

THE DOGS OF EMPIRE: CANINE SCENT TRACKING IN THE BRITISH EMPIRE,
1909-1953

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Introduction

In February 1938 a Jerusalem Military Court sentenced Mustafa Mansour to death for the unlawful possession of a weapon and for opening fire on a bus. The main evidence tying Mansour to the shooting was a Doberman Pinscher: due to darkness, the police could not pursue the 'brigands' immediately after the incident. They returned the following morning accompanied by dogs. Having identified footprints at the crime scene, the dogs led police to the defendant's village and house, where they discovered a few rounds of ammunition, some of which were spent.¹ In relying heavily—or exclusively—on dog-tracking evidence, Mansour's conviction was hardly unique in 1930s Palestine.² Nor were such evidentiary practices confined to Military Courts. From the time they were introduced in 1934, Dobermans became a central feature of policing in Palestine,

¹ "Trial of Arab Charged with Firing at Jewish Bus," *Palestine Post*, February 24, 1938, 2.

² "Death Sentence for Murderer who Threw Bomb in Haifa," *Hatzofeh* (in Hebrew), March 22, 1939; "Five Years for 13 Rounds," *Palestine Post*, January 5, 1938.

despite their known shortcomings. Judges routinely relied on such evidence to establish guilt and in some cases—like that of Mansour—even to send defendants to the gallows.³

The turn to dog tracking was part of a broader transformation in crime detection and proof in the British Empire. From 1856 onward, forensic technologies gradually replaced eyewitness testimony as central forms of evidence, especially at criminal trials. The turn to such innovations was not, however, always the result of advances in research⁴: many such “sciences”—including fingerprinting, foot-printing, ballistics and tool marking, handwriting identification and dog tracking—relied on rather flimsy scientific foundations. They were based on unproven assumptions about the uniqueness of physical attributes such as human scent and fingerprints, and the distinctiveness of even mass-produced objects such as shoes or firearms.⁵ Furthermore, these technologies were often developed not by “men of science” in the laboratories of Britain’s leading research institutions; they were instead discovered by the “men on the spot,” administrators in the remotest corners of the Empire, grappling—often intuitively—with the pragmatic challenges of colonial policing in a desperate attempt to maintain or restore order.

By highlighting the early development and adoption of forensic technologies in the colonies, this Article draws attention to an aspect thus far largely overlooked by historians and sociologists of forensic science: the colonies’ role in fashioning modern “forensic culture.”⁶ Although many forensic sciences were first developed and experimented upon in the colonies—and even though forensic laboratories operated in Ceylon, India and Egypt decades before they did in England and in the United States—research in the history of forensic science to date has remained largely American and Euro-centric. While some scholars have noted the colonial origins of forensic technologies such as fingerprints,⁷ they have neglected to systematically address the question of how colonialism facilitated, required and ultimately shaped forensic epistemology more generally.⁸ This, I argue, has largely skewed our understanding of the cultural underpinnings of forensic epistemology.

The rise of dog tracking in policing and proof explored in this Article illustrates two of the key impetuses that drove forensic innovation in the colonies: opportunity and necessity. Whereas in the imperial metropole stalking even the most dangerous criminals was met with strong moral disapproval, there were fewer qualms about doing so in the colonies.⁹ The forces of public opinion, which hindered such experiments at home were not as influential abroad, making such innovations in policing easier to realize overseas. Colonialism thus gave rise to a new aspect of what Foucault has termed “bio-power,” namely “the set of mechanisms through which the basic biological features of the human species became the object of a political strategy.”¹⁰ Reducing human beings to their biological attributes as a species—a cultural and moral precondition of forensic

³ “Has Caught You At Last: Two Arabs Sentenced to Death for Murder Of Mendel Mintz,” *Palestine Post*, December 15, 1937; “Villager Sentenced to Death for Firing,” *Palestine Post*, April 29, 1938.

⁴ The “general acceptance” rule was the test adopted in the United States in 1923 in the *Frye* case, which concerned the admissibility of polygraph evidence.

⁵ See generally, Jennifer Mnookin, “Scripting Expertise: The History of Handwriting Identification Evidence and the Judicial Construction of Expertise,” *Virginia Law Review* 87 (2001): 1723-1845.

⁶ Ian Burney, David A. Kirby & Neil Pemberton, “Introducing Forensic Cultures,” *Studies in History and Philosophy of Biological and Biomedical Sciences* 44 (2013): 1 – 3.

⁷ Chandak Sangooptha, *Imprint of the Raj: How Fingerprinting was Born in Colonial India* (London: Macmillan, 2003); Simon Cole, *Suspect Identities*.

⁸ For a preliminary sketch of how colonialism helped shape forensic culture see Christopher Hamlin, “Forensic Culture in Historical Perspective: Technologies of Witness, Testimony, Judgment (and Justice?)” *Studies in History and Philosophy of Biological and Biomedical Sciences* 44 (2013): 4-15.

⁹ Neil Pemberton, “Bloodhounds as Detective’: Dogs, Slum Stench and Late-Victorian Murder Investigation,” *Cultural and Social History* 10 (2013): 69-91.

¹⁰ Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977-1978*, p. 1 (New York: Picador, 2009)

epistemology—proved more operable in the Empire, where natives were often considered only quasi-human.

Moreover, colonial policing, at least from a British perspective, presented particular exigencies not present—or at least not as forceful—in the metropole. Scholars such as Lawrence Friedman and Simon Cole have convincingly linked the rise of forensic culture in the Anglo-American context to rising social mobility, anonymity and fears of mass violence.¹¹ Yet existing scholarship has largely overlooked the ways in which colonialism compounded such metropolitan concerns, thus driving forensic epistemology in new directions. Cultural distance in the colonies rendered criminal motives opaque and incomprehensible to British minds. The fear of looming insurgency, native mendacity and non-cooperation coupled with the difficulty of cross-racial identification meant that nowhere was anonymity so pronounced and the fear of mass violence so profound as in the colonies.¹² These factors lent a further sense of urgency to exploring new methods for solving crimes; urgency they lacked in the metropole where criminals—though sometimes ruthless—were at least presumed to be ‘rational.’

Forensic sciences helped address these anxieties: they rendered crime scenes legible. They guaranteed that criminals could be brought to justice even if no eyewitnesses were present or willing to come forth and even if police could not fully understand the criminal’s motivation. Moreover, forensic science offered a semblance of objectivity and precision, considered crucial to generate legitimacy among the local population for an imposed colonial legal order. They also served in spreading Britain’s “civilizing mission,” substituting science for superstition in the service of law and order. That dogs suffered—or enjoyed, depending on one’s perspective—from cultural taboo status among some indigenous populations in the Middle East and Africa rendered them even more effective in law enforcement, their uncertain reliability as trackers notwithstanding: even if dogs could not track reliably, the natives’ *belief* that they could would help elicit confessions and would facilitate successful prosecution. Using dog tracking as a case study, this Article illustrates how a questionable policing experiment ultimately gave rise to judicially admissible forensic evidence.

Beyond highlighting the role of the colonies in driving advancements in forensic technology, this case study also complicates our historical and sociological understanding of forensic science’s genealogy more generally. Whereas the conventional wisdom holds that forensic sciences typically originate within a “scientific community,” which reviews and validates the soundness of a theory and method before the judiciary is asked to assess its suitability for legal fact-finding, dog tracking presents an entirely different model. Dog tracking began in Victorian England as a sport; it was then clothed by the police and prosecution in scientific garb before being presented to judges and juries in the empire as evidence. All this at a time when even the method’s most avid, scientifically-minded enthusiasts deemed it insufficiently reliable. Like other investigative methods, such as handwriting, dog tracking was ultimately inducted into the realm of science not by experts in the field, but by judges.¹³

The Article traces dog tracking in three acts and in three locations: Victorian England, turn-of-the-century South Africa and 1930s Palestine. Part I analyzes the moral

¹¹ Simon A. Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge, Mass: Harvard University Press, 2001). For a discussion of this shift in detective fiction see Lawrence Friedman and Issachar Rosen-Zvi, “Illegal Fictions: Mystery Novels and the Popular Image of Crime,” *UCLA Law Review* 48 (2000-2001): 1411-1430, at 1423-24.

