under the authority of the Political Agent, and the Bahraini community, which fell under the jurisdiction of the Ruler. On February 26, 1934, the Political Agency issued a new Law, alongside an Arabic translation certified by the Ruler, reading:

‘It appears that members of the Public are in the habit of going out to the steamers for the purpose of drinking and or purchasing alcoholic beverages. This practice contravenes the regulations regarding liquor in force in Bahrain and is strictly forbidden. Any person doing so is liable to punishment.’<sup>253</sup>

The Political Agent then sent copies of the notice to the owners of a number of the Steamers that regularly docked Bahrain's shores, including the Mesopotamia Persia Corporation which owned a number of vessels. He sent additional copies to the Bahrain Petroleum Company and to the headquarters of Cable and Wireless, whose employees were known to frequently visit the steamers.

The new regulation did little to curb the consumption of spirits on board the steamers. On July 5, 1936, Belgrave wrote to Loch, informing him that he had received information from the Director of the Customs and Port Office that a bottle of Hennessy's three-star brandy had been smuggled ashore by a British resident of Bahrain who had visited the steamer to socialize. Belgrave requested that the Political Agent take up the matter with the shipping company in question – the Mesopotamia Persia Corporation in this instance- and enlist their cooperation in preventing further breaches to the liquor control regulations. Four days later, the Political Agent wrote directly to the Corporation, requesting that they draw the attention of the Masters of Ships to the fact that sale of intoxicating liquors was prohibited and an offense punishable under the Bahrain Order in Council.

Despite the efforts of Belgrave and the Political Agent, evidence continued to emerge of violations to the new regulation prohibiting drinking on board the steamers. On November 17 1937, the Political Agent Colonel Loch addressed a stern letter to a

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<sup>253</sup> ‘Notice of Prohibition of Drinking on Board the Steamers’: Notice issued by the Political Agency, Bahrain, 26 February 1934, India Office Records, IOR/R/15/2/1333, British Library.

number of officials including the Manager of Gray Mackenzie and Company, the Resident Manager and Chief Local Representatives at the Bahrain Petroleum Company, the Director of Customs and Port Officer in Bahrain, and the Passport Officer in Bahrain. In his letter, Loch described the occurrence of misbehavior in Bahrain characterized by ‘frequent, lamentable exhibitions of drunkenness, accompanied by disregard of any sense of decency and contempt of authority, on the part of certain employees of the Bahrain Petroleum Company who have been going out in the mail boats to see of their friends.’<sup>254</sup> Loch described these incidents as contrary to values of decency and order, adding that recurring incidents of ‘drunken brawling and indecent behaviour’ had necessitated the enactment of further regulation.<sup>255</sup> In his letter, Colonel Loch singled out the Western employees of the Bahrain Petroleum Company as routine offenders of the Law, and attached to the letter a new notice that he had drafted, which imposed a blanket ban on all employees of the Company from visiting the steamers. The new regulation provided that employees of the Company would only be permitted to board the ships if they could produce documents at the Passport Office confirming their status as bone-fide travelers of the ship in question, or a certificate from the Resident Manager of the Company confirming their need to visit the ship in connection with official work. The regulation was issued in English only, indicating that its enactment took place at the sole initiative of the Political Agent and that it applied only to foreign workers stationed at the oil company.

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<sup>254</sup> Letter from the Political Agent in Bahrain, Manama, to the Manager of Gray, Mackenzie and Company, Manama, 17 November 1937, India Office Records, IOR/R/15/2/1333, British Library.

<sup>255</sup> *Ibid.*

## The Royal Air Force Incident

The outbreak of the Second World War in 1939 transformed Bahrain's jovial social atmosphere. A somber mood descended on the island, as concerns began to spread that Bahrain may emerge as a target of Axis aggression, including for its role in supplying fuel and logistics facilities to British warships and bombers. These fears materialized in 1940, when Italian bombers staged an 'ambitious but ineffective' attack on the oil refineries of Bahrain and Saudi Arabia, including by dropping 80 small bombs on Bahrain.<sup>256</sup> In April 1942, Bahrain's main Arabic-language newspaper 'Al Bahrain' carried a headline advising all families to evacuate from the capital city to coastal areas, and further advised the total evacuation of all women and children before the turn of the summer. The newspaper warned that Bahrain fell within the zone of operations of the Second World War, and was likely to be a target for German and Axis aggression.<sup>257</sup> A telegram issued by the Foreign Office that year confirmed the ongoing threat to Bahrain owing to the status of its relationship with Great Britain. The telegram noted: 'Bahrain is an independent state under British protection, and is automatically at war when the country is at war.'<sup>258</sup> Bahrain's ruling family rallied behind Allied war efforts, with Sheikh Hamad sending the British government a check for thirty thousand pounds as a personal contribution to the war effort. Sheikh Hamad remained a supporter of the British government until his passing, on February 18 1942, whereupon he was

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<sup>256</sup> These did not result in any civilian casualties but confirmed the Gulf region as a target for German and Italian forces.

<sup>257</sup> Mark Hobbes, "The Second World War Comes to Bahrain", British Library Expert Articles, <https://www.qdl.qa/en/second-world-war-comes-bahrain>, accessed 04 July, 2017. See also: British Library, "Bahrain: Bombing by Italians; Evacuation of Oil Companies Personnel", IOR/L/PS/12/425.

<sup>258</sup> British Library, "Royal Air Force", India Office Records and Private Papers, IOR/R/15/2/259-293. For a good account of this period, see: Mark Hobbes, "The Second World War Come to Bahrain," Qatar Digital Library. Available at: <http://www.qdl.qa/en/second-world-war-comes-bahrain>, (Accessed: 01 February 2016).

succeeded by his eldest son, Salman bin Hamad Al Khalifa.

The outbreak of war spurred joint investments between Great Britain and the Government of Bahrain to improve the country's defense infrastructure. These investments expanded existing Royal Air Force facilities, to include a longer airstrip for bombers, the construction of housing and medical facilities for a new squadron of five hundred Royal Air Force personnel, and the creation of a new Levy Corps to defend the air base.<sup>259</sup> The Royal Air Force facilities also included a supermarket, canteen, and bar, run and managed by NAAFI: the Navy, Army, and Air Force Institutes.<sup>260</sup> For the first time, the right to sell liquor was extended beyond the Political Agent, as the War Office in London granted NAAFI authority to supply limited stocks of alcohol to servicemen in the territories in which it operated. Despite this expansion in supply, NAAFI was required to operate within the existing legal framework in Bahrain and to apply to the Agency for permits to obtain and dispose of liquor. The Political Agency agree to grant NAAFI the right to handle liquor 'provided that it is disposed of under proper control', referring to the fact that NAAFI should not distribute liquor except to existing license-holders.<sup>261</sup> In this way, the Political Agent maintained control over the overall liquor-licensing system, while enabling a new supplier to operate in the country.

The arrival of five hundred Royal Air Force personnel on the small island led to a visible increase in drunken behavior. On September 24 1943, Belgrave received a letter from the British Director of Customs, detailing an incident in which Royal Air

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<sup>259</sup> India Office Records and Private Papers, IOR/R/15/2/259-293, British Library.

<sup>260</sup> NAAFI was an organization set up by the British government in 1921 which held a virtually monopoly to run recreational establishments inside British military bases. NAAFI catered to British armed forces stationed abroad by providing them and their families with goods and services.

<sup>261</sup> Letter from the Political Agent in Bahrain, Manama, to Eastern Department, Foreign Office, London, 12 December 1956, Foreign Office, FO/371/120632

Force personnel had been found near the shore area in Manama, drinking beer in bottles. The Director noted that the personnel had begun their evening by procuring alcohol on board a steamer, before returning to the shore area and drinking from their own liquor supply which he suggested had been obtained from NAAFI. The Director of Customs proposed three possible remedies to the problem of growing visible drunkenness and public disorder, including the circulation of a new notice to all vessels informing them of the restrictions on liquor, the circulation of a notice to NAAFI instructing it to exercise greater responsibility in its distribution of alcohol, or, more drastically, the imposition of a new restricting prohibiting all Royal Air Force employees from benefiting from shore leave: referring to excursions by these employees into the general mainland.

Belgrave opted to enforce the strictest proposed remedy. After receiving the letter, he immediately wrote to the Air Liaison Office which held authority in managing the affairs of staff stationed at the RAF airbase. In his letter, Belgrave reiterated the prohibition on liquor, and requested the assistance of the Air Liaison Office in taking the necessary steps to avoid the recurrence of a similar incident, by prohibiting employees from visiting the port area. Two weeks later, on the 9<sup>th</sup> of October 1943, the Air Liaison Officer wrote back to Belgrave informing him that the RAF had taken the requested action by banning all troops from shore leave, effective immediately. Belgrave replied to the letter, thanking the officer for his assistance in promoting order in the State.<sup>262</sup>

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<sup>262</sup> Letter from the Advisor to the Emir, Manama, to the Air Liaison Office in Bahrain, Manama, 4 October 1943, India Office Records, IOR/R/15/2/1333, British Library.

### **Sheikh Salman's Letter**

As Bahrain continued to experience demographic changes resulting from its new wartime economy, the Political Agent in Bahrain Tom Hickinbotham received a letter on January 27, 1945 from the Royal Palace. In a letter addressed to the Political Agent, the Ruler Sheikh Salman bin Hamad Al Khalifa expressed his 'grave concern' towards the moral deterioration resulting from an increase in liquor-consumption in Bahrain. In his letter, the Sheikh complained that the punishments imposed by the Court of the Political Agent were too lenient, and urged the Agency to enforce stricter punishments against violators of the liquor-licensing system. He also drew attention to the fact that the consumption of liquor was contrary to 'religious principles' and 'hurt local feeling.'

He wrote:

After compliments,

We wish to draw your attention to a matter which is causing us grave concern and which, if no steps are taken, will have a lasting and evil effect upon the people of our country, that is the great increase in the drinking of alcoholic liquor. Bahrain is a Moslem country, it has a Moslem government, and most of all, the inhabitants are Moslems. According to Shera law, as you are aware, the use of intoxicants is haram (prohibited). In the time of our grandfather Sheikh Isa and our father Shaikh Hamad Moslems who were caught drinking or making alcoholic liquor were severely punished and in those days few people indulged in this habit. Today, more and more of our young men, especially in the towns, are taking to drink and they make no secret of this. Our religious leaders and the merchants and notables of the country share our strong disapproval of drinking and view with alarm the increase in crime and immorality which is due to drink. When our subjects are brought before our courts on charges of drinking if they are proved to be in possession of liquor they are sentenced to six months hard labor and if they have manufactured liquor they are punished by eight months hard labor, for first offences. If we sent them before the Shara courts the punishment would be more severe. We understand that foreigners whether or not they be Moslems who are tried in the Agency Courts only receive light sentences and fines for this offence, this being according to the Indian law. As a result it is possible for foreigners to use liquor and to trade in it without fear of

severe punishment and we believe that this is the main reason for the increase in drinking in Bahrain. Conditions in India and in Bahrain are not identical and we think that consideration should be given to local custom and religious feeling in this matter. We should like to see cases of drinking dealt with by the Agency Courts with the same firmness as in our own courts so that Arabs who do not happen to be subject to our jurisdiction shall not be lightly punished for an offence which is regarded by the Shera and by us as a grave matter. If this habit is not checked now it will be spread like an infectious disease and later it will be impossible to cure it so we earnestly request that out of consideration for religious principles and local feeling steps should be taken to enable the Agency Courts to deal with liquor cases with a greater degree of severity than is in force at present. In writing about this matter we do not refer to those persons who are permitted to purchase liquor for their own use with your permission though we are sorry to learn that noawadays many of the foreigners including Americans are encouraging the use of liquor among our people by buying for themselves local spirits which is being sold under the name of "Bahrain Whiskey".

Usual ending.  
Salman bin Hamad Al Khalifah

The letter confirmed the anxieties expressed by a successive Political Agents, who grew worried that the spread of liquor was likely to damage relations between British officers and the Ruler of Bahrain, and thus place the legitimacy of the entire colonial project in question. It further confirmed the need for the Court of the Political Agent to be seen to be dealing strictly within violators of the Law, a matter that is examined in greater detail in Chapter Four.

### **Smuggling from Doha**

The discovery of oil in Bahrain led to a flurry of oil exploration missions across the Gulf region, and the discovery of petroleum supplies in Qatar, the Trucial Coast, and Kuwait. By the mid-1940's, several American and British oil companies began operating petroleum drilling facilities within these states, leading to a further influx of oil workers into the surrounding Gulf region. Bahrain's liquor licensing system

remained the sole exception to a blanket policy of prohibition enforced by local rulers in these four territories, and soon, representatives of oil companies began writing to the Political Agent in Bahrain, requesting to draw on Bahrain's liquor supplies for their own employees. The largest of these corporations was 'Petroleum Development Limited', which managed facilities in the Trucial Coast and in Qatar.

On February 27 1944, the Manager of Petroleum Development, E.V. Packer, wrote to the Political Agent in Bahrain, Lt-Col. A.C. Galloway to ask whether employees based at a newly-opened camp in Qatar would be permitted to draw on the supplies of Gray, Mackenzie, and Company in Bahrain, and whether the permit and rationing system operating in Bahrain could extend to employees residing in those states. The requests presented a dilemma for the Political Agent, who on the one hand sought to assist the Manager of the Petroleum company, while on the other, acknowledged that alcohol was not permitted in those areas. After voicing these concerns, the Manager responded to the Political Agent by assuring him that he agreed with his opinion that permits should be 'strictly confined to persons accustomed to the use of alcohol, and that newcomers should not be encouraged to commence the habit, even if their religion permits.'<sup>263</sup> The Political Agent then authorized a small shipment to cater to the requests of a small party of foreign workers based in the desert in Qatar, and to two geologists working in the Trucial coast.<sup>264</sup>

The Political Agent justified these small shipments as exceptional, including by rejecting further requests to export liquor to Saudi Arabia on the grounds that 'the

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<sup>263</sup> Letter from the Manager of Gray, MacKenzie and Company, Manama, to the Political Agent in Bahrain, Manama, dated 22 February 1947, India Office Records, IOR/R/15/2/1330, British Library.

<sup>264</sup> Letter from the Political Agent in Bahrain, Manama, to the Manager of Gray, MacKenzie and Company, Manama, 2 February 1947, India Office Records, IOR/R/15/2/1330, British Library.

liquor imported into Bahrain is for local consumption and not for export.<sup>265</sup> The practice of occasionally supplying other coastal areas with alcohol was summarized by a legal adviser to the Foreign Office, G.G. Fitzmaurice who stated in 1953 that it was ‘possible in the past for the Political Officer to exercise some measure of informal control over the importation of alcoholic drinks, but only so far as the persons concerned have been willing to cooperate.’<sup>266</sup> This exchange reveals the intentions of colonial officials to balance between the demands of foreign workers, and the prohibitions favored by local Rulers.

By 1946, colonial officials grew further concerned at the emergence of a new source of illicit alcohol that appeared to be making its way to Bahrain from Qatar. Located just over 100 kilometers from Bahrain's coast, the smuggling of goods from the neighboring Peninsula presented a growing problem as both countries had dozens of miles of unguarded coastline.

Belgrave suspected that the liquor was being smuggled into Manama harbour by two Indian dhows, and immediately instructed members of the police to keep a watch on the boats. In a letter dated April 16 1947, Belgrave also called on the Political Agent to take action to prevent the sale of the liquor on the supply side, in Qatar. He wrote:

‘I am sending with this letter a bottle of alcohol made in Goa. Large quantities of this liquor are now being smuggled into Bahrain from Qatar, where it is on sale in the bazaar. I have good reason to believe that a consignment of this liquor has been imported into Qatar in cases marked “Saleh bin Mana.” It is sold openly in Qatar at three Indian rupees per bottle and the black marketprice in Bahrain is about fifteen to thirty Indian

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<sup>265</sup> Letter from the Political Agent in Bahrain, Manama, to the Supervisor of Construction, Foreign Buildings Operations, the Foreign Service of the United States of America, Dhahran, 13 December 1947, India Office Records, IOR/R/15/2/1327, British Library.

<sup>266</sup> Letter from the Foreign Office, London, to Lord Reading, London, dated 16 January 1953, Foreign Office, FO 371/104373.

rupees.’<sup>267</sup>

After receiving the letter, the Political Agent decided to address the issue directly, by writing to the Ruler of Qatar. On May 7, 1947, the Political Agent in Bahrain addressed an informal letter to Sheikh Abdulla bin Qasim Al-Thani, requesting his assistance in preventing any of the liquor from being re-exported from his territory into Bahrain. The letter provoked an immediate reaction from the Sheikh, who expressed his revulsion at the very suggestion that liquor was being sold in Qatar. The Sheikh wrote:

‘Intoxicant drink is repugnant and condemned to us and our religious laws vehemently prohibits it, so that no one is allowed to import such things. The punishment for any one infringing is severe. For those reasons, no one can dare undertake this and it is not within probability that it can spread in our country. Your informant may either be a self-interested person, or an impulsive calumniator – in any case abominable and base.’<sup>268</sup>

The Sheikh concluded his letter by advising the Political Agent to institute investigations with the informant and identify the reasons driving the informant to ‘cause tumult’ and ‘fish in troubled waters.’<sup>269</sup> The mere hint that the Sheikh might condone the spread of alcohol had angered the Ruler of Qatar, and no further action was adopted by the Political Agent.

### **Understanding the Regulations**

The above section has chronicled five historical episodes taking place between the years 1913-1946, which detail the discussions taking place between colonial actors on the subject of liquor control, and the circumstances under which colonial actors enacted regulations to restrict its sale, transfer, and consumption. These episodes shed light on the moral and political imperatives driving the regulation of alcohol, and how colonial

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<sup>267</sup> Translation of a Letter from H.E. the Ruler of Qatar, Doha, to the Political Agent in Bahrain, Manama, 13 May 1974, India Office Records, IOR/R/15/2/1330, British Library.

<sup>268</sup> Ibid.

<sup>269</sup> Ibid.

decision-makers viewed their legitimacy in Bahrain as intimately tied to their ability to preserve the customary moral order. Analyzing these regulations also reveals the hierarchical conceptions of nationality held by colonial actors, who privileged the status of a minority group of mostly American and British nationals by granting them social privileges denied to other nationalities, including in circumstances where doing so violated policies that prohibited the transfer of liquor across national borders.

The next section analyzes the development of law in the period between 1947-1965, following the independence of India and the transfer of authority over Bahrain to the Foreign Office in London. This section is based on an analysis of five additional historic episodes that chronicle how colonial decision-makers reacted to evidence of additional violations of the liquor-licensing system. It reveals a subtle shift in the discourses used by these officials to justify the enactment of new regulations to restrict alcohol. Here, the research shows that although colonial officials continued to view the enactment of regulations as a moral and political imperative, they also began to view the creation of these measures as part of a broader bureaucratic process of regulatory harmonization, involving the replication of laws across the Gulf region. This section further identifies increasingly overt articulations by colonial actors of the purposes behind the liquor-licensing system, and their creation of new spatial zones as exceptions to the broader policies of prohibition. It analyzes these new spatial zones as evidence of the further entrenchment of the privileges allowed to Europeans and Americans over time.

### **Lawmaking Beyond 1946: The Eastern Department Takes Over**

Following the independence of India in 1947, the administration of British authority in the region began to undergo major structural changes. The most significant of these changes was the transfer of the Political Residency – the headquarters of all British operations in the Gulf- from Bushire to Bahrain. The transfer of the residency to Bahrain propelled its status from one of several quasi-protectorate states, to a new locus of imperial power in the region. This change also rendered the established chain of command obsolete. Whereas the Political Resident previously reported to the Government of India in the period prior to 1947, authority for the Persian Gulf region was thereafter placed under the newly-created Eastern Department at the Foreign Office, to whom the Political Resident reported directly. This organizational shift heightened the influence of a new generation of Political Residents in Bahrain, who naturally took on a more direct role in managing the internal affairs of the island in which they came to be based.

Writing on organizational and institutional changes to British policy following the independence of India, the historian Nelida Fuccaro distinguishes between the rhetoric used by British officials to justify moral interventionism in Bahrain during the 1920's, and the rhetoric used to justify intervention in the period following the independence of India. Fuccaro argues that during the 1920's, colonial officials relied mostly on a rhetoric of reform and social change to justify their management of local affairs, based on pervading structural ideological beliefs in the benevolence of the imperial mission. She compares these discourses with those emerging in the period following the independence of India (and the following the rise of Arab nationalism, which posed a new threat to colonial interests in the Arab world). Fuccaro argues that

by this time, the rhetoric of colonial officials shifted to more pragmatic discourses of public order. In ‘Histories of City and States in the Persian Gulf’, she writes:

‘In 1947, the Residency was transferred from Bushehr to Manama, following the independence of India. In matters of domestic policy, the British administration gave precedence to the oil and security alliance with the new government. These concerns limited the scope of imperial intervention in the internal affairs of the island to matters concerning extraterritorial jurisdiction, public order, and naturally, the oil industry.

In ideological terms, a new focus on social advancement and welfare for the indigenous population supported, and to a certain extent provided a justification for, the new aims and objectives of informal empire. It also replaced the moral values of the ‘benevolent’ imperialist, which had inspired the rhetoric of reform of the 1920s. Not only was the well-being of natives a guarantee of public order, particularly after the Egyptian revolution of 1952 and the emergence of radical Arab nationalism, but it also fulfilled the moral imperatives which increasingly underpinned the British imperial enterprise in the Middle East in the era of decolonization.’<sup>270</sup>

While Fuccaro accurately describes the emergence of new discourses to justify imperial interventions in the post 1947 period, she provides little evidence of either of the two main theoretical propositions advanced in the earlier paragraph, namely that ‘social advancement had replaced the moral values of the benevolent imperialist’, or that colonial officials in the post 1947 climate limited their interventions to ‘matters concerning extraterritorial jurisdiction, public order, and the oil industry’. In the following section, I challenge the propositions put forth by Fuccaro, by showing that colonial actors in the period following 1947 did not limit their interventions in local affairs, but instead maintained their attempts to regulate the social habits and behaviors of Bahrain’s inhabitants by directly enacting legislation to this effect. I also show that the emergence of new discourses of ‘public order’ did not replace the earlier language

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<sup>270</sup> Nelida Fuccaro, *Histories of City and State in the Persian Gulf: Manama Since 1800*, (Cambridge: Cambridge University Press, 2009), p. 119.

of benevolent imperialism, but instead grew alongside those earlier discourses. In this sense, colonial actors continued to justify their interventions through the language of moral order and political necessity, and as necessary to preserve local custom and public order in Bahrain. Understood through this lens, the post-1947 environment can be seen to represent a period of continuity, rather than change. This period also witnessed the rise of a new bureaucratic imperative to harmonize legal police across the Gulf, including in the Trucial States, Kuwait, Bahrain, and Qatar.

### **The 1947 Regulation**

By the year 1945, the absolute monopoly held by the Political Agent on the distribution of liquor in Bahrain had come to an end, owing to the establishment of NAAFI, which was granted the right to sell liquor to license-holders, and owing further to the establishment of a liquor shop and club at the Bahrain Petroleum Company, which was placed under the same restrictions. In 1947, the Political Resident issued a new regulation, which had the effect of granting all ‘European, British, South African, Canadian, and American’ nationals the right to purchase alcohol from the Bahrain Petroleum Shop regardless of whether they held a liquor license. This regulation is notable in that it explicitly formalizes in Law – for the first time – the purpose behind the liquor-licensing system as intended to cater to the habits and customs of the Europeans and Anglo-Saxons and indeed affirmed their right to obtain liquor regardless of whether they held a liquor license. Through this law, the privileges previously afforded to certain individuals from these European and Anglo-Saxon backgrounds were extended to all persons from those nationalities, representing the visible

entrenchment of social privileges racial and ethnic lines. The relevant text of the regulation reads:

‘All staff employees of the Bahrain Petroleum Company who are also of European stock and are nationals of the United Kingdom of Great Britain and Northern Ireland, Eire, Canada, South Africa, the United States of America, or the States of Europe, are permitted to buy alcoholic liquors from the Bahrain Petroleum Company’s shop and club under the general license to import and sell alcoholic liquors issued to the Bahrain Petroleum Company. They are also permitted to transfer such liquor among themselves, in the ordinary course of hospitality; and to other persons subject to the Bahrain-Order-in-Council who are themselves permitted to purchase alcoholic liquor or to import it for their own personal use and to British members of the Royal Navy and the Royal Air Force; they are not, however, permitted to purchase alcoholic liquor or to import it for their own personal use and to British members of the Royal Navy and the Royal Air Force; they are not, however, permitted to sell it, to offer it for sale, or to transfer it to persons who do not fulfill these definitions, or to subjects of High Highness the Ruler of Bahrain.’<sup>271</sup>

### **The Alcoholic Drinks Regulation of 1951**

Following the independence of India and the restructuring of British authority in the Gulf, officials in London enacted a series of regulations to harmonize and unify policies across the region. The first regulation enacted for this purpose in the area of liquor control was the Alcoholic Drinks Regulation of 1951. In Bahrain, this regulation was the first of its kind that directly articulated the purpose of the licensing system, and the activities amounting to a violation of the system. For the first time, the Court of the Political Agent could rely directly on clear legislation to punish violators of the liquor-licensing system, rather than the vague provision outlined in Article 74 of the Bahrain

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<sup>271</sup> The regulation continues: ‘Members of the Royal Navy, the Royal Air Force, and servants of His Majesty’s Government who are permitted to purchase alcoholic liquors from Service or NAAFI sources are similarly permitted to transfer in the ordinary course of hospitality to persons enjoying these same privileges and to civilians subject to the Bahrain Order-in-Council who are themselves permitted to purchase alcoholic liquors. They are not, however, permitted to transfer it to persons subject to the Bahrain Order-in-Council who are not permitted to purchase alcoholic liquors.’ Regulation Issued by the Political Resident in the Persian Gulf, Bushire, India Office Records, IOR/R/15/2/4201, British Library.

Order in Council, namely ‘breaching local custom.’ The Alcoholic Drinks Regulation of 1951 was issued uniformly across Bahrain, Kuwait, Qatar, and the Trucial States, and applied to all foreign-protected subjects.<sup>272</sup> Despite this clarity, the new Regulation did not contain any provision stipulating relevant punishments for breaches of the liquor-licensing system. The Bahrain Alcoholic Drinks Regulation of 1951 is reproduced below:

#### Alcohol Drinks Regulation 1951

1. No person subject to the Order shall, within the limits of the order, make or manufacture any alcoholic drink.

2. No person subject to the Order shall import into or export from Bahrain any alcoholic drink without a permit granted to him by the Political Agent.

3. No person subject to the Order shall, within the limits of the Order, acquire or dispose of any alcoholic drink whether by purchase, sale, gift, exchange, or any other means without a permit granted to him by the Political Agent provided that alcoholic drinks by way of private entertainment may, without such permit, be supplied to and accepted by persons who are subject to the Order.

#### **Smuggling from Dubai**

Following the enactment of the Alcoholic Drinks Regulation of 1951, evidence continued to emerge of violations to the new regulations across the region. Colonial policymakers grew increasingly preoccupied with limiting these breaches, and justified new regulatory interventions as necessary to prevent criticism of British subjects in the Gulf, and to avoid embarrassment to oil companies based in the region. As in previous years, British officials blamed these breaches on Iranian subjects, whom they continued

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<sup>272</sup> Bahrain Alcoholic Drinks Regulation 1951, King’s Regulation under Article 85 of the Bahrain Order in Council, 1949, Foreign Office, FO/371/98412. See also: Kuwait Alcoholic Drinks Regulation 1951, King’s Regulation Under Article 85 of the Kuwait Order in Council, 1949, Foreign Office, FO/371/98412.

to view as responsible for importing illegal liquor to Bahrain and spreading undesirable habits to its inhabitants.

On January 19 1953, a representative from the Eastern Department, C.M. Rose, wrote to the Political Agent in Bahrain, Charles Martin Le Quesne, and a number of officials based in the region. In the letter, Rose expressed his concern towards reports of new alcohol leakages.<sup>273</sup> He wrote:

Dear Le Quesne,

1. As you will see from the account of the 2<sup>nd</sup> monthly liaison meeting with the Kuwait Oil Company, Hallowes has told us that on his recent visit to the Gulf he heard reports that considerable quantities of alcoholic liquor were being imported into Dubai and re-exported illicitly to Kuwait, Bahrain, and Saudi Arabia; that the Sheikh of Dubai knew of the trade, but turned a blind eye. Hallowes had not obtained any definite evidence, but he thought the report was worth investigating as British subjects might be accused of being involved, to the embarrassment of the oil companies in the Gulf.

2. It seems to us quite probably that orders are being placed by Arabs at Dubai, and in that case we could do nothing to stop the trade. If, however, we have evidence that traffic of this kind is being carried out by Arab merchants, we ought perhaps to bring it to the attention of the Rulers in order fore-stall criticism of British subjects in the Gulf.

3. Have you any information about that? It seems probably that some of the liquor goes to Saudi Arabia and I am therefore copying this letter to Riches who may have some information.

4. I am also copying this letter Pirie-Gordon, Well, and Weir.<sup>274</sup>

Yours Sincerely,

C.M. Rose

On January 28 1953, a representative of the British Embassy at Jeddah addressed C.M. Rose, confirming that he although had heard 'nothing on the subject' he considered it

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<sup>273</sup> Letter from the Eastern Department, London, to the Political Agent in Bahrain, Manama, 19 January 1953, Foreign Office, FO 371/104373.

<sup>274</sup> Copies of the letter were sent to D.H.M Riches, a British official based in Jeddah, and to Political Agents at Kuwait, Sharjah, and Dohar.

‘not at all unlikely that liquor is being smuggled into Saudi Arabia, particularly through Kuwait.’<sup>275</sup> The official articulated his concern that Saudi perceptions of Britain as complicit in the smuggling of liquor was likely to harm British-Saudi relations and hinder any future possibility that Saudi’s Rulers might permit the import a limited quantity of liquor into their country, for consumption by foreign subjects. He wrote:

‘As you know, relations with the Saudis are already fairly strained; as it is our prospects of recovering the right to import liquor are slender enough and will certainly not be enhanced if the Saudis hear that Britain is assisting in or conniving at the smuggling of liquor in the Persian Gulf. I therefore hope that if the matter should become public it may be possible to show our disapproval. Meanwhile there doesn't appear to be anything which we can usefully do on our end.’<sup>276</sup>

On February 17, 1953 the Political Resident in Bahrain weighed into the debate, and addressed many of the theories put forward on liquor leakages.<sup>277</sup> In a letter addressed to C.M. Rose, he wrote:

Dear Clive,

Thank you for your letter 1302/1 of the 19<sup>th</sup> January 1953 about the possibility of a leakage of liquor from Dubai into Kuwait, Bahrain, and Saudi Arabia. Referring to the control of liquor on the Trucial States, Weir has recently written that “there seems little doubt that leakages on a small scale do occur, but I have been unable so far to get any positive evidence. The Ruler of Sharjah once complained to me in general terms against some Indians, and I once received an anonymous letter accusing an Indian of selling liquor locally. Neither charge has yet been substantiated, however and meanwhile, bearing in mind Sheikh Saqr’s prejudice against Indian, I prefer to keep an open mind. The only Indians who are granted permits are those employed by European firms, a restriction which may seem invidious but is I think necessary in view of our complete lack of supervision on control over people living in the suq. It is possible that some of these permit-holders do not drink and sell an occasional bottle instead, but in the absence of evidence our only course is to maintain a strict rationing system. Apart from this possible source there is the

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<sup>275</sup> Letter from the Eastern Department, London, to the Political Agent in Bahrain, Manama, 19 January 1953, Foreign Office, FO 371/104373.

<sup>276</sup> Letter from British Embassy, Jeddah (author unidentified) to C.M. Le Quesne, Bahrain dated 26<sup>th</sup> January 1953 FO 371/104373

<sup>277</sup> Letter from C.M. Le Quesne to C.M. Rose dated 17<sup>th</sup> February 1953. FO 371/104373

N.A.A.F.I. and the R.A.F. messes, which are not subject to control, and I am asking the Commanding Officer to keep a closer watch on his stocks and issues. The greatest proportion of drunkenness one observes in Sharjah and Dubai, not least among Shaikhly retainers and relatives, is caused by Persian arak freely imported, by an accepted fiction, as rose-water. I have heard nothing to suggest that either Gray Mackenzie or African and Eastern have been responsible for leakages. Buckmaster checks their stocks regularly and such discrepancies as he has found he considers due to errors of book-keeping. He assures me that their system of control is adequate.”

After citing extensively from a letter sent by the Political Agent in the Trucial Coast, Le Quesne continued his letter, writing:

At present we have no definite information about leakages, but we shall pass on to you anything that may come to light. We think it probably that if leakages are occurring it is Persian liquor which is being exported. Weir told us some time ago that a large quantity of this had been discovered hidden under other merchandise in a dhow which had arrived at Dubai. The new Alcoholic Drinks Regulation for the Trucial Coast has just arrived and should simplify control so far as we are not concerned. I am sending copies of this letter to Wall, Pelly, and Weir.

C.M. Le Quesne

The lengthy exchange of letters between officials based in the Trucial States, Bahrain, and Saudi Arabia shows how colonial officials based in these states shared a common concern to limit the spread of illegal liquor in the Gulf region, and engaged in cross-border cooperation to accomplish this objective. Reference by the Political Resident to a new Alcoholic Drinks Regulation for the Trucial States as likely to help in curbing the spread of liquor also shows how colonial officials adopted a classical liberal belief in the role of Law as an effective mechanism for transforming social behavior.

### **A New Crime: Aiding and Abetting**

In 1953, an incident in the Trucial States spurred the revision of liquor regulations across the four territories falling under British control in the Gulf region. In July of that year, the Court for the Trucial States dismissed a case against a young man implicated

in assisting a second man in smuggling liquor. Although the Court had successfully established the culpability of both men in the crime, it was unable to secure a conviction against the accomplice, due to the absence of any provision in any of the Laws enforced by the Court, including the Indian Penal Code, the Trucial States Alcoholic Drinks Regulation 1951, or the Trucial States Order in Council, explicitly criminalizing the offences of either abatement or assistance in the manufacture, production, or sale of liquor.<sup>278</sup>

In the following weeks, the matter came to the attention of J.C. Moberly, the British Political Resident in Bahrain, who wrote to C.T.E. Ewart-Biggs at the Eastern Department, recommending that the 1951 Laws governing alcohol across the four states be amended to include abetment, and attempted smuggling of alcohol, as punishable offenses. In a series of exchanges, both the Moberly and Ewart-Biggs agreed that the Alcoholic Drinks Regulations of 1951 should be amended to introduce these activities as criminal offenses, and that the new regulations should also include stricter penalties for violations of the Law.<sup>279</sup>

In 1953, the Secretary of State for Foreign Affairs issued a notice repealing the 1951 Alcoholic Drinks Regulations in Bahrain, Qatar, the Trucial States, and Kuwait. He replaced these laws with a new regulation that took effect in each of these States, the Alcohol Drinks Regulations, 1954.<sup>280</sup> The new Regulation maintained the basic

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<sup>278</sup> Letter from the Political Resident in Bahrain, Manama, to the Eastern Department, London, 14 July 1953, Foreign Office, FO 371/104373.

<sup>279</sup> (Ibid)

<sup>280</sup> For the Trucial States: See: 'The Trucial States Alcoholic Drinks Regulation 1953', Queen' Regulation Passed Under Article 82 of the Trucial States Order in Council 1953, Foreign Office, EA 16410/37.

For Kuwait, see: "The Alcoholic Drinks Regulation", Queen's regulation Under Article 82 of the Kuwait Order in Council 1953, Foreign Office, EA 16410/37

principles of the earlier law, and included a new provision render it a criminal offense to ‘attempt to commit, or abet, or attempt to abet, the commission of any offense punishable under the Regulation.’<sup>281</sup> It also established heavy penalties violations of the Law, including fines of up to 2,500 Rupees. The enactment of this Law took place at the sole initiative of the colonial officials stationed in the Gulf and at the Foreign Office in London, and there is no evidence that the Ruler of Bahrain – or any Rulers in any of the aforementioned States – were consulted prior to its enactment. This reveals that the concern to limit the spread of liquor remained a priority of colonial officials in the period following 1947, and that these officials adopted proactive measures in order to be seen as taking initiative in curbing the spread of liquor. Moreover, the enactment of region-wide regulations in response to a distinctly localized incident taking place in the Trucial States further reveals the new trend towards harmonization of legal policy across the Gulf region during this era. A copy of the relevant sections of the Alcoholic Drinks Regulation of 1953 are reproduced below:

#### Alcoholic Drinks Regulation 1953

1. No person subject to the Order shall, within the limits of the Order, make or manufacture any alcoholic drink.
2. No person subject to the Order shall import into or export from Bahrain any alcoholic drink without a permit granted to him by the Political Agent.
3. No person subject to the Order shall, within the limits of the Order, acquire or dispose of any alcoholic drink whether by purchase, sale, gift, exchange, or any other means without a permit granted to him by the Political Agent; provided that alcoholic drinks by way of private

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For Bahrain, see: ‘Bahrain Alcoholic Drinks Regulation 1953’, Queen’s Regulation Under Article 82 of the Bahrain Order in Council, Foreign Office, EA 1302/8. For Qatar, see: The Qatar Alcoholic Drinks Regulation, 1953, Queen’s Regulation Made Under Article 82 of the Qatar Order, 1953, Foreign Office, EA 1302/8.

<sup>281</sup> ‘Bahrain Alcoholic Drinks Regulation 1953’, Queen’s Regulation Under Article 82 of the Bahrain Order in Council, Foreign Office, EA 1302/8.

entertainment may, without such permit, be supplied to and accepted by persons who are subject to the Order.

4. Any person who fails to comply with this Regulation shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding one year or to a fine not exceeding 2,500 Rupees or to both, and any alcoholic drink in respect of which a breach has been committed shall be liable to confiscation.

5. Any person subject to the Order who attempts to commit or abets or attempts to abet the commission of any offence or offences punishable under this Regulation shall be liable to be punished in like manner as if he had committed the offence or offences.