¹² Frederic M. Goadby, *Commentary on Egyptian Criminal Law and the Related Criminal Law of Palestine, Cyprus and Iraq* (Cairo: Government Press, 1924-1925).

¹³ Jennifer Mnookin, “Scripting Expertise: The History of Handwriting Identification Evidence and the Judicial Construction of Expertise,” *Virginia Law Review* 87 (2001): 1723-1845.

and scientific limitations that led to dog tracking's rejection as a police investigative method in Victorian England. Though rejected in the metropole, Part II analyzes how dog tracking gained traction during the first decade of the twentieth century in South Africa. Unlike other forensic technologies that purported to scientific universality, however, dog tracking manifested particularistic aspects from its inception: drawing on racial stereotyping, its great success relied not only on ideas of ethnic divergence but also on British perceptions of native superstition, which deemed it effective in eliciting confessions. Such racial aspects of dog tracking are also evident in its adoption in 1930s Palestine, a process analyzed in detail in Part III. But whereas in South Africa the judiciary ultimately deemed dog tracking insufficiently scientific to serve as evidence at trial, in Palestine it became an acceptable method for proving guilt. This, I argue, was due to waning public cooperation with the investigation and prosecution of anti-colonial activities, cases in which convictions were deemed crucial for sustaining colonial rule. Dogs offered an effective means for prosecuting such cases, their questionable reliability notwithstanding. Necessity, rather than scientific soundness, was what deemed dog tracking admissible.

I. Dog Tracking in Victorian England

Canine identification abilities have been the subject of literary celebration for millennia. In Homer's *Odyssey* only Argos, his loyal and formerly formidable dog, was able to recognize the disguised Odysseus upon his return to Ithaca. In Sir Walter Scott's *Talisman*, it was a dog that identified Marquis Conrade to be the thief of the royal standard. Dogs served as central characters in the adventures of Sherlock Holmes as well: for example, in *The Adventure of Shoscombe Old Place*, it was a black spaniel that discovered Lady Beatrice's brother had disguised himself as his late sister to fool his creditors. Unlike humans, these literary dogs were not misled by outwardly appearances; thanks to their keener instincts, or perhaps a sixth sense, they were able to accurately ascertain true identity in ways unimaginable to humans. Especially in an era of ubiquitous disguise and social and geographical mobility, ascertaining one's true identity became critical not only for policing but also for enforcing social boundaries.¹⁴

The idea of using dogs to track criminals loomed large in Victorian popular imagination long before English authorities began training and systematically using canines.¹⁵ Despite the emergence and popularity of the elite sport of "clean booting"¹⁶—the tracking of suited and booted gentlemen—until the 1950s dogs were not employed to track unknown perpetrators based on physical evidence found at crime scenes.¹⁷ At the turn of the twentieth century police had only used dogs to track *known* items or individuals or to accompany them on patrol. Though police occasionally consulted dog breeders and handlers in individual investigations, such joint ventures were few.¹⁸ Even the 1888 wave of brutal murders in Whitechapel did not suffice for Metropolitan Police to enlist bloodhounds to capture the notorious 'Jack the Ripper.'¹⁹ To the extent that canine tracking existed in England, it developed outside the realm of formal police

¹⁴ Cole, *Suspect Identities*.

¹⁵ Pemberton, "Bloodhounds as Detectives," 70.

¹⁶ Neil Pemberton, "The Bloodhound's Nose Knows? Dogs and Detection in Anglo-American Culture," 37 *Endeavour* 37 (2013): 196-208, at 203.

¹⁷ Charles F. Sloane, "Dogs In War, Police Work and Patrol," *Journal of Criminology and Police Science* 46 (1955): 385 – 395, at 391.

¹⁸ Neil Pemberton, "Hounding Holmes: Arthur Conan Doyle, Bloodhounds and Sleuthing in the Late-Victorian Imagination," *Journal of Victorian Culture* 17 (2012): 454-467, at 455. One famous such breeder was E. Richardson, discussed briefly below.

¹⁹ Pemberton, "Bloodhounds as Detectives."

institutions.²⁰ Only in 1995 was such evidence presented in an English courtroom for the first time.²¹

Dog Tracking's Scientific and Moral Limitations

One hindrance to the employment of tracking dogs in policing in England was the scientific soundness of their method. In its claim to accuracy, dog tracking rested on three assumptions: first, the theory that every human possessed a unique scent; second, that canines' olfactory abilities were sufficiently advanced to accurately distinguish between the subtleties of these scents; and third, that dogs could be taught to communicate this distinction to their handlers. Each of these three premises demanded proof; some ran contrary to broadly held cultural beliefs. As one journalist noted, in an age when "Menfolk... prefer to assume that odourousness is the standard to be aimed at," the fact that individuals possessed a unique scent was something that "no well bred person likes to think about or discuss."²²

Well into the 1930s, scientists studying dog tracking were also rather skeptical about the method's accuracy: they insisted that canine olfactory capabilities were still insufficiently established and their achievements exaggerated.²³ Summarizing the state of the field in 1928, Warden and Warner of Columbia University's Animal Laboratory reported and interpreted results of numerous tracking experiments conducted to test the scientific soundness of dog sporing. The most significant were a series of experiments conducted by Police Lieutenant Konrad Most and Professor Pfungst in Germany in 1914.²⁴ In the first, dogs were asked to follow a fresh trail. When additional, fresh prints were present, none proved able to do so accurately. The dogs' tendency was to follow tracks that continued in the same general direction, thus rendering their tracking abilities useless if the quarry had taken a sharp turn. The second experiment demonstrated dogs' inability to reliably track prints older than six-and-a-half hours. The third and fourth demonstrated the dogs' inability to match between objects and their owners with any accuracy exceeding random chance. As a result, the authors reported, the Prussian Police were prohibited from using dogs for tracking.²⁵

In their attempt to explain how and why the dogs *appeared* able to track criminals in some cases, some speculated that this was an example of a "Clever Hans" error²⁶: acting on his own theory as to the identity of the criminal, a handler might inadvertently influence the dog's behavior. Similar concerns were expressed by a 1930 South African Commission of Inquiry looking into the police's employment of dogs: falling short of accusing the police of downright manipulation, the report noted "certain evidence, however, of a disturbing nature... tending to show that a dogmaster can, if so minded, control the activities of a dog by secret signals in such a way as to make the dog point

²⁰ Pemberton, "The Bloodhound's Nose Knows?" at 196.

²¹ *R. v. Pieterston and Holloway* [1995] 2 Cr. App. Rep. 11. The Court noted in its decision: "There is no authority hitherto in English law as to the admissibility of evidence concerning a tracker dog."

²² "What Every Dog Knows," *Palestine Post*, December 30, 1934. The assumption that individuals possessed a unique and traceable scent animated experimentation in other parts of the empire where mechanical noses such as the "Vancoscope" or "robot bloodhound" were developed. See "A Human Bloodhound," *Cariboo Observer*, October 10, 1934.

²³ C.J. Warden & L.H. Warner, "The Sensory Capacities and Abilities of Dogs," *Quarterly Review of Biology* 3 (1928): 1-28.

²⁴ For a description of the experiments see also Wallace Craig, "The Dog as Detective," *Scientific Monthly* 18 (1924): 38-47, at 38.

²⁵ See above.

²⁶ Craig, "The Dog as Detective," at 43.

out any particular person suspected by the dogmaster.”²⁷ While the Report noted that it was “satisfied that no such dishonesty occurs in the police,” it also underscored the importance that dogmasters “be men of the highest integrity and incorruptible character.” Other theories suggested that dogs were unable to track based on crime-scene scents but instead acted on other cues such as a suspect’s fear, which led them to choose particular individuals at identification parades. This presented the risk of individuals being chosen—and even confessing—due to their fear of dogs rather than due their guilt.

As late as 1938, even world-renowned dog trainer Dr. Rudolphine Menzel, founder of the dog training and research institute in Linz, Austria, still harbored a degree of skepticism regarding dog-tracking’s “scientific foundation” (*wissenschaftliche fundierung*).²⁸ In a 1938 book on dog training Menzel observed that dogs typically follow the most recent—and hence strongest—spoor they are able to detect. She noted that dogs simply could not sniff an object and then lead their handler to the criminal in the way that laymen believed them capable.²⁹

Though scientific soundness raised one difficulty, moral objections also deemed forensic dog tracking unthinkable in England. Such aversion stemmed, at least in part, from bloodhounds’ checkered manhunt past in the antebellum American South, as depicted in literary works such as “Uncle Tom’s Cabin.”³⁰ Though advocates of dog tracking in England desperately tried to draw distinctions between the mongrel, savage Confederate “Cuban Bloodhound”—which some argued was no bloodhound at all—and its reliable and humane English namesake, with his distinguished lineage and aristocratic demeanor, human stalking still suffered a beastly image.³¹ Dog tracking in Victorian England was considered repressive, associated with slave manhunts, lynching and the vigilante justice of the American Confederacy, inconsistent with the rights of freeborn Englishmen.³² Unleashing hounds in the Empire’s capital to stalk its own citizens was therefore deemed repugnant.³³

The cautionary lessons of the American South were, however, far from universal. The moral qualms that were central to public debates surrounding the employment of dogs in Britain had little relevance for its colonies. Much like in the American South, racial distinctions allowed the necessary cultural and epistemological space for dog tracking to thrive first in South Africa, then in Palestine and in other parts of the Empire.

II. The Empire’s New Dogs: Canine Tracking in South Africa

Despite moral and scientific shortcomings, which rendered forensic dog tracking inconceivable in Britain, its colonies were a different story.³⁴ In 1908 Detective-Sergeant

²⁷ *Interim and Final Reports of the Commission of Inquiry Appointed by His Excellency the Governor-General to Inquire into Certain Matters Concerning the South African Police and the South African Railways and Harbours Police* (Pretoria: Government Printer, 1937), 68 – 69.

²⁸ Haganah Archive, 34/289.

²⁹ Rudolphine Menzel, *Dog Education and Training* (Palestine: Lanotter, 1939).

³⁰ Keith Shear, “Police Dogs and State Rationality in Early Twentieth Century South Africa,” in *Canis Africanis: A History of Dogs in Southern Africa*, eds. Lance van Sittert & Sandra Swart (Leiden: Brill, 2008), 193 – 216, at 205.

³¹ *Id.* Similar distinctions were made in *Nongqai*, the South African Police Journal, which explained why the Cuban Bloodhound was not a bloodhound at all: “As a matter of fact, the hounds used for slave hunting in the Southern States of America, although called Bloodhounds, were not Bloodhounds at all, but merely the Fox-hound of the country, sometimes crossed with the Cuban Mastiff or, as it was then called, the Cuban Bloodhound...” *Nongqai*, June 1910, p. 469.

³² *Id.*

³³ Pemberton, “The Bloodhound’s Nose Knows?” at 207; Pemberton, “Bloodhound as Detective” at 87.

³⁴ Dogs were deployed not only in Haiti and Jamaica; they were also unleashed to repress Irish, Scottish and Welsh rebellions. See Neil Pemberton, Neil Pemberton, “Hounding Holmes: Arthur Conan Doyle, Bloodhounds and Sleuthing in the Late-Victorian Imagination,” *Journal of Victorian Culture* 17 (2012): 454-467, at 455.

Ker of the Criminal Investigation Department (C.I.D) in Natal, South Africa, imported the appropriately named bloodhound “Rex” to assist him in criminal investigations.³⁵ Over the next two years, Rex was joined by several other bloodhounds on the Natal Police.

Yet the bloodhounds’ ability to reliably spoor³⁶ proved difficult to establish. In March, 1911, the Natal Police was asked to demonstrate the bloodhounds’ abilities to South African Police (SAP) Acting Commissioner H.C. Bredell. Despite the “perfect weather conditions” prevailing in Johannesburg that day, the bloodhound failed miserably. Thinking the “bloodhound might have been somewhat off-colour on that particular day,” another demonstration was scheduled in Pretoria a few days later. But the bloodhound did not fare any better the second time, leading Bredell to deem the affair “a complete fiasco.” Told that the “dog had done some good work” prior to his arrival, the Commissioner wondered why “the moment we appear on the scene, the dog will not or cannot do its work.”³⁷

Nevertheless determined to employ dog tracking to combat native stock-theft, in November Bredell allowed the dogs a third chance to impress him. But they disappointed, once again: both bloodhounds, Bosco and Maxim, failed to follow the spoor of the white men who had laid it. The explanation—or excuse—put forth was telling of the racial and colonial slant of dog tracking, which would attend their use in future decades in South Africa and beyond: the handlers had been instructed “to train the dogs to track natives only, so to ascertain if the dogs could pick up the spoor of a native.”³⁸ Even so, they failed once again when put on the trail of a “native labourer.”³⁹

Disillusioned by the English bloodhounds’ poor performance but resolute to make dog-tracking part of SAP’s repertoire, the force turned to other breeds⁴⁰ and experimented with cross-breeding.⁴¹ Despite their German ancestry,⁴² Dobermans were ultimately found “most useful and reliable,” possessing the finest combination of intelligence, stamina and olfactory capacities. They were reputed to reliably track even 72-hour old tracks left by natives.⁴³ R.J. Palmer, commandant of the dog depot (and later S.A.P. Commissioner) explained that the police “select outstanding trained dogs from a line of ancestors famed for brains, grit, and vitality, endowed with a strong scenting nose.”⁴⁴ In 1911, a dog-training depot was erected in Irene, outside Pretoria, on the farm of General Jan Smuts.⁴⁵ After undergoing an eighteen-month training program, the Dobermans were sent to outposts throughout the Union of South Africa.⁴⁶ With 140

³⁵ “Reporter Versus Bloodhound—Exciting Chase in the City: How Criminals are Tracked,” *The Natal Witness*, Saturday, August 21, 1909. In 1910 Richardson authored *War, Police and Watch Dogs*, in which he recounted his exploration of dog units in Belgium, Germany and France, advocating similar employment of dogs in England.

³⁶ According to the Meriam-Webster dictionary, spoor is defined as “a trace by which the progress of someone or something may be followed,” while the verb to spoor is to track by a spoor. The dictionary notes that the origin of the word is from Afrikaans. <http://www.merriam-webster.com/dictionary/spoor>

³⁷ JUS/136/25435.10 (Acting Commissioner Bredell to Transvaal Police, March 28, 1911).

³⁸ SAP/66/CONF/8.665 (Secretary of Transvaal Police to Office of the Commandant Depot, November 15, 1911).

³⁹ *Id.*

⁴⁰ JUS/863/1.140.25 (Sub-Inspector in Charge, C.I.D, British South Africa Police, Bulaway, 4.9.1913): “Steps were then taken to obtain the services of a class of dog which would work successfully under the climatic conditions in this province...” Two police officers then in England were dispatched to the Continent “to obtain full information and, if considered advisable, purchase three Police dogs.” After visiting Germany, France, Belgium and Holland, they returned with two trained and one untrained Doberman-Pinschers at the cost of £18 and £30 per head, depending on pedigree and training.

⁴¹ I.P. de Villiers, “Dogs as Detectives in South Africa,” *Police Journal* 2 (1929): 188-192, at 190.