### **Methylated Spirits and Industrial Alcohol**

The concern to limit the spread of illegal continued to preoccupy British officials into the mid-1950's. In 1956, the Political Agent in Bahrain, Charles Gault, turned his attention to the regulation of methylated spirits, in the context of new information which suggested that quantities of spirits intended for medicinal use were being purchased and consumed by members of the public as intoxicants. Belgrave had identified a growing rise in numbers of people consuming methylated spirits and perfumes as cheap substitutes for liquor as early as 1939, when he wrote: 'I have forbidden the sale of eau de cologne in the bazaar as it is being used as a liquor. Methylated spirits are also being used for this purpose and are obtainable in Bahrain by people who know where to get them.'<sup>282</sup>

On April 7 1956, the Political Resident, Charles Alexander Gault, wrote to the Eastern Department, informing them that the Political Agent in Bahrain had prepared a new regulation titled the 'Bahrain Industrial Alcohol Regulation', aimed specifically at combating the growth in the consumption of industrial alcohol by members of the

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<sup>282</sup> The Bahrain Government Annual Reports 1924-1970, 8 vols. (Gerrard Cross: Archive Edition, 1986): 'The Annual Report for the Year 1938-39', Vol. 2.

public.<sup>283</sup> In his letter, the Gault noted that since any legislation produced by the Political Agent would mainly concern persons subject to the Queen's jurisdiction (British subjects and all foreigners who fell under British authority), he had considered it appropriate that the Ruler should also issue a similar ordinance. Gault described this as desirable not only to ensure that the Regulation applied to all of Bahrain's residents, but also as necessary in order to ensure uniformity in the definitions of alcohol described in the English and Arabic pieces of legislation. In his letter, Gault further noted that the government of Bahrain had already issued an Ordinance in February, prohibiting the consumption of industrial alcohol (which the Ordinance defined as "denatured, methylated spirits"), and that the Agency did not consider that the definition of industrial alcohol included in the Ordinance, which referred to "denatured, methylated, and medicated spirits" was sufficiently comprehensive to cover all types of industrial alcohol. Gault further warned that the American Hospital in Bahrain- a provider of public healthcare- imported Ethyl alcohol that was neither denatured nor methylated nor medicated, but which could be used to make 'a passable gin.' He noted with concern that the existing legislation permitted this type of alcohol into Bahrain without a license, and was therefore too broad. Gault concluded his letter by requesting the support of Eastern Department in providing the Political Residency with a 'satisfactory definition' for inclusion into the Queen's regulation. He added that he had hoped to persuade the government of Bahrain to change the definition that it had chosen to include in the local Ordinance to render it compatible with the regulation drafted in

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<sup>283</sup> Letter from the Political Resident in Bahrain, Manama, to the Eastern Department, London, 7 April 1956, Foreign Office, FO/371/120632.

London.<sup>284</sup> In a subsequent internal memorandum between the Political Resident and Judge Haines, the Chief Judge of the British Court in Bahrain, Judge Haines echoed the Political Resident's view that the inclusion of such a definition would be effective in curbing the private import of industrial alcohol as an intoxicant.<sup>285</sup>

On June 12, 1956 Stephen Rose, an official at the Eastern Department wrote to O. Tattern, an official at the Government Chemist Department in London, requesting the assistance of their medical and scientific experts to provide a new definition of industrial alcohol.<sup>286</sup> He wrote:

Dear Tattern,

1. We spoke on the telephone recently about the problem of defining the term industrial alcohol, which we intend to include in legislation which we are drafting for application in Bahrain. You agreed that you would advise me about the adequacy of the definition which has now been proposed.

2. The definition section as at present drafted reads "In this Ordinance, the expression Industrial Alcohol means Denatured methylated and medicated spirits." We are told, however, that the American Hospital in Bahrain import Ethyl Alcohol, and that this is neither denatured, nor methylated, nor medicated, but can be used to make very passable gin.

3. It would be best if we could make the new definition so comprehensive that it would include all types of alcohol which cannot reasonably be regarded as an alcoholic drink (this latter being covered by a separate legislation). However, if you think that for practical purposes the definition might be made "watertight" by adding the words "or Ethyl Alcohol" at the end, this might prove a simple solution. But I am not certain that there are not other types of alcohol used in medicine or some other profession, which would still fall outside the definition.

Yours Sincerely,  
S.J.Rose

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<sup>284</sup> Letter from the Political Resident in Bahrain, Manama, to the Eastern Department, London, 7 April 1956, Foreign Office, FO 371/1/120632.

<sup>285</sup> (Ibid)

<sup>286</sup> Letter from the Foreign Office, London, to the Government Chemist Department, London, 12 June 1956, Foreign Office, FO 371/120632.

On July 21 1956, Stephen Rose wrote to W.J. Adams, an official at the Foreign Office, proposing a new definition for industrial alcohol, based on the advice of the Government Chemist.<sup>287</sup> He wrote:

Dear Adams,

1. Will you please refer to Chancery letter I301/6/56 of April 7, 1956, about the Bahrain (Industrial Alcohol) Regulation.

2. We have now discussed with the Government Chemists' Department the adequacy of the definition of Industrial Alcohol given in paragraph 2 of the Ruler's Ordinance, which you sent us under cover of your letter of May 26. The department suggested a more comprehensive definition would be: -

“In this Regulation the expression industrial alcohol means spirits manufactured for use for medical or scientific purposes, and includes denatured, methylated or medicated spirits, and Methyl Alcohol.”

3. “Spirits” is a term of art, and covers any preparation containing Ethyl Alcohol. In spite of a deceptive orthographic affinity, Methyl Alcohol does not contain Ethyl Alcohol. It is in fairly common scientific use as a solvent, and although poisonous, we are advise that its import should be controlled.

4. I think that the definition above should cover all forms of alcohol likely to appear in Bahrain, which are not already covered by the Bahrain Alcoholic Drinks Regulation. A number of industrial alcohols do exist which are not covered by the definition as it stands at present (i.e. 150-PROPYL NORMAL PROPYL and other high aliphatic alcohols) but the Chemists' Department do not consider it necessary to include them, because they are rare, very expensive, and are not controlled in this country.

Yours Sincerely,  
S.J. Rose

On September 3, 1956 Stephen Rose wrote again to O.Tatton at the Government Chemist Department. In his letter, Rose informed Tatton that he had heard back from the Government of Bahrain, which had inquired as to whether the new definition of Industrial Alcohol proposed by the Eastern Department (when read together with the existing definition for ‘Intoxicating Liquor’ included in existing Laws), was sufficient

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<sup>287</sup> Letter from the Eastern Department, London, to the Foreign Office, London, 21 June 1956, Foreign Office, FO/371/120632.

to ‘cover all forms of intoxicant likely to be imported into Bahrain.’<sup>288</sup> One week later, Tatton replied affirmatively, indicating that this definition should cover all forms of intoxicants being imported into Bahrain.<sup>289</sup>

On November 24 1956, Stephen Rose wrote to the Adams at the Foreign Office once more, informing him that the Government of Bahrain had agreed to amend its definition of Industrial Alcohol to reflect the definition suggested by the Chemist Department.<sup>290</sup>

### **The Bahrain Law of Alcohol 1956**

As British officials enacted new measures to limit the import of industrial alcohol into Bahrain, the Government of Bahrain issued a new Law in 1956, codifying a series of upper-limit penalties for the illegal manufacture, sale, and consumption of Alcohol. Titled the ‘Law of Alcohol 1956’, this new regulation established a maximum fine of RS 1000 for all individuals found illegally importing or manufacturing liquor, and a maximum sentence of one year imprisonment. The Law also established a maximum sentence of eight months’ imprisonment and a maximum fine of RS 1500 for individuals found illegally selling liquor, in addition to a maximum prison term of six months and a maximum fine of RS 1000 for individuals convicted of drunkenness. Finally, the Law also provided for a maximum penalty of four months’ imprisonment for those convicted of illegally possessing liquor, in addition to a maximum fine of RS 500. The Law also provided that any person found guilty of “assisting, attempting or

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<sup>288</sup> Letter the Foreign Office, London, to the Government Chemist Department, London, 3 September 1956, Foreign Office, FO/371/120632.

<sup>289</sup> Letter from the Government Chemist Department, London, to the Foreign Office, London, 11 September 1956, Foreign Office, FO/371/120632.

<sup>290</sup> Letter the Foreign Office, London, to the Government Chemist Department, London, 24 November 1956, Foreign Office, FO/371/120632.

inciting” the commission of the above acts would be liable to punishment as though he had committed the original offence. These measures ensured that the Bahraini Courts held the adequate legislative tools to strictly punish the illegal manufacture, sale, and consumption of liquor and thus support the overall aims of the liquor-licensing system.

### **The 1967 Regulation**

In the following decade, Bahrain's economy continued to grow rapidly, as a rise in global oil prices enabled the government to make additional investments in local services and infrastructure. New development projects and the continued expansion of the oil industry heightened demands for expatriate labor in the State and by 1967, foreigners came to constitute 22% of the total population of 180,000. The influx of Western workers in particular continued to place a strain on the liquor licensing system, as the Political Agent struggled to make informed determinations on the hundreds of applications that flooded through the Agency each year. The Political Agent grew particularly concerned towards continued evidence of public drunkenness taking place in Bahrain, and expressed his fears this might be attributed to mismanagement on the part of the Political Agency.

On May 16, 1967, the Political Resident in Bahrain, R.S. Crawford, wrote to George Brown MP at the Foreign Office, informing him that he had used the ‘urgent procedure’ to enact a new Regulation aimed at limiting spread of drunkenness in Bahrain.<sup>291</sup> He wrote:

Sir,

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<sup>291</sup>Letter from R.S. Crawford British Political Resident in Bahrain to George Brown at the Foreign Office, dated May 16,1967. File No. FCO 8/108

1. I have the honor to forward the original of the Bahrain Alcoholic Drinks (Amendment) Regulation of 1967 (Queen's Regulation No. 6 of 1967) which I have today made by the urgent procedure.

2. The Regulation empowers the Political Agent to impose conditions on Liquor Permits or to cancel them and provides the Bahrain State Police with right of access to premises where alcoholic drinks are sold to ensure the enforcement of any conditions imposed. The necessity for the regulation has arisen because of the problems created by an increase in drunkenness and violence arising from it. The regulation has been agreed in correspondence with your Department.

3. I have considered it necessary to use the urgent procedure since the matter is one of current importance and I consider that there is no good reason to delay bringing it into effect.

4. I am sending a copy of this dispatch with a signed copy of the Regulation to the Political Agent Bahrain and to the Judge of Her Majesty's Court.

I have the honour, to be with the highest respect, Sir, your obedient servant.

R.S. Crawford

In his letter, the Political Resident attached a new draft regulation that empowered the Political Agent to impose conditions on liquor permits, or to cancel them at his discretion. The draft Law further granted the Bahrain State Police the right to access any premises where alcoholic drinks were sold, to ensure the enforcement of the Law. This reference clearly alluded to NAAFI, as it represented the only institution permitted to distribute alcohol outside the Political Agency. The Political Resident concluded his letter by informing the Foreign Office that he considered the matter one of current importance, and had thus used the urgent procedure to bring the proposed Law into immediate effect.<sup>292</sup>

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<sup>292</sup> The Bahrain Order in Council provided that the Political Resident could rely on two procedures in enacting Law. The 'Ordinary Procedure' required any draft Laws proposed by the Political Resident to secure the approval of the Secretary of State before being enacted into Law. The second, 'Urgent Procedure', allowed the Political Resident to pass regulations at his own initiative for matters that he

On 17 August 1967, Francis Vallet, the Deputy Legal Advisor to the Foreign Office wrote to the Minister of State and Secretary of State, explaining the motivations driving the Political Resident to enact the Regulation. He began his letter by observing that the Alcoholic Drinks Regulation of 1954 had made it necessary for anyone who wished to sell alcohol to permit-holders in Bahrain to do no more than obtain a permit from the Political Agent. Vallet justified the need for further regulation through the discourse of public order, by pointing to the public brawls and chaos caused by an increase in insobriety. Vallet further stated that this increase in insobriety rendered it less likely that the Ruler might liberalize his own legislation in the future. His comment in this regard represent a break with the justifications for Regulation typically articulated by colonial officials, who until this period had not appeared to contemplate the liberalization of existing Laws by local Rulers. Vallet wrote:

‘The inadequacy of this legislation is becoming increasingly obvious as drunkenness grows on the island. The number of service personnel and employees of the offshore drilling companies is increasing, and the latter include a number of British 'roustabouts' who, to use the Political Agent's phrase, descend on Manama like cowboys in a Western every few weeks after long dry periods on the rigs. The inadequacy of the licensing arrangements made possible, for example, a recent drunken brawl in which one man died. This regulation will allow any officer of the Bahrain state police of the rank of Inspector or above to enter a bar without a warrant and will enable the Political Agent to make 'such limitations and conditions' as he thinks fit when issuing liquor permits and to cancel them at any time.’<sup>293</sup>

He continued:

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deemed of urgent importance. These Regulations would take effect as soon as they were made, but could be disallowed by the Secretary of State. In such an instance, revocation would take place from the date by which the Secretary of State published a notification of dis allowance.

<sup>293</sup> Letter from the Deputy Legal Advisor to the Foreign Office, London, to the Minister of State and Secretary of State, London, 17 August 1967, Foreign Office, FCO 8/108.

‘The Political Agent has explained that he intends to make it a condition that alcohol should not be supplied to anyone below the age of 18 or to anyone obviously drunk. He does not intend to impose licensing hours, but he hopes that his power to do so will encourage the permit-holders to ensure the good behavior of their clients. The Bahrain government's own legislation which applies to all citizens of Muslim countries, is still strictly teetotal and the present behavior of drunken Europeans in a place the size of Bahrain not only provokes hostility but also makes it less likely that the Ruler will liberalize his own legislation. The urgent procedure was adopted by the Political Resident for this Regulation as the problem had become one of current importance.’<sup>294</sup>

As no objection was received to the letter, the new 1967 Alcoholic Drinks Regulation came into effect shortly thereafter, enabling the Political Agent to exercise new controls over the consumption of liquor.<sup>295</sup> In particular, the new legislation allowed the Political Agent to wrestle back some of the authority that had been ceded to NAAFI, by granting him authority to issue further ‘limitations and conditions’ in the area of liquor-control. The effect of this regulation was thus to enable the Political Agent to restore a greater degree of control over the sale and distribution of liquor in Bahrain.

### **Conclusion**

This Chapter has analyzed regulations enacted by colonial officials based in Bahrain and the broader Gulf region, which aimed to maintain the boundaries established by the liquor-licensing system over two broad historical periods. These include the period between 1913-1946, in which authority over Bahrain was managed directly by officials based in India, and in the period following 1946, in which authority over Bahrain and other Gulf territories was moved to the Foreign Office, in London. It has shown that despite institutional changes to governance structures resulting from this shift, colonial

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<sup>294</sup> (Ibid).

<sup>295</sup> ‘Queen’s Regulation Made Under Article 76 of the Bahrain Orders 1959 and 1967’: Notice published by Her Majesty’s Political Resident in the Persian Gulf, Manama, 16 May 1967, Foreign Office, FCO 8/108.

officers maintained remarkable continuity in the policies that they enacted to limit the sale and consumption of alcohol in Bahrain, and took steps to further harmonize these policies across the Gulf region. It has also shown that while the policies enacted in the period preceding 1946 had an indirect effect in entrenching the privileges of Westerners, a new series of laws enacted in the period following 1946 overtly affirmed these privileges on the basis of nationality. This is most evident in the enactment of a new regulation in the year 1947 which had the effect of allowing all European, British, South African, Canadian, and American nationals the right to purchase alcohol from the Bahrain Petroleum Company shop, regardless of whether they held a liquor license. This represented the first clear distinction made in the law through nationality, and highlights the intended social purpose of the Law in securing privileges for a minority group of Western nationals.

While colonial actors acted to ensure that the Law protected the social privileges of those granted the privilege to consume liquor, these efforts were supported by the activist approach of the Court of the Political Agent, which enforced sentences against dozens of violators of the liquor licensing system in the years between 1941-1946. The Court's approach in enforcing punishments for violations of the Law had a further effect in entrenching the privileges of Western nationals, and in providing specific incentives for the entry of economically disadvantaged and socially excluded groups, including Iranians, Iraqis, and Jews, into a black market trade in liquor. The Court's approach – and its social impact – are explored in further detail in Chapters Four and Five.

#### **Chapter Four: The Court of the Political Agent, Quantitative Analysis**

Beginning in the mid-1930's, Belgrave initiated a crackdown against suspected violators of the liquor-licensing system. During this period, local police officers reporting to Belgrave relied on a web of paid informants to detect violations of the system, and engaged in targeted raids of homes, businesses, and public spaces which they suspected were being used to store illegally-manufactured liquor. Belgrave meticulously documented the steps adopted by the Police force in targeting this underground industry, and acted to refer all individuals implicated in these activities to the Courts for prosecution. The referrals followed the system of capitulations in force at the time, with authorities referring most Bahrainis to the local courts for prosecution, and all other foreigners to the Court of the Political Agent.

Belgrave's crackdown on the growing black market trade in liquor was supported by the activist approach of the Court of the Political Agent, which adopted a liberal reading of the legislation at its disposal to punish those found manufacturing, possessing, or consuming alcohol outside the parameters permitted by law. This Chapter analyzes data from seventy-three cases heard at the Court of the Political Agent, involving the prosecution of eighty-six individuals. It draws observations about the Court's behavior and shows how it relied on a principle of social harm in arriving at its judgments, by enforcing the highest categories of sentences against individuals implicated in activities that it deemed most threatening to Bahrain's society, namely the manufacture and sale of locally produced date liquor.

The research contrasts this approach with the more lenient approach that the Court adopted towards other liquor-related offences, including drunkenness, the

possession of liquor, and the transportation of liquor, which it viewed as acts of individual transgression and as posing less of a social harm to the society at large. The analysis also reveals no evident correlation between the nationality of an offender or the severity of the sentence passed against him or her, lending some support to the Court's claim that it acted fairly, to promote the Rule Law. However, the Chapter also questions the validity of these claims by arguing that despite the absence of direct evidence suggesting that the Court discriminated against certain nationalities, the incentives created through the liquor-licensing system- when understood in the context of existing social and economic inequalities- had the effect of encouraging low-income and socially excluded groups from certain nationalities (including Iranians and Iraqis, from mostly Jewish backgrounds) to enter into the black market industry in liquor. Thus, while the Court may have acted fairly in promoting the Rule of Law, these claims must be assessed in the context of the broader rules set by the liquor-licensing system which inherently privileged the rights and status of Western and European nationals.

### **Introducing the Court: General Law and Procedures**

The Court of the Political Agent was a statutory body, established in 1913 through the Bahrain Order in Council. As explained in Chapter One, the central purpose of the Order was to conclusively affirm British jurisdiction over all British and foreign subjects residing in Bahrain, and lay out the terms on which this jurisdiction was exercised. To this end, the Order in Council created two new judicial bodies in Bahrain: the Court of the Political Agent, which acted as a District Court, and the Court of the Political Resident, which acted as a Chief Court of Appeal. The Courts were respectively headed by the Political Agent and the Political Resident, each of whom

maintained exclusive decision-making authority in deciding on the facts and merits of the cases before them. The Courts also maintained autonomy from local judicial bodies by enforcing an external body of legislation: including laws passed by the British Raj in India, laws passed by the British parliament intended specifically for Bahrain (such as the Bahrain Order in Council), and decrees issued by either the Political Agent or the Political Resident in the Persian Gulf. The ability of the Political Agent and Political Resident to exercise jurisdiction over disputes involving foreign nationals, coupled with the ability of the Courts they presided over to bypass the domestic legal system almost entirely by relying on external sources of Law, rendered foreigners largely immune to the authority of the Ruler.<sup>296</sup>

In punishing violations of the liquor-licensing system, the Court of the Political Agent relied on a vague and broadly-worded legal provision, namely section 74 of the Bahrain Order in Council 1913. The text of section 74 reads:

‘Nothing in this Order shall deprive the Political Resident, or an officer subordinate to him, of the right to observe, and to enforce the observance of, or shall deprive any person of the benefit of any reasonable custom existing in Bahrain, unless this Order contains some express and specific provision incompatible with the observance thereof.’

The Court's reliance on section 74 to prosecute violators of the liquor licensing system raises several central questions about the intentions of the drafters of the Bahrain Order in Council. During this period, the liquor-licensing system was not formalized in Law, and was instead exercised informally by the Political Agent. Does the absence of a specific legal provision criminalizing the consumption or sale of liquor beyond the

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<sup>296</sup> In order for a law issued by the Ruler to apply to foreigners, the Political Agent or Political Resident would need to enact a version of that law and then apply it in their own Courts. ‘The Bahrain Order in Council 1919’, King’s Regulations, India Office Records, IOR/R/15/1/306, British Library.

parameters of the system indicate that the British parliament had not anticipated, or intended, to punish violators of the system? This appears to be the case at first glance, particularly when considering the multitude of offenses specifically provided for in the Order in Council, including ‘obstructing the efforts of an officer’ (article 25), ‘insulting the Court’ (article 25), ‘insulting another religion’ (article 28), ‘copyright’ violations (article 29), and even a single offence directly related to the illegal import of liquor ‘smuggling liquor’ (article 27).<sup>297</sup> If, however, the British parliament had anticipated punishing direct breaches to the liquor licensing system, then the absence of any clear guidelines to this effect is puzzling.

In seeking to resolve this ambiguity, it is useful to take into account Bahrain’s social landscape during the period in which the Law was issued. A survey of the reports drafted by the Political Agency during first two decades of the twentieth century reveals almost no violations of the liquor-licensing system, and none of which were committed by foreign subjects. The rare breaches that did occur appear to have been committed exclusively by local subjects, over whom the British government held no authority. As a result, British officials appear to have believed that the supply of alcohol in Bahrain was exclusively concentrated in the hands of a small group of foreigners, as anticipated by the Government of India in its creation of the liquor-licensing system, and that the liquor licensing system was operating successfully. The inclusion of an offence for ‘smuggling liquor’ in Article 27 was likely seen as encompassing all types of violations that could foreseeably occur. On the basis of the available information, it is therefore plausible to infer that the British parliament simply did not predict that large-scale

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<sup>297</sup> ‘The Bahrain Order in Council 1919’, King’s Regulations, India Office Records, IOR/R/15/1/306, British Library.

violations to the system might occur in the future, nor did it likely envisage that such breaches would need to be punished in a Court of Law. Accordingly, no direct provision was included in the Bahrain Order in Council dealing specifically with the illegal production, sale, manufacture, or consumption of date liquor and commercially-manufactured liquor.

The British parliament appears to have included Section 74 into the Bahrain Order in Council as a catch-all provision, aimed at granting officials in Bahrain the authority and discretion to punish undesirable activities that might arise from time to time, and particularly activities deemed to offend the norms of the local community. The specific reference to local custom reveals the broad consensus among colonial decision-makers of the importance of being seen to protect the customary values of the local community. Beginning in the late 1930s, the Court of the Political Agent began exercising the legislative tools at its disposal to punish individuals found consuming and producing liquor outside the parameters permitted by the licensing system, while justifying these actions in terms of protecting Bahrain's local customs. The routine exchange of information about these efforts in both official reports and in correspondence addressed to the India office also reveals that these efforts were overseen, and encouraged, by officials based in London and in Delhi.

Despite the absence of sentencing guidelines in the Order in Council, the Court of the Political Agent maintained remarkable consistency in the punishments that it enforced against violators of the liquor licensing system. These penalties can be grouped into three categories of sentences, including financial penalties, prison terms (which in each case combined imprisonment with forced labor, and was referred to the

Court as ‘rigorous imprisonment’, or a combination thereof. Financial penalties imposed by the Court ranged between fines of fifty Indian rupees for the lowest categories of violations, to three hundred rupees in cases of more egregious violations, with a single offender being fined five hundred Indian Rupees.<sup>298</sup> To put these numbers into perspective, the salary of a middle-income worker at the Bahrain Petroleum Company in the year 1945 was just two hundred rupees.<sup>299</sup> The financial penalties imposed by the Court therefore aimed to incentivize compliance with the system, by causing significant hardship to those who acted contrary to it. Harsh incentives were also put in place through the punishment of rigorous imprisonment. Individuals ordered to undergo this type of punishment were transferred to specialized labour sites where they would typically work to construct state-financed infrastructure projects, often under the searing summer heat. Detainees working in these sites endured long hours of hardship and poor nourishment, consisting typically of a bowl of rice and Indian lentils, served twice or three times a day. In his personal diary, Belgrave observed that his own home had been constructed through the efforts of prisoners sentenced to undergo rigorous imprisonment.<sup>300</sup> In a number of cases, the Court would at first order offenders to pay a penalty, stipulating that their failure to do so would render them liable to serving a sentence of rigorous imprisonment. On this basis, it is also evident that the Court viewed the imposition of a financial penalty as the lesser out of the two

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<sup>298</sup> Since this single case is a statistical outlier, I classify it under the category of ‘300 Rupees’.

<sup>299</sup> ‘State Police vs. Yunes bin Nassir’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8329, British Library.

<sup>300</sup> This provision granted the Political Agent and Political Resident the discretion to determine both the sentence related to a given offence, in addition to the location at which a sentence could be carried out into execution. Article 14 of the Bahrain Order in Council further granted the Political Agent and Political Resident authority to issue deportation orders against foreign subjects found to be committing offences to the Order.

punishments.

Between the years 1941-1947, the years for which Court data is available, the position of Political Agent in Bahrain was held by six different officers, including Reginald George William (1940-1942), Edward Birkbeck Wakefield (1942-1943), Michael Gray Dixon (1943), Tom Hickinbotham (1943-1945), Cornelius James Pelly (1945), and Edward Birkbeck Wakefield (1945-1947).<sup>301</sup> The tumultuous character of political authority during this era can be attributed to the peculiarities of the war period, which witnessed a shuffle between colonial officers throughout different parts of the Middle East region, based on the changing demands of each territory. Amidst these persistent changes to the Court's leadership, the figure of Mohamed Abdul Hafiz, who occupied the position of 'Indian Assistant to the Political Agent', emerged as a remarkable source of continuity. Hafiz joined the Court in 1923, after the acting Political Agent Major Daly wrote to the Political Resident in the Persian Gulf, A.P. Trevor, complaining of a 'vast increase in court work', and requesting the appointment of a personal assistant.<sup>302</sup> Although Daly 'strongly recommended' that a Christian be selected for the post, the Political Resident ultimately chose to award the position to Hafiz, an Indian Muslim, due to his knowledge of Arabic, which the Resident remarked rendered him 'by far the most suitable candidate.'<sup>303</sup> Although Hafiz did not directly adjudicate on disputes, he managed many of the Court's bureaucratic procedures and daily operations. His fluency in both Arabic and English proved tremendously valuable

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<sup>301</sup> Ben Cahoon, "World Statesmen: Bahrain", World Statesmen. Available at: <http://www.worldstatesmen.org/Bahrain.html>, (Accessed: 15 February 2016).

<sup>302</sup> That year, the Court heard a total of 854 civil cases and 123 criminal cases, an increase from the preceding year. Letter from the Political Agent in Bahrain, Manama, to the Political Resident in the Persian Gulf, Bushire, 27 April 1923, India Office Records, IOR/R/15/2/116, British Library.

<sup>303</sup> Ibid.

in assisting several of the men in their role as Political Agents, some of whom did not speak or write fluent Arabic, with deciphering Arabic-language reports made by the local police sources who took part in the arrests, or testimony produced by witnesses. A survey of the case files heard between this period shows a remarkable mixture of Arabic and English materials, indicating that the Court was able to oscillate seamlessly between the two languages. As the only known bilingual employee of the Court, it is likely that Hafiz played a central role in enabling this flexibility.

Cases involving violations of the liquor licensing system were brought by the State, and thus the prosecution in each case was cited as ‘Rais Police’, translating to ‘Head of Police’ or ‘State Police’ in English. Each case also included the name of the defendant and his nationality, such as ‘Mohamed of Yemen’, or ‘John, subject of Great Britain’, for example. Religion was included as an identifying criteria for Jews alone. This likely reflects prevailing social perceptions of the Jewish community as a separate social group, distinct from the remainder of Bahrain's community in terms of its historical and ethnic lineage.<sup>304</sup> The singling out of Jews from other communities was also reflected in the statements made by a number of British officials, including Belgrave, who blamed three main groups for producing liquor in Bahrain, namely: ‘Jews, Iranians, and Bahrain subjects who have travelled in “wet” countries.’<sup>305</sup>

While the Court acted to enforce strict sentences against violators of the liquor-licensing system, this approach was consistent with the reasoning of both Belgrave and successive Political Agents, including Reginald George William (the acting Political

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<sup>304</sup> Nancy Khedouri, *From Our Beginning to Present Day* (Manama: Al Manar Press, 2007).

<sup>305</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1932-33, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

Agent from 1940-1942). Indeed, both actors viewed the strict application of Law as necessary to deter future violations, and as a social action, aimed at sending a message to Bahrain's civil society and its Ruler that colonial actors were taking strict measures to protect the local normative order. Belgrave articulated his belief in the role of the Law as a mechanism of deterrence in the case of *State Police vs. Korjih bin Yaqoub* when he stated: 'This liquor business is becoming very serious and it is now mostly in the hands of foreigners, our own people. I know that they get such stiff sentences that many are afraid to traffic in it.' In *State Police vs. Yahoda Pinas*, the Political Agent Reginal George William articulated his view that the Court should act to protect the local normative order. On the facts of the case, William rejected an applicant's defense that he had produced liquor only for his own private consumption, by writing: 'the accused has offended the religious susceptibilities of the population', and on that basis, sentenced him to pay a fine of 100 Rupees. This reveals a central purpose of the law as intended to deter offences to the local normative order, further evident in the fact that all of these cases were justified under the broad provision of 'offending local custom.'

### **Understanding the Court of the Political Agent: Methodology, Data and Findings**

The analysis in this section is based on empirical data collected from seventy-three separate court cases (involving trials of eighty-nine accused individuals) heard at the Court of the Political Agent, Bahrain, between the years 1941-1947.<sup>306</sup> I have obtained the case materials from the archives of the British Library, where they are classified

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<sup>306</sup> Sixteen court cases were joint actions against multiple individuals. The court cases available at the India Office records only span the period between 1941-1947, constituting the six years prior to the transfer of the Political Residency to Bahrain. Although a broader data sample would have been useful to the study, it is constrained due to the limited availability of information.

under the shelf-mark 'India Office Records, Bahrain, Political Agents Court, Criminal Cases: 1924-1947.' Each case file in the collection includes a range of documents, such as trial proceedings, witness testimony, medical certificates (where applicable), and search warrants. Despite the breadth of materials available for analysis, there are three main limitations in the data. First, although the India Office Records collection houses criminal trial documents from a broad historical period, I was only able to locate documented case materials relevant to the prosecution of alcohol and prostitution dating between the years 1941-1947. There are several plausible explanations for this limitation, including the possibility that the Court did not prosecute such cases except during a relatively narrow historical period, or that data from the earlier years was not preserved. Although I have attempted to discover the cause behind this limitation, it remains unresolved. A second limitation in the data is that it only covers cases heard at the Court of the Political Agent, which involve the prosecution of cases heard against foreign subjects, and a small number of Bahraini nationals who fell under the Court's authority.<sup>307</sup> The data therefore does not constitute a representative sample of all cases heard in Bahrain, since Bahrainis are vastly under-represented in the sample. Rather, it provides a sample of cases heard by the Court of the Political Agent within a narrow time period, and aims to analyze what these cases may reveal about the Court's reasoning process, and trends taking place in the society. Third, I have also been unable to locate any case materials from either local judicial bodies operating in Bahrain during the period in question, such as the local Shari'ah Courts, or from the Court of the

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<sup>307</sup> The Bahrain Order in Council provided that Bahrain subjects registered in the Political Agency as being in the regular service His Majesty's government could be heard by the Court of the Political Agent. The Political Resident was also granted broad discretion in deciding on who could be placed under the authority of either his court or the court of the Political Agent,

Political Resident, which acted as the appeals chamber for all cases heard at the Court of the Political Agent. Although such data would have been useful in enabling a comparison between local and British Courts, and in providing a greater volume of material for analysis, it appears that such material has not been preserved in any of the British archives or in local archives in Bahrain. Finally, although I initially collected seventy-six cases, three of the cases are not presented in the quantitative data findings. This is due to the following reasons: one case file resulted in an acquittal- the only outcome of its kind, a second case did not contain sufficient information about the identity of the defendant, and a third was illegible. As a result, I have included seventy-three cases in the quantitative analysis. In addition, it is worth noting that nine out of these seventy-three cases were joint actions against two or three individuals. In these cases, I plotted each convicted individual separately and thus there are a total of eighty-six data points in the graphs and charts presented below, representing eighty-nine individuals tried before the Court of the Political Agent for violations of the liquor-licensing system.

### **Quantitative Approach**

This section incorporates descriptive statistics to create a visual summary of the data, and identify patterns emerging from it. While the case files provide a number of data parameters which could be plotted quantitatively, there are only three data parameters that re-occur consistently across all the files. These include: data about the nationality of the offender, the nature of the sentence passed by the Court, and the type of offense committed. I focus on analysing the relationship between these the three data points with the aim of investigating three central questions about the operation of the Court

and its behaviour, including:

- Which offenses did the Court deal with most severely;
- Were particular nationalities disproportionately implicated in particular crimes;
- Is there a correlation between the nationality of the offender and the severity of the sentence passed against him or her?

To address these questions, I begin by observing that the Court enforced eight different types of punishments against violators of the liquor licensing system, which fall into three distinct categories. These include financial penalties, prison terms, or a combination of both. I then assign each type of punishment with a data point, organized in ascending order from the least severe to the most severe sentence. The severity of these sentences is evident, as ascending categories in themselves, and can be easily explained through the internal logic used by the Court to justify the penalties that it imposed. Here, I return to the observations I made about the Court's procedures above, including that it often required individuals to pay a fixed penalty for breaching the liquor licensing system, while stipulating that a failure to pay the prescribed fine would give rise to a second, more severe penalty involving rigorous imprisonment. On this basis, I conclude that the Court viewed the imposition of financial penalties as constituting a less severe type of punishment than rigorous imprisonment, and arrange the data points on that basis.

An analysis of the eight types of penalties issued by the Court reveals that it acted with consistency in delivering its sentences. For example, the data reveals that the Court assigned financial penalties in just four progressive increments, ranging from

fifty Indian Rupees (Rs) to a maximum of three hundred Indian rupees.<sup>308</sup> The Court adopted similar consistency in its prison sentences (which the Court described as ‘rigorous imprisonment’, reflecting the inclusion of hard labor within these sentences), and which also ranged between one to three months. The maximum sentence prescribed by the Court in any of these Cases combined the two highest types of punishments: namely three months’ rigorous imprisonment with a fine of three hundred rupees. The sentences enforced by the Court, and the data points assigned to each, are organized in the chart below:

<b>Sentencing Measure (Ascending, x axis)</b>	<b>Data Point</b>
Fine: Fifty Indian Rupees, and Under	A
Fine: One Hundred to One Hundred and Fifty Indian Rupees	B
Fine: One Hundred and Fifty to Two Hundred Indian Rupees	C
Fine: Three Hundred to Five Hundred Indian Rupees	D
Prison Term: Fifteen Days to One Month Rigorous Imprisonment	E
Prison Term: Two Months Rigorous Imprisonment	F
Prison Term: Three Months Rigorous Imprisonment	G
Prison Term + Fine: Two to Three Months Rigorous Imprisonment and Two to Three Hundred Rupees fine.	H

After assigning each sentence to a data point, I plot these points along an ‘x’ axis. I then input data on the five offenses heard by the Court under section 74 (listed in the Chart below) in order to determine whether any correlation exists between the nature of the crime committed, and the severity of the sentence passed by the Court. The ‘y’ axis on

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<sup>308</sup> In a single case, a fine of 500 Rupees was prescribed by the Court. I group this case under the 300 Rupees fine category since it is a single entry of its kind and a statistical outlier.

the graph reveals the frequency of each sentencing measure.

<b>Offenses Heard by the Court Under Section 74</b>
Manufacturing Liquor
Selling Liquor
Transporting Liquor
Drunkenness
Possessing Liquor

Chart A plots the sentencing distribution against the five categories of offenses issued by the Court, and provides a visual and comparative summary of the sentencing measures passed for different types of violations of the liquor-licensing system. In Charts B-F, I isolate the data on the basis of each individual offense in order to more closely analyse the sentencing measures passed in relation to each offense. I use this information to draw observations about the Court's priorities in sentencing. I show that the Court relied on principles of social harm by enforcing the highest penalties against activities deemed to pose the greatest threat to the society, namely manufacturing liquor, and selling liquor. In Chart G, I organize the data along the parameters of nationality and type of breach, in order to determine whether any particular nationalities were disproportionately implicated in certain liquor-related offenses. In Chart H, I organize the data along the parameters of nationality and sentencing severity, to determine whether the Court took into account the nationality of the offender when deciding on the severity of the punishment in question.

### **Data: Observations and Results**

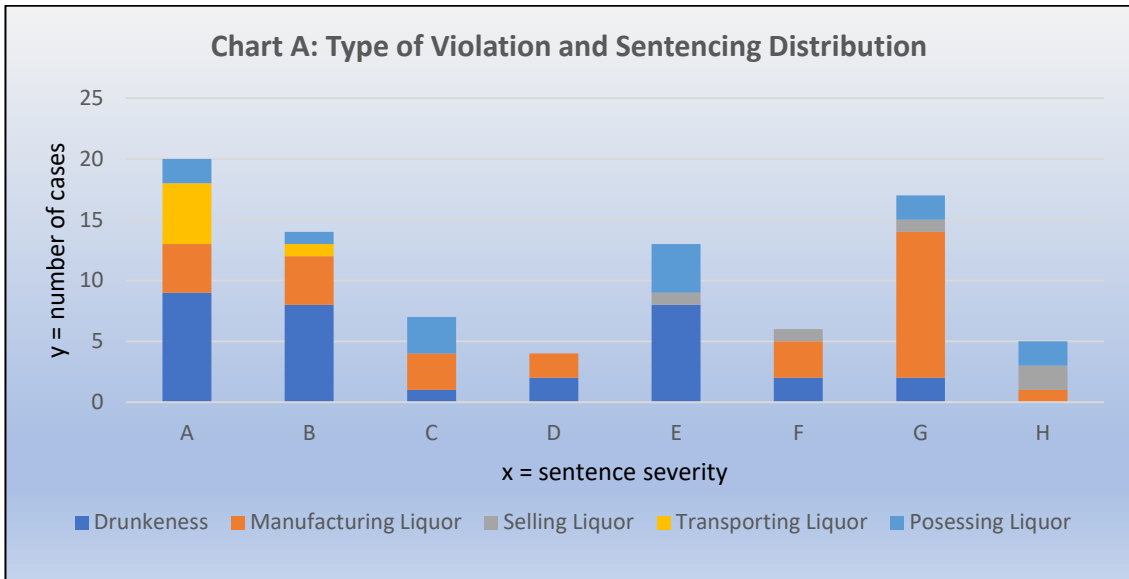
Before examining the results of the analysis, it is worth noting that just one case out of

seventy-six (initially collected) cases resulted in an acquittal. This indicates that the Court enforced charges against over 97% of individuals brought to trial. While the case files reveal that law enforcement personnel went to great lengths to gather factual and scientific evidence in order to secure convictions, the virtual certainty of a guilty sentence in all trials is a strong indication that the Court may have acted unfairly in a number of cases. The data points to further evidence of the crackdown on liquor as fueled by a “moral panic” taking place among colonial decision-makers. Here, it is worth recalling Goode and Ben Yehuda, who state: ‘The existence of a moral panic is scientifically defensible and not an invidious, ideologically motivated term of debunking.’<sup>309</sup> A conviction rate of 98.7% is a strong empirical indication that the Court likely acted disproportionately, by punishing nearly all individuals brought before it. While the data on convictions suggests the existence of a moral panic, it may also be alternatively explained by considering that the Court may have only heard cases that were based on strong evidence. While the Court retained a strong prosecution rate, and as I show in Chapter Four, the Court went to great lengths to project an image of objectivity in order to secure its legitimacy as a foreign legal institution intent on enforcing moral order in Bahrain.

### **Analysis 1: Testing the Correlation between the Type of Violation and Sentencing Severity**

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<sup>309</sup> Goode and Ben-Yehuda, *Moral Panics*, p. 48



A quantitative analysis of the Court's sentencing distribution, measured against the different categories of violations that it prosecuted related to the liquor-licensing system, reveals that the Court of the Political Agent enforced the most severe punishments against individuals found guilty of manufacturing and selling liquor.<sup>310</sup> This is in contrast with the punishments that it adopted towards violations involving possessing liquor, or transporting liquor, which received a greater proportion “lenient” punishments, falling into Categories A and B.<sup>311</sup> The available data on the Court’s

<sup>310</sup> Violations involved the manufacture and sale of liquor were punished most severely by the Court, when measured proportionate to other offences. For example, thirteen out of twenty-nine cases prosecuted for manufacturing liquor received one of the two highest sentences (amounting to 44% of all cases punished under this offence, for which data is available), while three out of six cases prosecuted for selling liquor received one of the two highest sentences (amounting to 50% of all cases punished under this offence, for which data is available). The Court handled cases involving the possession of liquor with less severity, with four out of fourteen cases prosecuted under this category receiving one of the two highest sentences (amounting to 28% of all cases). By comparison, just four out of thirty-two cases prosecuted for drunkenness (amounting to 12% of all cases punished under this offence, for which data is available) received either a Category G or H sentence, while no cases involving the possession or transportation of liquor received a Category G or H sentence.

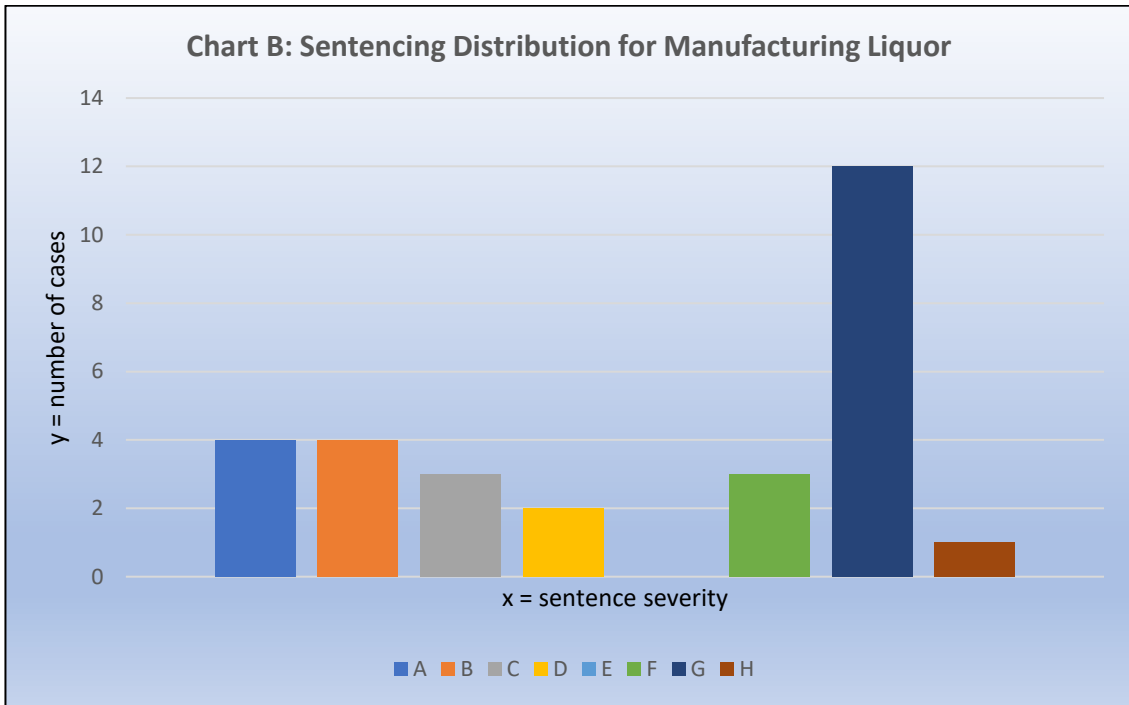
<sup>311</sup> The data provides further evidence that the Court of the Political Agent dealt more leniently with cases involving the illegal possession and transportation of liquor. For example, six out of a total of sixteen cases prosecuted for possessing liquor (amounting to 37% of all cases punished under this offence, for which data is available), received either a Category A or B sentence, while no cases punished under this

behavior can be explained by understanding the Court as relying on principles of social harm by seeking to deter and most strictly punish the activities that it deemed most damaging to the public good, while exhibiting greater tolerance towards activities that it viewed as acts of individual transgression, and which did not threaten to upend the liquor licensing system as a whole. The social harm theory is further corroborated by the fact that the Court dealt with the crime of drunkenness as a medium-category offense, evidenced in the fact that most cases prosecuted for this violation received a mid-level – Category E - sentence. This is consistent with the Court’s broader reasoning, as individuals found drunk were seen as posing some threat to social order that nonetheless did not measure up to the threat posed by the large-scale manufactures or sellers of alcohol. The data relating to each individual offence is explained and assessed separately below.

### **Manufacturing Liquor**

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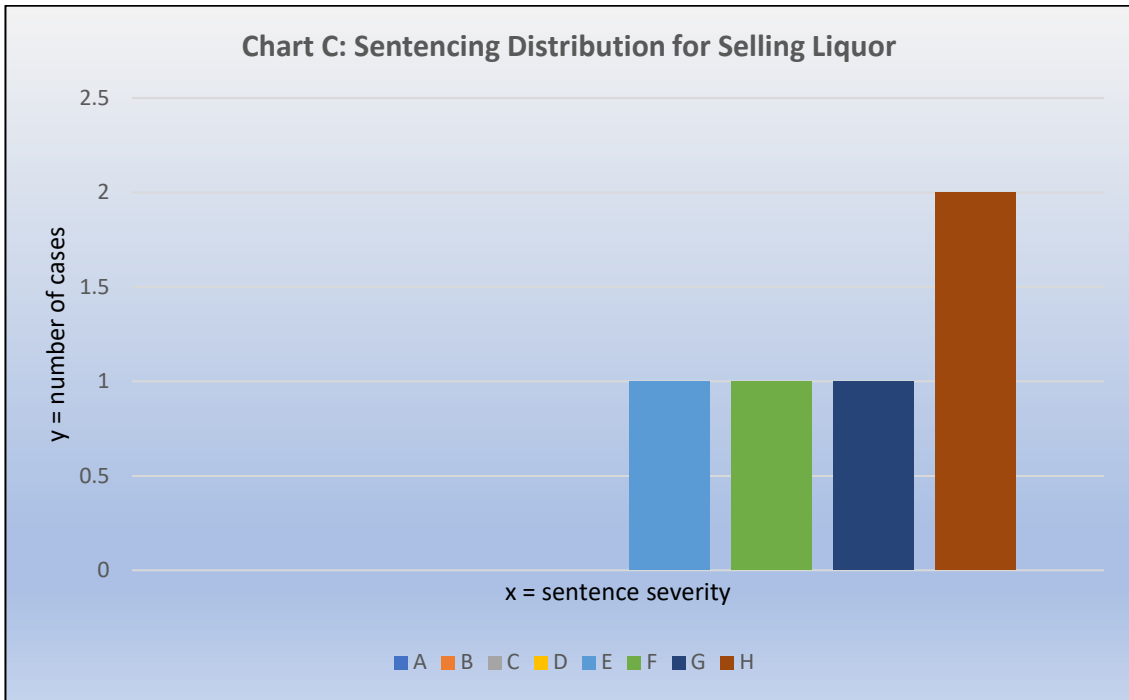
offence received above a Category F sentence. Moreover, all cases prosecuted for the illegal transportation of liquor, received either a Category A or B sentence.



The data in Chart A reveals that manufacturing liquor was the second-most common offense heard by the Court, accounting for twenty-nine out of the eighty-six individual judgments delivered.<sup>312</sup> The data in Charts A and B further reveals that violations involving the manufacture of liquor were punished most severely by the Court, particularly when measured relative to other violations of the liquor-licensing system. For example, thirteen out of twenty-nine cases prosecuted for manufacturing liquor received one of the two highest sentences (amounting to 44% of all cases punished under this offence, for which data is available), falling in Categories G or H.

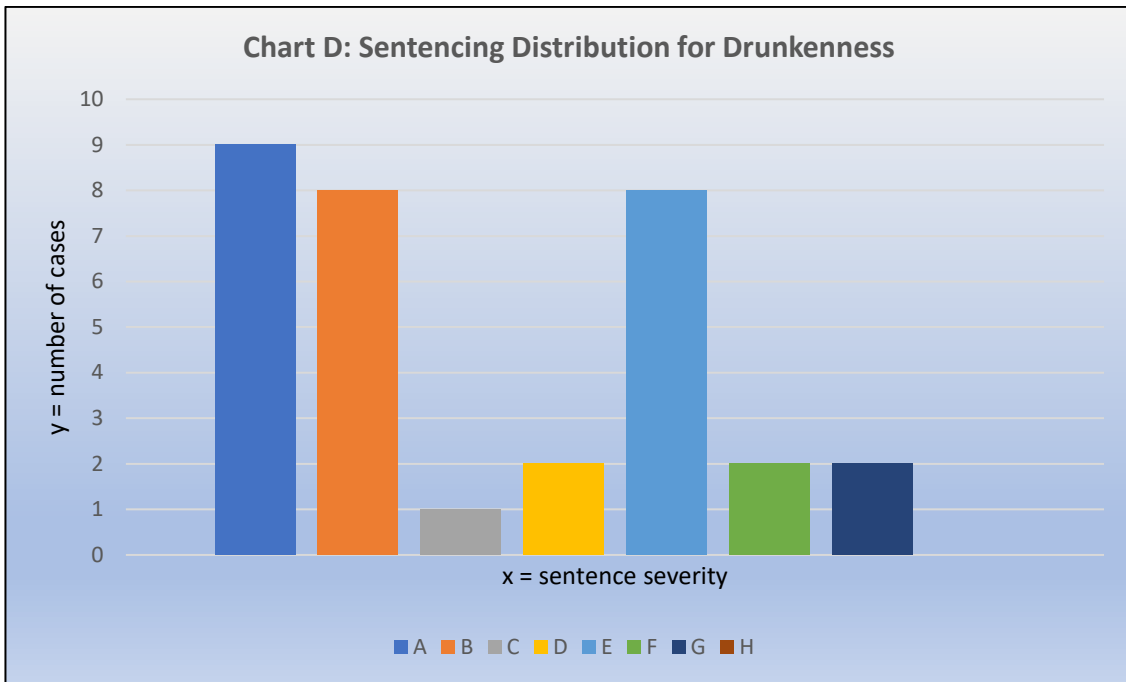
### Selling Liquor

<sup>312</sup> As noted above, the Court delivered judgments against ninety-four individuals in a total of eighty-nine cases.



The data on selling liquor is limited as only five cases were tried for this offense. This is due to the fact that most sellers of liquor were also producers of liquor, and were typically implicated by the Court for the higher offense of manufacturing liquor. Nonetheless, there existed a small group of cases in which only sale and not production could be established. The limited body of data on these cases reveals that the Court enforced sentences falling into the upper-range sentencing categories of E, F, G, and H against these five offenders. Although these sentences are scattered unevenly, they all fall into the higher range of sentencing measures. Indeed, the fact that no individual implicated in this Crime received a lower-category sentence, ranging between A-D, suggests that the Court viewed the sale of liquor as posing a serious social harm, and sought to deter it through the enforcement of strict punitive measures.

## Drunkenness



The data on drunkenness reveals it to be the most common violation of the liquor-licensing system tried in Court, with thirty-two out of eighty-six individual punishments falling under this category. The prevalence of this offence is also correlated to the relative ease in its detection, relative to other breaches. Indeed, most cases prosecuted for drunkenness took place following visible displays of insobriety by members of the public. This is compared with the offences of manufacturing liquor, for example, which was typically detected following tracking of suspects, and house raids by the police which in itself required a greater expenditure of resources and time.<sup>313</sup> Accordingly, the prevalence of this offence in the data can be explained with reference to the relative ease in its detection, relative to other breaches of the liquor-licensing system.

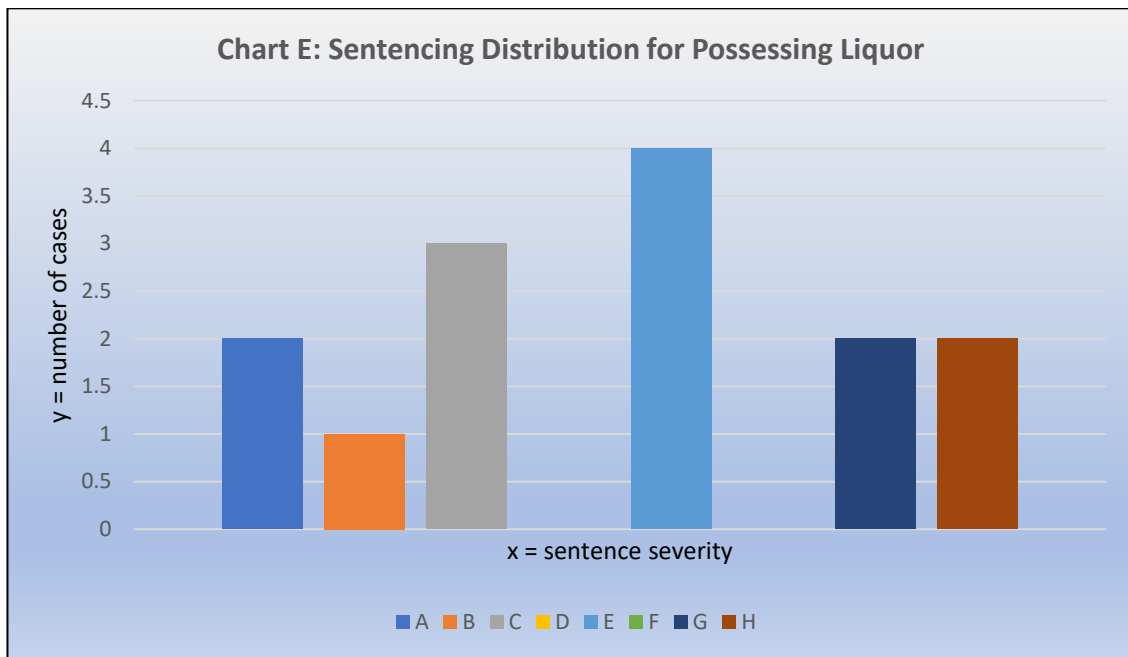
The data in Charts A and D reveals that the Court exercised some leniency

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<sup>313</sup> Further information on the ways in which these offences were detected is covered in Chapter Four.

towards individuals found under the influence of alcohol. For example, over three-quarters of cases tried under this offence received a Category A, B, or E punishment, while no individuals found guilty of drunkenness were handed a Category H punishment. The empirical evidence therefore supports the conclusion that the Court sought to discourage drunken behaviour, but viewed the offense as less harmful to society than other crimes such as manufacturing or selling liquor.

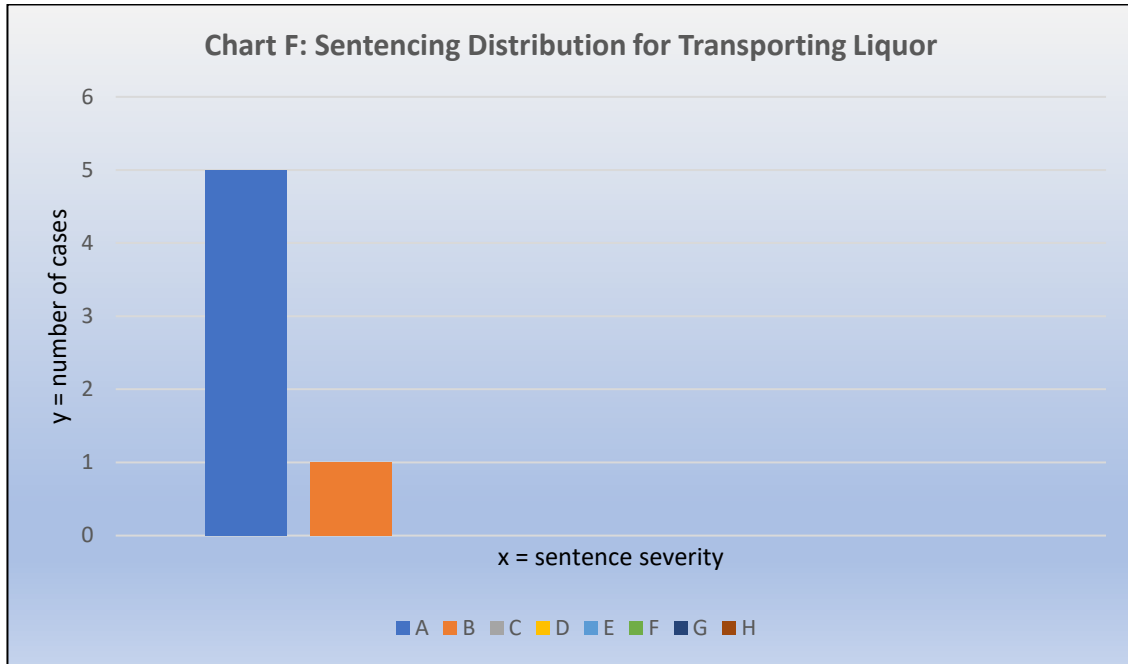
### Possessing Liquor



The data on possessing liquor reveals that the Court dealt with individuals implicated in this crime with relative leniency. For example, out of the fourteen individuals convicted of this crime, a total of forty-four percent, or seven individuals, received a Category A or B sentence. In addition, all cases tried under this charge were sentenced to serve a Category A-F sentence, with no cases receiving Category G or H sentences. This further corroborates the theory of social harm, since individuals found possessing liquor were less likely to be seen by the Court as encouraging or supporting the consumption

of liquor within the general society.

### Transporting Liquor



Finally, just six individuals in the data set were convicted for the crime of transporting liquor, four of whom were tried together in a single case. These cases occurred in situations where employees of the oil-company BAPCO (Bahrain Petroleum Company) based in the remote desert-town of Awali were found transporting bottles of liquor to the capital city of Manama, either for personal consumption or for consumption at private social gatherings. The Court responded to these incidents by ordering five of those convicted to pay a fine of Rs 50, and a sixth to pay a fine of Rs 100. These low-level fines show that the Court viewed such offenses as acts of individual transgression and sought to send a warning message to perpetrators rather than require them to suffer financial or physical hardship. The fact that all persons convicted under this offense were existing license-holders (of British, American, and Canadian nationalities) also

reveals that the Court viewed this offense as posing less of a threat to the sanctity of the liquor-licensing system, since they were carried out by those already granted permission to consume liquor.

**Analysis 2: Testing the Correlation between the Type of Violation and Nationality**

In this section, I analyze the relationship between the Nationalities of offenders tried by the Court, and the types of crimes for which they were convicted. The purpose of this is to determine whether any social groups were disproportionately implicated in particular crimes, and what this may reveal about Bahrain's society and the Court's behavior. More specifically, the purpose is also to test whether the statements made by the Political Resident Lieutenant-Colonel Biscoe, attributing the production of liquor to Iranians, Iraqis, and Jews, holds any validity.<sup>314</sup>

(1) Nationality

The nationalities of offenders tried by the Court are listed in the table below.

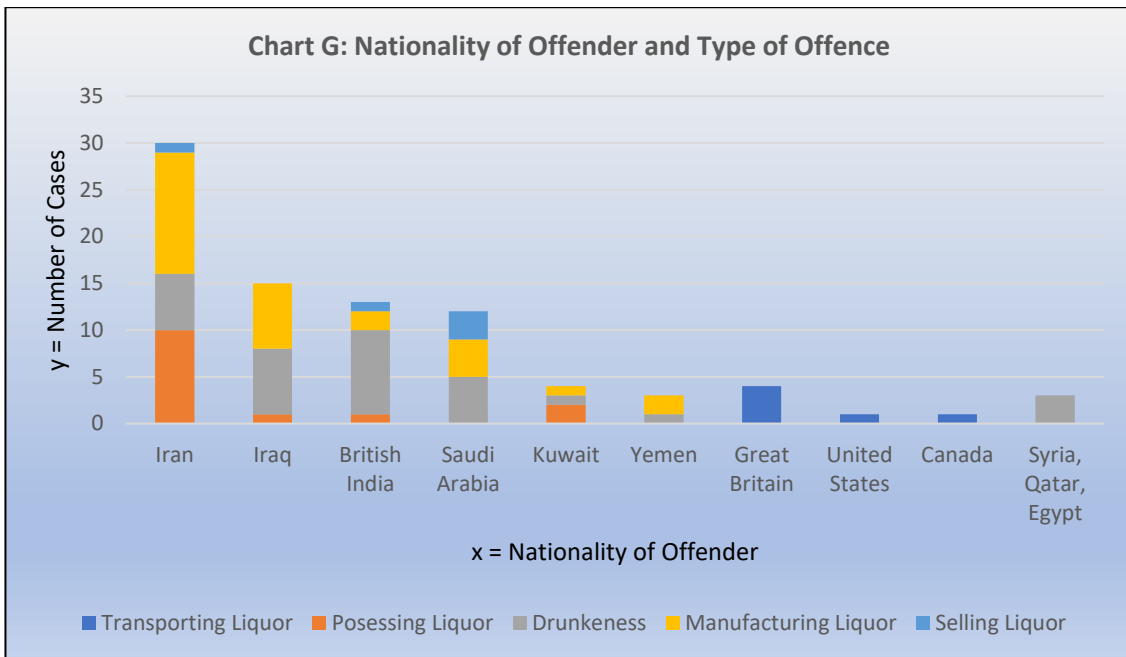
<b>Nationalities of Offenders</b>
Iran
Iraq
Saudi Arabia
India
Qatar
Kuwait
Yemen
Egypt
Great Britain
Canada

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<sup>314</sup> Letter to the Political Agent in Bahrain from Lieutenant-Colonel Hugh Vincent Biscoe, Political Resident in the Persian Gulf, Bushire dated 19 May 1933. British Library, "Liquor Control", India Office Records and Private Papers, IOR/R/15/2/814

United States
Syria

Chart G, below, plots the twelve nationalities of the offenders tried by the Court, against the five categories of offenses heard by the Court.



**(1) Nationality Distribution**

An analysis of the diverse nationalities of offenders tried by the Court reveals the cosmopolitan nature of Bahrain's society during the 1940's. This is consistent with reports written by colonial officials, who described a large influx of economic migrants to Bahrain during this period, many of whom gained employment in the oil industry. The data in Chart G reveals that although the Court enforced the liquor-licensing prohibition against a diverse cross-section of nationalities, most convictions were enforced against just four nationalities: including Iranians, who made up thirty-four percent of convicted offenders (amounting to thirty individuals), followed by Iraqis,

who made up seventeen percent of convicted offenders (amounting to fifteen individuals), followed by Indian and Saudi nationals, who respectively made up fifteen percent and fourteen percent of convicted offenders (amounting to a thirteen, and twelve individuals). Thus, a total of eighty-one percent of all convictions related to the liquor-licensing system heard at the Court of the Political Agent (involving seventy individuals) were enforced against these four nationalities. By comparison, subjects of Great Britain, Canada, and the United States made up just seven percent of offenders (amounting to six individual offenders). The remaining offenders came from a diverse cross-section of Arab States, including Yemen, Kuwait, Syria, Qatar, and Egypt. This group also represented a minority of just ten offenders.

The logical cause behind this distribution in nationalities can be found by returning to the liquor-licensing system, which privileged the award of liquor licenses to individuals from non-Muslim, and mainly Western backgrounds, and primarily British and American oil workers. Here, it is worth recalling the example of K. M. Sayegh, the Christian Iraqi national who applied for a liquor license, and the response given by the acting Political Agent that the award of a liquor-license to an Iraqi, (although a Christian) was an ‘unusual privilege’ that lead to ‘complaints from other members of his community’.<sup>315</sup> It is therefore logical to expect that the majority of individuals who violated the liquor-licensing system came from Muslim-majority States whose citizens were denied liquor licenses and who therefore had to resort to either producing or consuming liquor through the black market. It is also worth recalling the fact that many Western license-holders had access to spaces where alcohol was made

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<sup>315</sup> Letter from the Political Agent in Bahrain, Manama, to the Manager of the Eastern Bank Limited, Manama, India Office Records, IOR/R/15/2/814, British Library.

available, such as NAAFI. This privilege likely helped American and British servicemen who did not hold liquor licenses gain access to alcohol and evade detection by law enforcement personnel, who did not conduct searches in places such a NAAFI and conducted most searches in public spaces. The inability of most non-Western personnel to access such spaces rendered them more vulnerable to being caught by law-enforcement, while consuming liquor either on the streets or in their homes.

## **(2) Iranian Nationals and Jews**

Among the most striking results in the data is the disproportionate numbers of Iranian and Iraqi nationals prosecuted by the Court for manufacturing liquor. Out of a total of twenty nine cases tried under this offence, Iranian nationals accounted for one-third of all prosecutions (amounting to thirteen cases), and Iraqis accounted for a further twenty-four percent of prosecutions (amounting to seven cases).

A further analysis of the case files on these individuals shows that eleven out of twenty-nine individuals implicated in the manufacture of liquor, amounting to thirty-eight percent, were either Jews of primarily Iraqi or Iranian origin, with a single documented case of a Kuwaiti Jew prosecuted for producing liquor. The names of Jewish subjects convicted for manufacturing liquor are listed in the chart, below.<sup>316</sup>

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<sup>316</sup> See: ‘State Police v. Ilyas Rufail, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/2/7471, British Library; ‘State Police v. Rafael Murad’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8222, British Library; ‘State Police vs. Korjih bint Yaqoob’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8738; ‘State Police v. Yahuda bin Saleh’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8738, British Library; ‘State Police v. Barokh bin Rufail’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7376, British Library; ‘State Police v. Elias Rufail’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7181, British Library; ‘State Police v. Yaqoob Yousef’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/1382, British Library; ‘State Police v. Ester Marallah’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/1382, British Library; ‘State Police v. Yahoda Pinhas, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/5553, British Library; ‘State Police v. Rufail Murad’,

<b>Name</b>	<b>Crime</b>	<b>Identification</b>
Ilyas Rufail	Manufacturing Liquor	Jew of Iran
Rafael Murad	Manufacturing Liquor	Jew of Iran
Korjih bint Yaqoob	Manufacturing Liquor	Jew of Iraq
Yahuda bin Saleh	Manufacturing Liquor	Jew of Iran
Barokh bin Rufail	Manufacturing Liquor	Jew of Iraq
Yaqoob bin Yousef	Manufacturing Liquor	Jew of Iraq
Ester Marallah	Manufacturing Liquor	Jew of Iran
Yahoda Pinhas	Manufacturing Liquor	Jew of Kuwait
Khamis Saleh	Manufacturing Liquor	Jew of Iran
Salman bin Dawood	Manufacturing Liquor	Jew of Iran
Elias Rufail	Manufacturing Liquor	Jew of Iran

The proportion of Jewish subjects implicated in the illegal production of liquor is vastly disproportionate to the size of the community in Bahrain, which numbered approximately just 1% of the total population during the 1940's.

The absence of any data for Bahraini offenders, who were tried in local courts, precludes any comparison between the Court's treatment of foreign nationals, with the justice handed out to Bahrainis, at the local courts. It also precludes any empirical analysis of the proportion of the liquor trade controlled by local actors. However, the available empirical from the Court of the Political Agent is not inconsistent with the statements made by Belgrave and colonial officials who laid the blame on liquor production on a small minority of Iranian and Jewish subjects, in addition to numbers of Bahrainis who had traveled abroad.

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Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7473, British Library; 'State Police v. Khamis Saleh', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8188, British Library; 'State Police v. Salman bin Dawood', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8989. There were three other Jews identified in the data, two of whom were convicted for drunkenness and one of whom was convicted for Possessing liquor.

### **(3) Explaining the Data**

In this section, I rely on social cohesion theory to account for the over-representation of Iranian and Jewish subjects in the crime of manufacturing liquor.<sup>317</sup> I compare the historical status of each group, as social outsiders, and argue that this social status likely accelerated their involvement in the types of underground activities that required high levels of trust between internal members, such as manufacturing liquor.

An analysis of statements made by colonial officials towards liquor in Bahrain reveals that these officials blamed Iranian and Jewish communities for the growth in the illegal consumption of alcohol in Bahrain. For example, in 1932, Belgrave stated that the ‘Jewish community may be a possible source (of illicit liquor)’, and further, that ‘liquor is controlled by Jews, Iranians, and Bahrain subjects who have travelled to wet countries.’<sup>318</sup>

References to the ‘Jewish community’ as a distinct social group by Belgrave and successive officials occupying the position of ‘Political Agent’ is consistent both in the colonial archives and in the case materials from the Court of the Political Agent. While the Court records documented the nationalities of all individuals that it prosecuted, Jews were the only group singled out for their religion as a separate grouping. This is in contrast with individuals from other religious backgrounds such as Muslims, Christians, or Hindus, who were not identified by their religious affiliation and were simply categorized in terms of their nationalities. This identification reflects prevailing

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<sup>317</sup> Owing to the under-representation of Bahrain subjects in the data, it is difficult to empirically test whether Bahrain subjects played a leading role in producing liquor.

<sup>318</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1932-33, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

perceptions among British colonial officers that the Jews constituted a distinct ethnic and social community. It is also largely consistent with the unique migration history of the Jewish community in Bahrain during the period in question, which consists mostly of families belonging to prominent trading communities that first migrated to Bahrain from Iran and Iraq during the early twentieth century. In Bahrain, the business expertise of these families enabled them to assume prominent roles in finance and trade, and soon the Jewish community came to constitute an independent, thriving, but largely insular migrant business community. There does not appear to be evidence of any visible discrimination against the Jewish community at that time, which is also evident in the fact that the community maintained a synagogue for worship, in addition to numerous shops that operated in the Souq area.<sup>319</sup> The number of Jews in Bahrain numbered approximately 1,500 by the year 1948, constituting approximately one percent of the total population of 90,000<sup>320</sup>. Their identification as a separate group in the colonial records therefore reflects the reality that this group was viewed by both locals and colonial officials as a distinct and insular ethnic, religious, and social community.

The history of the Jewish community in Bahrain is distinct from the history of the Iranian community in the State. While a steady flow of migration between the Eastern and Western coasts of the Gulf took place during the early twentieth century, there erupted periods of extended hostility and mistrust between the Government of Bahrain and the Shah's government in Iran, particularly during the 1940's. This is evident, for example, in the publication of several articles in the Persian press alleging

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<sup>319</sup> A major turning point for the community took place in 1948, following the creation of the State of Israel, whereupon an estimated two-thirds of Bahrain's Jewish community migrated to Israel. See: Khedouri, *Our Beginning to Present Day*, p. 59.

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

mistreatment of Persians in Bahrain. Many of these articles consisted of incendiary falsehoods, including an article which commented that ‘though most of (Bahrain’s) inhabitants are Iranians, they are not allowed to talk Persian.’<sup>321</sup> The mistrust between the two governments is further evident in a letter drafted by Charles Belgrave to the acting Political Agent, dated January 27<sup>th</sup> 1948. In his letter, Belgrave wrote:

‘His Highness views with grave concern the increase in the number of Persians who are now residing in Bahrain. In view of the present condition, he considers that any increase in the Persian minority in Bahrain may have serious consequences for the future.’<sup>322</sup>

Belgrave further described the aim to prevent the entry of Iranians into Bahrain as one of the aims of a new passport system. Writing during the 1930’s, Belgrave remarked:

‘One of the objects of the passport system is to prevent foreigners entering the country without travel papers. The development of the oil industry in Bahrain attracted a large numbers of workless people from other parts of the Gulf, especially from Persia. Persian destitutes in large numbers endeavored to find work in Bahrain and settled in the country. This was undesirable for political and economic reasons. Arab (shipmasters) developed a profitable trade in smuggling Persians into Bahrain, the Persians were carried in sailing dhows to out of the way points off the coast where boats anchored, giving the passengers time to go overboard into the sea by the time the immigrants had reached the shore the boat would be well away. Most of the Persians had friends in Bahrain who hid them for some time until they could find witness to prove they were born in Bahrain or at least had lived there for many years. The practice still continues and the Persians population, especially in Manama, steadily increases.’<sup>323</sup>

Thus, while Bahrain’s Iranian community was largely viewed dis-favorably by the government as either economic migrants who threatened to burden the country’s resources, or as nefarious plotters loyal to a hostile regime, its Jewish community did

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<sup>321</sup> Letter from H.M.’s Ambassador in Iran, Tehran, to Political Resident in Bahrain, Manama, 20 February 1947, India Office Records, IOR/R/115/2/490, British Library.

<sup>322</sup> Letter from the Advisor to the Bahrain Government, Manama, to the Political Agent in Bahrain, Manama, 27 January 1948, India Office Records, IOR/R/15/2/490, British Library.

<sup>323</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1946-1947, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

not share this stigma. Instead, the Jewish community appears to have instead been largely tolerated up until the year 1948, as an insular social group that exercised its own customs, and religious practices. Moreover, the Jewish community appears to have enjoyed a higher economic status than the Iranian community, in general.<sup>324</sup>

Although there is no single reason to explain the over-representation of the Iranian, Jewish, and Iranian-Jewish communities in the production of liquor, a hypothesis can be made based on Putnam's theory of social capital. In 'Bowling Alone: the Collapse and Revival of American Community', Putnam defines social capital as 'the connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise from them', and identifies social capital as integral to building and maintaining a democratic system of governance.<sup>325</sup> In his research, Putnam analyzes the prevalence of social capital among different civil groups, including criminal gangs, noting that while social capital can be beneficial for society as a whole, its use among groups that operate at cross purposes to societal interests can constitute 'negative social capital burdens on society.'<sup>326</sup> Thus, while social capital can facilitate strong cooperation at a civic level, it can also facilitate the emergence of criminal networks, particularly among outsider groups that share high levels of internal social cohesion. Other Political Scientists, including Sampson and Groves, have built on these ideas to show how social capital can facilitate the rise of an agreed set of norms between members of the community towards acceptable and unacceptable behavior, and facilitate the emergence of a perception of trust between group members in the

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<sup>324</sup> The creation of the State of Israel in that year stirred some hostilities against the Jewish community, as some were accused of supporting the Zionist agenda and displacement of Palestinians.

<sup>325</sup> Robert Putnam, *Bowling Alone: The Collapse and Revival of American Communities*, (New York: Simon and Schuster, 2001), p.19

<sup>326</sup> *Ibid.*, p. 20

long-term.<sup>327</sup>

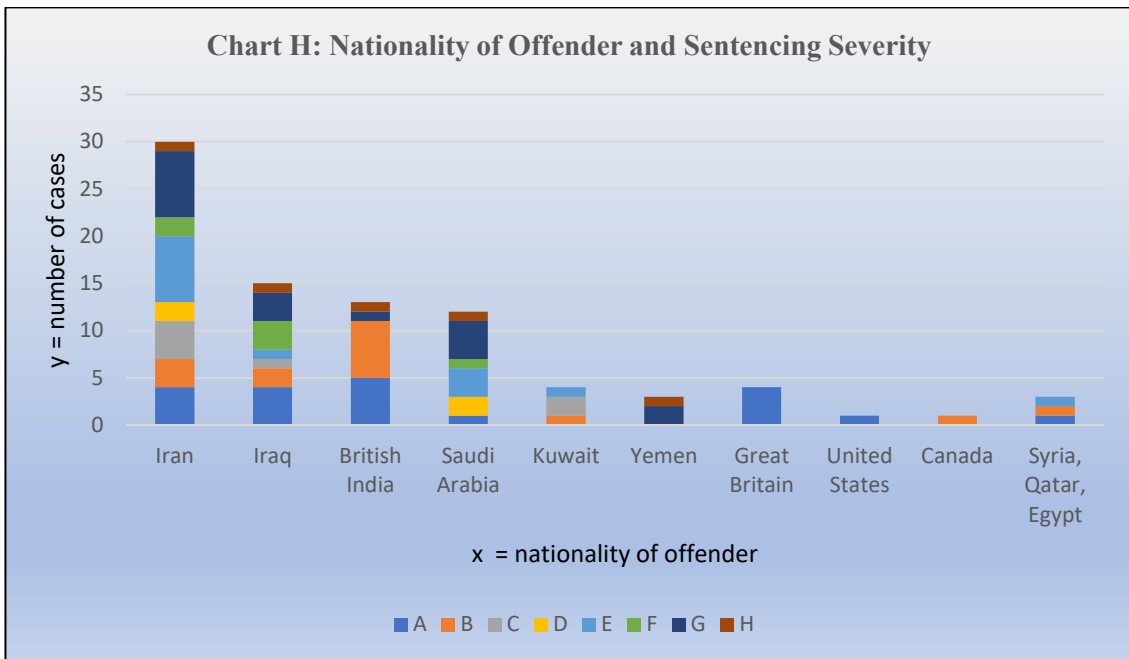
Returning to the case in question, Bahrain's Jewish community exhibited all of the central traits characteristic of communities with high levels of social solidarity, owing in part to a common perceived heritage, and history, and privileged socio-economic status. Similarly, the Persian community shared similar ties of trust and homogeneity, based on common linkages including a shared mother tongue, and heritage. However, the Iranian community shared an especially heightened outsider status, owing to their political and economic exclusion, and lower socio-economic status. As a cross-sectional group, Iranian Jews likely developed a particularly heightened social capital, owing to their unique identity as members of two overlapping outsider communities. This likely accelerated the turn of certain group members to underground activities, as a means of both benefiting from heightened networks of internal trust, and to directly elevate their economic status. The strong sense of internal cohesion and trust among group members therefore likely accelerated the development of underground networks needed to build and maintain an illegal enterprise, in this case, the production of date liquor.