⁴² Aaron Skabelund, “Breeding Racism: The Imperial Racism of the “German” Shepherd Dog” *Society & Animals* 16 (2008): 354 – 371, at 355 (noting the nationalist underpinnings of dog breeding especially in Europe and how the German Shepherd was renamed “Alsatian” by the British Kennel Club due to growing animosity towards Germany).

⁴³ de Villiers, “Dogs as Detectives,” 189.

⁴⁴ Shear, “Police Dogs and State Rationality,” 208.

⁴⁵ M. Dippenaar, *A History of the South African Police*, (Silverton: Promedia, 1988) 41.

⁴⁶ Shear, “Police Dogs and State Rationality,” 207.

dogs and thirteen trainers, in 1929 Chief of Police de Villiers boasted that nearly 20 years after its establishment, South Africa's dog depot was still "the only state-owned institution of the kind in the world."⁴⁷

In his celebration of the Dobermans' abilities, de Villiers described countless cases in which dogs played a key role in cracking otherwise unsolvable mysteries. In one livestock theft, the tracks were nearly a week old and the trail over 50 miles long. Still, "Trix" successfully led police to a man who held in his possession "two sheep skins and some fresh fat." Though purely circumstantial and most definitely open to other exculpatory interpretations, the tracking and possession were sufficient to indict: the man was convicted and sentenced to two years' imprisonment with hard labor.⁴⁸

For obvious reasons, the dogs' failures received far less attention—and even concealed. After the fiascos of 1911, public demonstrations were conducted sparingly for fear of disappointment which would tarnish the canines' image: "Half the effect of these dogs lies in the morale [sic] influence they produce on the native mind, and since no dog is infallible a public demonstrated failure will cause considerable harm."⁴⁹ Still, not all mistakes could be covered up. A 1919 case offered evidence that the "dogs put on trails definitely gave wrong indications." However, the Commission of Inquiry appointed in 1937 to look into various aspects of policing dismissed such concerns, noting that since 1919 "training and control of the dogs has vastly improved."⁵⁰

A. Race Dogs: Canine Tracking's Dark Side

Why did dog tracking thrive in South Africa while failing to take root in England? Some seemingly innocuous explanations, namely differences in climate, urbanization and industrialization levels were offered by some. Describing the great success of an Alsatian picking up four-day tracks in South Africa, one English author explained that this had much to do with the fact that there was "no motor traffic with its oil leaks and petrol odour to overcome..." He speculated that with all due respect to the gifted dog and handler, similar accomplishments "would have proved impossible in England."⁵¹ The 1937 South African Report offered similar explanations, noting that "complete success with dogs cannot be looked for in towns or other thickly populated places..."⁵²

More sinister reasons, however, lurked in the shadows. In 1910 *Nongqai*, the S.A.P. journal, noted for the first time that the force was using dogs to "hunt down bare-footed negroes."⁵³ Which of these characteristics—negro or barefooted—was the significant factor was left perhaps intentionally ambiguous. As we have seen, one of the explanations for the dogs failing in their public demonstrations was that they had not been trained to track Europeans. Was it because Europeans wore shoes or usually committed crimes in urban areas that made their tracking more difficult—if not impossible? Or was it because the native's odor was believed to be more pungent? Was the belief that dogs could reliably track natives part and parcel of a broader view that colored people were somehow less human, and could therefore—both morally and physically—be stalked like animals?

Dog tracking data from South Africa indicates that the canines were employed almost exclusively to track non-whites: of 68 documented cases in which dogs were

⁴⁷ de Villiers, "Dogs as Detectives," 188.

⁴⁸ See above, at 192.

⁴⁹ SAP 21/199/26. (R.G.B. Spicer to Colonial Secretary Nairobi, September 10, 1927).

⁵⁰ *Interim and Final Report*, 69.

⁵¹ H.S. Lloyd, "The Value of Dogs to the Police," *Police Journal* 13 (1940): 206 – 222, at 209.

⁵² *Interim and Final Report*, 69.

⁵³ *Nongqai*, June 1910, p. 469.

employed before 1922, they identified European quarries in only four cases.⁵⁴ This was tied to the fact that they were employed primarily to investigate a particular kind of crime: stock-theft, a crime attributed primarily to non-Europeans.⁵⁵ For white South Africans, various factors helped explain the natives' propensity for stock theft. The 1937 Report explained that Europeans provided natives with insufficient meat rations. The natives' "craving for meat," the Report explained, was only intensified by the "kaffir beer" which "many farmers allow[ed] their natives to brew."⁵⁶ Moreover, the report noted the "inherent propensity for theft in certain kinds of natives," especially the unemployed who harbored "no love for work."⁵⁷

Stock theft was a persistent policing challenge in many of Britain's African colonies, including South Africa.⁵⁸ In many ways, stock theft epitomized the tensions between Africans and the white settler population.⁵⁹ As one children's book put it plainly, "since black people were not strong enough to drive white strangers out, they stole their cattle and ruined their houses whenever they had a chance."⁶⁰ With an export value approaching £20,000,000, stock farming was deemed "one of the most important industries in the Union."⁶¹ Stock theft, however, threatened to destroy this industry entirely. From 1933 to 1937, white settlers reported between 18,000 and 21,000 thefts per annum, of which 2,000 to 3,000 cases per year remained "undetected." As a result, some farmers were forced "to give up the farming of sheep altogether."⁶²

White farmers accused the police of not doing enough to prevent stock theft. They complained "that there are not sufficient detectives specially trained to investigate stock thefts in the areas particularly affected."⁶³ Beyond the difficulty of patrolling vast areas with rather thin police presence on the ground, prosecuting native stock theft posed its own unique challenges. First, according to police accounts, stealing from Europeans suffered no stigma within indigenous communities; often, the contrary was true.⁶⁴ This made it difficult to secure native testimony. A 1937 Report explained that from an African perspective, stock theft was regarded to be a law tailored for natives only, much like the liquor laws and location restrictions, which broadened the chasm between the police and the native population. As the Report noted, "natives regard the police as enemies and persecutors rather than protectors and friends."⁶⁵

Pursuing the culprits of such crimes also tested the limits of the SAP's investigative abilities. As one magistrate explained, the "efficient pursuit of Bushmen" required "superhuman powers":

Bushmen when fleeing pursue such devious paths that the direct distance between places is about trebled in following their spoor and to follow this latter at all requires a practical skill which seems almost miraculous to the uninitiated.

⁵⁴ Since one of the cases was infanticide, likely committed by the mother who concealed the birth, the race of the perpetrator could be assumed by the race of the dead child.

⁵⁵ *Interim and Final Report*, 63.

⁵⁶ See above, 67.

⁵⁷ See above, 64.

⁵⁸ David Anderson, "Stock Theft and Moral Economy in Colonial Kenya," *Africa* 56 (1986): 399 – 416.

⁵⁹ See above.

⁶⁰ H.E. Marshall, "The Great Witch Doctor," in *Our Empire: Stories of India and the Greater Colonies* (London: Jack Ltd. 1908)

⁶¹ *Interim and Final Report*, 63.

⁶² See above, 63.

⁶³ See above, 63.

⁶⁴ Anderson, "Stock Theft," 412.

⁶⁵ *Interim and Final Report*, 69. Laws that applied to natives only, such as liquor laws, location rules, and native labor laws were wildly unpopular and also suffered no stigma within native communities.

Traveling in the cool of the night the Bushman can cover almost as much ground as a mounted man can by day.⁶⁶

Investigating stock-theft also posed colonial governments with an insoluble dilemma in their quest to introduce British notions of justice into the colonies: frequently unable to pinpoint an individual culprit, the Government had to choose between collective punishment—which undermined colonialism’s claim to moral authority, as it stood contrary to British notions of responsibility and justice—and allowing such crimes to be carried out with impunity.⁶⁷ Tracking dogs offered a solution to such challenges and quandaries: the dogs helped isolate an individual culprit and bring him to justice, even if he was not the true offender. Police dogs were therefore dispatched to districts in which suffered most from stock theft incidents.⁶⁸

B. Tapping Superstition: The Psychological Effects of Dogs Upon Indigenous Populations

Though colonial authorities knew dog tracking’s scientific foundations to be feeble, they consciously drew on dogs’ psychological and mythical effects on local criminals to justify their use. South African police reports and correspondences noted with satisfaction the dogs’ “great impression upon the natives...”⁶⁹ and the “morale [sic] influence they produce on the native mind.”⁷⁰ Substantiated or not, the conventional wisdom was that Africans feared dogs and attributed to them supernatural powers.⁷¹ An experienced handler, who came to realize the dogs were “a hopeless failure” in actually identifying perpetrators, implied that Africans picked at identification parades by dogs very often confessed due to fear, even when other evidence suggested their innocence.⁷² Since out-of-court confessions were sufficient in and of themselves to prove guilt, it was immaterial whether or not the dogs were accurate. If natives *believed* the dogs possessed such powers, that itself could help reduce crime and lead suspects to confess to crimes—even if they did not commit them. Even a false confession would allow the police to consider the dog tracking “successful” and deem the case closed.

In reality, dogs occupied a more ambiguous position in many African cultures: they were valued for their outstanding abilities yet at the same time considered by some to be the agents of misfortune or evil. Dogs were valued as hunters, herders and night-watchers. But ethnographic studies from the late nineteenth and early twentieth century suggest that dog tracking struck a deeper cultural chord: in her well known 1936 book

⁶⁶ Martin Legassick, “From Prisoners to Exhibits: Representations of Bushmen of the Northern Cape, 1880 – 1900” in *Rethinking Settler Colonialism: History and Memory in Australia, Canada, New Zealand and South Africa*, ed. Annie E. Coombes (Manchester: Manchester University Press, 2006) 63 – 99, at 72.

⁶⁷ For a discussion of how this dilemma manifested itself in Egypt, see Frederic M. Goadby, *Commentary on Egyptian Criminal Law and the Related Criminal Law of Palestine, Cyprus and Iraq* (1924) 319 (referring to the work of Sir Malcolm McLlwraith he notes how “the abandonment of the ‘primitive but effectual’ methods which formerly existed of enforcing a sort of communal responsibility for crime has directly tended to enhance the difficulties in the way of its suppression and detection, though he admits that the advance of civilization has made such abandonment necessary.”)

⁶⁸ JUS 822.1.403.24 (Memo by Commissioner of Police entitled “Removal of Police Dogs from Aliwal North to Sterkstroom,” October 21, 1926, following spike in stock theft in Sterkstroom, despite protest by the Aliwal North Farmers’ Association).

⁶⁹ JUS 863 1/139/25 (Reports on Work Done by Police Dogs Office of the District Commandant, Krugersdorp to Deputy Commissioner of South African Police, 2nd October 1914)

⁷⁰ SAP 21/199/26 (R.G.B. Spicer to Colonial Secretary Nairobi, September 10, 1927).

⁷¹ Robert J. Gordon, “Fido: Dog Tales of Colonialism in Namibia,” in *Canis Africanis: A Dog History of Southern Africa* eds. Lance van Sittert & Sandra Swart (Leiden: Brill, 2008) 173 – 192, at 188 (“It was an article of faith that Africans were by nature scared of dogs, even if everyone repeated stories about thieves poisoning fierce dogs or making friends with them.”)

⁷² Shear, “Police Dogs and State Rationality,” 210 (citing NA K80, 71, Police Inquiry Commission, evidence of Constable Barnard, 5871-9)

“Reaction to Conquest,” anthropologist Monica Hunter enumerated dogs among the witch familiars, beings which appear as humans or animals and with which those engaged in witchcraft have “sexual connexion and by means of which they illegally destroy life and property.”⁷³ According to Hunter, a dog jumping on a hut or urinating in it were believed to be omens of misfortune.⁷⁴ In other African cultures, a dog’s stare was believed to cause disease or even terminate pregnancy.⁷⁵ Howling dogs, like hooting owls, were believed to foretell death.⁷⁶ In Swaziland, to deter misfortune, a dog entering a hut during childbirth was not removed until the baby had ridden its back. A.T. Bryant recounts a tradition in which a “magic dog” settled a chieftaincy dispute by picking one of the claimants out of a parade.⁷⁷

In South Africa, the act of smelling itself had cultural significance in relation to bad deeds and witchcraft. In isiXhosa, spoken by the Xhosa of Southern Africa, as in other languages, the verb “to smell” represented the action whereby diviners revealed the sources of witchcraft.⁷⁸ In his “Compendium of Kafir Laws and Customs,” Maclean describes such a ritual of *Umblablo* or “smelling out” for witchcraft.⁷⁹ That colonial authorities would draw on such culturally laden symbols to track criminals helped reinforce perceptions of colonial policing and governance as a form of witchcraft.⁸⁰

British enlistment of superstition to enhance the dogs psychological effect highlights the duality of the Doberman and the irony of its use in the colonies: it was simultaneously both modern and primitive, appealing to both the scientific (or pseudo-scientific) sensibilities of the European and the superstitions and fears—real or attributed—of the native. Some historians of empire have observed that science represented a “tool to cut through some of the dilemmas that more humanistic, interactive methods of translation and understanding failed to resolve.”⁸¹ Yet as the use of tracking dogs illustrates, the humanistic dilemma did not always stand *contrary* to science; in dog tracking, both were merged to exercise effective authority and control. That colonial authorities would tap superstition in this manner is particularly ironic given Britain’s “civilizing mission”: the European’s preeminence over the native was believed to be his capacity for scientific reasoning, manifested in European efforts to *eradicate* witchcraft and traditional medicine.⁸² Law in particular, as Luongo observes, was “a primary avenue through which the state sought to discipline and deny witchcraft.”⁸³ Therefore, for the colonial legal system to enlist superstition was particularly incongruous.

In employing dogs to psychological ends, South Africa was not unique. In their socio-historical analysis of the relation between dogs and social control, Pucket and Lilly trace dogs’ checkered past throughout human history: for centuries dogs were used by Europeans to subdue and intimidate native and slave populations.⁸⁴ Some breeds, such as

⁷³ Monica Hunter, *Reaction to Conquest: Effects of Contact with Europeans on the Pondo of South Africa* (London: Oxford University Press, 1936), 275.

⁷⁴ See above, 287.

⁷⁵ Peter Mitchell, “The Canine Connection II: Dogs and Southern African Herders,” *Southern African Humanities* 26 (2014): 1-19, at 13.

⁷⁶ Eileen Jensen Krige, *The Social System of the Zulus* (Pietermaritzburg: Shuter & Shooter, 1957; first ed. 1936), at 325.

⁷⁷ Shear, “Police Dogs and State Rationality,” 214.

⁷⁸ See above.

⁷⁹ John Maclean, *A Compendium of Kafir Laws and Customs* (London: Cass, 1968; first edition 1858), at 91-95.

⁸⁰ See generally: Clifton Crais, *The Politics of Evil: Magic, State Power, and the Political Imagination in South Africa* (Cambridge: Cambridge University Press, 2002)

⁸¹ Diana Jeater, *Law, Language and Science: The Invention of the Native Mind in Southern Rhodesia, 1890-1930* (Portsmouth, NH: Heinemann, 2007) at XIII.

⁸² See above. For a discussion of how witchcraft in particular hindered British efforts to govern see Katherine Luongo, *Witchcraft and Colonial Rule in Kenya, 1900 – 1955* (Cambridge: Cambridge University Press, 2011) at 88 – 9.

⁸³ See above, at 91.