### **Analysis 3: Testing the Correlation between Nationality, and Sentencing Severity**

In this section, I analyze the relationship between the severity of sentences enforced by the Court and the nationalities of offenders. The purpose of this analysis is to uncover whether the Court considered the nationality of an offender as a criteria when deciding on the severity of his or her sentence. The results are displayed in Chart H, below:

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<sup>327</sup> Robert J. Sampson and W. Byron Groves, 'Community Structure and Crime: Testing Social-Disorganization Theory,' *American Journal of Sociology*, Vol. 94, No. 4 (1989), pp. 774-802.



The data reveals that there is no statistically significant correlation between the Nationality of the offender, and the severity of the sentence enforced against him or her by the Court. Thus, while the Court handed Category H sentences to a cross-section of Iranian, Iraqi, British, Saudi, and Yemeni nationals, this can also be justified by the fact that individuals from these backgrounds made up a majority of convicted offenders. Despite this general trend, a point of significance is worth exploring. A survey of the data shows that the Court served only Category A offences against the British and American subjects convicted for violations of the liquor-licensing system, and a single Category B sentence against the Canadian subject it prosecuted, all of whom were implicated in the crime of “transporting liquor”. While it is possible that the Court simply acted to punish this as a lower-category offence, the available data does not rule out the possibility that the Court acted with greater leniency against these individuals as ‘Western subjects’, some of whom were also existing license-holders. It is most likely

that while the Court did not deliberately act leniently towards these individuals, the incentives created by the system itself simply rendered individuals from this group less likely to commit offences. This hypothesis is consistent with the incentives created by the broader system itself, which awarded privileges to small category of British and American nationals, while prohibiting individuals from other nationalities from enjoying these same privileges.

### **Conclusion**

In carrying out quantitative data analysis of eighty-six cases heard at the Court of the Political Agent over a six-year period, this Chapter has identified recurrent patterns in the Court's behavior, and its priorities in enforcing the strictest sentences against the activities that it deemed most threatening to Bahrain's society, including the manufacture and sale of date liquor. It has also shown that the Court implicated a disproportionate number of Iranian, Iraqi and Jewish nationals in the manufacture of liquor, and has explained this as a reflection of the fact that the underground trade in liquor appeared disproportionately controlled by individuals from these backgrounds. The Chapter has also relied on social cohesion theory to explain how the economically disadvantaged and socially insular status of these groups members likely accelerated their entry into this industry. It has also shown that while the Court of the Political Agent did not directly discriminate on the basis of nationality or ethnicity, the incentive structure created by the liquor-licensing system – when coupled with existing class and economic dynamics- created direct incentives for individuals from marginalized backgrounds to enter the underground trade in liquor. This becomes especially evident when comparing the incentives provided for these groups, with those in place for

Western nationals, as a largely privileged class, who had few incentives to interact with the black market trade in liquor, either as a means of acquiring alcohol or for economic benefit. While carrying out a quantitative data analysis has revealed important features about the Court's behavior, its behavior and social impact can only be partially understood through numerical analysis. The following Chapter turns towards examining the qualitative features of the Court's behavior – including the procedural guidelines that it followed – to draw a more complete portrait of its intended role, and impact in Bahrain's society, and to better understand the role of social actors implicated in the underground trade in liquor.

## **Chapter Five: Understanding the Court of the Political Agent, Qualitative**

### **Analysis**

As a judicial institution responsible for prosecuting dozens of violations of the liquor-licensing system, the Court of the Political Agent played an integral role in reinforcing the social boundaries between Western and non-Western nationals in Bahrain, and in indirectly entrenching the broader conditions for socially excluded groups to enter the trade in manufactured date liquor. The previous Chapter showed how the Court evoked a purported reliance on customary norms to justify its rulings, most notably by relying exclusively on Article 74 of the Bahrain Order in Council to punish ‘breach of local custom’. The aim of this Chapter is to further identify the procedural steps that the Court adopted in its rulings, and to show how it enforced these standards as an additional means of gaining social legitimacy. It also outlines the exceptions that the Court developed to these broad procedural standards, through, for example, its evocation of principles of equity to exercise leniency towards members of society that it viewed as vulnerable, such as elderly women. The Chapter conceives of these actions as outwardly-oriented, and further aimed at generating acceptance of the Court and the broader project of moral regulation in Bahrain. In this sense, the Chapter builds on earlier themes by highlighting the importance that colonial actors awarded to being seen to exercise their authority through clear and fair channels, and in compliance with local custom. The Chapter also assesses the efficacy of these procedural measures in practice, and shows that despite relying on these standards, the Court’s ability to act objectively was hampered by its structural relationship with the executive branch of government.

While a central aim of the Chapter is to analyze the Court's behavior through qualitative data analysis, it also chronicles the 'bottom-up' social response to the Court, from defendants implicated in violations of the liquor-licensing system. It quotes extensively from the case files to bring to life the anecdotes and stories contained within them, and creates a portrait of social life and relationships in Bahrain between the years 1941-1947, for which data is available. This section highlights how defendants interacted with the judicial system, and shows that social actors relied on the language of custom in seeking to evade punishment by the Court, including by arguing that their actions did not violate their own religious beliefs. The justification of their actions in terms of custom is particularly illustrative, as it reveals the importance of customary beliefs as a source of legitimacy both by the Court and society, as evident in sustained attempts by both Court authorities and social actors to validate their actions through custom.

The data samples included in this Chapter have also been chosen as representative, rather than random, data samples. While the case files contain materials and witness testimony in both Arabic and English, the Chapter includes material made available in English only, to present the reader with the language used by the Court and by those who found themselves testifying before it.

### **Procedural Standards**

The available case files from the Court of the Political Agent reveal that the Court relied on four main procedural standards during its investigations and trial proceedings, including by requiring authorities to obtain search warrants from the Court prior to carrying out house raids, prioritizing reliance on witness testimony as a core evidentiary

standard, relying on scientific and medical evidence to determine the culpability of individuals accused of violating the liquor-licensing system and, finally, by acting to ensure that all alcohol seized during house raids did not re-enter the illegal market.

This section provides examples of the Court's reliance on each of these procedural standards, and argues that Court enforced these standards to promote an image of objectivity, gain legitimacy in the public consciousness, and incentivize compliance with the Law. Despite routine reliance on these standards, their source remains unclear, as the Bahrain Order in Council – the statute providing for the creation of the Court – makes no mention of any procedural guidelines. Moreover, the case files themselves make no mention of any source of legislation outlining these standards. Despite the ambiguity of their origins, the Chapter reveals that the Court was remarkably committed to enforcing these standards for the duration of the seven-year period for which data is available. Each type of standard will be addressed in turn, below.

#### **A. Procedural Standards: Search Warrants**

One of the most important procedural standards enforced by the Court of the Political Agent was its requirement that all police searches of private homes and workplaces be carried out following its issuance of a search warrant. This is most evident in case materials involving the crime of manufacturing liquor, which police typically detected following house raids. Adherence to this requirement suggests that British officials remained concerned to show that their authority was not exercised arbitrarily, but on the basis of clear and fair institutional and procedural standards.

A survey of the available court data shows that police officers searched dozens of homes for the suspected production of liquor, and obtained a warrant in all except one case. The court files note that this took place on a day when the Court representative was unavailable and therefore unable to issue a search warrant. The Court reaffirmed its reliance on search warrant across many trial proceedings, which had the effect of reinforcing its public commitment to clear evidentiary standards and the rule of law. Two examples illustrating police compliance with the Court's requirement to obtain search warrants are evident in the cases *State Police vs. Rafael bin Murad*, and *State Police v. Ahmed bin Mohammed Jassim*, excerpts of which are reproduced below. Copies of the search warrants used in these cases are reproduced in Appendix A.<sup>328</sup> The search warrant obtained in the case of *State Police vs. Rafael bin Murad* is notable for referring to the defendant specifically as a Jew, a religious identification that was not documented in relation to defendants from other religious backgrounds.

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<sup>328</sup> The cases cited below are: 'State Police v. Rafael bin Murad', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7471, British Library; 'State Police v. Ahmed bin Mohamed Jassim', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8882, British Library.

Case: State Police v. Rafael bin Murad

Charge: Distilling Liquor

Nationality: Subject of Persia

Trial Date: June 6, 1945

Judgment Extract (translation from Arabic):

‘On May 30 1945 at approximately 11.00, the house of the defendant in Manama was searched after a warrant was obtained, under the charge of producing Arak. Found in possession of the defendant was a liquid solution and a drum full of fomenting dates used in the production of Arak. He is fined RS 500.’

Case: State Police v. Ahmed bin Mohammed Jassim

Charge: Distilling Liquor

Trial Date: November 5, 1941

Nationality: Subject of Iran

Judgment Extract:

‘The police received information that the accused was producing liquor. On the 18<sup>th</sup> of October 1941, a search warrant was obtained from the Court and the home of the accused was searched. In it was found a vat of distilling dates, used in the production of liquor. The evidence was seized and the accused is brought before the Court. The accused is sentenced to serve three months Rigorous Imprisonment.’

## **B. Procedural Standards: Witness Testimony**

The data further reveal that the Court of the Political Agent expended considerable effort in obtaining witness testimony from a range of different witnesses, including members of the public, police officers, and ordinary bystanders. An analysis of the testimonies heard by the Court also reveals that police officers often invited members of the public to join them in searching homes of individuals suspected of producing or storing liquor, and later relied on their testimonies to corroborate events the version of events presented by police officers in Court. Examples of the Court's reliance on multiple and diverse witness testimony as a core evidentiary standard is evident in the cases *State Police v. Abdul-Aziz Murad*, *State Police v. Saleh bin Motleg*, and the case of *State Police s. Jawad bin Saleh, Ali Saleh, Shaha bin Hussain* excerpts of which are included below.<sup>329</sup>

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<sup>329</sup> 'State Police v. Abdul Aziz bin Murad', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8311, British Library; 'State Police v. Saleh bin Motleg', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8715, British Library; 'State Police v. Jawad bin Saleh, Ali Salih, Shaha bint Hussain', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8370, British Library.

Case: State Police vs. Abdul-Aziz bin Murad

Charge: Distilling Liquor

Trial Date: 21 March, 1948

Nationality: Subject of Iran

Trial Extracts:

On the facts of the case, the accused was found guilty in the illegal production of liquor and sentenced to three months' rigorous imprisonment.

Witness Statement from Inspector Abdul Karim:

“On the 6<sup>th</sup> of March 1945, I received a report through an informant that the accused was making liquor in a house in the Qibla locality. I was sick at home, but I obtained a search warrant from the Court and directed sub-Inspector Ali Mirza to take necessary action which he did by entering the home and catching the accused in the act of distilling liquor. Twenty tins containing currant for preparing liquor were found in the house. There was also one bottle containing liquor and a distilling apparatus in the house. All were captured and are now produced in Court.”

Witness Statement from Sub-Inspector Ali Mirza:

‘On the 6<sup>th</sup> of March at about 6 p.m. I was given a search warrant by Inspector Abdul Karim to search the home of the accused. Nabik Ismail and Policeman Abdullah accompanied me. I took two men from outside as witnesses. We went to the house, which was in the Qibla quarter and found it closed from the inside. I knocked at the door and the accused himself came and opened the door. We then entered the house. There is only one room in the home and it was bolted from outside. I opened it and on entering the room, I found a machine from which drops of water were falling. I also found twenty tins of current which were meant for preparing liquor. The accused said that it was not his house and I asked him whether he had any in his own house. He took us to his house but we did not find anything there. I collected the distilling apparatus and the tins and the bottle and brought them to the police station.’

Witness Statement from Ali bin Khalifa Al Baqaisib, Nakhuda (Shipmaster) of a boat, Manama, aged fifty years:

‘I do not remember the exact date but it is about 7 or 8 days ago I was on my way out of the mosque when Inspector Ali Mirza saw me and asked me to accompany him. He had some other men with him. He took me to the house of the accused. He entered the house. Ali Mirza called me and I went into the room and saw many tins of “zabib” (fruit seeds). There was a drum placed on a stove. The stove was burning and the water in the drum boiling. I also saw drops of water falling into a big bottle. This is the bottle (points to the bottle in Court).’

Witness Statement from Ahmed bin Isa Khamis, Farrash (Server of Tea) in the Office of Sheikh Salman bin Hamad Al Khalifa, aged 30 years:

‘I do not remember the date but it may be about 12 days ago. I was going home from the mosque after the evening prayer. Ali Mirza called me and asked me to accompany him. We went to the house of the accused. Ali Mirza knocked at the door and it was opened. In one of the rooms in the house I saw a stove burning. There were some wire connections with a drum which was on the stove. Water was falling from the drum by drops into a bottle which was placed under it.’

After hearing witness statements, the Court then turned to questioning the accused himself. The full recorded copy of the examination, as reported by the Court, is reproduced, below:

Examination of the Accused, Abdul Aziz bin Murad, Saudi Arabian, Dentist, Aged 25 years:

‘Question 1 – Did the Police search on the 6<sup>th</sup> of March 1945 the house in which the distilling apparatus and the bottle containing liquor were found?’

Question 2 – Did you open the door for the Police when they knocked at it?

Answer 2 – Yes

Question 3 – Were you preparing liquor in the house?

Answer 3 – No

Question 4 – What were you doing in the home?

Answer 4 – The house is not mine. It belongs to one Abdulrahman bin Abdulhamid Al Hejazi who is a native of Hejaz (Saudi Arabia). About one month and 12 days ago he left Bahrain and left the key of the house with me and requested that I should look after the house from outside. I never went in it before. I was sick and was being treated by Dr. Baranji so I never had time to see the home. When I recovered, I went to see the house. I opened the door and went inside. I opened the door of one of the rooms and found tins and a distilling machine inside. I did not know what it was. At that time someone knocked on the door and I opened it. It was Ali Mirza was with some three or four men, and they searched the home. When I asked him what he wanted, he replied that the distilling apparatus was for producing liquor. I told him that he could do whatever he wanted with it and I had nothing to do with it and that the house was not mine. When they asked about my own house I said that I had one and took them there. My own house was searched but nothing was found in it. After that I was taken to the Police station with all these things now I see in the Court.

Question 5 – Did you see Abdul Rahim bin Abdul-Humaid again in Bahrain after he left leaving you the key?

Question 5 – No

Question 6 – Do you want to add anything?

Question 6 – No. I have nothing to add. I have no witness to produce.'

The witness statements in this case were verified by C. Hafiz, the Indian Assistant to the Court of the Political Agent, who wrote the following on the witness testimony sheets: "Certified that the examination was taken in my presence and hearing and that the report contains a full and true account of the statement made by the accused."

After questioning the witnesses and defendant, the Court then released its final judgement.

Court's Final Judgment:

'On the facts as they stand, it is clear that the accused hired the house in a bogus name to use it for preparing liquor. Witnesses Number 2 and 3 depositions show that the stove was burning and water was falling by drops from the drum into a glass jar. This proves that the accused was at the time engaged in distilling liquor. The glass jar containing liquor, twenty tins of current, and the distilling apparatus which is so modern and sufficient proof for the large quantity of liquor the accused was preparing. The accused is a dentist by profession but he chose to earn his livelihood by preparing liquor which is sold privately at very high prices. He is held guilty under Article 74 of the Bahrain Order in Council and is sentenced to three months' rigorous imprisonment. The drums, the tins, and the bottle containing liquor should be emptied into the sea and sold and the proceeds go to the government. The other apparatus should be destroyed.'

Case: State Police vs. Saleh bin Motleg

Trial Date: 23 March, 1943

Nationality: Saudi Arabia

Charge: Drunkenness

Trial Extracts:

On the facts of the case, the accused was sentenced to serve one month's rigorous imprisonment after being found drunk in his home. The Court relied on witness statements during the course of the proceedings, which are included below. Each of the statements was signed by "C. Hafiz", the Indian Assistant to the Court, indicating that he had personally translated these testimonies.

Witness No. 1: Sub-Inspector of Police Mohammed bin Ismail:

'On last Tuesday at about 5 O'clock in the afternoon the accused was brought to the Police Station as he was drunk. I took him to the State Hospital for inspection. The records of the doctor stating that he was drunk are submitted herewith.'

'Witness No. 2: Salman bin Ibrahim, Witness, Manamah, Aged 21 Years

I went to the house of the accused for fixing electrical installation. After knocking on the door several times I entered and started working. Half an hour after the accused came there and started abusing me filthily. At first I could not know what was the reason but afterwards when I saw that he was unable to stand steadily on his legs I came to know that he was drunk.'

Witness No. 3: Ibrahim bin Jame, Police No. 200

'On the advice of Salman bin Ibrahim I was sent to the house of the accused. I knocked at his door. He came out and started abusing me. I said that he was wanted at the Police Station. He beat me with his "Agal" (note: this is an item of head-dress). His mouth was smelling of alcohol and I took him to the Police Station. He was drunk.'

Case: State Police vs. Jawad Salih, Ali Salih, and Shaha bin Hussain

Charge: Possessing Liquor

Nationalities:

Date: March 4<sup>th</sup>, 1946

Witness Testimony:

Abdul Karim bin Salman, Inspector of Police:

‘Reacting on information received that Accused No. 1 was selling foreign liquor to the public, arrangements were made on the 19<sup>th</sup> of February 1946 when I appointed one man to purchase 3 bottles of brandy from the accused. 2 policemen were left inside the rear box of a taxi car and the purchaser inside the car. They went to the house of accused No. 1 and asked for 3 bottles. Accused No. 1 along with Accused No. 2, in a few moments, brought 3 bottles. The driver opened the luggage box and the 2 policemen came out and arrested them both with the bottles. Accused No. 2 is a servant of Accused No. 1 and both of them are pimps. It was known to the Police that Accused No. 3 was in the habit of storing in her house, liquor belonging to Accused No. 1. On the same night her house was searched by me and 4 bottles of beer were found in the cesspool of the house one bottle brandly and one bottle rum were also found in the well in the house.’

Ali bin Khamis, Trader, Manamah, Aged 45 Years:

‘About 5-6 days ago, I was asked by Inspector abdel Karim to buy liquor from Jawad, accused No. 1. I went to his house in the afternoon and asked him whether he had any liquor. He replaid that he had 3 bottles brandy. I told him that I would call on him at night and receive them. At about 1.30 Arabic (after sunset) time, I went to the house of the accused in a taxi. 2 Policemen were kept hidden in the luggage box of the taxi. The taxi dropped me near the door of the house of Accused No. 1. Accused No. 1 came and took me to a room. He asked his servant, Accused No. 2 to take 3 bottles brandy to the taxi. I also went to the car and accused followed me to collect the money at the rate of RS 35 per bottle. At that time the two hidden policemen came out and arrested both Accused No. 1 and Accused No. 2 and brought them to the police station.’

‘Accused No.1 was sentenced to three months R.I. and to pay a fine of RS 500 or in default of the payment of the fine, he should undergo another 3 months R.I. Accused

The above cases illustrate how the Court of the Political Agent relied on witness testimony from multiple sources, including members of the public who were present at the scene as witnesses, and police officers. The cases also reveal how the court carried out detailed interrogations, and often carried out elaborate undercover operations, to determine the culpability of suspects. This compliance with procedural and evidentiary standards was consistent with the broader image that colonial authorities sought to project of their authority, as rooted in principles of justice and fairness.

### **C. Procedural Standards: Reliance on Medical and Scientific Evidence**

The Court of the Political Agent also relied extensively on evidence obtained through scientific methods. This was used for two main purposes: to convict individuals accused of drunkenness, and to verify the presence of liquor inside storage units and bottles seized from the homes of individuals implicated in manufacturing liquor. Medical evidence was also used to implicate defendants suspected of being under the influence of alcohol. These suspects were typically referred to medical doctors- and usually the State Medical Officer- who tested their saliva for the presence of alcohol. In cases where alcohol was found to be present, the Medical Officer would produce a medical certificate, confirming that those suspects had indeed consumed alcohol. Cases where such certificates could be produced were resolved quickly by the Court, with no need for further reliance on witness testimony. Two examples illustrating the Court's reliance on medical certificates are reproduced below, in the cases *State Police v. Ali bin*

*Mohsen, and State Police v. Haji Mohammed Ali.*<sup>330</sup> Copies of the medical certificates are reproduced in Appendix B.

A. Testing for Intoxication

Case: State Police vs. Ali bin Mohsen

Charge: Drunkenness

Nationality: Subject of Saudi Arabia

Trial Date: 28 August, 1947

Judgment Extract:

‘Accused states that he drinks a bit occasionally and by himself. The smell of alcohol in his mouth is certified by the medical officer there is no doubt that he was drunk. He is found guilty under Article 74 BOC and sentenced to one month's R.I.’

Case: State Police vs. Haji Mohammed Ali

Charge: Drunkenness

Nationality: Subject of Iraq

Trial Date: 02 January, 1941

Trial Extract:

‘The prosecution's story in the case is that in the evening of the 25<sup>th</sup> December 1940, the accused was caught by the Policeman Salih bin Ali in a state of drunkenness. Accused was examined by the medical doctor, who certified that he had taken alcoholic drinks. The accused admitted that he was drunk when he was caught by the police but that the drink was methylated spirit and not Arak. The accused who is not a permit holder has acted against the rules by drinking and wandering about in a state of drunkenness and I therefore find him guilty under section 74 of the Bahrain Order in Council and sentence him to one month's rigorous imprisonment.’

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<sup>330</sup> The cases included in the section below are: ‘State Police v. Ali Mohsen’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8318, British Library; ‘British Library, “State Police vs. Ali Mohsen”, Bahrain Court Records, Court of the Political Agent, IOR/R/15/3/8318, British Library, “State Police vs. Haji Mohammed Ali”, Bahrain Court Records, Court of the Political Agent, IOR/R/15/3/7025.

### B. Testing of Seized Materials Suspected of Containing Liquor

The Court of the Political Agent also relied on expert medical opinions and scientific testing to verify whether materials seized during house raids contained alcoholic liquor. Examples of these procedures are evident in the cases of *State Police vs. Rafael bin Murad*, and *State Police vs. Ibrahim Hassan*, extracts of which are reproduced below. Copies of the medical tests conducted in each case, and their results, are included in Appendix A.<sup>331</sup>

Case: State Police vs. Rafael bin Murad

Charge: Manufacturing Liquor

Nationality: Subject of Iran

Trial Date: 23<sup>rd</sup> August, 1942

Trial Extract:

‘The prosecution informs the Court that the accused has a home in Manama where he produces liquor, and on the 19<sup>th</sup> of August 1942, at approximately 8 P.M., police carried out a search on the home and found twenty-six bottles containing liquor and two bottles containing seeds that are used to make liquor. The State Medical Officer has confirmed that the bottles containing *Sharab*, which is a type of Iranian wine. The accused is sentenced to three months Rigorous Imprisonment.’

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<sup>331</sup> ‘State Police v. Rafael bin Murad’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7473, British Library; ‘State Police v. Ibrahim Hassan’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8163, British Library.

Case: State Police vs. Ibrahim Hassan

Charge: Manufacturing Liquor

Nationality: Subject of British India

Trial Date: 13 November 1945

Trial Extract:

‘The accused was sentenced to three months’ rigorous imprisonment, and deported to Bombay, for being implicated in manufacturing liquor. He was also dismissed from his position at the Bahrain Petroleum Company. At his trial, the Court called several police officers as witnesses, who detailed the use of scientific tests to confirm the presence of alcohol in bottles seized from his home. The case is unusual as it implicates an employee of the Bahrain Petroleum Company, who were not usually involved in the production of liquor.’

Witness Statement, Inspector Cochrane:

‘On Saturday 3<sup>rd</sup> November 1945, at about 2 p.m., as a result of information that came to the knowledge of the Police, I visited Raffa Camp, Awali, along with Sergeants Hyde and MacLennon and also the labour manager Mr. Andrews of BAPCO. We went to the room of the accused who is employed by the Company. As I entered the room, he was in the act of filling a bottle with some liquor. I took it from him. It smelt very strongly of alcohol. The room was searched and as a result the articles listed in the statement of Sergeant Hyde were found and are now produced in Court. I caused samples of the various commodities to be taken for analytical test. The accused was taken into custody and taken to Manama. I charge him with this offence and cautioned him. He stated: “I only made it for myself. I have never got 12 rupees for a bottle, I have had three.” He was kept in custody until the 7<sup>th</sup> of November, 1945, when he was released on bail. As a result of the analytical examination, it was found that the Exhibits marked “A”, “B”, “C”, “D”, “E”, “F”, “G”, “H”, and “J” contained various percentages of Ethyl Alcohol. The commodities tested were in an early stage of fermentation, subjected to a boiling and straining process the percentages would have considerably increased.’

At the trial, the prosecution presented a list of fifty-seven items seized at the home, which

were sent to the police station to be shipped along with Ibrahim upon his deportation.

During the trial, the prosecution also produced a copy of a clinical test of samples seized during the raid, carried out by the Bahrain Petroleum Company. The report read:

“The samples, labelled from A to J, all possessed, with the exception of F, a fruity, wine-like odour. In appearance A, B, C, D and E were cloudily, yellow-brown aqueous solutions containing suspended solid matter, while G, H, and J were almost clear but dirty yellow in colour. Sample F, a yellowing light oil insoluble in water possessed a smell resembling fly spray oil.

The presence of ethyl alcohol in samples G, H and J was suggested from a positive result found in the iodoform test. Confirmation as to the presence of ethyl alcohol in all samples was provided by the ethyl acetate and acetaldehyde reactions. The percentage of ethyl alcohol present in the samples was determined by the Evaporation Specific Gravity method. In this method, the specific gravity of the original sample is determined, the temperature being regulated to 60 degree Fahrenheit. A measured portion of the liquor (50 cc.) is then evaporated until three fourths of its volume is removed. The concentrate is diluted to exactly its original volume (50 cc.) and the specific gravity determined at 60 degree Fahrenheit. To the original specific gravity 1 is added and from the total the second specific gravity is subtracted. The difference is the specific gravity corresponding to the alcohol in the liquor....

...

Conclusions: With the exception of sample “F” (which appeared to be Flyspray) all samples contained Ethyl Alcohol in quantities ranging from 2% to 24 w/v..'

#### **D. Procedural Standards: Disposing of Illegal Liquor**

The Court acted to ensure that liquor seized by the Police did not re-enter the black market. It distinguished its treatment of locally manufactured date liquor, which it typically ordered to be emptied into the sea, and imported liquor, which it ordered to be re-sold to license-holders, with the proceeds returning to the Agency. The Court's approach in disposing liquor is evident in the *State Police vs. Suleman bin Ebrahim*, and *State Police v. Ridha bin Mohamed Ali*.<sup>332</sup>

Case: State Police vs. Suleman bin Ebrahim

Trial Date: 15 July, 1946

Charge: Possessing Liquor

Nationality: Subject of British India

Trial Extract:

'On Friday 12<sup>th</sup> July 1946 at 12.15 a.m., the house of Fatima bin Ahmed in Western Manama was visited by Inspector Cochrane and Sgt Kay, State Police, who inspected the premises. In an upstairs bedroom, they found lying on a bed the accused Suleman bin Ebrahim, who was drunk. Under the bed upon which he was lying was found a brandy bottle, which still contained some brandy. The accused alleged that he bought it from Abdulla bin Ahmed who lives in the house, and that he paid Rs 46 for it. This was denied by Ahmed bin Abdulla. The liquor was confiscated and sent to the State Medical Officer for examination. Certificate produced. The accused was seen the following day when he was sober by Inspector Cochrane. He adhered to his allegation that he bought the liquor in the house where he was found by the Police.

Accused found guilty on own admission. The bottle of Araq should be emptied into

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<sup>332</sup>'State Police v. Suleman bin Ebrahim', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8502, British Library; 'State Police v. Ridha bin Mohamed Ali', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8229.

Case: State Police vs. Ridha bin Mohammed Ali

Trial Date: 17<sup>th</sup> June, 1945

Nationality: Subject of Persia

Charge: Possessing Liquor

Trial Excerpts:

‘The accused was found guilty of possessing liquor, and six bottles of liquor in his possession were seized by the Court. After sentencing the defendant to serve two months rigorous imprisonment, and pay a fine of RS 100, the Court noted the following:

The six bottles of brandy regarding which the offence was committed are herewith delivered to the district court for order as to their disposal.

Verbally ordered to send the bottles to Gray Mackenzie for Sale.’

On the facts of the case, the accused was found guilty of possessing liquor and ordered to serve two months rigorous imprisonment and pay a fine of RS 100. In its judgment, the Court also ordered the liquor found in the defendant’s possession to be

### **Substantive Principles: Fairness and Equity**

While the Court of the Political Agent expended resources and time in enforcing clear procedural standards, it also took into account general principles of equity and fairness in its trial determinations. The principles of fairness followed by the Court also mirrored existing social values in Bahrain's society. This is most evident in the Court’s treatment of elderly women, whom it exercised considerable leniency towards including by acting outside the strict letter of the law to protect their interests. The Court’s

reliance on these principles did not only help it achieve fair outcomes, but also ensured that it acted in a manner consistent with prevailing social norms.

In understanding the Court's behavior as outwardly-oriented, and in line with local social norms, it is worth recalling the character of Bahrain's society during the early and mid-twentieth century. As a society exhibiting central traits of the pre-industrial mechanical solidarity described by Durkheim, the society was centered heavily around the family unit, and viewed elderly women with sympathy and respect. Any attempt by the Court to punish elderly women, regardless of their complicity in violations of the liquor-licensing system, would have likely been met with social condemnation, and would have threatened the Court's legitimacy. Examples of the Court's recognition of these social values, and its exercise of leniency towards elderly women is evident in the cases of *State Police vs. Ilyas bin Rafael*, and the case of *State Police vs. Mohammed Hussain*. The former case is one of the longest contained in the data set, and reveals an additional number of interesting features of social interactions and relations in the Souq area, in addition to some of the excuses provided by members of the public seeking to evade punishment. Excerpts from both case are reproduced below.<sup>333</sup>

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<sup>333</sup> 'State Police v. Ilyas bin Rafael', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7471, British Library; 'State Police v. Mohammed Hussein', Bahrain Court Records, Court of the Political Agent, IOR/R/15/3/7058, British Library.

Case: State Police vs. Ilyas bin Rafael

Case File: IOR/R/15/2/7471

Charge: Manufacturing Liquor

Nationality: Subject of Iran

Trial Date: 23<sup>rd</sup> August, 1942

Trial Extracts:

Witness Statement, Inspector Abdul-Karim:

‘On the 7<sup>th</sup> of August 1942 at approximately 2 AM, I was on patrol in the Manama Souq area, when I witnessed two young boys shouting and running frantically out of a shop in the Zayani building, belonging to two merchant brothers, Salman bin Ahmed and Ibrahim bin Ahmed. I entered the shop and questioned the two merchants about the incident. The merchants responded that they had seen the two boys emerging from a house located on top of their shop with a basket, and had invited the boys into their shop where they questioned them about the contents of the basket. The boys responded that it contained *barbeer* (a herb translated into English as “lettuce” but which translates correctly into “purslane”). Salman bin Ahmed stated that he then reached over to open the basket but as soon as he tried to, the boys dropped it and ran away. The merchants’ state that they then opened the basket and found two bottles wrapped inside, which they believed to be alcohol.

I proceeded to seize the contents of the basket and questioned Salman bin Ahmed, who informed me that the accused, Ilyas bin Rafael, had rented a house on top of his shop, and that a lot of people were “going up and coming down his house”, which struck Salman as a “strange thing”. Upon learning of this, I went up to the house and knocked on the door to find the wife of the accused, heavily pregnant, who called out: “My husband! My husband!” I did not wish to question her and instead tried to pacify her. Also present at the home was the mother-in-law of the accused, who informed me that she had sold two bottles of vinegar to the boys, adding that she produced vinegar herself and sold it to other members of the Jewish community to make a living.’

Trial Summary:

The case was brought to trial on August 23, 1942. At the trial, Ilyas bin Rafael did not call for any defence witnesses, and requested that the Court examine the two bottles found in the basket. He claimed that he was outside his home when the bottles were sold and that when he returned home, his mother-in-law informed him that she had sold two bottles of vinegar to the boys. He claimed not to have any information as to whether his mother-in-law distilled and produced liquor inside the home, adding that he spent long hours out of his home, and only returned there in the evenings. He informed the Court that he had “strongly prohibited” his mother-in-law from producing liquor since she was accused of producing it by the police.

At the trial, the Court determined that the evidence produced by the prosecution was insufficient for it to form a definite opinion as to whether Ilyas bin Rafael or his mother could be held responsible for distilling or selling liquor. In its judgment, the Court stated: “There are two points for determination, whether the liquid contained in the two bottles constituted alcoholic liquor, and whether Ilyas bin Rafael (“Accused No. 1”), and his mother-in-law (“Accused No. 2”), were responsible for distilling and selling liquor.”

In seeking to conclusively determine the contents of the bottles, the Court called on two medical doctors, Dr. Hashim and Dr. Baneraj, who were each requested to examine the bottles and present their findings to the Court. The first doctor, Dr. Baneraj, delivered his report to the Court, and described the procedure for testing a substance for the presence of liquor. He explained that this involved placing a sample of the unknown substance in a test tube, with a small quantity of iodine. Dr. Hashim informed the Court that the interaction between alcohol and iodine typically produced a visible gas smelling of chloroform, which would normally shoot out of the test tube like “soda bottle water gas”, and produce a smell “like chloroform or iodine.”

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In its judgment, the Court noted the following:

‘The mother in law of the accused admits that she sold the bottles to the boys but pleads that they contained only vinegar. Having proven the fact that they contained liquor, not vinegar, the safest conclusion from Accused No. 2’s admissions is that she sold these bottles to the boys and offended local custom which prohibits distilling, or selling liquor and No. 1 is punishable under Article 74 of the Bahrain Order in council. With regards to Accused No 1 Ilyas, he pleads that he was not in the house when the bottles were sold to the boys and that when he came to the house his mother in law had already sold the bottles. He did not know whether she was making any vinegar in the home or not because since the court liquor case against him, he prohibited his mother in law from making vinegar as long as he was out in the days, and his home is so situated that one cannot see what is going on there, he was not able to discover that she was making any vinegar otherwise he would have prohibited her strongly. In order to satisfy myself that it was not possible for him to detect what his mother in law was doing, I inspected his house accompanied by Inspector Abdul Karim. It is a small upper story house consisting of one small room, one kitchen, a small pantry on top of a kitchen, and one bathroom. All these small rooms are situated so that they can be seen as soon as a man reaches the head of the staircase and I am unable to understand how it was not possible for Accused No. 1 to know that his mother-in-law was making the so-called vinegar, especially when he himself brought two bottles of vinegar to the sub-Inspector at the time the two bottles of liquor were caught, so he is unable to convince the Court that he not an accomplice of Accused No. 2, his mother-in-law, and both the accused are guilty of the offence of distilling and selling liquor under Article 74 of the Bahrain Order in Council in an equal degree. But because Accused No. 2 is an old woman and her earning capacity is limited, she is fined only RS 25 while Accused No 1 Ilyas an able-bodied young man of 25 is ordered to pay a fine of RS 200 or in default of the payment of the fine to undergo 2 months RI.’

Case: State Police vs. Mohammed Hussein

Charge: Manufacturing Liquor-licensing

Nationality: Subject of Iraq

Trial Date: 13 March, 1941

Trial Extracts:

‘On the facts of the case, the accused was found guilty of the illegal production of liquor, and sentenced to pay a fine. After the trial, the Court received a letter from Charles Belgrave, demanding that the Court repatriate the accused to his home country of Iraq, as further punishment for his offence. The Court agreed to Belgrave’s request, and ordered the offender’s deportation. Upon learning of the news, the mother of the accused sent a letter to the Court, requesting to be repatriated along with her son. She wrote:

“I beg to state that I am the mother of Mohammed bin Hussein, Iraqi. I am an old woman and have two daughters, aged 11 and 3 years. My son Mohammed has a wife and a child aged 11 months. I am a poor woman and have no one to support me except my son Mohammed. I beg your honor to be kind enough to pay us our travelling expenses so that we may be able to leave Bahrain with our son. We have nothing to eat if we remain in Bahrain and we have no one to look after us.”

After receiving the letter, the Court agreed to the request made by the defendant’s mother, and agreed to cover the costs of repatriating his family back to Iraq.

The above cases show how the Court of the Political Agent exercised leniency in cases where the application of the strict letter of the Law would have harmed the material or familial interests of elderly women. In the above cases, the Court took into account the

earning capacity of an elderly female defendant in the first case, and the loss of livelihood to an elderly woman (resulting from the deportation of her son) in the second case. By protecting the interests of these women – a vulnerable group that was especially revered by the society - the Court was able to achieve a fair outcome in each of the above cases, while ensure that its rulings remained in line with prevailing social norms and customs.

### **Assessing the Court’s Objectivity**

This section of the Chapter assesses whether the Court’s reliance on procedural standards, including principles of equity in certain cases, affected its objectivity in practice. This section shows that although the Court’s adoption of these standards helped it to achieve a fair outcome in some instances, its ability to act independently or objectively was hampered by routine executive interference. This section provides several examples of such interventions, made by Charles Belgrave, where he succeeded in intervening to ensure that the Court to deport certain offenders – actions that the Court did not otherwise adopt in other cases. These interventions are evident in the cases *State Police v. Abdul-Aziz bin Murad*, and *State Police v. Mohammed Hussein*.<sup>334</sup>

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<sup>334</sup> ‘State Police v. Abdul-Aziz Murad’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8111, British Library; ‘State Police v. Mohammed Hussein’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/1649, British Library.

Case: State Police vs. Abdul-Aziz bin Murad

Trial Date: 21 March, 1948

Nationality: Subject of Iran

Charge: Distilling Liquor

Trial Extracts:

On the facts of the case, the Defendant was sentenced to undergo three months' rigorous imprisonment for being implicated in the illegal production of liquor. Five days after the issuance of the sentence, Charles Belgrave wrote to the Political Agent, noting: 'Since this man came to Bahrain on 22nd July 1944, he had no ostensible means of livelihood though he describes himself as a dentist. The Bahrain Government strongly urges that at expiration of his sentence, he should be made to return to Saudi Arabia.'

On April 3, 1948, the Political Agent wrote to the Superintendent of the State Jail, requesting that Murad be sent to the Agency after the completion of his sentence. On the date of the completion of his sentence, on 21st June 1946, the Court acted on Belgrave's recommendation, by deporting Abdul-Aziz Murad and prohibiting him from re-entering Bahrain for a two-year period.

Case: State Police vs. Mohammed bin Hussein

Charge: Manufacturing Liquor

Nationality: Subject of Iran

Trial Date: 13 March, 1947

Witness Statement:

The following testimony, from an unnamed witness, captures the main points of the trial:

‘One or two days ago, Inspector Abdul Karim asked me to accompany him on a search mission. When we reached (the town of) Hoorah, I knocked at the door of the house of the accused and he came and opened the door. When we entered the house, we found that a kettle was on, under a fire, and drops of liquor were falling from the pipe. Around twenty-four half-filled bottles of liquor were also in the same room. About two hundred empty bottles were also found there. There was also another empty kettle in the room. Sheikh Khalifa (who appeared to be part of the search mission) asked the accused why he distills liquor. The accused replied that he was workless and said: “Shall I steal when I have nothing to eat?” He also said to the Sheikh: ‘Taste it, Sir! This is the life of soul.’ In Court, the accused was sentenced to pay a fine of RS 150, or undergo two months Rigorous Imprisonment.’

One week after the trial, the Political Agent received a letter from Charles Belgrave, inquiring as to whether he would agree to repatriate Mohammed bin Hussein back to Basra, following the expiration of the sentence. The Political Agent replied that he would agree to it. In April of that year, the Court issued an Order of Deportation, describing Mohammed bin Hussein as ‘prejudicial to public order and security’. The letter from Belgrave, and Order of Deportation, are reproduced in Appendix A.

## Public Defenses and Interactions with the Court

While the Court of the Political Agent acted to enforce the strict letter of the law in most cases, members of the public presented a multitude of defenses to avoid punishment by the Court, including by evoking class and social status, habit and religion, custom, and ignorance of the Law. In the below section, I present a sample of four such cases, evident in the cases of *State Police vs. Abdul-Aziz Murad*, *State Police vs. Abdul-Salam Hussain*, *State Police vs. Yahoda Pinhas*, and *State Police vs. Faraj Mohsen et. al.*<sup>335</sup> These cases reveal details of some of the interactions between defendants and the judicial system, and the articulation by a number of these defendants of the customary and religious values that they believed to be important enough to excuse their actions. It also reveals the processes by which social actors sought to negotiate their place under the Law.

### 1. Age and Ignorance: 'Recklessness of Youth'

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<sup>335</sup> 'State Police v. Abdul-Aziz Murad', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8111, British Library; 'State Police v. Abdul-Salam Hussain', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8210, British Library; 'State Police v. Yahoda Pinhas', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/5353, British Library; 'State Police v. Faraj Mohsen, Salman Dawood, and C. Shaw', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8403, British Library.

Case: State Police vs. Abdul-Aziz bin Murad

Charge: Distilling Liquor

Nationality: Subject of Persia

Trial Date: 21 March, 1948

Trial Extracts:

On the facts of the case, Abdul-Aziz Murad was sentenced to undergo three months' rigorous imprisonment for being found guilty of the illegal production of liquor. After the trial, Murad wrote an impassioned letter to the Court, asking the Political Agent to downgrade his sentence from rigorous imprisonment to a fine, and take into account his social standing, and family circumstances. In his letter, Murad apologized extensively, and attributed his actions to the 'recklessness of youth'. He wrote:

'I have learned that the Court passed against me a judgement for my imprisonment for 3 months. Your Excellency, I plead you to change the imprisonment into a fine, and whatever fine I am prepared to pay it with thanks and gratification, because I belong to a polite family which is prominent. I am a dentist and hold a certificate in dentistry and I have received a letter from my father saying that he will arrive in Bahrain. As he is Assistant to the Director of Security in Saudi Arabia, he will be greatly affected to know that I am in prison because this will affect his post before His Majesty the King. I admit my fault of the offence, but that took place through recklessness of the youth, I am regretting for what I have committed and admit to you and your justice. This has taught me a lesson that I will not forget it. I will prove my better behaviour in the future and will not forget your kind assistance in reducing it to a fine. I enclose a letter which I have received from my father.'

Murad further enclosed a letter that he had received from his father, in an attempt to gain the Court's sympathy. The Court refused to take these circumstances into account, and insisted on enforcing the original sentence against him.

## 2. Habit and Custom: 'Drinking Since Childhood'

Case: State Police vs. Abdul Salam Hussain

Charge: Distilling Liquor

Trial Date: 17 May, 1945

Nationality: Subject of Iraq

On the facts of the case, the Defendant was called to appear in Court for illegally manufacturing liquor. Ahead of the trial, the defendant submitted a letter to the Court, pleading for a reduced sentence on the basis that he was accustomed to drinking liquor, and that it formed part of his cultural habits as an Iraqi Christian. He also pleaded for a lower sentence by asserting that he was producing liquor for his own consumption, and not for sale.

In his letter, the defendant complained about the poor quality of the liquor available in the black market (which he described as 'Jew peas'), revealing the general perception that the black market trade was managed by Jews. The earnest tone of the letter further reveals the defendant's sincerity in believing that he should be treated in accordance with the terms of his own religion. He wrote, in broken English:

'Sir, I have the honour to lay down the following lines before your kind considerations. I hope that it is not out of the way, and stands for your helps.

I beg to state to you that in my regard to my case which is running in the police station and tomorrow the 22nd in they will present us in Political Agent Court, before everything I wish to give you the full details. I am Iraqi subject. From my childhood I have to use the drink of laugeurs (liquor). If I stop the drink I will get sick, for this I have to drink, when I came to this island I saw very trouble for me to purchase it from black market at high rate RS 25 per bottle which is mixed with jew pease, and other poisons from one way I am a soldier-man

and my wages is not enough to purchase at this heavy rates ... and the thing which they are doing it is danger for my health, I have to arrange for making for my own drinks. I can take an oath by God and by your honour that I never sold and not wish to sell, I am looking for your judgement and my wages is not enough to purchase at this heavy rates.. and the thing

your judgement and my wages is not enough to purchase at this heavy rate.. and the thing which they are doing it is danger for my health. I have to arrange for making my own drinks. I can take an oath by God and by your honour that I never sold and do not wish to sell. I am looking for your judgment to help me in this connection, as I have no helper buy you. I hope that you will judge me, as I am agree for your judgment, and waiting for your kind helps. I hope that you will not disappoint me from your helps. Thanking you in anticipation.

I have the honor to be your most obedient servant,

Abdul Salam Hussain.

In its final judgment, the Court made no mentions of the letter. A copy of the sentence is reproduced below:

‘On the 17<sup>th</sup> of May 1945 at approximately 11 PM, some maintenance workers were carrying out repair works on a sewer near the home of the defendant and inside the sewer was found a vat of fomenting dates used in the production of liquor. Inside the sewer was also found a tunnel which has been dug – the police were called and they followed the tunnel which lead to the home of the defendant. The defendant was arrested and admitted that he had dug the tunnel, and that he had placed the vat of fomenting dates in the sewer. The accused is sentenced to three months Rigorous Imprisonment.’

### 3. Religion and Custom: 'Allowed by My Religion':

In *State Police vs. Yahoda Pinhas*, the Court rejected the defendant's plea that drinking liquor was allowed by his religion, and imposed a punishment on him on the basis that his actions offended the 'religious susceptibilities of the population.' This case stands as one of the clearest examples of the justifications adopted by the Court in punishing breaches to the liquor-licensing system, as a violation of local custom. It also provides an example of the contradictions at the heart of the system, which permitted some Westerners to engage in behavior that was contrary to local custom, while denying these privileges to other groups of foreigners.<sup>336</sup>

Case: State Police vs. Yahoda Pinhas

Charge: Distilling Liquor

Nationality: Subject of Kuwait

Trial Date: 5 March, 1941

Trial Extracts:

'Accused Yahoda Pinhas aged 35 years admits that he distills the liquor produced in the Court but pleads that he did not distill it for sale but for his own use as well as for the use of his wife and children on the occasion of 'Eid al-Fitr' as it is allowed by his religion. The fact that the accused distills liquor for his own use does not absolve him of the responsibility for offending the religious susceptibilities of the Muslim population of the islands and is fined RS 100 under s.74 of the Bahrain Order in Council. In default of payment of fine, he should undergo three months rigorous imprisonment. Bottles to be thrown into the sea.'

### 4. 'Spy of the Political Agent'

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<sup>336</sup> 'State Police v. Yahoda Pinhas', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/5353, British Library.

The case of *State Police v. Faraj Mohamed Mohsen, Salman Dawood, and C. Shaw* stands as the clearest example of the Court rejecting attempts by Arab Christians to obtain the same privileges as their Western counterparts. On the facts of the case, the Court refused to accept a defense presented by an Iraqi Christian, who argued that drinking was ‘permitted by his religion.’<sup>337</sup> The only defense it did accept was due to the defendants genuinely believing that they were dealing with a representative of the Political Agent in Bahrain.

Case: State Police vs. Faraj Mohammed Mohsen, Salman Dawood, and C. Shaw

Charge: Drunkenness

Nationalities: Subjects of Iraq, Iraq, and British India (respectively)

Trial date: 12 November 1946

On the facts of the case, three men were arrested by the police for drunkenness. The first defendant provided the following witness statement:

Question 1: “Were you sleeping in the house of Accused No. 1 Salman bin Dawood on the night of the 23rd October, 1946?”

Answer 1: “Yes”

Question 2: “Do you sleep there occasionally?”

Answer 2: “No, That was the first time in my life”

Question 3: “Why did you sleep there?”

Answer 3: “Salman bin Dawood, (Accused No. 1), invited me for dinner as I had repaired his car. He asked me to bring with me whoever I liked. As I worked under Mr Shaw (Accused No. 3), I brought him with me in a taxi to the house of Dawood. At about 8 pm, we arrived at the house of Salman. Salman said that we should go for a drink first. We went to Muharraq and from there to Arad. At Arad we sat on the ground at an open place. Salman brought out from under his garment a bottle, and asked us to drink. I said that I would not drink in an open place as the Police might come and arrest us.

<sup>337</sup> ‘State Police vs. Faraj Mohammed Mohsen, Salman Dawood, and C. Shaw’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8403, British Library.

I do not know whether Salman and Shaw drank or not as I went to (get) water. We then returned to the house of Salman. The time was about 10 pm. Salman opened the bottle containing Gin (Exhibit A) and drank. He gave it to Shaw, who also drank. I took a small quantity, mixing it with lemonade. I told Salman that it was dangerous to drink liquor and Salman said “do you know who I am? I am the Spy of the Political Agent.” He then offered me another drink. I drank and felt a headache. After taking some biscuits with cheese, I slept till Abdul Karim woke me up. The house of Salman was searched and the bottles (exhibits A-D now produced in Court) were found in it. At the time before the arrest I was under the impression that Salman was in a position to offer me drink legally.”

Q4: ‘Do you want to add anything?’

A4: ‘No.’

Certified that the accused was recorded by me in the words of the accused. - C. Hafiz

During the trial, the Court called on six witnesses, who corroborated the above statement. In its judgment, the Court took into account the fact that Accused No. 2 and No. 3 had believed that Accused No. 1 was indeed as “Spy of the Political Agent” and thus permitted to distribute alcohol. The Court’s judgement is reproduced below:

Court’s Judgment:

‘Accused No 1 Salman does admit that Exhibits A-D were found in his room. He also admits that accused Nos 2 and 3 were sleeping in his room as they were his friends. He pleads that as he is an Iraqi Christian he could drink in his house. He adds that he went to the street in order to close the doors and windows of his house which was standing there and at that time he was arrested by the Police. On the facts as proven by evidence and admission of the accused I have no reason to disbelieve that the accused was obtaining liquor unlawfully and entertaining his friends. He is held guilty and sentenced under Article 74 BOC to 3 months RI.’

‘Accused No 2, Faraj bin Abdul Mohsen admits that he drank some liquor mixed with lemonade. He adds that when he hesitated to drink, accused No 1 said “Do you know who I am? I am the spy of the Political Agent.” Accused No 2 is also found guilty under Article 74 BOC and sentenced to one month's RI.’

‘Accused No 3, C Shaw, admits that he drank but pleads that he was told by accused No 1 that he was a liquor permit holder and a spy of the Political Agent. Having regard to the circumstances under which he became associated with the offense, it is ordered that he should pay a fine of RS 50 or in default of the payment of the fine should undergo 2 weeks RI.’

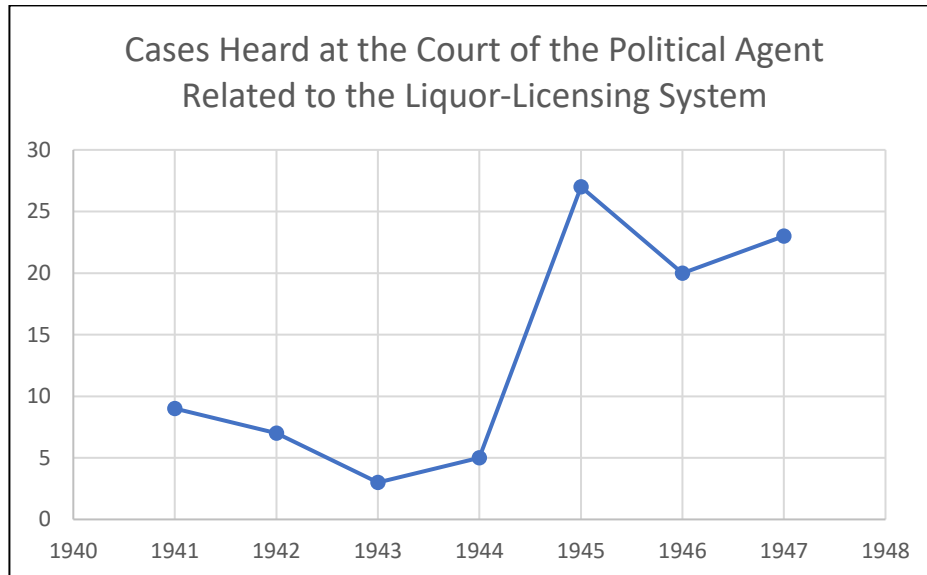
‘The bottles marked A B C D should be destroyed.’

C. Hafiz

### **Assessing the Court's Impact**

Despite the Court's efforts in seeking to deter violations of the liquor-licensing system, the numbers of cases prosecuted by the Court between the years 1941-1947 mostly continued to grow after the year 1943, and peaked in the year 1945 when the Court heard a total of twenty-seven cases involving violations of the liquor-licensing system. It is, however, difficult to draw conclusions from this data in the absence of further information on the extent of resources devoted to detect these cases. While the progressive increase in numbers of cases heard by the Court may be indicative of a sustained growth in the underground production of liquor, these numbers could instead simply reflect the expenditure of greater resources and manpower by Belgrave and the Political Agency in detecting offences and bringing offenders to justice.

The data of numbers of cases prosecuted by the Court in each year for which data is available, is presented in the chart below:



### **Conclusion**

This Chapter has analyzed social interactions between the Court of the Political Agent and the defendants brought before it. It has interpreted the Court's strict adherence to procedural standards – and its deviations from these standards to protect the interests of vulnerable groups- as a deliberate attempt by the Court to gain social legitimacy, by ensuring that its actions were interpreted as fair and in line with prevailing social norms. The Chapter has also analyzed social responses to the Court by detailing the defences brought before it, and showing how non-Western foreign nationals from Christian backgrounds sought to convince the Court to take into account the fact that drinking was permitted under their religion. These demands reflect the fact that

defendants from these communities sought to be treated equally as their Western counterparts, and their recognition of their inferior status under the Law. Thus, while the Court sought to be seen as acting fairly through its adherence to procedural standards, the efficacy of these measures remained limited not only due to the Court's close relationship with the executive branch of government, but also due to the fundamental contradictions and inequalities at the heart of the liquor-licensing system itself. While the previous Chapters have analyzed these contradictions in some depth, the next Chapter will provide evidence of the contradictions at the heart of the colonial project of moral regulation in Bahrain through the lens of a second regulatory project, involving the regulation and restriction of the practice of prostitution.

## **Chapter Six: Regulating Prostitution**

This Chapter analyzes the regulations enacted to restrict, regulate, and organize the practice of prostitution in Bahrain between the years 1926-1956. It describes the evolution of legal policy towards prostitution during this period, and shows how Belgrave transformed a local policy that favored the deportation of women suspected of acting as prostitutes, to regulating the practice by confining it to a single district in Manama, requiring prostitute women to register with the government, and undergo routine medical examinations. The Chapter shows how this project of moral regulation shared several common features with laws enacted to restrict alcohol: including by emerging out of a normatively driven concern to limit the spread of perceived immoral behavior in Bahrain as a response to modernizing social changes that appeared to threaten traditional values. The Chapter also analyzes the role of the Court of the Political Agent in placing the burden of law-enforcement primarily on non-Western nationals, including Arab prostitute women, and local taxi drivers, in the absence of evidence suggesting that Western nationals were prosecuted for breaches of zoning regulations at all. The Chapter further describes the impact of Belgrave's law in reinforcing the privileges of Western nationals, and in dividing the urban fabric of Manama by Belgrave into "respectable" and "non-respectable" areas, resulting in the widespread acceptance of these divisions among lawmakers, the town's residents, and other social actors.

The Chapter builds on the themes laid out in the previous five chapters by conceiving of laws regulating prostitution as a second example of moral lawmaking, and analyzing the influence of law on urban space, social behavior, and perceptions of

the British authority in Bahrain. Through the lens of prostitution policy, the Chapter provides further evidence of the priorities and contradictions of colonial governance in Bahrain - which sought to limit the spread of immoral recreational activities while ensuring these activities nonetheless remained available in order to cater to the desires of a minority group of mostly British and American oil workers and military servicemen.

The Chapter expands on the arguments made in the preceding chapters, by locating a second site of moral lawmaking, beyond alcohol and showing how laws governing prostitution were influenced by the moral ideologies of colonial actors. Here, it locates a historic normative abhorrence towards prostitution among colonial decision-maker in two key sites: first, in the peculiar interaction between colonial policies governing prostitution in Bahrain, and those governing slavery, and in the statements made by colonial decision-makers towards prostitution in private letters. It shows that Belgrave viewed prostitution as one of several undesirable practices being imported to Bahrain from abroad, which threatened local customary norms. It further shows how Belgrave grew concerned with protecting Bahrain's society from the moral and social decay that he associated with the practice, evidenced most visibly to him in a growing epidemic of venereal diseases that threatened to reverse important advancements in healthcare. The Chapter also analyzes the desire by Charles Belgrave to restrict the practice of prostitution, without abolishing it entirely, as part of the contradictions of colonial governance that on the one hand sought to project itself as morally righteous while, on the other, creating clear exceptions to these policies to cater to the desires of British and American workers who fueled the growing demand in prostitution. By

shedding light on these contradictions, the research shows how colonial actors relied on the Law to create and sustain a complex social hierarchy in Bahrain, which posited Western nationals as the ultimate recipients of social privilege.

While a central purpose of this Chapter is to describe the moral factors influencing lawmaking through a ‘top-down’ analysis, it also analyzes social responses to the Law, through a ‘bottom-up’, social perspective. The aim of this analysis is to understand the discrepancies between the declared aims of the Law – as understood by colonial decision-makers – and the perceptions of these laws by social actors and stakeholders. The Chapter draws on a broad array of sources to compare these perspectives, including primary interviews, works of historical fiction, and a public petition from residents of Manama demanding an end to visible displays of debauchery. It highlights the social significance of the district as an emerging symbol of colonial mismanagement, and the unintended social consequences of the Law in acting as a focal point for rallying anti-imperial sentiments in Bahrain including among a rising group of anti-Imperialist Arab Nationalists.

This Chapter defines ‘prostitution’ as the act of selling sex for financial or material gain, and a ‘prostitute’ as any woman engaged in such activity in a sustained manner. Many feminist scholars writing on the topic today avoid these terms and instead adopt the terms ‘sex work’, and ‘sex worker’, to emphasize the economic nature of the practice outside any normative and historic stigmas attached to the term ‘prostitute’, and to further emphasize the perceived agency of those engaging in the practice. Other feminist scholars reject these terms, believing them to endorse the mistaken notion that women’s bodies exist as a resource to be used by others. This

Chapter relies on the terms ‘prostitute’ and ‘prostitution’ to replicate the discourse and language used during the historic period in question. The use of these terms is therefore intended to reflect a historic and linguistic reality, rather than consent with any normative ideals that may remain associated with these terms across any historic setting.

This Chapter includes material from a range of primary and secondary data sources. Primary sources include official reports, letters, public petitions, legislation, and memorandums from the collection titled ‘Political Agency, Bahrain’, located at the India Office Records at the British Library. The primary materials used in this Chapter also include eight court cases obtained from the records of the Court of the Political Agent, housed at the India Office Records, which so far have not been used in any published study. The Chapter also incorporates primary materials from seven interviews conducted in Manama on April 2015, and on October 2016. These include interviews with a journalist, two historians, and several former residents of Qibla or “Grandol”, the district in Manama where prostitution was legalized and regulated by Charles Belgrave. I obtained most of the interviews through a referral or “snowball” system, in which I asked contacts in Bahrain to refer me to individuals who may be willing to speak about this topic, who in turn referred me to further contacts.

I faced several obstacles while interviewing the four former residents of Qibla, which may have impacted the quality of testimony obtained. The interviewees, all males aged between 63-85 years of age, exhibited varying degrees of reluctance to speak openly about the historic practice of prostitution, and its social dimensions. This is likely due to cultural sensitivities towards discussing a practice that is considered a

sin, and to age and gender dynamics that render such conversations between elderly men and younger women especially taboo. While I did obtain some valuable information from these interviews, I decided to supplement the knowledge obtained from these interviews with secondary materials. These materials include extracts from two interviews carried out by a Bahraini journalist on this same topic, which have been used in a published newspaper article. I was fortunate that the journalist, “Tawfeeq Ali”, who publishes under this pseudonym, was willing to share his interview notes with me. I have spoken extensively with the journalist to confirm the accuracy of the interviews and am grateful to him for willing to speak candidly about the subject, and for his generosity in sharing interview materials.

### **Customary Practices, Local Justice**

References to sex and sexual imagery are prevalent in Bahrain’s early history. Such references are visibly evident, for example, in a series of excavated monogram seals dating back to the ancient Dilmunic civilization, which inhabited Bahrain during the third millennium BC. Relics recovered from this era depict a series of God-like figures engaging in sexual intercourse, leading archaeologists to speculate that sexuality may have constituted an integral part of the earliest system of worship on the island.

The advent of Islam in the seventh-century BC transformed any lingering association between divinity and sex, and placed the permissible role of sexual activity firmly within the institution of marriage. Islamic jurisprudence conclusively condemned extramarital and premarital sex as ‘hudud’ crimes, or sins that give rise to a category of severe punishments including corporal punishment, or death. While Islamic jurisprudence provided for these harsh penalties, it also mitigated their impact by

imposing a strict burden of evidence in cases involving extramarital sex, including the necessity of presenting multiple witnesses or an un-coerced confession, to secure any conviction. Over time, these prohibitions formed a collective normative social consciousness and a central pillar of a shared social morality across many Muslim-majority States.

Although Islam provides for clear evidentiary standards in punishing sexual sins, the enforcement of these standards in Bahrain, as in other Islamic societies, varied considerably in practice. During the early years of the twentieth century, the punishments dealt out for sexual sins in Bahrain came to depend on three main factors: the gender of the offender, the nationality of the offender, and the forum in which justice was handed out. Each will be considered in turn, below.

As in many other patriarchal societies, the historical evidence suggests that women in Bahrain faced the exclusive burden for breaking social taboos and customary prohibitions against extra-marital or pre-marital sex. Indeed, there is virtually no evidence to suggest that men were punished for such violations at all. In cases involving acts of suspected prostitution, it is also clear that the nature of the sanctions dealt to female offenders depended largely on their nationalities, and the forum in which the case was heard. These factors often intersected in complex ways. For example, evidence suggests that local women found selling sex often faced the harshest punishments extra-judicially, including murder, at the hands of male relatives seeking to restore the family's honor. By contrast, women from foreign backgrounds, who were typically of lower classes, could forge a living selling sex with many in society turning a blind eye towards the actions of these wayward, unknown women. While these

women were nonetheless subjected to acts of violence, the motivation behind such acts appears to have been either petty rivalries, or extortion; in other words, criminal acts facilitated by the vulnerability of these women as opposed to a retributive desire to sanction the women, *per se*. Several cases highlight these disparities. For example, a case documented in 1934 chronicles how a foreign prostitute was ‘sewn up in a sack and thrown into the sea’.<sup>338</sup> Commenting on the case, Belgrave notes that the murder took place as a result of a rivalry between two of her ‘frequenters.’<sup>339</sup> In an earlier case, dating back to 1913, a man is noted to have kidnapped two daughters of an Iraqi prostitute. In this case, Belgrave notes that the motivation behind the kidnapping was to extort a bribe from her. Paradoxically, the social status of the nameless foreign prostitute, representing an excluded subaltern class whose breach of social rules posed less of a threat to the established social order, ultimately served to protect her from the worst punishments that might be dealt to her local counterparts.

The third factor influencing the types of punishments handed to women suspected of selling sex was the forum in which the offense was heard. The historic records reveal clear differences between the types of justice handed out by legal and judicial bodies, namely the Shari‘ah courts, and the justice dealt out by social actors. In cases involving foreign prostitutes, the Shari‘ah courts acted consistently by deporting the women back to their ‘countries of origin’, usually either Iraq or Iran, without imposing further sanctions against them. The Shari‘ah courts also often adopted

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<sup>338</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1934-35, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996), p. 531

<sup>339</sup> (Ibid.), p. 531

restorative justice towards local women found practicing prostitution. Writing in 1938, the Political Agent in Bahrain noted:

‘If a woman chooses to lead an immoral life, the Qadis don’t pass an order of murder against her but order her to go to her relatives so that they may look after her, but when such a woman falls into the hands of policeman, they keep her in their special houses and after satisfying themselves, throw her in the streets. On many occasions the relatives of such bad women were disgraced in such a manner by the policemen.’<sup>340</sup>

It is interesting to compare the approach of the Shari‘ah Courts in this context, which largely acted to protect women found practicing prostitution and encourage their cessation of the practice, with the response of other social actors, including police officers, who often subjected these women to varying degrees of harassment and violence.

### **The General Policy of Deportation**

The first documented case involving prostitution in Bahrain dates to the year 1913. In that year, a local Judge is documented to have deported a woman suspected of acting as a prostitute, as punishment for her ‘immoral actions.’<sup>341</sup> That same year, on May 8 1913, the Ruler of Bahrain Sheikh Isa bin Ali Al Khalifa issued a regulation which had the effect of codifying customary punishments for women found practicing prostitution.

The text of the decree reads as follows:

‘Recognized prostitutes and procurers will not be permitted to enter Bahrain, or to reside therein. Such persons on arrival will be sent back to the places from which they came.’<sup>342</sup>

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<sup>340</sup> ‘Agitation in Bahrain’, 26 October 1938, India Office Records, IOR/R/15/2/343, British Library.

<sup>341</sup> Political Agency Bahrain, ‘News for the Week Ending Saturday 22 March 1913’, 22 March 1913, India Office Records, IOR/R/15/2/58, British Library.

<sup>342</sup> Political Agency, Bahrain, ‘News for the Week Ending April 6, 1913’, 6 April 1913, India Office Records, IOR/R/15/2/58, British Library.

The notice reflected prevailing perceptions among the local judiciary, and among the Ruler, that prostitution was mostly being imported to the society from abroad.

### **Temporary Marriages**

Although most acts of prostitution were practiced through the informal exchange of material remuneration for sex, the existence of temporary marriages as an institution in Islam - albeit a deeply controversial one – has historically led both procurers and providers of sex in Bahrain and some other Muslim-majority states to rely on temporary marriages to ‘throw a cloak of legitimacy’ over their actions.<sup>343</sup> Understanding theoretical conceptions of temporary marriages is important in order to recognize the localized and context-specific manifestations of prostitution, particularly within Islamic societies.

Recognized by a fringe minority of Islamic scholars, temporary marriages allow a man and a woman to engage in sexual relations provided that a number of conditions are met. The terms governing such marriages differ between the two main sects of Islam, and they are referred to by different names. In Sunni Islam, such marriages are called ‘Urfi Marriages’, and in Shi‘a Islam they are typically called ‘Mut’a Marriages.’ Both broadly share key characteristics including the creation of a marriage contract, advance stipulation of the length and expiration of the marriage, the consent of both adult parties, and the exchange of a dowry. In principle, no official is required to officiate the ceremony. Upon the expiration of the marriage contract, the two parties are

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<sup>343</sup> Maha Yamani, *Polygamy and Law in Contemporary Saudi Arabia*, p. 71

Kelly and Breslin discuss the tensions between the existence of these marriages in practice, and their social perceptions within society. They observe: ‘Mut’aa (short-term marriages) are practiced by some Shi‘is, and other types of temporary marriages occur within Sunni communities, but people do not generally discuss these practices and they are not universally accepted (in Bahrain).’ See: Sanja Kelly and Julia Breslin (ed), *Women’s Rights in the Middle East and North Africa: Progress Amid Resistance*, (New York: Freedom House, 2010), p. 80

usually free to return to their normal lives. with no additional commitments imposed on either party. Such marriages have been entered into privately between men and women for hundreds of years and they continue to persist in contemporary times, especially in conditions of war and crisis.<sup>344</sup> Scholars who recognize the practice as legitimate argue that it benefits those who may not have the financial means to get married, including younger couples, widowers, and divorcees. Many such scholars also seek to disentangle temporary marriages from prostitution by insisting that those who enter into temporary marriages must be ‘chaste’, and ‘not addicted to fornication.’<sup>345</sup>

The concept of a temporary marriage is deeply controversial in both Sunni and Shi’a Islam, and most scholars maintain that it runs contrary to the spirit of Islam’s unequivocal prohibitions on extra-marital or pre-marital sex. Despite the controversial theological status of these institutions, social actors seeking a legitimizing cover for short-term sexual relationships have nonetheless relied on these arrangements to provide spiritual and personal vindication for what would otherwise be considered as a sinful act.

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<sup>344</sup> Maha Yamani notes that after the 1967 war between Egypt and Israel, Urfi marriages increased and were justified in order to allow widows to continue to receive their late husband’s pensions, and in recognition of their legitimate desires to satisfy their physical needs. She adds that Urfi marriages are also practiced by young people and university students who cannot meet the financial requirements of a standard marriage, and that they are also used in some cases of prostitution, to throw a cloak of legitimacy on their practices. See: Maha Yamani, *Polygamy and Law in Contemporary Saudi Arabia*, p. 45.

Historically, Mut’a marriage have also increased during periods of political crisis, such as during the Iran-Iraq war when tens of thousands of young men were killed on the frontlines, resulting in a surge in numbers of female female widows. During this period, Mut’a marriages were explicitly endorsed as legitimate by Iranian President Hashem Rafsanjani. See: *Women and Islam: Social Conditions, Obstacles, and Prospects*, Vol 2, p. 34, p.166.

<sup>345</sup> Thomas Patrick Hughes, *A Dictionary of Islam*, (Chicago: Kazi Publications, 2007) p.424. For more on this topic see Shahla Haeri, *Law of Desire: Temporary Marriage in Shi’i Iran*, (New York: Syracuse University Press, 2002), p. 220, and Ghada Talhami, *Historical Dictionary of Women in the Middle East and North Africa*, (Maryland: Scarecrow Press, 2012), p. 334-335.

The preceding sections provided an overview of customary social attitudes towards prostitution in Bahrain, and the factors determining the sanctions imposed against women found engaging in the practice, during the earliest decades of the twentieth century. This section analyzes the normative ideals held by colonial decision-makers towards prostitution during this same period. It elaborates on the connection between the policies enacted by these actors towards prostitution in Bahrain as an extension of their internally held normative ideals. The section shows that these actors shared the prevalent social ideals towards prostitution in Bahrain, and viewed it as a corrupting and harmful practice. It locates evidence of the normative abhorrence towards prostitution in two key sites: first, in the peculiar interaction between colonial policies governing prostitution in Bahrain, and those governing slavery, a further site of normative lawmaking. It also locates evidence of these moral ideals in the statements made by colonial decision-makers towards prostitution in private letters and memorandums. The purpose of this section is to show how the aim of curbing prostitution emerged as a normative imperative among colonial actors, and further, to establish a link between these normative ideals and the enactment of policy and regulation in practice.

### **Ending Prostitution as a Higher Norm: Through the Lens of Anti-Slavery Policies**

During the late eighteenth century, a growing anti-slavery movement in Great Britain campaigned for the abolition of slavery as an affront to morality. In 1833 the British parliament enacted the Slavery Abolition Act of 1833, which had the effect of criminalizing and abolishing slavery throughout the British Empire. Thereafter, the imperative to end slavery within British territorial possessions, and across the high seas,

emerged as one of the central priorities of colonial governors stationed abroad. In the Gulf region, this imperative was most clearly articulated through the General Treaty of Peace with the Arab Tribes of the Persian Gulf of 1820, signed between Great Britain and the Rulers of Abu Dhabi, Sharjah, Ajman, Umm al-Quwain, and Bahrain. This agreement provided the first domestic ban on the slave trade in Bahrain, stipulating in Article 9 that ‘the carrying off of slaves, men, women, or children, from the coasts of Africa or elsewhere and transporting them in vessels, is plunder and piracy, and the friendly Arabs shall do nothing of this nature.’<sup>346</sup> In 1861, the Ruler of Bahrain signed three additional agreements with British authorities that committed him to abstaining from slavery at sea.<sup>347</sup> Following the passage of these agreements, colonial decision-makers based in Bahrain and at Bushire took aggressive action to prevent the import of slaves into Bahrain, including by dispatching vessels to patrol and police the surrounding coastal areas. Colonial authorities were careful to enact anti-slavery measures progressively, believing slavery to be ‘part of the local system’ and that its sudden criminalization could prompt rebellion and ‘place the longevity of British rule at risk’.<sup>348</sup>

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<sup>346</sup> In Bahrain this was passed as the “Friendly Convention between Sheikh Mahomed bin Khulefa, independent ruler of Bahrain, on the part of himself and successors, and Captain Felix Jones, Her Majesty’s Indian Navy, Political Resident of Her Britannic Majesty in the Gulf of Persia, on the part of the British Government, and dated May 31, 1861.” See: C. Atchinson, *A Collection of Treaties, Engagements, and Sunnuds Relating to India and Neighbouring Countries*, Vol. VII (Calcutta: Office of the Superintendent of Government Printing, 1909), p. 264.

<sup>347</sup> Jerzy Zdanowski, *Slavery and Manumission: British Policy in the Persian Gulf in the First Half of the 20th Century*, p.81.

<sup>348</sup> Jerzy Zdanowski, *Slavery and Manumission: British Policy in the Persian Gulf in the First Half of the 20th Century*, p.82.