⁸⁴ J. Robert Lilly and Michael B. Puckett, “Social Control and Dogs: A Sociohistorical Analysis,” *Crime and Delinquency* 43 (1997): 123 – 147.

the Rhodesian Ridgebacks, were bred for precisely that purpose. Dogs played a significant role in the Spanish conquest of the New World.⁸⁵ During the Mau Mau Uprising, dogs were used by the British to maul suspects.⁸⁶ Doberman Pinschers in particular were not only bred to discipline and punish: physical features such as their ears and tails were artificially manipulated to enhance their intimidating appearance.⁸⁷ The white man's best friend was thus bred and trained to be the colored man's worst enemy.

It is therefore not surprising that in African postcolonial literature and struggles for independence dogs came to symbolize European colonialism itself⁸⁸: in Thiong'o's *A Grain of Wheat*, African Lieutenant K. rapes white Dr. Lynd, representing the black man's revenge against British colonialism, with the victim becoming the perpetrator.⁸⁹ In a later edition, Dr. Lynd's rape is replaced by the killing of her dog.⁹⁰ In South African literature, Europeans were often depicted as caring more deeply and better treating their dogs than their native servants.⁹¹ In Kenya, Mau Mau Rebels scornfully referred to the loyalist Home Guard as "the running dogs of British Imperialism."⁹² Mau Mau rebels would nail headless dogs to government notice boards. Against this background, in 2012 South African President Jacob Zuma referred to pet-dog ownership by black Africans as an attempt to "emulate whiteness."⁹³

C. Quasi-human or Superhuman? Two and Four Legged Trackers

"No one can treat a man like a dog without first regarding him as a man."

Jean-Paul Sartre, Introduction to Albert Memmi's, *The Colonizer and the Colonized*

In occupying a liminal space between science and superstition, culture and nature, domesticity and wilderness,⁹⁴ colonial approaches to dog-tracking paralleled a duality evident in depictions of the African and Australian Bushmen,⁹⁵ American-Indian, and the Bedouin tracker as well: perhaps paradoxically, to European eyes all fluctuated

⁸⁵ John Grier Varner & Jeanette Johnson Varner, *Dogs of the Conquest* (Oklahoma: University of Oklahoma Press, 1983)

⁸⁶ Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* (New York: Henry Holt, 2005), at 86. As one police officer later recounted, when questioning an old man one interrogator "set his dog at the old fellow. The animal got him to the ground, ripped open his throat, and started mauling his chest and arms. In spite of his screams, my companions just grinned. It was five minutes before the dog was called off."

⁸⁷ Lilly & Pucket, "Social Control and Dogs."

⁸⁸ For a fascinating reversal, which portrays the dog as symbolizing the colonized in the Arab-Israeli context, see Uri Cohen's analysis of S.Y. Agnon's *Only Yesterday*. Uri S. Cohen, "Only Yesterday: A Hebrew Dog and the Colonial Dynamics in Pre-Mandate Palestine," in *A Jew's Best Friend? The Image of the Dog Throughout Jewish History*, Phillip Lieberman-Ackerman & Rakefet Zalashik eds. (Brighton: Sussex Academic Press, 2013).

⁸⁹ Patrick Williams, *Ngugi Wa Thiong'o* (Manchester: Manchester University Press, 1999), at 71.

⁹⁰ Brendon Nicholls, *Ngugi Wa Thiong'o, Gender, and the Ethics of Postcolonial Reading* (Burlington: Ashgate, 2010) at 110.

⁹¹ Wendy Woodward, "Social Subjects: Representations of Dogs in South African Fiction in English," in *Canis Africanus: A Dog History of Southern Africa* eds. Lance van Sittert & Sandra Swart (Leiden: Brill, 2008), 235 – 262.

⁹² David Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire* (New York: W.W. Norton, 2005), at 239.

⁹³ http://www.nytimes.com/2012/12/28/world/africa/south-africas-president-gives-a-biting-critique-of-pets.html?_r=0. For a similar phenomenon in Iran see Saeed Kamali Dehghan, "Iran: Threat of Lashes or Fine for Walking the Dog," *The Guardian*, November 6, 2014. <http://www.theguardian.com/world/2014/nov/06/iran-dog-owners-40-lashes-pets-islam>

⁹⁴ For an excellent analysis of dog's liminal nature in the European imagination see Aaron Herald Skabelund, *Empire of Dogs: Canines, Japan and the Making of the Modern Imperial World* (Ithaca: Cornell University Press, 2011) pp. 6-7 ("As creatures of metaphor, dogs oscillate between high-status animals and low-status people. They are said simultaneously to possess admirable traits (such as bravery) that make them akin to humans and despicable attributes (such as filth) that render them unalterably inferior—or in the minds of some, like "Other" humans.")

⁹⁵ On the African Bushmen see Alan Hattersley, *The First South African Detectives* (Cape Town: Timmins, 1960) at 168 ("Bushmen were the finest trackers in the world. Moreover they could maintain existence under conditions of extreme hardship that would kill any civilised man within seventy-two hours. In the field of detection primitive skills may yet play a significant role.")

between quasi-human and superhuman, “Shaman” and “Sherlock.”⁹⁶ What they were believed to lack in intelligence they were thought to possess in keener instincts and intuitions, being more deeply connected to their natural environment. They displayed the ability to observe even the minutest interferences in nature in a way that European city dwellers had lost. For both native human and canine trackers the distance from nature posed the grave danger of blunting these sharp instincts and—given their lack of intelligence comparable to that of the European—rendering them utterly redundant.⁹⁷

Colonial court decisions in both South Africa⁹⁸ and Canada⁹⁹ made the analogy between indigenous and canine trackers explicit: when addressing the admissibility of dog-tracking evidence—a topic I shall take up shortly—both asked whether such proof would be admitted had it been the testimony of a native tracker who was unable to communicate his findings verbally, rather than of a dog. In South Africa, Justice Graham urged his readers to “Conceive a case where the police possessed the services of a native whose language no one in South Africa understood.” Similarly, a Canadian judge wrote: “Let it be supposed that the most skillful of these [natives] was employed to track the murderer, and that he had followed courses such as those taken by the dogs...” In both cases, there was nothing inherently significant about the tracker in the example being *indigenous*; the point would have been equally valid had they chosen a non-native example. Yet both judges found it useful to analogize the native tracker to his canine counterpart.

Len Hynds, a British military policeman serving near the Suez Canal also made the comparison between canine and human tracker explicit when describing the work of his Sudanese tracker Ibrahim: “As I was making notes as to what had been taken, Ibrahim was circling around, sniffing the ground like a dog.”¹⁰⁰ In 1950s Kenya during the Mau Mau Uprising, British forces would combine these two kinds of trackers to form “Tracker Combat Teams” (T.C.T.) charged with “deep penetration tactics,” using Kikuyu and Sudanese trackers alongside canines for the task.¹⁰¹

While employing tracking dogs may have undermined Britain’s civilizing mission by building upon and reinforcing superstition, it underwrote the civilizing mission in at least two ways, one aimed at a native and the other at a European audience. To European eyes, one manifestation of African savagery was the attributed wanton violence and cruelty that the natives displayed towards animals.¹⁰² Replacing native trackers with dogs—who were believed to be *better* trackers—signaled to natives that dogs—and animals more generally—were worthy of their respect and fear. Shifting to a British audience, dog breeding—like colonialism—symbolized the European’s ability to master, harness and advance nature: it manifested asymmetrical power relations in which an unpredictable subject was brought to realize the usefulness of this skills and was trained to be a loyal servant of the colonizer’s ends.¹⁰³

⁹⁶ See generally, Gina Macdonald & Andrew Macdonald, *Shaman or Sherlock? The Native American Detective* (Westport, CT: Greenwood Press, 2002).