In the following decades, the British position towards slavery turned from unfavorable to ‘uncompromisingly hostile.’<sup>349</sup> By the early twentieth century, colonial officials had granted themselves the authority to manumit slaves residing in Muscat, Bahrain, and the Trucial Coast, in situations where those slaves approached the Political Agency to complain of mistreatment. The Rulers of those territories were not typically consulted in manumission determinations, except in situations of severe deadlock between slave-owners and their masters. Recognizing their limited sovereignty in a non-negotiable hierarchy of power, local Rulers rarely objected to these imposed declarations of manumission. These policies had a significant impact in curbing the slave trade in the Gulf. By 1908, a total of 693 slaves destined for sale in the Trucial States, Bahrain, and Oman had been rescued at sea, and 1853 already present in those areas had been set free at the demand of British representatives.<sup>350</sup> In addition, a total of 284 applications for manumission were made in Bahrain alone between the years 1906-1949, a majority of which were approved.<sup>351</sup> During this period, an unknown number of slaves were also freed by their owners in private, owing to Islamic customary practices that encouraged, but did not explicitly require, the freeing of slaves.<sup>352</sup>

A typical example of manumission being granted by colonial representatives in instances of physical abuse is evident in the case of Khadijah bint Firoz, a female slave

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<sup>349</sup> (Ibid)

<sup>350</sup> (Ibid), p.54

<sup>351</sup> (Ibid), p. 55

<sup>352</sup> Although Islam did not abolish slavery, it recommended freeing a slave as an act of piety and charity. This is recorded in two Hadiths. The most widely cited of these is a hadith relayed by Abu Huraira from the Prophet Mohammed, called ‘the Excellence of Emancipating a Slave.’ It reports Allah’s messenger as saying: “If anyone emancipates a Muslim slave, Allah will set free from hell an organ of his body for every organ of his slave’s body.’ (Ibid)., p. 65

born in Dubai who applied to the Political Agency in Sharjah for manumission. In her statement, transcribed by the Political Agency on February 8 1940, Khadijah wrote:

‘I was born in the house of my master Ahmed bin Bati of Dubai who got me married to his slave Mubarak. I gave birth to a daughter whom I named Thannuyah and whose age is now about thirty years. Owing to the oppression which I received at the hands of my master, I ran away from Dubai to Sharjah. I beg that I may be released from slavery.’<sup>353</sup>

The Political Agency granted her manumission two weeks later.<sup>354</sup>

While colonial decision-makers acted to support and encourage the manumission of slaves, tensions between their aspirational ideals to end slavery, and the normative position towards prostitution materialized on several occasions. Court records reveal that in such instances, colonial decision-makers resolved such deadlocks by prioritizing anti-prostitution policies, indicating that anti-prostitution policies took precedent above even one of the most important declared moral objectives of colonial rule in the Gulf region: the aim of securing freedom for slaves suffering abuse and mistreatment. A case involving a slave woman named Fatmah bint Muhammed is particularly illustrative. On June 22 1940, the Political Agent in Sharjah wrote to the Political Agent in Bahrain, seeking advice on whether the Political Agent in Bahrain considered it appropriate to grant a certificate of manumission to a slave woman who had incurred abuse but who was also suspected of acting as a prostitute. The Agent in Sharjah wrote:

‘I forward herewith a statement made by the slave Fatmah bint Muhammad. Enquiries show that Shaikh Sa’id bin Buti (her owner) who is a brother of the late Shaikh Rashid bin Buti had tied her with a rope

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<sup>353</sup> (Ibid.), p.22

<sup>354</sup> (Ibid.), p.23.

because she visits Sharjah for immoral purposes and did not obey when she was ordered to refrain.’<sup>355</sup>

In her application for manumission, Fatmah admitted that she had visited Sharjah without the consent of her master, and complained of having been beaten by him.<sup>356</sup> Ordinarily, evidence of physical assault would have been sufficient to secure a slave applicant his or her freedom, but in this case, the woman’s activities as a suspected prostitute led the Political Agent in Bahrain to reject her application for freedom. In his response to the Resident Agent, the Political Agent wrote: ‘As Fatmah bint Mohamed applied for manumission when she was visiting places of prostitution, it is inadvisable to grant her such a certificate.’<sup>357</sup>

A second example of the prioritization by colonial officials of anti-prostitution ideals ahead of normative ideals favoring the manumission of slaves is evident in the case of Aliyeh bint Salim. In this case, a slave girl by the name of Aliyeh had been taken by her master to Bahrain, where she escaped to the Political Agency and succeeded in obtaining a certificate of manumission guaranteeing her freedom. Upon hearing news of her freedom, she pleaded with the Agency to be repatriated to the city in which she was raised, Dubai. On December 3, 1931, the Political Agent in Bahrain wrote to the Commandant of Police instructing him to deny her repatriation request, on the basis that Aliyeh had been suspected of acting as a prostitute in Dubai, and that it would be ‘unwise to return her there’ lest she return to the practice. In his letter, the

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<sup>355</sup> (Ibid.), p.27.

<sup>356</sup> Letter from the Political Agent in Sharjah to the Political Agent in Bahrain, Manama, 22 June 1940, India Office Records, IOR/R/15/2/1855, British Library.

<sup>357</sup> Translation of a Letter from the Political Resident in Sharjah to the Political Agent in Bahrain, Manama, 8 July 1940, India Office Records, IOR/R/15/2/1855, British Library.

Political Agent wrote: 'In the circumstances, although one can but regret that she should have taken advantage of her freedom to devote herself to prostitution, it would appear dangerous to repatriate her and I request that she may be allowed to stay in Bahrain.'<sup>358</sup> Although the applicant was granted manumission in this case, her freedom to return to her home city was denied by authorities, who believed that she might use this new-found freedom to engage in prostitution. This case provides further evidence of the fact that colonial officials prioritized normative ideals against prostitution ahead of one of the most important moral tenets of colonial rule: the prerogative to end slavery and ensure justice for former slaves.

### **Normative Ideas towards Prostitution: As Expressed in Official Letters**

By the early 1930's, a visible growth in prostitution taking place in Bahrain came to weigh heavily on Belgrave. The increase in prostitution grew alongside the illegal production and consumption of alcohol, and owed its prevalence to accelerated social changes, spurred by the entry of thousands of unaccompanied foreign male workers into Bahrain, and the exposure of Bahrainis to these activities abroad, as documented in Chapter Two. Writing during this period, Belgrave soberly reflected on the situation, noting:

'Immorality is undoubtedly increasing but the increase in prostitution is not due to the government but is a matter of supply and demand. During the last two years, numbers of foreigners earning good pay have come to Bahrain usually without their families, from Persia, Iraq, and India, and this undoubtedly caused an increase in prostitution.'<sup>359</sup>

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<sup>358</sup> Letter from the Political Agent in Bahrain, Manama, to the Commandant of Police, Manama, 3 December 3, 1931, India Office Records, IOR/R/15/2/1394.

<sup>359</sup> The Government of Bahrain Annual Reports 1924-1970, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

Belgrave grew particularly concerned that the practice of prostitution was spreading throughout residential areas of Manama. Belgrave's distaste for vice in general, and prostitution in particular, was known throughout the society, and secured his reputation as an officer intent on protecting moral ideals. These impressions are chronicled in the diary of H.V. Mapp, a British employee of the Bahrain Petroleum Company who arrived in Bahrain to take up his position in the late 1930s. In his memoir, Mapp wrote:

'Vice offended Belgrave. He blamed the foreigners, prostitutes, and those who patronized them and the licentious military who came as protectors during the war. The youngsters with pale skins and bright red hair that I saw in the towns could have been Arab-Anglo-Saxons of wartime liaisons. But it was not all one-way traffic. The Shaikh had to act, in 1951, following complaints, to stop Bahraini women taking off to Saudi Arabia for undisclosed business. He decreed they could only go with a male relative.'<sup>360</sup>

### **The Early Years: the Policy of Deportation**

During his first years in Bahrain, Belgrave worked closely with local authorities to enforce Sheikh Isa's decree of 1913, including by monitoring and deporting women suspected of acting as prostitutes. Several episodes are illustrative. On May 16 1927, the Commandant of the State Police, drafted a memorandum addressed to Belgrave, providing him with a list of twenty-seven Iraqi women who were scheduled for deportation on suspicion of acting as prostitutes. He wrote:

'I beg to inform you that the following women were sent from here on 15<sup>th</sup> May 1927: Badrieh, Shemema, Mulaka, Fahima, Khadija, Safiah, Sabiah, Zakiah, Adleh, Fakieh, Kaifiah, Malkan, Resa, Jamila, Zehra, Makkash, AMbiah, Fatusan, Hakimah, Hayat, Nuria, Huria, Halima, Badriah, Aliyah, Shafiqah, Sughra.'<sup>361</sup>

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<sup>360</sup> H.V. Mapp, *Leave Well Alone! Where Oil Shapes Dynasties and Destinies*, (New York: Prittle Brook Publishers, 1994), p. 147.

<sup>361</sup> Letter from Commandant of the State Police, Manama, to the Adviser to the Emir, Manama, 15 May 1927, India Office Records, IOR/R/15/2/1394, British Library.

The following day, the Political Agent, Colonel Cyril Johnson Barrett, wrote again to Belgrave, confirming that the women had been deported. He wrote:

‘In addition to the Certificate of Identity issued to 27 undesirable women deported to Basrah, another Certificate of Identity was given for 2 more women sent to Basrah at the request of the Commandant of Police. Will you please arrange to refund me Rs 29 on account of passport fee stamps utilized?’<sup>362</sup>

Belgrave replied to the letter the following day, confirming that the passport fees would be covered by the government.<sup>363</sup> In the year 1929, Belgrave took further action against prostitution by enacting a new regulation that facilitated the ability of the Bahrain government to prevent suspected prostitutes from entering the country. As with Sheikh Isa’s earlier regulation, this new law also blamed foreigners for bringing the practice to Bahrain from abroad, and sought to tackle the matter by deporting suspected prostitution.

On January 9 1929, Belgrave wrote to the Political Agent, Colonel Barrett, providing him with a copy of a new draft legislation titled “Passport Regulations Governing Persians and Bahrainis.” In his accompanying letter, Belgrave wrote:

‘I enclose a copy of passport regulations which will come into force, with the exception of clause No. 3 on which I should like your advice. Shaikh Hamad suggested a long time ago that we should refuse admission to these two classes of people. It may be necessary to make various alterations or additional clauses as almost every day a new problem crops up’.<sup>364</sup>

A copy of the regulation is included below.

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<sup>362</sup> Letter from the Political Agent in Bahrain, Manama, to the Advisor to the Emir, Manama, 23 May 1927, India Office Records, IOR/R/15/2/1394, British Library.

<sup>363</sup> Letter from the Advisor to the Emir, Manama, to the Political Agent in Bahrain, Manama, 18 June 1927, India Office Records, IOR/R/15/2/1394, British Library.

<sup>364</sup> Letter from the Advisor to the Emir, Manama, to the Political Agent in Bahrain, Manama, 9 January 1929, India Office Records, IOR/R/15/2/1405, British Library.

Passport Regulations  
(as in force January 9th, 1929)

1. No one may embark/disembark from the B.I. mail steamers before the sign known as the “Haji Daly” (a black wooden cross on the mast) has been lowered with the exception of the following officials; the Passport Officer, the State Police, the Port Officer, the Medical Officer, the Ship’s Agent or his official representative.

2. No person has the right to disembark before he has been given permission to do so by the Medical Officer. All passengers for Bahrain will submit to a medical examination on the ship before disembarkation. Any persons although they may be in possession of proper passports, who are found to be suffering from infections or contagious disease may be refused permission to land by the Medical Officer on his own discerning.

3. Foreign prostitutes and professional beggars will be refused permission to land.<sup>365</sup>

Upon receiving the letter, the Political Agent wrote back to Belgrave informing him that he held no objection to the third clause. It is notable that the cumulative effect of these measures was to place the entire burden of law enforcement on women suspected of acting as prostitutes by identifying and prosecuting them for unlawful acts. At no point did decision-makers contemplate the enactment of any measures to curb the behavior of male procurers.

In the following years, Belgrave used the Passport Regulation of 1929 to engage in mass deportations of suspected prostitutes. In May 1931, Belgrave wrote to the Political Agent, Charles Geoffrey Prior, providing him with a list of thirty-five named foreign prostitutes whom he had identified for repatriation back to their home countries. He wrote: ‘I enclose a list of foreign prostitutes who are being repatriated to their

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<sup>365</sup> ‘Passport Regulations Governing Persians and Bahrainis: Passport Regulations in Force January 9, 1929’, 9 January 1929, India Office Records, IOR/R/15/2/1405, British Library.

homes. Arrangements for their conveyance are being made by the Police who are sending them in joliboats when such are available.’<sup>366</sup>

### **Cross-Border Cooperation**

The desire to limit the growing practice of prostitution continued to preoccupy colonial officials based across the Gulf. Soon, officials based in Bahrain, Kuwait, and Iraq began to engage in cross-border cooperation to prevent the spread of prostitution at a regional level. This cooperation was deemed especially necessary as prostitutes expelled from one state, such as Bahrain, would often seek refuge in a second country, such as Iraq, and simply continue their activities in that location. As colonial officials discovered, the existing policy of deporting prostitutes simply resulted in the transference of the problem from one area to another, with a rotating cycle of prostitutes moving between different parts of the Gulf region.

Correspondence between British officials confirms this trend. On January 6 1932, the Administrative Inspector in Basrah wrote to the Political Agent in Bahrain enquiring as to whether two Bahraini nationals, Khalifa ibn Mubarak, and Almas bin Hussain, were ‘really married’ to Shafiqa bin Farah and Sabiha bin Hussain, two suspected prostitutes based in Iraq.<sup>367</sup> The term ‘really married’ appears to reflect the Inspector’s suspicion that the parties may have entered into temporary marriages as a cover for an extended prostitution arrangement. In his letter, the Inspector in Basrah wrote: ‘These two women, who appear to have been deported to Basrah from Bahrain for practicing

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<sup>366</sup> The term joliboat was used to describe flat-bottom boats used to transport passengers across the Persian Gulf. The term was adopted in the local Bahraini dialect and it is not unusual to hear a small boat being referred to as a ‘jalboot’. Letter from the Advisor to the Emir, Manama, to the Political Agent in Bahrain, Manama, 3 December 1951, India Office Records, IOR/R/15/2/1394, British Library.

<sup>367</sup> Letter from Administrative Inspector in Basrah to the Political Agent in Bahrain, Manama, 7 January 1931, India Office Records, IOR/R/15/2/1394, British Library.

prostitution have recently been admitted to the brothel area (in Basrah).<sup>368</sup> Reference to the brothel area reflected the fact that a regulated system of brothels existed in Iraq at the time, which permitted prostitution within certain zones. The Political Agent in Bahrain referred the letter to Belgrave, who drafted a response back to the Agent. In his response, Belgrave urged the Inspector not to send the women back to Bahrain. He wrote: ‘The two women mentioned in your letter are two of the most notorious foreign prostitutes in Bahrain. They state that they are married women but I am unable to trace their husbands though I have had enquiries made by the Police. I strongly urge that neither of the women should be sent back to Bahrain.’<sup>369</sup>

### **A Matter of Supply and Demand**

Writing in the year 1935, Belgrave noted soberly that the visible increase in prostitution taking place in Bahrain was a matter of ‘supply and demand’. This statement merits further explanation. In doing so, it is important to distinguish between the pre-oil era, when few cases of prostitution were documented, and the years following the discovery of oil in 1932, when the practice began to visibly spread across Bahrain’s cities and its towns.

The single most important factor fueling the increase in demand for prostitution was the entry of thousands of young and unaccompanied male workers to Bahrain in the years after the discovery of oil. The scarcity of physical infrastructure to cater to these men also came to play an indirect, but important, effect on their social behavior,

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<sup>368</sup> Ibid

<sup>369</sup> Letter from the Adviser to the Emir, Manama, to the Political Agent in Bahrain, Manama, 13 January 1931, India Office Records, IOR/R/15/2/1394, British Library.

particularly at the Bahrain Petroleum Company, one of the largest employers of foreign workers in the country. In his memoir, an employee of Company, M.E. Yapp writes:

‘The housing shortage, crisis, scandal (in Bapco), that perpetual blot on civilization, appeared in Bahrain to be insoluble. In Awali, housing or the lack of it governed friendships, attitudes to the job, and management and the choices open to married men, forced to live as bachelors, who could no longer bear the strain of separation from their families. Some found solace in drink, gambling, or an occasional visit to the brothels in Manama, but others just quit and returned home.’<sup>370</sup>

On the supply side, several other factors also contributed to the increase in numbers of women willing to sell sex. By the early 1930’s, the women in Bahrain’s sex industry could largely be classified into three distinct groups; including economic migrants, former slaves, and local women. The first of these, economic migrants, included mostly destitute and impoverished women from Persia and Iraq who may not have necessarily entered Bahrain with the intention of practicing prostitution, but who migrated to seek employment opportunities. Over time, the inability of many of these women to secure stable sources of income led them to enter short-term and long-term arrangements to sell sex, in response to financial necessity. As noted by Belgrave, the entry of these migrants from Iran in particular increased sharply after the year 1941, owing to

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<sup>370</sup> Awali was the name of the town in which the headquarters of the Bahrain Petroleum Company was, and still is, based. The Company had a policy of providing housing for all of its employees within its headquarters, inside a gated community. Upon entering the compound, Mapp described the “sameness of the rows and rows of Swedish bungalows and the identical company furniture within, family homes were comfortable and functional, equipped with all mod cons.” He observed: “There was not enough housing to go around. The system devised to allocate it was rather less designed for justice and fairness than for satisfying the labour market. A test of standing in the firm was to tell the management: ‘Either you bring my family out or I quit.’ The short answers to this ultimatum were: ‘Ok, you quit’, or ‘Tell your wife to start packing, we have a house waiting for her.’ See: H.V. Mapp, *Leave Well Alone! Where Oil Shapes Dynasties and Destinies*, p. 33.

‘genuine famine conditions’ on the Persian coast, which drove ‘more people than in previous years’ to attempt to enter Bahrain.<sup>371</sup>

A second category of women willing to sell sex in Bahrain also emerged directly out of the British policy of manumitting slaves within the Gulf region. Britain’s largely successful policy of encouraging and approving the manumission of hundreds of slaves also had important demographic and economic consequences on Bahrain’s labor market. The entry of newly-free male slaves into the job market provided a cheap source of labor in the pearling industry, where many were recruited by boat-captains as divers and assistants. This is in contrast with freed female slaves, who instead found far fewer opportunities in a social environment that awarded women scarce opportunities outside the home. As such, many freed female slaves found themselves obliged to return to their former masters, and continued to labor at subsistence wages. The absence of opportunity also accelerated their turn towards marriage, as a means of securing economic protection. A further minority of freed female slaves turned to prostitution to make a living, providing an additional supply of women willing to cater to the demands of newly-arriving male migrants.

Finally, local Bahraini women also constituted a third source of women willing to sell sex. In an interview, a Bahraini journalist, Tawfeeq Ali, stated:

‘During the 1920s and 1930s, many Bahraini women practiced prostitution. Some of them practiced it voluntarily and others were forced into it, either due to financial hardship or by their male relatives who needed money. Some came from Manama but most were girls who were born in smaller villages who would come to Manama for a day, a week, or a month at a time, in order to earn money.’<sup>372</sup>

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<sup>371</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1945-46, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996), p. 45.

<sup>372</sup> Author Interview with Tawfiq Ali, Manama, April 15, 2015.

Together, women from these three backgrounds made up most of the women who practiced prostitution in Bahrain during the first decades of the twentieth century.

### **The Turn Towards Regulation**

Law enforcement officials continued to enforce the policy of deporting suspected prostitutes until the year 1937. On the 8th of February 1937, Belgrave issued a notice on behalf of the Government of Bahrain, which had the effect of transforming the existing policy of deportation by formally regulating and recognizing the practice of prostitution. The purpose of the notice was not to legalize prostitution per se, but rather to limit its scope by confining it to two specially-designated brothel districts, one of which was located in the capital Manama, and the other, in Bahrain's second-largest city, Muharraq. The decision to regulate prostitution was fueled by two central concerns: first, the growing spread of venereal diseases in Bahrain, which Belgrave described as "rampant", and second, his acknowledgment of the ineffectiveness of existing policies in curbing the growth of prostitution in Manama.<sup>373</sup> This shift in policy may also have been spurred by a further realization that the problem was not exclusively caused by foreign women entering Bahrain from abroad.

As explained in greater depth in Chapter Two, the policy of regulation was modelled closely on the Contagious Diseases Acts of 1864, 1866, and 1869 which aimed to curb the spread of venereal disease by targeting the behavior of suspected prostitutes, including by requiring these women to register with the state and undergo routine medical examinations and mandatory hospitalization if found infected with

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<sup>373</sup> The Government of Bahrain Annual Reports 1924-1970, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

sexually transmitted diseases. While the regulations were quickly repealed in the British towns and garrison port areas in which they applied, modified versions of the Acts spread to British colonial possessions including Bombay, Egypt, and Palestine. Regulations enacted in these parts of the Empire shared a number of similarities with their metropolitan counterparts, most notably by providing for the creation of legalized prostitution districts, and by requiring women acting as prostitutes to undergo mandatory health screenings.<sup>374</sup> By the mid-1920's, most of these regulations had been rescinded within these territories, owing to pressures by civil society groups in those states that condemned the legalization of prostitution, and owing to growing recognition by officials of their ineffectiveness in curbing the spread of disease.

When placed in its historic context, Belgrave's regulation is notable in two key aspects. First, the timing of the regulation is extra-ordinary, as it was passed at a time when all similar regulations enacted across the Empire had been repealed, owing to domestic pressures in those States, and public pressure in Great Britain. Belgrave's regulation is also notable since it initially limited itself to restricting the geographic practice of prostitution without requiring women suspected of acting as prostitutes to undergo routine health screenings. Although Belgrave's regulation introduced this requirement at a later stage, the language of the law made no mention of disease, and instead established a geographic division 'respectable' areas, which would thereafter remain strictly off-limits to prostitute women, and 'non-respectable' areas designated

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<sup>374</sup> Overall, the regulations had the effect of diminishing the visible prevalence of streetwalking, and confining prostitution to enclosed areas where the practice could take place hidden from public view. However, their application proved short-lived, following pressure by women's rights activists in Great Britain and within the colonies, who condemned the perceived encouragement of such practices, and growing evidence of their ineffectiveness. Together, these pressures ensured that the Contagious Diseases Acts and their colonial counterparts were mostly rescinded by the early twentieth century.

for prostitution. These provisions shed light on the unmistakable normative character of the law, which created the first formal geographic urban segregation in Bahrain, based on this ambiguous and normative delineation.

Crucially, the notice made no mention of procurement and placed the burden of enforcement entirely on prostitution women, and on homeowners who owned real estate located within ‘respectable areas.’ In addition, Belgrave’s decree did not create a legalized prostitution district ‘out of thin air’, but rather confined a pre-existing activity that had been taking place across Manama to a single residential district in the town. It is also interesting to note that the decree also did not do away with deportation orders entirely, and continued to maintain these punishments for foreign women found breaching the law. A copy of the notice is reproduced below.

Notice  
Prostitutes

Government of Bahrain Notice No 21/1350 published on the 8th of February 1937

1. All recognized Prostitutes are ordered to live in the places specially designated for prostitutes and they are forbidden to live in respectable areas in either Manama or Muharraq;
2. The designated areas for recognized prostitutes is the district of Qibla in Manama, and the district of Grandol in Muharraq;
3. Home-owners in respectable areas will be responsible in front of the Court if their homes are found to be occupied by recognized prostitutes, or used as brothels or for gambling;
4. If, after the passage of one month following the issuance of this notice, any recognized prostitute is found in a respectable area, then she will be transferred to one of the designated areas for prostitutes and will be held accountable before the Court;
5. Any foreign prostitutes found breaching these regulations will be deported from Bahrain.

### **Morality, Geography, and Urban Space**

Belgrave's choice of Qibla district in Manama and Grandol district in Muharraq as locations for regulated prostitution districts took into account several important geographic features of these areas. To understand this, it is important to examine the spatial characteristics of Bahrain's two-largest towns, each of which were made up of several composite residential areas known as 'furjan' (fireej, singular). The delineations of the "furjan" in Manama largely reflected existing divisions between the communities residing in those areas, and held multiple and interchangeable names that reflected either the identities of the inhabitants, the geographic characteristics of the terrain, or a combination of both features. For example, two of the largest Furjan in Manama, named 'Fireej Kanoo' and 'Fireej al-Fadhel', were named after the Kanoo and Fadhel families that lived in those parts of the town. Another district, Ras Rumman (translating to 'head of pomegranate'), derived its name from the terrain of the area itself, a part of land where the seashore meets the land and gives rise to a lush grove of pomegranate trees. The Baharna families residing in the fireej were referred to as 'of Ras Ruman', and one prominent Baharna family came to adopt it as a surname. Another district was known as 'Fireej al-Ajam', a reference to the communities of Persian immigrants, known as

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<sup>375</sup> Notice on Prostitutes No. 21/1350, Government of Bahrain, 8 February 1937, India Office Records, IOR/R/15/2/1340, British Library.

Ajam, who inhabited the area. As the delineations between the Furjan were unmarked, their boundaries appeared unclear or even arbitrary to outsiders.<sup>376</sup>

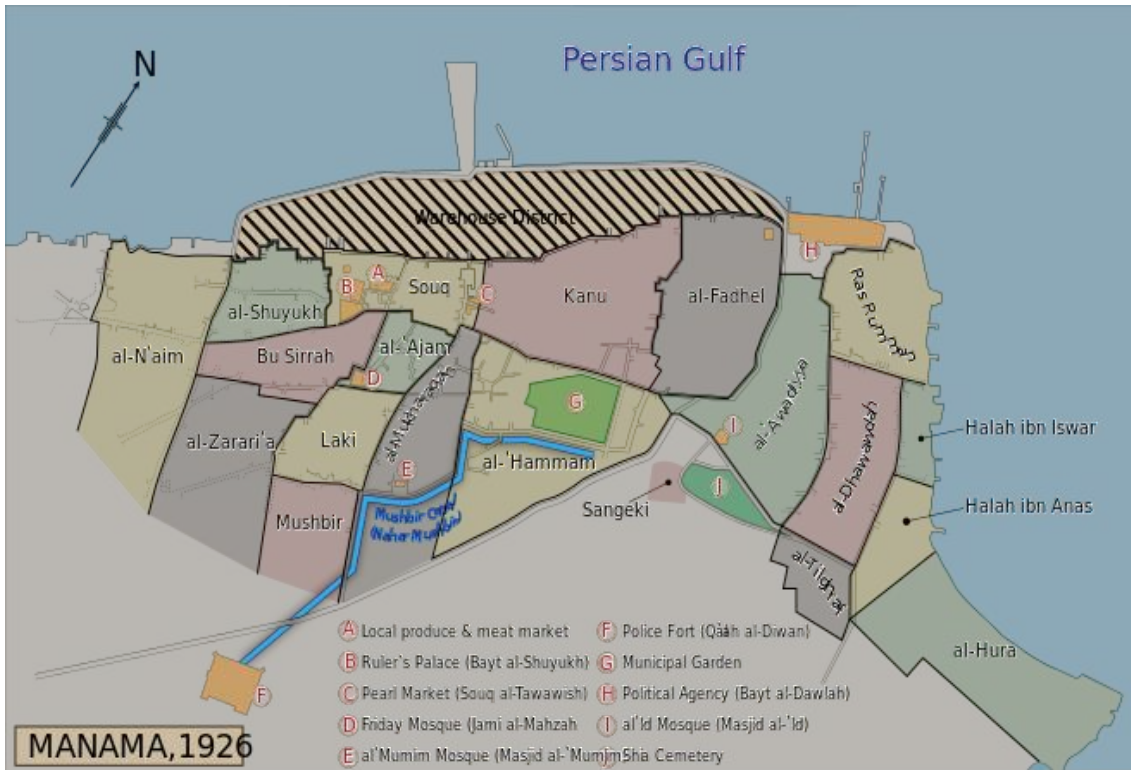
In Manama, the fireej of Qibla was known among residents by at least four other names, including ‘Fireej al-Gharbi’, ‘Fireej Sudan’, ‘Fireej Gezi’, and ‘Fireej al-Zirari’.<sup>377</sup> The most commonly used, ‘Fireej Qibla’, refers to the direction of the Kaaba, the holy site at Mecca to which Muslims turn to prayer five times a day. In Manama, the direction of prayer is West, and the location of Qibla district at the Western edge of Manama was therefore a descriptive name of its relative position vis-a-vis the other districts. A second name used to refer to the fireej was also ‘al-Gharbi’, translating literally to ‘the Western district’, referring to this same geographic position. A third name used to refer to the area was Fireej al-Zirari, translating to ‘the farmers district’. This reflected the topographic character of the terrain in the area, which was filled with lush acacia trees and which was also used for farming. The fourth name of the area, Fireej Gezi, translating to ‘the Acacia district’ reflected this same reality. Finally, the district was also called ‘Fireej Sudan’, a reference to communities of freed African slaves that lived in the area. These communities were inaccurately described as having come from ‘Sudan’, an inaccurate over-generalization that masked a more diverse population of East Africans. The below map displays the various furjan of Manama, with Qibla referred to as ‘al-Zarari’, and identifiable on the South-Western edge.”<sup>378</sup>

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<sup>376</sup> The second-largest island of Muharraq was also divided into furjan, with each fireej deriving its name from a similar collection of sources.

<sup>377</sup> Author Interview with Ali Akbar Bushehri, 12 June 2015.

<sup>378</sup> ‘Manama in 1926’, map created by ‘Philg88’, Open Commons, <https://commons.wikimedia.org/w/index.php?curid=28298243>, accessed 14 May 2016.



Although Belgrave’s decree provided for the creation of a second, regulated prostitution district on the island of Muharraq, the island that housed the Royal Air Force base, there is no evidence to suggest that the two zones operated concurrently. Indeed, all sources that I consulted during archival research and as part of field-based investigations indicate that the government confined the practice exclusively to the district of Qibla, located in Manama. Belgrave’s reference to a district in Muharraq as ‘Grandol’ in the text of his decree further contradicts with the interviews I conducted with historians and residents of Manama, who confirm that it is the district in Manama itself that was named ‘Grandol.’ These sources categorically deny the existence of any regulated prostitution district in Muharraq and argue that while it was practiced informally in that area, the effect of Belgrave’s decree was to confine legalized

prostitution to Qibla alone. The inconsistency between the text of Belgrave's decree and the historical record was explained by a Bahrain-based historian, who stated in an interview:

'The name Grandol is a mutation of the English term "Grand Road", the name of an infamous red-light district in Southern Bombay. As travel between Bahrain and India was extremely frequent during the early twentieth century, a number of Bahrainis who had travelled through "Grand Road" used the term loosely in Bahrain to describe any district in which prostitution was prevalent. It is likely that over time, the term "Grandol" came to act as a general term to describe any red-light district, and as a specific name for the one that operated in the district of Qibla.'<sup>379</sup>

The most likely explanation for the discrepancy between the text of the decree and the historic reality rests in the possibility that Belgrave simply used the term 'Grandol' as a name for an intended prostitution district. It is also likely that owing to certain developments whose precise details are unknown, its legalization was confined to Qibla in Manama alone. This view is supported by a Bahraini journalist, Tawfeeq Ali, who, in his writings on Qibla entirely omits any reference to Muharraq at all, except as one of multiple sites in which prostitution was practiced prior to its confinement to Qibla by Belgrave.<sup>380</sup>

### **Qibla District**

At the time of the passage of the decree, the district of Qibla, like its surrounding urban environment, housed dozens of traditional *barasti* homes, built from palm thatch and mud. The construction of palm fronds on top of the houses allowed winds and air currents to be caught and funneled into these structures, providing for a simple but

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<sup>379</sup> Interview with Ali Akbar Bushehri, 12 June 2015.

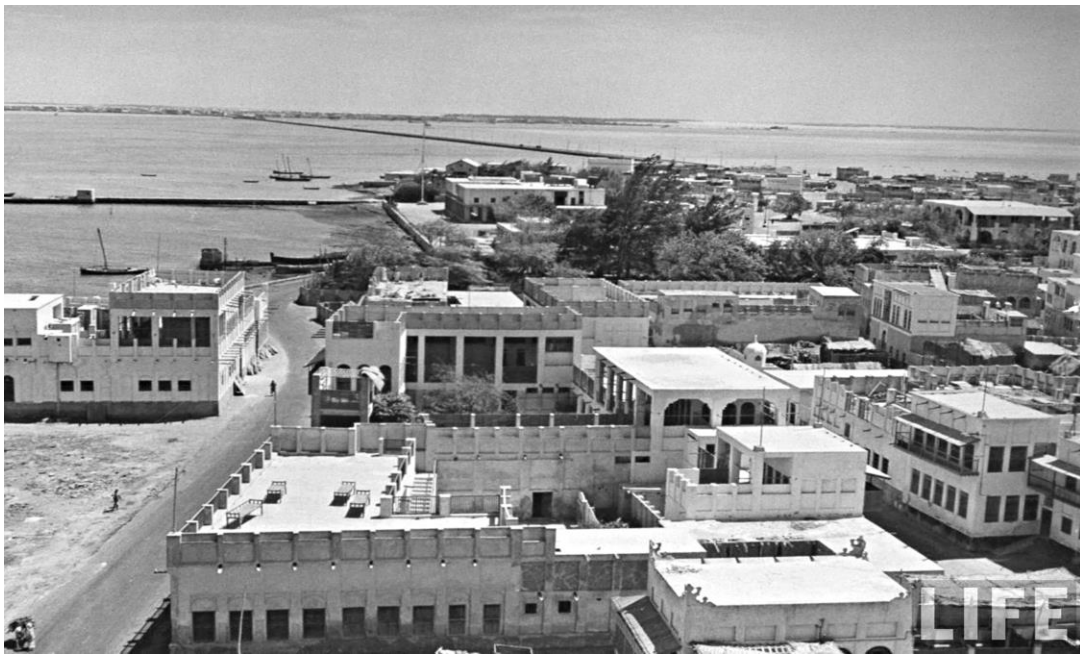
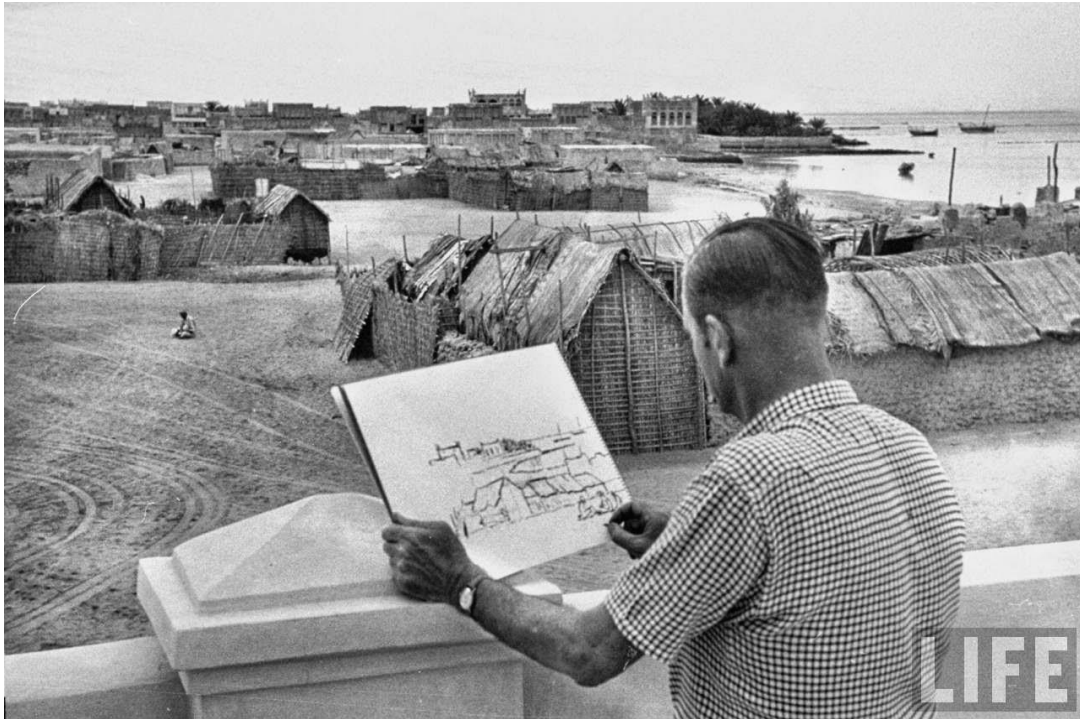
<sup>380</sup> Tawfeeq Ali, 'Ala sireer al-bagha..tareekh albagha' f-il Bahrayn' Al Wasat News, Manama, 17 February 2015.

effective type of interior cooling. While the barasti homes provided for effective shelter from the elements, they were continually at risk of being burned down, for example, in situations where kerosene lamps used for lighting were accidentally knocked over. In such situations, an entire cluster of homes could be burned down within minutes, to the frustration and misery of its residents. The appeal of modern housing units, with their concrete walls and stable cement roofs, lead to an explosion of apartment blocks and houses across the city center and by the 1950s, modern residential units had come to replace most of the barasti structures.<sup>381</sup> The designated sites for prostitution followed these architectural trends and moved from being practiced within barasti homes during the early 1930s, to taking place almost entirely within modern apartment buildings by the 1950s.<sup>382</sup>

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<sup>381</sup> Andrew Wheatcroft, *Bahrain In Original Photographs 1880-1961* (New York: Routledge, 2013), p. 54.

<sup>382</sup> Photograph 1: Sir Charles D. Belgrave sketching a view of wooden barastis in Manama. 1952 During the 1930's, most homes in Bahrain were made of palm tree thatch, resembling those captured above. Walter Sanders, 1952, *Life Magazine*, Vol. 33, No. 2, Nov. 17 1945. Photograph 2: A photograph of Manama in 1945, showing the island of Muharraq in the distance. By the mid-1940's, modern cement homes began replacing the traditional barasti shacks. Walter Sanders, 1952, *Life Magazine*, Vol. 33, No. 2, Nov. 17 1945.



### **The Medical-Moral Imperatives of Regulation**

The main purpose behind Belgrave's decision to establish a regulated prostitution district in the heart of Grandol was to track, monitor, and ultimately reverse a growing epidemic of venereal diseases spreading in Bahrain. Indeed, in the years prior to the

enactment of the decree, Belgrave expressed his belief that regulation could prove effective in curbing the spread of sexually-transmitted diseases and infections. He viewed this imperative as of paramount importance, as the spread of diseases threatened importance advancements in healthcare overseen by British administrators in Bahrain. Moreover, the spread of these diseases also threatened the image that colonial administrators sought to promote of themselves, as leading advancements in Bahrain's social welfare. In the Government of Bahrain Administrative Reports for the Years 1926-1937, drafted prior to the enactment of the Law, Belgrave wrote:

‘Venereal disease is rampant and the number of people suffering from it, especially in ophthalmic forms, is very high. The medical supervision of prostitutes would undoubtedly result in an improvement in the public health. This suggestion was discussed and approved by the Manama Municipal Council some years ago but it has not yet been possible to arrange the medical organization to cope with this matter.’<sup>383</sup>

Although not directly stipulated in the decree, the government of Bahrain began to offer women working in Grandol regular medical checkups. These medical checkups were offered free of charge, and women confirmed as free of disease would be issued special medical certificates confirming their good health. These certificates were issued on a quarterly basis. In an interview with Bahrain's former Minister of Health, he stated:

‘Women were called for medical checkups on an almost-monthly basis. Those found free of diseases were issued with certificates confirming their health. Those who were found to be infected with a disease were provided with full, free, treatment and were instructed not to return to their work until fully treated. The aim of ensuring the health of these women was to protect British servicemen from disease: the young British men who visited the brothels were employed at the Oil Company, or they were in

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<sup>383</sup> The Government of Bahrain Administrative Reports 1926-1937, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996

Bahrain as part of British military and navy units stationed on the island, especially during the war-time period.<sup>384</sup>

Despite the provision of free medical treatment to these women, Belgrave chronicled his dissatisfaction with overall infection rates in Bahrain. In the Government of Bahrain Annual Report for 1938-1939, Belgrave wrote: ‘All forms of venereal disease are seen (by the hospital), people usually unfortunately only seek treatment during the most acute stages.’<sup>385</sup> Five years later, in 1944, Belgrave despairingly acknowledged the limits of this policy, writing: ‘Venereal disease is on the increase. Fortunately, people know it can be cured and come readily. 1194 cases were seen, 25% more than last year. 2,763 injections were given... Statistics show an alarming increase in the numbers of cases of venereal disease.’<sup>386</sup>

In the following years, Belgrave consulted with various medical departments and urged doctors to lend their support to new measures, mandating forced treatment for all individuals, and particularly prostitutes, found infected with disease. The combined effect of these policies had an immediate impact in reducing infection rates. In the annual report for 1948-1949, Belgrave wrote:

‘The four medical departmental heads in Bahrain approached His Highness over the increasing prevalence of venereal disease, and suggested stricter measures. High Highness agreed to treatment being compulsory wherever infection was found, particularly when prostitutes were reported. All patients would be given certificates showing their treatment and confirming them to be free of infection. Treatment would be free for all classes, and as far as possible, foreign prostitutes would be expatriated. These measures, inaugurated in December 1948, produced a

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<sup>384</sup> Interview with Dr. Ali Fakhro, Former Minister of Health of the State of Bahrain (1973-1982), Manama, August 14, 2016.