⁹⁷ For a discussion of how domestication corrupted the Arab ‘noble savage’ see Toby Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied* (New York: Columbia University Press, 2005). For a discussion of how bloodhounds may have “lost their nose” see H.S. Lloyd, “The Value of Dogs to the Police,” *Police Journal* 13 (1940): 206 – 222, at 210.

⁹⁸ *R. v. Kotcho*, 104 [1918].

⁹⁹ *R. v. White* (British Columbia) 1926, 5 D.L.R. 2.

¹⁰⁰ <http://www.thespeechlesspoet.co.uk/true%20stories/desert/Ibrahim%20-%20The%20Sudanese%20Tracker.html>

¹⁰¹ Huw Bennett, *Fighting the Mau Mau: The British Army and Counterinsurgency in Kenya* (Cambridge: Cambridge University Press, 2012) at 27.

¹⁰² Brett L. Shadle, “Cruelty and Empathy, Animal and Race, in Colonial Kenya,” *Journal of Social History* 45 (2012): 1097 – 1116, at 1099.

¹⁰³ Skabelund, *Empire of Dogs*, at 7.

D. Trial by Canine: Debating the Admissibility of Dog Tracking Evidence

“[The dog] hath a share of man’s intelligence, but no share of man’s falsehood. You may bribe a soldier to slay a man with his sword, or a witness to take life by false accusation; but you cannot make a hound tear his benefactor. He is the friend of man, save when man justly incurs his enmity.”

Sir Walter Scott, *Talisman*

Since introduced, tracking-dogs played a crucial role in policing South Africa. But would their evidence be admissible in court? From the fact that a method could be used by police to investigate it did not necessarily follow that the outcomes of dog tracking would be admissible in a court of law: like lie-detectors, the lack of proper scientific foundation could lead to inadmissibility, effectiveness in investigation notwithstanding.

In cases where dogs led to independent physical evidence such as stolen goods, the probative value of such proof would be independent of the fact that a dog had led to it.¹⁰⁴ But considering that one of the dogs’ uses was to elicit confessions from suspects, could such admissions truly be considered “free and voluntary” given the dogs’ psychological effect¹⁰⁵? Or perhaps the danger of false confessions would exclude such admissions or at least deem them insufficient to prove guilt? More significantly, where no confession was obtained, could the dog’s tracking itself prove the criminal’s identity? And could two dogs corroborate each other’s evidence?

The legal debate on the admissibility of dog tracking turned on evidentiary categorizations. Were dogs direct or “expert witnesses,” testifying (by barking and pawing) about a match between the spoor detected at the crime scene and the unique scent of the defendant? Either way, the admissibility of their “testimony” would depend on their availability for cross-examination. If instead they were regarded as sophisticated olfactory devices operated by their expert dog masters, their handlers would have to convince the court of the scientific principles upon which they operated, with special attention paid to their training and potential error rates.

The police and prosecution’s stance was that dogs were mere instruments. Dog-masters emphasized the scientific nature of dog tracking in their testimony, demonstrating inter-subject, temporal and spatial consistency.¹⁰⁶ Typically two dogs were brought to a crime scene to ensure that both followed the same trail or identified the same suspect at an identification parade.¹⁰⁷ Suspects at identification parades were rearranged to demonstrate the dogs’ consistency.¹⁰⁸ To this end, handling protocols insisted that in scientific, blind-testing fashion “[the handler] should not be informed of the name or the whereabouts of any suspects, nor of the direction in which an offender may be believed to have left the scene of the crime.”¹⁰⁹ Yet such precautions could not fully control for systemic failures whereby the dogs mistakenly followed a stronger or

¹⁰⁴ I refer here to the evidentiary aspect, rather than the procedural question of whether, and under what conditions, the police could employ dogs. The legality of a search was a question also raised in South Africa in *Jan Mentor v. The Union Government*, a suit for damages caused in the course of a dog search. See JUS/822.1.403.24.

¹⁰⁵ See for example “Funeral of the Holy Avraham Goldschlager: Arab who Confessed to murder of Officer Olderson and the Jews in Karkur Arrested,” *Hatzofeh* (in Hebrew), March 2, 1938. The newspaper recounted how the military surrounded the village of Kafrin and the dog twice identified the same suspect. The suspect confessed to possession of a weapon and involvement in the murder of Dr. Olderson, a military doctor murdered two weeks prior, as well as a number of additional murders.

¹⁰⁶ Shear, “Police Dogs and State Rationality,” at 197.

¹⁰⁷ See JUS/863-1.139.25 Reports on Work Done by Police Dogs. See in particular R.C.I. 6 and R.C.A 40 of 20.1.1918; RCI 10 of 3.1.1919.

¹⁰⁸ See JUS/863-1.139.25 Reports on Work Done by Police Dogs. See in particular RCI 2 of 27.11.18; RCI 10 of 3.1.1919.

¹⁰⁹ SAP/92/1.3.23.2 (Office of the Commandant to Commissioner of South African Police, 16.10.1928).

fresher scent at the crime scene. Still, at least initially South African courts admitted dog tracking to help prove identity. They accepted the Solicitor General's stance that the dog-masters were experts who had "studied *as a science* the movements and habits of police dogs" (emphasis added), rendering the dogs "mere instruments."¹¹⁰ Some defendants were convicted based solely on dog detection.¹¹¹

The first fissures in this approach appeared in 1918. During oral arguments before the High Court in *R. v. Katcho*, the defense attorney amassed an arsenal of objections to dog-tracking admissibility, even as corroborative evidence. His main argument was that this was hearsay, pure and simple: pawing was the manner whereby dogs spoke. Yet their testimony was neither offered on oath nor was effective cross-examination practicable.¹¹²

The dog indicated the prisoner by pawing him. That was the dog's equivalent of speech; it was information conveyed to the police by the dog and subsequently related by them to the Court. It was not evidence on oath, there was no possibility of cross-examination, the dog was not produced and if it were it could not be cross-examined...

To illustrate his argument, the defense attorney provided an analogy of a deaf, dumb and blind human tracker with a keen sense of smell who was able to act like the police dog: "supposing such a man followed up a scent could it be said that the police would be able to give in evidence the indications this man had given to them?" If this was true of human witnesses, it would naturally be true of canines as well. He added: "The police had misconceived the purpose of these dogs which was to track criminals and not to build up the case in Court." Moreover, the attorney emphasized that even if the dogs could speak, their evidence would be inadmissible. The *dogs'* evidence was indirect, since they themselves had not witnessed the crime: "the dog was put on the scent in the absence of the prisoner. It was clearly not part of the *res gestae* as the crime had been completed." Unless they could be qualified as experts, such opinion evidence would be inadmissible. Finally, even if the dog was to be considered an "expert," his evidence was "given second-hand and without any testimony whatever that the person giving it was qualified."¹¹³

Judge Graham in oral argument agreed that there "was something intangible that could not be tested" about scent, that distinguished it from fingerprints or even footprints and therefore deemed its admissibility problematic. Judges simply had no way of evaluating and examining dog tracking even if presented to them. He went on to write that "lunatics and persons in state of intoxication were not competent to give evidence on the ground that they were not in a rational state." Therefore, he reasoned "an irrational creature like a dog" should be subject to the same rule. He further noted that even if the dog master was seen to be the witness, the evidence would be inadmissible since "the testimony was clearly hearsay." He concluded that "It would be a dangerous innovation to allow the introduction of the evidence of irrational animals which were actuated by instincts of which we knew but little and could regulate only in a limited

¹¹⁰ See for example *R. v. Katcho*.

¹¹¹ SAP/92/1.3.23.2. *R. v. Dartbeus* (circuit court in Heidelberg sentenced a man to five years for housebreaking by night with intent) and *R. v. Sokoins* (Pretoria).

¹¹² SAP/92/1.3.23.2.