<sup>385</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1938-39, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

<sup>386</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1944-45, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

quick response and the onus of the work fell largely on the Lady Medical Officer. On the whole it has been very successful. Numbers have diminished in all sectors. The difficulty will be maintaining this work at a high level of efficiency.<sup>387</sup>

By 1950, the policy of mandatory treatment appeared successful in reversing the spread of sexually-transmitted diseases. In that year, Belgrave reported: ‘Venereal disease has again shown a substantial decrease, and patients report almost at once for treatment.’<sup>388</sup>

While a central purpose for establishing Grandol as a zone for regulated prostitution was Belgrave’s belief in the effectiveness of regulation as a means of tracking and curbing the spread of venereal diseases, it was not until the government implemented measures mandating compulsory treatment for all individuals found infected with venereal diseases – including both women selling sex, and members of the public – that proved most effective in stemming the spread of these infections in Bahrain. Thus, while Belgrave relied on Law No. 21/1350 of 1936 to reverse a growing epidemic of venereal diseases, the text of the law itself reveals that its central purpose was to confine the practice of prostitution to a delineated geographic zone, and limit its public visibility. The regulation aimed to accomplish these objectives by forbidding ‘recognized prostitutes’ from living or practicing their trade in ordinary residential areas, and by further holding both prostitute-women and home-owners accountable for breaches of the Law. In the years following the enactment of the Law, colonial actors passed a second regulation, further expanding the category of individuals that could be held accountable for maintaining public order within the delineated boundaries.

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<sup>387</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1948-49, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

<sup>388</sup> The Government of Bahrain Annual Reports 1924-1970, Report for the Year 1950-51, Cambridge Archive Editions, (Cambridge: Cambridge University Press, 1996).

### **The Motor Vehicles Regulation of 1939**

Following the establishment of Grandol, colonial actors enacted a series of further regulations that had the effect of placing the burden of law enforcement almost entirely on non-Western nationals, including Arab prostitute women, and local taxi drivers. This is most evident in the Bahrain Motor Vehicles Regulations of 1939, which contained a provision that directly impacted the practice of prostitution. Article 25(j) of the Regulation stipulates:

‘No owner or driver of a motor vehicle plying for hire, and no employee of such owner, shall use the motor vehicle or cause it to be used in connection with, or for the furtherance of prostitution, or act as a habitual procurer for prostitutes.’<sup>389</sup>

In practice, the Court of the Political Agent relied on this new legislation to prosecute taxi drivers for transporting recognized prostitutes outside Grandol, and for bringing clients to the district. The second section of the decree, referring to taxi drivers acting as ‘habitual procurers’, appears further aimed at limiting the potential for taxi drivers to act as de-facto tour guides to the area, and to prevent them from entering into arrangements with certain brothels or individual women in order to promote their businesses. In this way, Article 25(j) supported the general spirit of Belgrave’s decree by reinforcing the physical boundaries of the prostitution district, and by further limiting the public visibility of the practice. While the new Law supported elements of previous legislation, its enactment also represented the first time that the Law seemed aimed directly at protecting prostitute women, by guaranteeing them the right to

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<sup>389</sup> ‘Motor Vehicles Regulation of 1939’, Kings Regulations Enacted Under Article 70 of the Bahrain Order in Council by the Political Resident in the Persian Gulf and allowed by His Majesty’s Principal Secretary of State for Foreign Affairs, India Office Records, IOR/R/15/2/1304, British Library.

practice their trade without the influence of external actors, and namely ‘procurers.’ It also represented the first time that the Law appeared directly aimed at protecting the safety and autonomy of prostitute women, beyond general public health concerns towards the spread of venereal disease. In practice, however, the law was used to prosecute local taxi drivers – of Iranian and Bahraini origins – for transporting mostly British and American men to Grandol. The enforcement of this Law and its role in reinforcing existing social hierarchies is a matter that I return to later in this Chapter.

### **Social Attitudes**

How did residents of Qibla react to the creation of a regulated prostitution district within their neighborhood? How did the passage of regulation impact the existing practice of prostitution, both within Qibla district and within the broader city of Manama? This section includes excerpts from five interviews, obtained from both primary and secondary sources, to address the above questions. The aim of this analysis is to capture both the discrepancies between conceptions of the law held by decision-makers and social actors, in addition to the impact of legal policy in society. The first interview documented, with ‘AA’ includes testimony that I obtained in person from him, which collaborated an interview conducted with him by the journalist, Tawfiq Ali. The second and fifth interviews, with ‘BB’, and ‘EE’ consist of material that I obtained from in-person interviews, only. The third and fourth interviews, with ‘CC’ and ‘DD’, are both based on material that I obtained from the Tawfiq Ali, that I did not verify in person. Finally, the sixth interview, ‘FF’ is based entirely on my own conversations with a historian specializing in Bahrain’s history. All the interviews are documented

anonymously to maintain the wishes of participants. The interviews are organized to maintain an analytic flow of information captured during these sessions.

#### Interview One: AA

On April 22, 2016, I sat down with AA, a former resident of Na'im district in Manama. AA had already spoken at length with Tawfeeq Ali, in 2015, and provided him with a detailed account of the practice of prostitution as it took place in Qibla during the 1940's, and social reactions to it from members of the local community. During the interview, AA reiterated many of the same observations that he had made to Tawfeeq Ali, which are worth quoting at length. During our interview, AA appeared eager to share his perspectives. He stated:

'I was born in approximately the year 1928. When I was a child, the district of Grandol (Qibla) was the most famous prostitution district in Bahrain... Prostitution was practiced in small houses built from palm tree thatch (barastis). These houses were not distinct from normal residential homes. Over time, with the construction of cement homes, the use of these barastis became obsolete. In Grandol there were approximately thirty or forty houses of prostitution, and in each house there were between three to five women practicing their trade. The women were not necessarily all there at the same time, and sometimes would take turns. In total, I would say that there were one hundred and fifty prostitutes selling themselves in Qibla. Most of the women were approximately twenty-six to thirty years of age, it would be rare to find any woman below that age. But the more a woman's age increased, beyond thirty, the less desirable she would be to customers, and the price that she could charge would drop.'<sup>390</sup>

AA draws out the contradictions between the visibility of the practice in Grandol, and the silence surrounding public discussions of the topic, particularly among religious scholars. He also draws out contradictions between the general abhorrence towards the

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<sup>390</sup> Author Interview with 'JJ', Manama, 26 April 2016.

practice, and the existence of a surprising level of social tolerance towards it. He continues:

‘Between the 1940s and 1960s, Bahrain’s society co-existed forgivingly with the practice of prostitution. I recall that religious scholars and leaders would only rarely speak about it in their sermons, or at public gatherings. They did not even warn people against taking part in it. They believed that even discussing the matter would encourage it and so the (religious establishment) largely did not speak about it.’<sup>391</sup>

He continues:

‘Organized prostitution was practiced openly and within the confines of the Law. When we were children, we recognized the existence of this kind of activity in our district. We would see it, hear people discussing it, and our memories recollect the details. There were no hotels that provided this kind of service, as there are today. There were many homes in our area, homes of honorable people of good reputation, who had nothing to do with these activities. It was left to those visiting the houses of prostitution to know the exact location of their destination and sometimes if they knocked on the wrong door, they would find themselves greeted by annoyed and disapproving residents on the other end!’<sup>392</sup>

AA further described the social taboos facing Bahraini women who engaged in prostitution. He notes that most took steps to protect their identities, fearing the social consequences resulting from the possibility that their family names would be discovered and revealed within the broader society. He states:

‘Local women practiced prostitution in secret. Many of them would come to Grandol from villages on the outskirts of Manama looking to earn a few rupees. They would enter and depart from the brothels wearing the hijab and abaya, and often a niqab (face-cover). These women would avoid talking to anyone on the street and many did not even reveal their faces to their clients, fearing that those clients might recognize them or be able to identify their families.’

AA also describes the fluid nature of these practices. He adds:

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<sup>391</sup> Author Interview with ‘AA’, Manama, 22 April 2016.

<sup>392</sup> (Ibid)

‘Some (women) would come to Manama to buy necessities, including food or clothing, and would go to the brothels and arrange to work there for a day to be able to afford these items. Some of the women would legitimize their activities through temporary marriages, and others did away with these formalities entirely. For some, prostitution was the source of livelihood, for others, a source of extra but lucrative and badly-needed income. These women were looked upon as tragic, lost figures in Bahrain’s society, and referred to as ‘daughters of the wind.’<sup>393</sup>

Brothels – as social institutions – also had their own internal social hierarchy and rules.

AA adds:

‘Several factors affected the social status of these women in relation to their peers. The factors included the woman’s age, and how long she had been practicing her trade. Older women commanded more respect among their peers but earned less money. The younger and more beautiful that a woman was, the more money she could earn. Prices began from 200 Fils and could reach up to 10 Rupees if the woman was very beautiful. Older women eventually retired from the practice and some took on the roles of pimps. They would run the brothels and direct the younger women working in them. After these women had practiced prostitution for several years, many no longer feared social stigmas and some would stand outside the doors of brothels to invite customers inside. As residents, we were most critical of those who practiced the trade publicly - the society could handle sin taking place discreetly but its visibility out in the open is what triggered the greatest alarm from residents of the area. These women acted as pimps: they would handle all the finances at the brothels, and distribute incomes to women under their watch accordingly. Although some older women who worked in the brothels eventually acted as pimps, others would leave the practice entirely, find husbands, and live normal lives. Sometimes they married their clients but neither husband or wife would admit to that openly.’<sup>394</sup>

#### Interview Two: BB

The observations made by A are largely supported by testimony from a second resident of Qibla, B. He states:

‘I still remember that when I was 12 years old, we used to know what prostitution was and that it was happening mostly in Qibla. We used to

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<sup>393</sup> (Ibid)

<sup>394</sup> (Ibid)

pass by the houses of prostitution on our way to the cinema and knew which houses were brothels, and which ones were homes of residents. Most of the prostitute women were Bahraini and a few had also come to Bahrain from the Eastern province (of Saudi Arabia) and from other Gulf States. These were called “misarjiyat”.<sup>395</sup> I remember the pimp who used to supervise these activities, he would take money from clients, organize the trade, and direct clients where to go.<sup>396</sup>

#### Interview Three: CC

The statements in the above interviews, are further supported by an additional interview that I conducted with a former residents of the area. CC, a former resident of Grandol aged between 70-80 years, who states:

‘Our society co-existed with prostitution. We understood that it was created to support the needs of the British soldiers. Religious clerics abhorred the practice but they did not speak about it. Instead of organizing to end the practice, many instead chose to move away from Qibla, and into cleaner, and more respectable areas.’

CC also describes class dimensions of the practice. He adds:

‘Wealthier men would who routinely came to the area would, over time, choose to have a personalized mistress. In this case, the man would rent an entire apartment for the woman that he chose, and she would belong to him. He would visit her, pay for all of her needs, and she was forbidden from working with any other men. Many of these arrangements would also be entered into as long-term temporary marriages.’<sup>397</sup>

#### Interview Four: DD

DD, a former resident of Grandol, adds that the district took on a role as a hub for illicit entertainment during the evenings. In his interview with Tawfiq Ali, he stated:

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<sup>395</sup> Misarjiyat is the Arabic term for women who practice “misyar”, a term for the institution of temporary marriage in Sunni Islam.

<sup>396</sup> Author Interview with ‘BB’, Manama, May 2 2016.

<sup>397</sup> Tawfiq Ali, Interview with CC, Manama, 18 October 2014.

‘The brothels would be most interesting to visit at night. After sunset prayers, they would transform into entertainment houses: there would be men and women, customers and prostitutes, playing oud (guitar) and singing. Gambling would take place, and some of the women would provide entertainment as belly-dancers. There was always alcohol present at these parties, either date liquor or bottles of Western liquor smuggled by the Americans or British soldiers who were allowed to buy it. Sometimes the women and their pimps would produce date liquor as an extra source of income, and store it inside the brothels to sell on special occasions. The Bahrain Petroleum Company had a special house - a brothel- for its employees. If the music and songs got too loud, residents of the area would complain by knocking on the doors, or by calling the police directly. The brothel owners tried to respect their neighbours, for example, the brothels would shut down entirely during the holy month of Ramadan.’

He continued:

‘This went on for many years but it all ended by the 1970s. After the oil boom, many hotels opened up in Manama and prostitution and singing and drinking moved to the confines of the modern hotels, which were located away from residential areas. This brought great relief to the residents of those areas.’<sup>398</sup>

#### Interview Five: EE

Another interviewee, EE, elaborates on the social backgrounds of the women who practiced prostitution in Grandol, and how some might have understood the impact of regulation on their daily lives. He stated:

‘Grandol was an ordinary residential area, located next to the port and next to the market. The prostitute women felt protected by Belgrave, and they knew that the district was modelled on the one that the British had created in Bombay. They felt that the creation of a regulated district had granted them a right to practice their trade and that they had the backing of the government in doing so. They believed - as we did- that the district was created to cater to the needs British employees of the base at at Bapco, and for local men of prominent families. The women who worked there came from troubled homes, and (we believed that) some were victims of incest. There were homosexual men working there too, and they came from Oman. Sometimes the affairs between men and women would result in

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<sup>398</sup> Tawfiq Ali, Interview with DD, Manama, 18 October 2014.

marriage. The men had emotional needs and would fall in love with the prostitute women.’

EE is the only interviewee to reflect on how the women viewed themselves, adding:

‘None of the women agreed to being called prostitutes, they all believed their situation to be temporary. Most would retire after having made money. They all wanted to live normal lives and get out of the profession, if they could.’<sup>399</sup>

EE described some of the long-term social consequences of prostitution, evidenced most visibly in the growth in numbers of illegitimate children in Bahrain. He continued:

‘It is certain that prostitution had some terrible social consequences. The most observable of these was the birth of children with unknown fathers. The fate of those children depended on whether the prostitute was practicing her trade publicly, or not. If she was open about her activities, then she would most likely keep the child and raise him or her in her house without any shame.’<sup>400</sup>

This is supported by the first interviewee, AA, who stated:

‘Sometimes the “sons of zina” (sin) would be spoiled by their mothers due to the availability of financial resources compared with most other people at the time, and many of those prostitutes would tell their children that their father had died a long time ago. Otherwise if the women got married, they would pretend that their husbands were the fathers of the children and the child would never learn the truth. However if the prostitute was practicing secretly then she would most likely throw the child away in the garbage or leave him next to the hospital.’<sup>401</sup>

These trends are corroborated by Charles Belgrave, who in Personal Column, wrote:

‘Some infants (of prostitute women) were abandoned on municipal rubbish dumps, Samadah, at the corners of streets, or placed outside the hospital. Some of these foundlings were looked after in the American Mission Orphanage. Others were cared for in the Government hospital, and very often foundlings were taken in by women who had no family... It is reported that the majority of pregnant, unmarried, Bahraini women are sent abroad for abortions, or practice self-induced abortion to avoid bringing shame on themselves and their families. Others may check into a maternity hospital, sometimes under a false name, and leave the child

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<sup>399</sup> Author Interview with ‘EE’, Manama, May 20, 2016.

<sup>400</sup> (Ibid)

<sup>401</sup> Author Interview with ‘AA’, Manama, 22 April 2016.

behind in the hospital... For the young children, there was very little stigma in illegitimacy. I knew of several young men who were proud of belonging to important families, though on the wrong side of the blanket.<sup>402</sup>

Belgrave's observations on social attitudes towards illegitimate children appear riddled with contradictions. For example, while Belgrave describes the taboos facing women pregnant with illegitimate children, he appears to downplay the impact of social taboos that would appear to naturally fall on the children themselves. The existence of diverse, complex, and seemingly contradictory social attitudes to the practice and its social consequences, is a theme that I explore in greater depth later in this Chapter.

#### Interview Six: FF

The diversity of social perspectives on prostitution are also evident in the testimony of a Bahraini historian, who downplays the extent of social stigmas facing Bahraini women who practiced prostitution during the 1930s and 1940s. While most interviewees agreed that women acting as prostitutes occupied a role as social outsiders, he instead describes these women as an accepted part of the society's social fabric. His testimony suggests the existence of diverse perspectives on the topic, and the integration of some of these women into some of the local communities. He stated:

'The women who worked at the brothels were very much part of the society. There were five or six of them living in an apartment building, located next to the home in which I was raised. They were all of Persian origin and one had been married to (name retracted), and divorced. They lived in our neighborhood, alongside children, parents, grandparents. Everybody knew what they did and we tolerated it. I can give you two examples of this. When I was circumcised as a young boy, one of them came to our house and gave me a piece of silver. She was the most beautiful one. Another time, one of the prostitute women donated money to the boys' football club in our Fireej. They were part of our community,

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<sup>402</sup> Belgrave, Personal Column, p. 101

and as young boys we knew and liked them. They cared about the way they were seen, and would even stop work entirely during the month of Ramadan and lock the doors of their houses. They called it ‘the month of God.’<sup>403</sup>

He continued, adding:

‘Three of the (prostitute) women in our neighborhood had the same first name. The first we called “Mariam Jan”, which means “dear”, in Farsi. The second, we called “Mariam Peshwari”, because she came from Peshwar in Iran. The third we called “Mariam the Blonde.” She was the most beautiful: tall, white(-skinned), with flowing blonde hair. She used to drive a sunbeam sports car and would sometimes wear men’s clothing when she did not want to be recognized. Once my mother caught my father in a deep conversation with her, and I remember they got into a fight about it. They were all beautiful and elegant. Bahrain’s society is strange and has changed so much. We used to tolerate one another and live in unbelievable harmony.’

He continued:

‘There were some homosexuals in Grandol. They came from different places: Oman, Bahrain, and Persia. Sometimes outsiders would knock on the doors of normal residents and ask for prostitutes. This happened many times and became an ongoing joke. The women were intended to cater to the military men. Venereal disease went up a lot during the war years, and there are records of this at the department of health.’<sup>404</sup>

While most interviewees agreed that prostitute women were viewed as undesirable outsiders, the perspectives provided by the Historian shows how some of these women may have enjoyed a relatively comfortable degree of social inclusion. A possible explanation for these divergences in viewpoints may lie in the fact that the Historian comes from a Persian community, which may have exercised greater tolerance towards the practice of prostitution than other Baharna and Arab communities living in Manama. These perspectives are important to note, as they reflect important

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<sup>403</sup> Author Interview with ‘FF’, Manama, 15 August 2015.

<sup>404</sup> (Ibid).

differences between the perceptions and normative values of the diverse communities residing in Manama.

### **Social Attitudes as Reflected in Works of Fiction**

While residents of Grandol and the surrounding districts of Manama expressed diverse opinions towards the desirability and consequences of legalizing prostitution, the district also captured the imagination of writers and novelists from Bahrain and Saudi Arabia. Indeed, some of the most detailed and historically accurate descriptions of Grandol are depicted in two novels, both published several decades after the slow decay of Grandol as a district for legalized prostitution. The first of these is ‘Shari’ al-atayif’, translating to ‘Street of Affection’, written by the Saudi author Abdullah bin Bukkhait and published in 2009.<sup>405</sup> The second is ‘Grandol’, authored by Khalid al-Bassam, a Bahraini novelist whose writings often explore political and social themes.<sup>406</sup> “Grandol” is the final work of al-Bassam, published two years before his untimely death in 2014, following an extended battle with depression. Although both accounts are classified as works of fiction, the authors do little to mask the fact that their writings represent historical portraits and analyses of the realities of life in Grandol, and its inhabitants.

Al Bukhait and Al Bassam’s novel share several common themes. These include: the importance of generational and gender differences in shaping social perceptions of the district, the prevalence of venereal diseases among both providers and procurers, analysis of the circumstances leading women to sell sex in the area, and, finally divergences between glorified fantasies of the district among young boys, and the

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<sup>405</sup> Abdullah Bukhait, *Shari’ al-Atayif*, (London: Saqi Books, 2009).

<sup>406</sup> Khalid al-Bassam, *‘Grandol’*, (Cairo, Al Hilal Publications, 2014).

physical realities of Grandol in reality. I analyze the recurrence of each of these themes – and their significance - in the section below

### Street of Affection: Abdullah Bukhait

Set in the mid-1940's, the novel 'Street of Affection' portrays social perspectives of the life in Grandol, the public health consequences resulting from the growing spread of prostitution, a socio-economic analysis of the backgrounds of the women practicing in the district, and a vivid portrait of the urban space itself. From the earliest pages, Bukhait establishes clear references to historic realities. For example, Bukhait establishes the setting for his novel as 'Pearl Island', which he describes as an island renowned for its beautiful pearls, located several kilometers off the Eastern shore of Saudi Arabia. The author also depicts the district of Grandol and its surrounding areas with remarkable accuracy, suggesting that some of the other details contained in the novel may also constitute non-fictitious accounts.

'Street of Affection' recounts the story of a teenage boy named Saad, who learns of a legalized prostitution district in a neighboring island. His daily life in Saudi Arabia knows no interaction with females of his age, and he remarks that his sources of entertainment are limited to catching birds, listening to stories, and occasionally watching boys swimming, which he enjoys because it allowed him to 'gaze at their soft thighs.'<sup>407</sup> Fueled with fantasies of a distant paradise, Saad works tirelessly to gather enough money to pay for a ticket on board a vessel to visit the island, and embarks on the journey with three of his friends. On arriving to Bahrain, the boys are met by a

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<sup>407</sup> Abdullah Bukhait, Shari' al-Atayif, (London: Saqi Books, 2009), p.21

Bahraini pimp named Hussain, who offers to show them the 'best women' for a small fee.

The boys reject this offer and wander into Grandol themselves. Bukhait describes Grandol as made up of narrow and intertwining roads, leading up to a central square. After entering the district, the boys spot a woman wearing a full face veil, standing outside a house. She sees the boys and offers herself to them on the condition that they pay her a dinar each, upfront. The boys bicker over who will take the first turn with her and eagerly dispose of their cash. One of the boys then enters a room with the woman and emerges startled just moments later. In a horrified tone, he reports to the others that the woman's body and face were covered with puss-filled boils, which she had cleverly concealed under her veil! The boys scatter from the house and encounter the pimp once again, who advises them to visit the home of 'bint mastoora', whom he describes as 'white with wide eyes and rosy cheeks', and as 'prettier than Samira Tawfeek', a famously beautiful Egyptian actress.<sup>408</sup> The pimp, named Hussein, leads Saad and his friends to the home, where they join a queue of men waiting outside the front door. Upon reaching his turn, Saad enters her room, and develops an immediate and all-consuming infatuation for the girl. After engaging in sexual activity with her, his first such experience with a woman, Saad desires nothing more than to hold her in his arms, but she refuses this intimacy and instead scolds him to move on by reminding him that there are many more clients waiting in line. Saad is immediately consumed with a fervent passion for her, and returns to visit her several times a day in the following week.

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<sup>408</sup> (Ibid), p.51.

Upon returning to Saudi Arabia, Saad finds himself no longer able to tolerate the dry monotony of his daily life, his government job, or life with his strict father. His obsession with 'bint mastoora' mounts, and he begins borrowing money from his family and friends to visit Bahrain every few weeks. Saad's debts soon spiral out of control and he resorts to elaborate lies to continue borrowing money to finance his obsession. He remarks that he had 'never dreamt he'd love a woman so much', despite no reciprocation from her end.<sup>409</sup> In the next couple of years, Saad's health declines and he is diagnosed with syphilis. Despite his deteriorating health, the driving purpose of his life remains returning to visit 'bint mastoora'. In the novel, Saad observes with sorrow that he would not have regretted contracting the disease if only she would love him back. His health condition mirrors the historic reality of the epidemic of venereal diseases that spread through Grandol throughout the 1940's.

Through Saad's character, Bukhait also sheds light on the diverse social attitudes towards Grandol, and the role of generational and gender divides in influencing social perceptions of the district. These differences are most evident when comparing the description made by Saad's mother of the district, as 'a nest for the corrupt', and between the perceptions of young boys who continued to see the district as a source of excitement and adventure.<sup>410</sup> The author also describes some of the residents of Grandol in striking detail. For example, the author writes that upon one of Saad's visits to the island, he encounters an elderly woman of African origin, with patches of shabby hair, who offers herself to him. Feeling sorry for her, Saad offers her half a dinar - a pittance - expecting her to turn down the offer, but to his surprise, she

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<sup>409</sup> (Ibid), p.75.

<sup>410</sup> (Ibid)., p. 81.

accepts it instead. In the novel, Saad feels a reluctant obligation to sleep with her, in order not to offend her. During the act, the woman senses his dissatisfaction and tells him: 'You don't have to pay me if you are not satisfied. Grandol is for men, not little boys. If you want, find a fhail (a man who dresses as a woman) - and he may be able to please you.'<sup>411</sup> At this point in the novel, the author has twice made references to homosexuality - through the fleeting desires of the young protagonist, and as descriptions of the nature of sexual practices taking place in Grandol. By including these references, the author hints at the society's recognition of homosexual desires, and the existence of such practices in Grandol.

Following his encounter with the elderly woman, Saad returns to Hussain, the figure of the pimp, and recounts his encounter with the woman. Hussain immediately identifies her as a former slave named Mabrooka. Hussain states:

'The woman who you met is Mabrooka, she is known as the Queen of 'Grandol.' She arrived to the district thirty years ago, as a runaway slave girl. Her masters bought her from Oman and brought her to Bahrain, and when they informed Mabrooka of their plans to sell her to another family, she ran away to Grandol. Some advised her to go to the British embassy, and told her that British officials would return her to her family in Oman. A few months later, she married a British man, who made her clean his house during the day, and have sex with him at night. She ran away again, and returned to Grandol, only to fall in love with a pimp, who controlled all aspects of her life. Twenty years later, we discovered that he had left her everything in his will and asked her to forgive him. Nowadays she has the stability of the defeated. Her only wish is to see her mother before she dies, she still believes that her mother is alive. If you bring up her mother she acts like a child, and will let you engage in intercourse with her for free. She doesn't leave her home except at night, and still feels like a slave, on the run from her owners. If you meet her, don't call her a whore. She doesn't admit to being one. She thinks she is in hiding.'

Hussain, continued:

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<sup>411</sup> (Ibid)., p. 85.

‘There used to be a rivalry between Mabrooka and a woman called Raja’. They called her Raja’ al-Shami, (translating to Raja’ the Syrian), because she had pale white skin and blonde hair, like women from Syria. She was Mabrooka’s only competition and used to charge her customers up to two dinars. Mabrooka was relieved when Raja finally passed away. If you look at Mabrooka you will see a faded beauty. There are still men who come from outside Grandol to visit her, have sex with her, and remember their youth. Women who enter Grandol don’t leave until they die. Death is the only way out.’<sup>412</sup>

Hussain concluded, remarking: ‘One day “bint mastoora” will lose her beauty and it will be men like you in old age who visit her with nostalgia, and remember her faded beauty.’ After hearing these words, Saad innocently remarks that he felt Hussain to be a philosopher, and that he was the most experienced man he had met. Through these passages, the author reveals the complex interplay of factors that drove some women to turn to prostitution, and shows how some of these women were also former slaves, who had turned to the practice out of economic necessity.

On one of his final visits to Grandol, Saad - now in his late twenties - learns of the passing of ‘bint mastoora.’ Overcome with grief, Saad returns to Saudi Arabia, where his health continues to deteriorate. It is another few weeks before he experiences symptoms of late-stage syphilis, characterized by headaches, fever, and the eruption of red bumps across his skin. Several weeks later, his family send him to London to receive treatment but he succumbs to his illness. In the concluding paragraph, Saad remarks sadly that the treatment was not enough to save him, and that he looked forward to a death where he may again meet ‘bint mastoora’, in a different hell.

Although written as a work of fiction, Bkhait’s novel provides important historical insights into the types of personalities working in Grandol. It also analyzes

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<sup>412</sup> (Ibid)., p. 92

the socio-economic factors driving some women to enter the practice, the relationships of these women with one another, and the general social environment in which they worked. The novel also reveals the competing social perspectives held by different actors towards the district, and the diverse character of Bahrain's society. Through the fictitious character of Saad, the author further comments on the inner-workings of the district, and sheds light on some of the social and psychological implications of the practice, while evading social stigmas surrounding the public discussion of these topics.

#### 'Grandol': Khaled al-Bassam

Published in 2014, al-Bassam's fictitious account of life in Grandol shares many common themes with Bukhait's 'Street of Affection.' The case for al-Bassam's novel serving as a work of 'unofficial history' is more evident in this case, as the author has an established record of researching and publishing on social and political affairs.<sup>413</sup> Al-Bassam begins his novel by reflecting on the palpable dichotomy between how many ordinary residents of the district viewed themselves, and how they viewed the women and men working in Grandol's sex industry. As expressed consistently through archival sources, including in Belgrave's decree, this dichotomy was articulated most evidently through declared divisions between 'respectable' and 'non-respectable' people, homes, and neighborhoods. Al-Bassam replicates this historical discourse by detailing the presence of a sign, placed outside a residential home located at the entrance of Grandol, which reads: 'This is a respectable home. Please do not knock on the door at any time.'<sup>414</sup> Reference to the sign in the novel further correlates with the historic reality, in

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<sup>413</sup> Khalid al-Bassam, 'Grandol', (Cairo, Al Hilal Publications, 2016), p. 21

<sup>414</sup> (Ibid.), p. 22.

which residents endured an ongoing nuisance from visitors who regularly knocked on the doors of their homes, believing them to be brothels.

A second common theme evident in the work of al-Bassam and Bukhait is the fascination held by young teenage boys towards the district. Al-Bassam draws attention to these differences by recounting the story of two young teenage boys living in the outer areas of Manama, who hear about Grandol and decide to visit the district. Driven by their curiosity, the boys discuss what would ‘happen’ if they visited Grandol, and whether they would be content simply to gaze at the women, or whether they would be brave enough to do what the ‘neighborhood pioneers’ did.<sup>415</sup> In their conversations, the boys reflect that Grandol had its own ‘rules and customs’, ignorance of which was enough to strike fear in whoever visited the area for the first time. As with Bukhait, the author also draws attention to discrepancies between fantasies and realities of the district. In this novel, the author describes the boys visiting Grandol, only to discover that it was made up of narrow alleyways, rickety and shabby apartment buildings, cloaked by a pungent scent which wafted between the streets. In the novel, the boys note with disappointment that it ‘did not live up to the heaven that they had imagined.’<sup>416</sup>

Al-Bassam also reflects on some of the structural factors driving women to enter the sex industry. He describes the first of these as a response to economic necessity and poverty. Here, al-Bassam tells the story of an elderly woman who arrives to the district accompanied by her young daughter. There, she meets a pimp named Jabbar, whom she

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<sup>415</sup> (Ibid.), p. 31.

<sup>416</sup> (Ibid.), p. 45.

asks to ‘take care of the daughter’, and provide her with accommodation in the area, so that she may live alongside her daughter.<sup>417</sup> Jabbar agrees to arrange accommodation for them both, and informs the mother that he will allow the daughter to retain one-fourth of her earnings, in return for providing room and board. He describes his offer as ‘generous’, adding that he had to also pay licensing fees to the British authorities, a claim which the author suggests is a lie. The mother accepts his offer and he declares that the girl will be referred to by a new name, Jameela, meaning ‘beautiful’ in Arabic.<sup>418</sup>

In an important addition, the author articulates his view of the political significance of Grandol, and his view of the district as a symbol of inappropriate imperial values being imposed on Bahrain’s society. Al Bassam does this by first describing a labour strike taking place at the Bahrain Petroleum Oil Company, referencing with historical accuracy the emergence of the first nationalist labour movement taking place in Bahrain, which erupted in the year 1938 when workers from the oil company formed an alliance with prominent merchants sympathetic to their cause, and went on strike. The protest erupted in response to discrimination in hiring policies at the Company, where Bahrainis tended to be allocated low-skilled or semi-skilled positions, while British nationals dominated the top management positions. As part of their demands, the striking workers demanded an increase in their salaries, equality in remuneration between Bahrainis and foreign workers, and the provision of

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<sup>417</sup> (Ibid.), p. 51.

<sup>418</sup> (Ibid.), p. 52.

transportation or transportation allowances by the Company.<sup>419</sup> They also demanded the replacement of the British Political Agent whom they accused of discrimination and political mismanagement. Although the strike was quickly suppressed by authorities, it forced the resignation of the Deputy Political Agent, Kirk Glass. In the novel, Al-Bassam comments on the reasons fuelling the strike, noting that it erupted due to widespread popular sentiments that the British heads of the oil company favoured hiring foreign workers ahead of their Bahraini counterparts. He describes the result of the strike as a ‘victory’ for forcing the resignation of the Deputy Political Agent. Al-Bassam then juxtaposes this societal victory with the apparent failure by society to resist plans by the British administration to create and manage Grandol as a district for organized prostitution. The correlation that he draws between these seemingly disparate events is significant, as it demonstrates how Grandol was seen by many members of society not only as a social threat but also as a direct political act by the British administration, and one which deliberately threatened to impose an alien social ideology on a society that rejected its presence.

The theme of social resistance towards the creation of Grandol, and its emergence as a symbol for the imposition by British authorities of alien and unwelcome customs on Bahrain’s society is perhaps most visibly illustrated in a petition addressed to the Political Agent from residents of Manama. The petition also illustrates the dramatic difference in how colonial administrators viewed the district – as an enclave created to cater to the recreational demands of Western oil workers – and how local

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<sup>419</sup> Jaffar Khalil, A Brief History of Workers Movement in Bahrain, General Federation of Bahrain Trade Unions, 6 Sept 2012, available online <http://www.gfbtu.org/main/?p=502> accessed 10 July 2015.

residents viewed the district, as a symbol of sin, debauchery, and colonial mismanagement.

### **The House of Yousif bin Abdulrahman Fakhro**

On December 7, 1938, Charles Belgrave wrote a letter to the Political Agent in Bahrain, Hugh Weightman, alerting him to an urgent matter that had come to his attention. Belgrave informed Weightman that he had received a petition signed by fifty-seven residents of Na'im district in Manama, which borders the West of Qibla district. In their petition, the residents expressed outrage at the establishment of a 'rest house' by the Bahrain Petroleum Company in their neighborhood, which they complained had come to act as a hub for a variety of sinful activities including prostitution, drinking, and gambling. The neighbors complained of rowdy and anti-social behavior from frequenters of the rest house, adding that they disturbed residents and threw stones at passers-by. In his letter to the Political Agent, Belgrave expressed his support for the 'legitimate' plight of the residents, and urged him to lend his support in ordering the rest-house, which essentially functioned as a brothel, to be moved away from the 'respectable' area. The petition is notable for its conciliatory tone, in which residents expressed their recognition of the legitimate and lawful authority of British representatives. Belgrave's letter to the Political Agent, and the attached petition, are reproduced in full below. The letter is also notable for the use by residents of the discourse of 'respectable' and 'non-respectable', indicating that these normative distinctions created by Belgrave had come to form a visible and clear delineation in public and urban space.

Belgrave's Letter

Dec 7, 1938

Sir,

1. I have the honor to forward in original with translation, a petition from the residents of Naim complaining about the establishment known as Bapco Rest House.
2. The petition is signed by three Sunni Qadis and by a number of respectable house owners in the vicinity of the building.
3. Although the house is near the brothel area it is not in the brothel area and the residents near it are respectable people. I think they have a legitimate grievance which this Government cannot disregard.
4. The Bahrain government when dealing with such complaints about Bahrain subjects invariably orders the occupants of houses to cease from keeping a brothel or to remove themselves to the recognized brothel areas.
5. I appreciate that some sort of establishment is necessary but I do not think the present arrangement can continue. The most suitable arrangement would be for the company to find a building in some secluded spot, outside the town, which would not become a matter for public criticism and complaint.
6. I have not referred the matter to His Highness and I am reluctant to do so but I am quite sure that His Highness would express very definite views on the undesirability of continuing the present arrangement which is a cause of inconvenience to a number of his subjects.

I have the honor to be,  
Sir,  
Your most obedient  
servant,  
Charles Belgrave  
Advisor to the  
Government<sup>420</sup>

Translation of the Petition

The Adviser,  
Bahrain Government,  
Bahrain.

After Compliments: -

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<sup>420</sup> Letter from the Advisor to the Emir, Manama, to the Political Agent in Bahrain, Manama, 7 December 1938, India Office Records, IOR/R/15/2/408, British Library.

We, the undersigned persons, beg to put before your kind consideration our complaint about the house belonging to Haji Yusuf bin Abdulrahman Fakhro, situated on the Amarah (building) at Na'im, opposite the artesian well.

This house has been let to the American Company. It has become a brothel place in our quarter. Its Dharar (danger) is increasing daily. Women enter the house publicly during the day and night time. They come on foot or in cars from everywhere with unveiled faces, sit with the American people and do something against God's orders. They prostitute and drink liquor. They talk loudly and shout causing disturbance to the neighboring houses. When they drink they begin to throw stones, juss, etc., on the passers-by and on the people taking water from the artesian well.

Prostitution, which is against Islamic religion and against honour, is considerably increasing in this place.

We submit our this petition to you and solicit that you may kindly make something to rescue us by taking this away from here; may God make you the administrator of Justice, orderer of good deeds and forbiddor of bad ones.

To you, being our administrators, we should complain and say; that we have not the liberty of speaking a single word in our quarter; we have been overcome by humiliation. This is all due to the prostitution deeds. The noble feels the slightest bad word, while bad person will never feel the constant contempt or humility.

A 'Hadeeth' says; "Be faithful to God wherever you may be, erase your bad deeds with good ones and see that you go with people in good manner". Kindness is above Justice, and the administrators are the proper persons to pass orders.

Signed by:

57 persons of the residents of north Jiblah  
quarter, along Prior road.  
Dated 10th Shawal, 1357.<sup>421</sup>

Upon receiving Belgrave's letter, the Political Agent forwarded the petition to the Chief Local Representative at the Bahrain Petroleum Company. In his letter, the Political Agent expressed support for the concerns voiced by the residents, and his fears that the complaints, if left unmet, might provide the basis for further unrest and agitation at the Oil Company. His letter is also notable for its recognition of the rest house as

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<sup>421</sup> Petition from 'The Residents of North Jiblah', Manama, to the Advisor to the Emir, Manama, 02 December 1938, India Office Records, IOR/R/15/2/408, British Library.

“essential” for the well-being of the Western employees of the oil company. The letter is reproduced in full, below.<sup>422</sup>

The Political Agent’s Letter

To: J.S. Black, Esquire  
Chief Local Representative  
The Bahrain Petroleum Company Limited,  
Awali.

December 8, 1938

Confidential

I enclose herewith a copy of a letter No. 1813 dated the 7th December 1938 which I have received from Belgrave together with its enclosure.

2. You may be somewhat surprised to see that this complaint about the Bapco Rest House in Manamah has been raised at so late a date, and may wonder whether it does not denote some racial feeling or perhaps an unkind attempt to cause your Company embarrassment. I do not however think that this is so, and I believe that the real truth is that this institution has always been unpopular in its particular neighborhood, that with the departure of most of your temporary construction men from Awali it was less used and was therefore less of an offence to the local residents, but that its unpopularity has grown again recently owing to the large numbers of visitors from Dammam (Saudi Arabia).
3. I realise that there may be quite a lot of difficulty in finding an alternative house for a purpose which I imagine is essential in a place like this, but I would strongly advise you to do whatever you can to meet this complaint. It is one of those grievances which, if left unmet, is likely to grow and to cause a good deal of difficulty in the future. There are always a number of self-righteous people who enjoy making a song about this sort of thing!
4. Perhaps you will let me know shortly what your Company would like to do.

Your Sincerely,  
Hugh Weightman  
Political Agent, Bahrain

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<sup>422</sup> Letter from the Political Agent in Bahrain, Manama, to Chief Local Representative of the Bahrain Petroleum Company, Manama, 8 December 1938, India Office Records, IOR/R/15/2/408, British Library.

Three days later, on December 11, 1938, the Chief Local Representative, J.S. Black, wrote back to the Political Agent, informing him that the Company would solve the problem by finding a more suitable location for the rest house.

### The Response from Bapco

December 11, 1938

Dear Weightman,

I have received your letter D.O. #750-10/1-G of 8th December 1938 with the enclosure.

This complaint has in fact been raised at rather long intervals during the past three years or so and various attempts have been made to find a building in a more suitable position, though there have been no definite complaints during the past eighteen months or so.

An attempt will again be made to solve the problem which may lead to arrangements being made for a special house to be built. I will keep you advised of progress.

Yours Sincerely,  
J.S. Black

### **‘I’ve Never Known Anything Like It!’**

The above section has shown the resentment held by many residents of Manama towards the creation of Grandol, and their perception of it as an ongoing nuisance and source of humiliation. These perceptions contrast with those held by foreign oil workers at Bapco, some of whom used the area as a source of recreation and who saw it as a welcome break from the monotony of life at the desert-town of Awali. In ‘Leave Well Alone’, Mapp chronicles his experiences at Grandol, and the events leading up to one of his visits to the district.<sup>423</sup> He writes: ‘On a stifling night at the club terrace, a scattering

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<sup>423</sup> Mapp also identified elements of racism among some foreigners at the oil Company, writing ‘To a greater or lesser degree, most of us, local and foreign workers, got on together, somewhere between

of men and women sat listlessly at tables watching the ice cubes thawing in their lager glasses, while a pianist in the lounge was knocking out Nellie Dean.’

Within this lethargic atmosphere, Mapp recalls that one of his co-workers turned to another, asking: ‘We are going down to Manama for a bint (a girl), you want to come?’ Mapp writes that the co-worker looked startled remarking, ‘the red-light district!’ Mapp recalls that after ‘debating the option’, the group hopped into one of the taxis located outside the Bahrain Petroleum Company, noting that only one of the taxi drivers agreed to take them to the district, and showed a ‘marked reluctance’ to do so. During the journey, the driver appeared to relax, and handed around cigarettes. The driver took them to a brothel, which he referred to as ‘Jassim’s Place.’ His account, rich in detail, is worth reproducing in full. He wrote:

‘Manama’s outskirts were deserted, the hot, sticky air undisturbed save for the occasional howling of a desolate dog. We passed the lonely figure of a natur (night watchman), in a maze of black backstreets and after many twists and turns, came to a sudden halt. Our driver motioned to us to remain silent as he cautiously rapped on a door in the wall, and uttered a muffled cry. The keeper of the house of ill fame, Jassim, shuffled to the door, drew a bolt, and slowly opened it, whispering that all was well. Through a narrow entrance we squeezed, through the rising stench of a cesspit, into a walled enclosure which might have been a backyard but was in fact a room. Within these four rough stone walls, a sandy floor had a central strip of cheap matting and, against a wall, a narrow bed with sprawling metal legs, doubtless Jassim’s. Two feeble oil lamps lit the room, while overhead the stars winked nearby.

Fetid grossly understated the atmosphere. The smell of defecation, human and animal, rank and overpowering, the grotesque shadows cast by the smoky lamps, the squalor, the mournful whine of a far off lonely hound pining for a mate, in sum they must have drained all lust. Overhead on a ledge nestled several doves, cooing softly at intervals and taking turns to fly across the yard and back.

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bonhomie and tolerance. But I had a long held, perhaps imperfect, opinion that those least well disposed towards “them bloody wogs” were the ones most eager to bed their women.’

Jassim fetched the bints, three of them, for our inspection. They were respectably dressed, without veils, and in the half-light one might guess they were aged between 25 and 40. They seated themselves on the matting. One wore a black frock with a small flower pattern. Her complexion was very dark, her skin slightly oily, and her sharp features stamped her an Arab. She could have passed for 35, though examination of her gold plated teeth might have reduced the years. The other two were no more or less attractive. The spokesman for our group asked Jassim what more he had to offer. The keeper led the way through a door into another courtyard a large area with seven or eight beds laid out in lines and occupied by sleeping females. Jassim extended a hand to indicate; “take your pick

Doug was showing unease. The stench was getting me down. “Let’s go back”, I speedily concurred. We said goodbye to the other two but they were too engrossed with groping recumbent figures to worry about it. The taxi was waiting and swiftly got us back home.

At breakfast the next day I met the younger of our two companions. “How did you get on?”

Fantastic! She was a big girl - six months gone, I reckon. I’ve never known anything like it!’

### **Enforcing the Law**

The above excerpt from the diary of H.V. Mapp provides a glimpse into the realities of Grandol, and highlights the contrast between how Western employees of Bapco viewed the district, and how local residents of Manama saw it. This section analyzes eight court cases heard at the Court of the Political Agent between the years 1941-1947, involving violations of regulations limiting the practice of prostitution. It shows that the Court enforced penalties against a range of actors, including taxi drivers, prostitute women, and procurers, for soliciting, procuring, and encouraging prostitution in ‘respectable areas’, outside the permissible boundaries. It also shows how the burden of law enforcement fell disproportionately on Iranian and Bahraini nationals including taxi drivers, procurers, and prostitute women, with no documented cases having been

brought against Western subjects involved in these same violations of zoning regulations. It shows that the Court relied on two main sources of legislation to punish these breaches, including Article 74 of the Bahrain Order in Council, and Article 25(j) of the Motor Vehicles Act of 1939, outlined above. It is interesting to note that the Court relied primarily on the same vague provision outlined in the Order in Council, namely ‘breach of local custom’, to prosecute those procuring, encouraging or soliciting prostitution outside the permissible boundaries.

The Court’s reliance on the ‘custom’ to punish these offences reveals the existence of continuity in the broader project of moral regulation enforced by British lawmakers, and reliance by these officials on ideas of custom to deter numerous forms of undesirable social behavior.

The cases heard by the Court in this area can be divided into three main categories based on the defendants and offences in question. These include, first, cases brought by the Political Agent against taxi drivers for bringing clients to Grandol, heard under section 25(j) of the Motor Vehicles Regulation 1939. They also include cases brought against prostitute women for soliciting outside the delineated zone. The third category of cases involve both acts of prostitution and violations of the liquor-licensing system heard under Article 74 of the Bahrain Order in Council, and reveal how Grandol came to function as a general area for the commission of immoral recreational activities and the use of Article 74 as a catch-all provision to prosecute these violations.<sup>424</sup> The case law against taxi drivers is especially notable for revealing the role of nationality in

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<sup>424</sup> British Library, “State Police vs. Akram Antony and Sayed Naman bin Isa”, Bahrain Court Records, Court of the Political Agent, IOR/R/15/3/8593, British Library, “State Police vs. Abdulla bin Hussein and Fakhriya bint Abbas”, Bahrain Court Records, Court of the Political Agent, IOR/R/15/3/7523,

impacting the enforcement of the Law. These cases reveal how the Court prosecuted local taxi drivers for encouraging prostitution, while taking no steps to implicate the clients – mostly of American, British, or Australian nationalities – implicated in the act itself. This category of cases are therefore especially illustrative in providing further insight into the contradictions of colonial governance in Bahrain, which on the one hand sought to limit activities that colonial decision-makers viewed as immoral and socially harmful, while on the other, ensuring that these activities remained available to a small minority of mostly British and American expatriate workers.

### **Taxi Drivers**

In the below section, I provide examples of three cases heard against taxi drivers, under Article 25(j) of the Motor Vehicles Regulation of 1939.<sup>425</sup> These cases are notable for revealing how taxi drivers – from Bahraini and Iranian backgrounds, were prosecuted for violating Belgrave’s decree by bringing procurers to the district. The case of *State Police v. Mohamed bin Habib* is especially notable as it shows how a taxi driver of Persian origin was prosecuted for such a violation, while the Australian nationals who solicited prostitution in the same context appeared not to face any charges.

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<sup>425</sup> These cases include British Library, ‘State Police v. Mohamed Abdulla Dubal’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7052, British Library; ‘State Police v. Yousif bin Hassan bin Ali’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8627, British Library; and ‘State Police vs. Mohamed Habib’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8746, British Library.

Case: State Police vs. Mohammed bin Abdulla Dubal

Charge: Using his Car for Prostitution, in Violation of Article XXV of the  
Motor Vehicles Regulation

Nationality: Subject of Iran

Date: March 11, 1941

Trial Extracts:

‘The accused is charged for using his taxi for prostitution on the 9<sup>th</sup> of March 1941 at 11.30 am. Accused admits that he took a prostitute for his European employees of the Bahrain Petroleum Company but pleads that he was forced to do so by them and that he needs it – not his free will. Moreover, every driver does it and he is not the only one. But these excuses are not tenable and as he has spoken the truth I fine him only RS 150 under Article XXV(J) of the Motor Vehicles Regulation of 1939. He has also been warned that in case of subsequent complaints of this nature he will be more severely dealt with. The fine can be paid within 2 days.’

Arabic charge sheet: ‘Three witnesses have been called: Rashin bint Hassan, Lulwa bint Ali, Shaikha bint Mahdi, from Manama. The accused has been arrested for acting as a pimp for the prostitutes. Yesterday, on March 9 1941, he picked up two prostitutes for two Americans in Awali, they had an appointment there to commit sin.’

Case: State Police vs. Yusif bin Hassan

Charge: Using his Car for Prostitution, in Violation of Article XXV of the Motor Vehicles Regulation

Nationality: Subject of Iran

Date: December 21, 1946

Trial Extracts:

‘Being the owner and driver of Tax Reg. No. T378 did use such vehicle in connection with and for the furtherance of prostitution when in West Manama at 6 pm on Wednesday 11<sup>th</sup> December, 1946. At the above date and time, Inspector Cochrane and Sgt. Smith had reason to visit the house in West Manama known as Persian House. This house is well known as a house of ill repute. Standing outside the house was Taxi Reg. No. T. 378. Inside the house they found the accused who admitted being the driver and person in charge of the Taxi. When asked what he was doing there, he said that he had brought two men from Muharraq to the house and was waiting for them. Two men who said that they were from the R.A.F. Camp were in the house and were associating themselves with well-known prostitutes. The accused was also in company with prostitutes. Inspector Cochrane told him to leave and he did so. Inquiries were made at the Traffic Office and it was found that the registration of the taxi expired on 24<sup>th</sup> November, 1946.

Accused ordered to pay a fine of RS 50.’

Case: State Police vs. Mohamed bin Habib

Charge: Acting as a Procurer for Prostitutions in Violation of

Date: May 11, 1947

Nationality: Subject of Iran

Trial Extracts:

‘At 10 pm on Thursday 8<sup>th</sup> May 1947, Inspector Cochrane and Sgt. Smith were on patrol in West Manama, when they visited a well-known house of ill repute known commonly as “Sheikhir’s House.” Inside they found several Australians who had come from a ship at Sitra. Two well known prostitutes were with them. The accused was also present in the house and he was questioned. He admitted bringing the Australians to the house. On this occasion, he was warned.

At 10.30 pm same date, Inspector Cochrane and Sgt. Smith visited another house of ill repute near the Isolation Hospital and found the same Australians in the house associating with other prostitutes. The accused was again present in the house and admitted bringing the Australians to the second house as well. He said that they had used Taxi No. T.840 on both occasions. The accused was then arrested for acting as a procurer for prostitutes. The driver of Taxi No. T840 is being dealt with at the Bahrain Court.

The accused admits that he was found in 2 different houses of 2 different prostitutes. He admits that he is a procurer by profession and hence found guilty under Article 74 of the Bahrain Order in Council and sentenced to pay a fine of RS 100 and in default of payment of the fine he should undergo one months RI.’

In this case, there is no evidence that any charges were brought against the Australian men found in the home.

### **Prostitute Women**

The below section has provided two examples of cases brought against women implicated in the practice of prostitution outside the designated areas. In both cases, charges were brought under the general provision of Article 74 of the Bahrain Order in

Council, citing the women for 'exposing themselves for prostitution.'<sup>426</sup> The second case is especially notable as it provides an example of a situation in which a woman was wrongfully accused by her neighbor of prostitution, in retribution for a personal squabble.

Case: State Police vs. Fakhriya bint Abbas

Charge: Exposing herself for Prostitution

Nationality: Subject of Kuwait

Date: June 8<sup>th</sup>, 1942

Trial Extracts:

'The Government of Bahrain has issued notice No. 14/61 which prohibits prostitutes from carrying our corruption in public streets and in public places. The accused acted in contravention of this on June 1, 1942 at approximately 6.30 pm when she stood with four prostitutes next to Saab located in Qufool with the intent of exposing herself with them to employees from Awali and with the intention of committing sin. The accused had been arrested before and told not to do this, but she persisted. The Court of Bahrain has ruled that the other three prostitutes will face imprisonment for one month. Accused is fined RS 100 under Article 74 of the Bahrain Order in Council.'

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<sup>426</sup> 'State Police vs. Abdulla bin Hussein and Fakhriya bint Abbas', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7523, British Library; 'State Police vs. Khorshid bint Jalal', Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8529, British Library.

Case: State Police vs. Khorshid bint Jalal

Charge: Exposing herself for Prostitution

Nationality: Subject of British India

Date:

Trial Extracts:

The trial spanned three sessions, held over four weeks. The first session was held on the 13<sup>th</sup> of August 1946. During the trial, the state prosecution noted:

‘Accused lives in Fireej al-Jamam in Manama and this is one of the respectable areas where prostitution is not allowed. The Court has been informed that the accused often brings people to her home for sinful purposes and her presence in the area harms the respectable families living in it, and her neighbors further request that the government take action to remove her from the area in accordance with the notice issued by the Law.’ At the trial, Khorshid stated that her husband was expected to come back to Bahrain in one month and requested that the Court continue hearing the trial at that time. The Court agreed to this request.’

A second session of the trial was held, on the 7<sup>th</sup> of September, 1946. At the trial, Khorshid submitted a petition to the Court, which a translation of which is included below:

‘To the Respectable Honourable Political Agent in Bahrain –

I bring to your attention that the complaint against me has been brought by Mr. Mahmoud and he has attacked me and my honour. I ask your Honor to please bring us both before the Court, and I will accept its verdict. I want to clear my name before my husband comes back from India. I have been in this house for years and our neighbor is building an extension that will allow him to view into our house. I complained to the municipality and Mohammed Ameen from the municipality asked him to cease doing so but he instead created this story about me and came to the Court with it in retaliation. I am prepared to bring this case against him and I depend on your justice.’

The Court held its final hearing on the case on the 10<sup>th</sup> of September 1946, and dismissed the case against Khorshid, and accepting the defence that her neighbor had fabricated the story as personal vendetta.

### **Combination Cases**

The third category of cases heard by the Court in relation to prostitution also involved the illegal consumption of liquor, indicating how Grandol came to function as a general area for the commission of immoral recreational activities.<sup>427</sup>

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<sup>427</sup> ‘State Police vs. Akram Antony and Sayed Naman bin Isa’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/8593, British Library; ‘State Police vs. Abdulla bin Hussein and Fakhriya bint Abbas’, Bahrain Court Records: Court of the Political Agent, India Office Records, IOR/R/15/3/7523. This Chapter treats cases with two defendants as two separate data points, representing each of the defendants.

Case: State Police vs. Akram Antoan and Sayid Na'man bin Isa

Charge: Drunkenness

Nationality: Both Subjects of Iraq

Date: September 9<sup>th</sup>, 1946

Trial Extracts:

'I inform you that on the 4<sup>th</sup> of November 1946 at approximately 8.30 pm, the police came across the defendants in the home of one of the prostitutes in Qibla, Manama, and they were under the influence and taken to the hospital and proven to be drunk. Certificates showing drunkenness are included. Each is fined RS 50.'

Case: State Police vs. Abdulla bin Hussain and Fakhriya bint Abbas

Charge: Prostitution and Drunkenness

Nationality: Subject of Iran and Subject of Kuwait

Date: September 9<sup>th</sup>, 1942

Trial Extracts:

'On the 22<sup>nd</sup> of October 1942 at approximately 3.30 am, the policeman Abdullah bin Jassim was patrolling the area and found the defendants exiting from the house of an Indian man located in a place of honor in Fireej al-Fadhel. The policeman smelled the smell of alcohol from the mouth of the first defendant and he took him to the hospital and after a medical inspection it was proven that he was drinking alcohol, as you can see in the medical report. It appeared, on interrogation, that the accused woman came to the Sindi man in the company of the accused man to perform sin, and this is in violation of the government's notice no. 14/61. The crime took place on the street of Fireej al-Fadhel. The first defendant was arrested for drinking liquor and the second for performing sin in a honorable area instead of Qibla in Manama, which is designated for prostitution. Each is fined RS 200.'

## The Bahrain Penal Code 1955

In the year 1950, and following the transfer of authority over the Gulf States to the Foreign Office, officials based at the Foreign Office decided to enact broad legal reforms across several states. A main objective of these reforms was the decision by officials at the Foreign Office to ‘unify British and local courts under local rulers’ in the Gulf’.<sup>428</sup> As part of this aim, the legal advisor to the Foreign Office, Eric Beckett, visited the region 1952, and urged the appointment of British judicial advisors in Kuwait, the Trucial States, and Bahrain to begin a process of transition.”<sup>429</sup> When the appointment of British judicial advisors was met with resistance from some local Rulers, Beckett and other British authorities moved towards enforcing a second objective, namely codifying legislation and laws for use by British courts. The purpose of this was to progressively ensure that these codified statutes would be copied by local courts, and thus enable British authorities to harmonize the management of judicial, criminal and civil affairs across different judicial bodies. Soon, the production of codes ‘became the focal point of British efforts in the region.’<sup>430</sup> Commenting on this period, Nathan Brown writes:

‘By 1954, the first result of the codification effort, a draft penal code was finally ready. The strategy of the British Foreign Office had been to present it to local rulers only when it was ready to promulgate for British courts. Fear about its reception and contempt for local rulers had led British officials to consult in advance only with the Amir of Bahrain.’<sup>431</sup>

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<sup>428</sup> Nathan Brown, *The Rule of Law in the Arab World: Courts in Egypt and the Gulf* (Cambridge: Cambridge University Press, 1997), p. 139

<sup>429</sup> *Ibid.*, p. 140

<sup>430</sup> *Ibid.*, p. 141

<sup>431</sup> Brown cites the an official at the foreign office who explains this policy, by stating that: ‘Rulers are so ignorant that it would be a complete waste of time and would only invite them to suggest all sorts of impossible amendments to which we could not agree. We therefore decided to consult only the Ruler of Bahrain on the draft of the Code and we feel reasonably satisfied that if the rulers want to do so, they will be able to adopt it satisfactorily in its present form without undue difficulty from the points of view of

On May 17 1955, the Ruler of Bahrain promulgated the Bahrain Penal Code of 1955, at the instruction of British authorities. The new code established a series of punishments for vaguely-worded political crimes.<sup>432</sup> These provisions were intended to hit at the heart of a rising current of nationalist and anti-imperialist political activism in Bahrain. Indeed, in the year prior to the promulgation of the Penal Code, a group of political activists in Bahrain established the Higher Executive Committee (later renamed the ‘National Union Committee’), a popular cross-sectarian nationalist and reformist political organization that formed in response to sectarian clashes taking place between individuals from the Sunni and Shi‘a communities. Influenced by broader currents of Arab nationalism sweeping across the Arab world, the National Union Committee pressed the government for political demands such as the establishment of an elected legislative body, the introduction of judicial reforms, the right to form trade unions, an end to British colonial influence and the removal of Charles Belgrave as the symbol of illegitimate imperial authority.

Ratified within this fraught political climate, the Penal Code of 1955 introduced a swathe of new political crimes. For example, Article 68 of the Penal Code criminalized acts of sedition, including the ‘publication of any seditious material’ with a prison term not exceeding two years imprisonment and/or a fine of RS 2500. Article 69 of the Code defined sedition as ‘any action that disrespects or awakens a sense of aversion against the Ruler, the Crown Prince, Her Majesty the Queen, or Her Majesty’s representatives including the Political Resident or Political Agent in Bahrain.’ Article

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religion and local custom.’ See: ‘Foreign Office Minutes by W.V.J. Evans’, 18 June 1954, Foreign Office, FO 371/EA 1645/7.

<sup>432</sup> The Bahrain Penal Code, 1955.

71 of the Code provided a similar punishment for anyone who ‘repeats a rumor with the intention of generating public fear, or threatening public security.’<sup>433</sup>

In addition to outlining a range of vague political crimes, the Bahrain Penal Code of 1955 also included an entire section devoted to ‘sexual and moral crimes’, which consisted of twenty-three separate Articles that defined crimes of a sexual and moral nature, and stipulated the range of punishments that could be applied by local courts. The Law also had the effect of reinforcing the geographic boundaries of Grandol by establishing a range of penalties for prostitutes and procurers found breaching its zoning requirements. Crucially, the new Law also included several provisions aimed at supporting the autonomy and safety of women practicing prostitution, by preventing any individual from coercing a woman into prostitution, or living off her earnings. The 1955 Law was extra-ordinary both for the comprehensive protections it afforded to women practicing prostitution, its explicit recognition of the right of prostitute women to practice the trade within the boundaries permitted by Law, and its rejection of the right of any intermediary (such as a pimp) to benefit from the trade. For example, Article 160 explicitly prohibited any individual from relying on coercion or deceit to encourage a woman to commit prostitution by providing that ‘anyone who leads a woman by threat or by fear to commit illegal or illegitimate sex in the district or outside of it, or leads a woman through falsehood, trickery, or deceit, to commit illegal or illegitimate sex either inside the district or outside of it will be punished with imprisonment for a period not exceeding three years, or with a fine of three thousand rupees, or both punishments combined.’ Article 159 further prohibits any individual

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<sup>433</sup> The Bahrain Penal Code 1955, *Majmu’3 al-Qawanin Wal-E’lanaat* (Collection of Laws and Notices), dated 19 Thu al-Qa’dah, 1377 (Government of Bahrain, Manama, 7 June 1958).

from encouraging a woman under the age of twenty-one to either commit prostitution, or live in the brothel area.<sup>434</sup>

The Penal Code also explicitly prohibited intermediaries and third-parties from interfering in, or benefiting from, activities of prostitution. Article 162 and Article 163 provided that any man or woman ‘who rely in whole or in part on the earnings of a prostitute would be liable to imprisonment for a period not exceeding two years, or a fine not exceeding RS 3000, or the two together, with the added option of Rigorous Imprisonment.’ The Article further prohibited any man from controlling the movement of a prostitute, by stipulating that: ‘If it is proven that a man lives with a prostitute or that he tracks or controls her movement so that he appears to be encouraging her to commit acts of prostitution with another person will be deemed to be profiting from prostitution by living off her earnings, unless the contrary is proven in Court.’ Article 166 further provided penalties for any individual found responsible for forcibly confining a prostitute to a given area, by stipulating that ‘Anyone who confines a woman without her consent in a place so that men commit indecent acts with her, or in a brothel, will be punished with imprisonment for a period not exceeding three years or a fine not exceeding RS 3000 or both together.’<sup>435</sup>

Finally, the Article also imposed important obligations on prostitute women with relation to children, including by prohibiting any child aged between two until sixteen years of age from living in a brothel. The Law provided a clear definition of a

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<sup>434</sup> The text of Article 159 states that ‘All who lead or try to lead a woman under the age of twenty-one to have illegitimate sex either inside or outside the zone, or leads or tries to lead a woman to leave her place of residence in the zone, with the intent of convincing her to live in a brothel located either in the area or outside of it, or tries to lead a woman to come to him in order to practice prostitution will be sentenced to a period not exceeding two years in prison or a fine of RS 3000 or both punishments together.’ (Ibid). See: Bahrain Penal Code, 1955.

<sup>435</sup> (Ibid).

brothel as ‘any home, room, dwelling, or group of rooms that is inhabited by, or frequented by, two women or more for the purpose of prostitution.’<sup>436</sup>

The new Penal Code attracted immediate opposition from the National Union Committee. On July 29, 1955, the Secretary of the Higher Executive Committee, Abdulrahman al-Baker, published a public letter articulating his opposition to key provisions of the Penal Code, and expressing outrage at its introduction of ‘arbitrary’ political crimes, in addition to expressing further anger towards its support for ‘practices that are contrary to the Islamic faith.’ Al Baker wrote: ‘The articles (of the Penal Code) are dictated by political ambitions and a lust for authoritarianism and tyranny. Do (the authorities) not know that no law of this nature can be enacted without the consent of the people?’

In his letter, Al Baker outlined four reasons for his rejection of the new Law. He wrote:

(1) The people are the source of all authority. Constitutional sources, globally, stipulate that laws and regulations cannot be enacted except after being approved by a legislative body elected by the people, which discusses and is responsible for enacting Law. Authorities in this country are choosing to ignore the will of the people and preventing them from exercising their legitimate right to decision making

(2) This Law – by virtue of its provisions – requires the people of Bahrain to provide a type of loyalty that is illegitimate and contrary to the values of religion and which renders individuals vulnerable to capital punishment and other arbitrary penalties and punishments.

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<sup>436</sup> (Ibid)

(3) The Code contains provisions which are contrary to the Islamic faith and contrary to our customs and Arab habits in this country. We demand a change to the Law that prohibits fornication and alcohol and usury, and all other activities that our religion prohibits. The proposed Law encourages prostitution and obscenity and threatens the family unit as it even enables underage girls to participate in obscenities, under one of its provisions

(4) These provisions are contrary to our values and were put in place by imperialist and dictatorial minds that do not seek justice but instead seek to mock our people, shackle us, and deprive us of our legitimate freedoms.<sup>437</sup>

Al Baker concluded his letter by demanding the enactment of a constitution, an elected legislative chamber, and an end to discrimination against nationals in the workforce. He also informed his followers that the HEC would continue to send delegations to the Ruler to press for these demands.

In 1956, the National Union Committee ('NUC') led by Al-Baker, organized labor strikes, demonstrations, and protests across Bahrain to push the government to enact reforms and end Britain's presence in Bahrain. On November 1, 1956, the Committee led a crowd of over 30,000 marchers to protest the Israeli-Anglo-French attack on Egypt. The anti-imperialist tone of the protests also specifically targeted Belgrave, with marchers chanting: 'Down with Belgrave.' The organizers soon lost control over the protests, as acts of rioting took place. The Ruler of Bahrain Sheikh Salman bin Hamad Al Khalifa used the incident as an opportunity to quash the power of the NUC. With Belgrave's support, the Bahraini police force and a number locally-

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<sup>437</sup> Abdulrahman al-Baker, *min al-Bahrain ila al-manfa* (St. Helena), (Cairo: Ismailiya Press, 1990), p.147-149

based British troops swiftly responded to the protests, and arrested of the organization's leadership. In December 1956, three of the leaders, including Al Baker, were tried before a special tribunal composed of the Ruler's relatives and accused of plotting to assassinate the Ruler and his Adviser. Five days later, British authorities transferred the men to the British colony of St. Helena, to serve a fifteen-year term of exile.<sup>438</sup> As an added insult, Belgrave decided to revoke Al-Baker's Bahraini citizenship and he was never to set foot in Bahrain until his death in 1971. Following the strike, Belgrave found his legitimacy in Bahrain greatly challenged, and his authority diminished. Six months later, Charles Belgrave announced his retirement. His return to London brought an end to the tenure of the most influential and profoundly controversial colonial personality in the Bahrain's history. On departing Bahrain, he wrote:

'I had watched, and tried to guide, the development of Bahrain from an obscure little Arab state into a place of commercial and political importance. I had seen the transition of the Bahrainis from a simple agricultural and sea-faring community into a community mainly dependants on a great modern industry, the production and refining of oil. During my time the revenue had gradually increased from an annual income of about 100,000 British pounds to about 5.5 million a year, and I had witnessed the emergence of a political consciousness among the people and growing pains of democracy.'<sup>439</sup>

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<sup>438</sup> Three of the men were released from St Helena in 1961 after a successful habeas corpus action found that British authorities had begun to execute their deportation from Bahrain prior to the issuance of the final sentence against them by the Court. Hussain al-Baharna, *The Legal Status of the Arabian Gulf States: A Study of Their Treaty Relations and Their International Problems*, (Manchester, Manchester University Press, 1968).

<sup>439</sup>

## Conclusion

The decision by Charles Belgrave to establish a regulated prostitution district in the heart of Bahrain's capital city was an extra-ordinary development, by any measure. It is the only such zone to have ever been created within the six states constituting the modern Gulf Cooperation Council, and lasted for up to thirty-nine years, until its formal abolishment through the Bahrain Penal Code of 1976. While Grandol captured the imagination of local teenagers and foreign workers at the Oil Company, it stood to most residents of Manama as glaring evidence of colonial hypocrisy and mismanagement. While colonial decision-makers had hitherto succeeded in balancing between their public condemnations of immoral social activities, and their creation of regulatory exceptions to ensure that these activities remained available to cater to the desires of a minority of mostly European and American nationals, these contradictions could no longer be sustained. Depictions of Belgrave encouraging immorality soon came to act as a central rallying point by the Higher Executive Committee, who accused him of 'condoning insobriety', 'encouraging women to participate in obscenities', and acting through an 'imperialist mind' which was contrary to the Islamic faith' and further used these accusations to support their existing demands for political reforms.<sup>440</sup> Although members of the Committee were sent into exile shortly after al-Baker's speech, the damage they had wrought to Belgrave's reputation could not be salvaged. By publicly establishing a clear connection in the public imagination between British support for 'obscene activities', and the moral and political bankruptcy of the colonial project, Al-Baker had finally articulated the exact accusation that British officials had sought to

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<sup>440</sup> Abdulrahman al-Baker, *min al-Bahrain ila al-manfa* (St. Helena), (Cairo: Ismailiya Press, 1990), p.147-149

avoid through decades of painstaking discussions, carefully-worded regulation, and attention to framing social regulation as necessary to protect and preserve local custom. After thirty-one years at the forefront of these efforts, Belgrave departed back to London in 1957, bringing a close to the most formative and complex period in Bahrain's history.

## **Independence and Beyond**

Belgrave's departure left a vacuum in Britain's authority in Bahrain. His return to London was followed by another major turning point that transformed the relationship between the two States. On January 16 1968, Prime Minister Harold Wilson announced to the House of Commons that Britain would be withdrawing from its military bases outside Europe and the Mediterranean, or, East of Suez. This decision brought a conclusive end to Britain's formal presence in the Gulf region. Kuwait was the first state in the region to be granted its independence, on June 19, 1961. Bahrain followed suit on August 15, 1971, and Qatar and the Trucial States were respectively granted their independence on September 3, 1971 and December 2, 1971. Following Bahrain's independence, the Ruler of Bahrain Sheikh Isa bin Salman Al Khalifa ratified a new constitution in 1973 that created a partially-elected legislative chamber, vested with lawmaking authorities. The parliament's tenure, however, proved short-lived. In 1975, the Emir dissolved the parliament after it refused to pass a government-sponsored State Security Law, and after it voiced opposition to the establishment of a new American military base in Manama. Bahrain remained in a state of constitutional limbo until the year 2002, whereupon the Emir's son Sheikh Hamad bin Isa Al Khalifa enacted a new constitution that transformed Bahrain into a constitutional monarchy and ceded limited legislative powers to a partially-elected parliament.

The departure of British authorities in 1971 brought with it an end to the system of capitulations enforced through the Bahrain Order in Council. With the Political Agency disbanded, jurisdiction over foreign nationals reverted to the local Courts. This had implications for the liquor-licensing system, which held no clear articulation in

Law except through the Order in Council and which had largely existed as a channel of discretionary power exercised by the Political Agent. Following independence, the Ruler of Bahrain Sheikh Isa bin Salman Al Khalifa liberalized existing laws on alcohol, by allowing ordinary hotels and restaurants in Manama to apply for liquor-licenses and serve alcoholic beverages to members of the public, regardless of their nationalities. This change in the Law was affirmed through the Bahrain Penal Code of 1976 which did not directly grant Bahraini nationals the right to consume liquor, but which instead remained silent on the matter and provided for a fine of BD 50 as a penalty for any person ‘found to be intoxicated in a public place.’<sup>441</sup> Today, foreign nationals are still required to apply for liquor licenses to purchase liquor directly from a liquor store. While the Political Agent’s liquor-licensing system in Bahrain gave way to a more liberal order, it set the foundations for the contemporary regulation of liquor across the remaining Gulf States. Indeed, the consumption of liquor remains banned to local nationals in Qatar and the United Arab Emirates. Foreigners seeking to purchase liquor may only do so with a government-issued liquor license, which stipulates the quantities that a given individual may purchase within an annual year, based on his or her salary. While most restaurants and hotels do not enforce these laws in practice, including by routinely serving their clients alcohol without requesting a liquor-license, they technically fall outside the boundaries of permissible legal behavior.

While independence brought with it the liberalization of laws on alcohol, the reverse proved true towards prostitution. In the years following Belgrave’s departure,

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<sup>441</sup> The Bahrain Penal Code, June 1955, *Majmu’3 al-Qawanin Wal-E’lanaat* (Collection of Laws and Notices), dated 19 Thu al-Qa’dah, 1377 (Government of Bahrain, Manama, 7 June 1958).

public discontent towards the establishment of Grandol as a zone for regulated prostitution continued to mount. During this period, an expansion in hotels and private apartment buildings across Manama – coupled with a general process of infrastructural degradation in the area around Grandol – drove a slow exodus of prostitution into the new hotels springing up in Manama. The Penal Code of 1976 conclusively brought an end to the state’s formal regulation of prostitution, with Article 324 of the Law declaring that ‘every person who entices a male or female to commit acts of immorality or prostitution or assists in such acts in any manner whatsoever shall be liable for a prison sentence.’ The Act also provided a minimum five-year prison sentence for any person ‘who totally or partly relies in his livelihood on what he or she earns from engaging in prostitution or immorality’, and a further sentence of up to five years for any person found establishing or running a premise ‘for purposes of immorality or prostitution.’<sup>442</sup> Paradoxically, the system enforced by Belgrave and successive Political Agents found itself reversed in the post-independence period, as the tide of moral outrage turned towards prostitution, and away from liquor.

The aim of this thesis has been to demonstrate the existence of a project of moral regulation in Bahrain, as created and enforced by colonial decision-makers and particularly Charles Belgrave. By analyzing dozens of letters, regulations, and court cases, it has shown how colonial actors created and enforced a distinct body of moral regulations over time. It has also drawn attention to the discourses used to justify these regulations, and their articulation through the language of local custom and norms. The

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<sup>442</sup> The Bahrain Penal Code, June 1955, *Majmu’3 al-Qawanin Wal-E’lanaat* (Collection of Laws and Notices), dated 19 Thu al-Qa’dah, 1377 (Government of Bahrain, Manama, 7 June 1958).

thesis has also highlighted the political significance attributed to moral regulations, as a means by which colonial officials sought to enhance their legitimacy in a colonized state. In the area of liquor regulation, it has analyzed the social impact of these regulations in reinforcing the subaltern status of marginalized communities, including Iranian and Iraqi Jews who took advantage of their insular social status to develop a thriving underground trade in date liquor. The thesis has also the impact of moral regulations in the area of prostitution, as evident in Belgrave's establishment of a regulated prostitution district in the heart of Manama in the year 1937, which incorporated several key aspects of the Contagious Diseases Acts of 1864, 1866, and 1869. As in Great Britain and across several colonies, the creation of a regulated prostitution district soon gave rise to moral outrage among residents of the area. It also came to act as a rallying point for a nationalist opposition movement seeking an end to Britain's colonial presence in Bahrain. The final failure of Belgrave's project of moral regulation thus owed itself to the inherent contradictions at the core of this project: which sought to limit immoral recreation as both a moral imperative and as a means of gaining political legitimacy, while also ensuring that these activities remained safe and available to a minority group of primarily British, European, and American nationals. By shedding light on these colonial interventions, this thesis has sought to contribute to the existing literature on colonialism, morality, and state power in Bahrain, which until now has been limited to studies of the political and economic aspects of colonialism. By examining the distinctly social interventions enacted by colonial decision-makers in Bahrain, this thesis has aimed to shed light on an understudied aspect of the multi-

faceted, and complex manifestations of power in a colonized state, and its social implications.

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