¹¹³ SAP/92/1.3.23.2.

degree.” Ultimately, Graham ruled the evidence both irrelevant and inadmissible.¹¹⁴ Nevertheless mindful of not rendering the Dog Unit redundant, he pointed out that the dogs may still lead to other probative evidence that would be admissible in its own right.

Still, judges in South Africa’s lower courts continued admitting dog evidence even after *Katcho*. The reason appears to be that the judgment was not readily available in other parts of the Union.¹¹⁵ It was only after another High Court case, *R. v. Trupedo* in 1920, that dog tracking was truly excluded. In *Trupedo*, Chief Justice Innes agreed with Graham that the dogs’ “testimony” constituted inadmissible hearsay, with all its concomitant dangers, but added some additional concerns¹¹⁶: beyond the dog’s unavailability for cross-examination, the dogs’ “assertions” when giving tongue, laying their paws on a suspect or barking at an individual at an identification parade were prone to “misunderstanding between the animal and his keeper.” Other common law jurisdictions such as Canada followed similar logic when excluding dog-tracking evidence.¹¹⁷

Unlike Graham, Innes did not believe canine instinct and lack of rationality were obstacles to admissibility; quite the contrary. Innes ruled that dogs might provide useful circumstantial evidence. In some cases, he wrote, “inferences may be quite properly drawn from the behaviour of animals.” For example, where a dog had failed to bark upon the entrance of an intruder, one could properly infer that the trespasser was someone familiar to the dog. This was not, however, the case when prosecutors sought to introduce tracking and identification of an individual perpetrator, previously unknown to the dog. In distinguishing permissible and impermissible inferences from canine behavior, Innes contrasted between behavior that was “instinctive and invariable” and skills for which animals “must be carefully trained before they can be relied upon.” Whereas the former were founded upon the “instinct of self-preservation,” the latter involved “processes closely akin to reasoning.” As such—somewhat counter-intuitively—whereas instinct was reliable enough to be admissible, skills honed through training were not. Reasoning and analogous processes were attended by risks of error and, more importantly, the insincerity of either dog or handler. Beyond the differences in manipulability, instinct never claimed similar reliability, therefore not raising comparable risks to judge and jury.¹¹⁸

Innes ruled that as 1920 science stood, dog tracking lacked the proper scientific foundation to deem it admissible. “We have no scientific or accurate knowledge as to the faculty by which dogs of certain breeds are said to be able to follow the scent of one human being, rejecting the scent of all others.” Properly analyzed, he ruled, dog tracking belonged in the “region of conjecture and uncertainty” rather than science.

The exclusion of dog tracking evidence in criminal trials did not, however, mean that spooing did not result in punitive measures: in many provinces, “Spoor Laws” allowed collective fining of kraals and locations to which dogs or bushmen had tracked stolen stock. In 1937, such measures were recommended throughout the Union.¹¹⁹

¹¹⁴ SAP/92/1.3.23.2. (“Movements of Police Dogs,” *Rand Daily Mail*, Johannesburg, Saturday, May 11, 1918. “Police Dogs Not ‘Evidence’” *Rand Daily Mail*, Johannesburg, May 22, 1918).

¹¹⁵ SAP/92/1.3.23.2. District Commandant No. 71 to Deputy Commissioner, Pretoria, 7.10.1919.

¹¹⁶ See *R. v. Trupedo*, 1920 SALR (AD) 58.

¹¹⁷ See for example *R. v. White* (British Columbia, 1926, 5 D.L.R. 2). This trend began changing only during the 1960s and 1970s, when Canadian and New Zealand courts began admitting canine tracking evidence.

¹¹⁸ Innes’s opinion echoed a distinction made by some between dog and hound: See, for example Lloyd, “The Value of Dogs,” 206. (“A dog when once he gets to like his handler and is properly trained, works for the pure love of pleasing his handler... The hound, on the other hand, seems to work entirely on his own, by inherited instinct, and has little or no affection for his handler, or any desire to please him, but hunts to please himself.”)

¹¹⁹ *Interim and Final Report*, 68.

Despite their known shortcomings and inadmissibility in South African courts, South African trained Dobermans became a sought-after crime-detection technology throughout the British Empire. British officials in neighboring Batusoland, Swaziland and Bethuanaland permitted cross-border tracking by SAP dogs and sought their assistance in unsolved crimes. Between 1918 and 1939, SAP was approached by the police forces of Southern Rhodesia,¹²⁰ Kenya,¹²¹ Palestine, Burma,¹²² India, New Zealand and Australia¹²³ with requests to train handlers and supply dogs.¹²⁴ However, inability to complete the demanding dog master training, prohibitive costs, and the shortage of supply in relation to demand meant that foreign police forces were often unable to acquire trained Dobermans. The racial dimension of dog tracking was further displayed in the choice of handlers: only white members of colonial police forces were admitted to the dog-master training, thus imposing additional hurdles to acquiring the dogs.¹²⁵ For reasons explored fully in the next section, canines came to play their most significant law enforcement role in 1930s and 1940s Palestine.

III. Dog Tracking in Palestine: From Bedouin Trackers to Doberman Pinschers

A. From Rifles to Notebooks: A Shifting Paradigm in Colonial Policing

In late 1934, the Palestine Police inaugurated its Dog Section. The establishment of the Dog Section was part of broader reforms in the Palestine Police following the 1929 “disturbances,”¹²⁶ which claimed nearly 250 lives and left an additional 500 injured. The government not only failed to prevent or stop the violence; following the disturbances it was also unsuccessful in bringing perpetrators to justice. In as many as 420 indictable offenses the accused remained “unknown.” Furthermore, crimes that were prosecuted resulted in a 40% acquittal rate.¹²⁷ Explanations for the government’s failures varied and were hotly disputed: the force’s size (especially its British contingent) was believed to be inadequate, its intelligence service deficient, and its leadership wanting. All these contributed to the outbreak and escalation of violence. As for the failure to secure convictions, Zionist leaders accused the local contingent of the police force of corruption, claiming that Arab witnesses—including policemen—had perjured themselves and thus thwarted justice.¹²⁸

Following the disturbances, Inspector General of the Ceylon Police Herbert Dowbiggin—a renowned authority on colonial policing—was dispatched to Palestine to advise on necessary reforms.¹²⁹ His recommendations were somewhat counterintuitive: rather than reinstating the militarized gendarmerie that Palestine’s High Commissioner

¹²⁰ JUS/863/1.139.25.

¹²¹ JUS 21/199/26 Police Dogs-Kenya Police

¹²² SAP 296-21.22.38.

¹²³ See above.

¹²⁴ Shear, “Police Dogs and State Rationality,” 205.

¹²⁵ SAP 21/20/38.

¹²⁶ “Disturbances” is the British term used by the British. In Hebrew the events are commonly referred to as *P’raot Tarpat* (1929 Pogroms). In Arabic they are known as *Thawrat al-Buraq* (“The Wall Revolt”).

¹²⁷ See *Palestine Blue Book for 1929* (Jerusalem: Government Printer, 1930) at 343. These were the statistics at the end of 1929. Despite government efforts to prosecute these cases quickly, and the erection of special tribunals for this purpose, many cases were still pending at the end of the year. Though these statistics did not differ drastically from Palestine’s peace-time conviction rates—which hovered around 60% stakes were higher and sentiments ran deeper: the Arabic and Hebrew presses in Palestine, as well as the British press, were watching carefully and severely criticized their outcomes.. In magistrates courts the conviction rate was generally higher—around 75% in 1929

¹²⁸ *Report on the Scope, Character and Result of the Judicial Proceedings Upon the August 1929 Riots in Palestine* (ISA P 758/4).

¹²⁹ See Martin Kolinsky, *Law, Order and Riots in Mandatory Palestine, 1928-1935* (London: St. Martin’s Press, 1993) at 100-101.

Lord Plumer had disbanded in 1926, Dowbiggin recommended a shift towards a more “civilian” or “blue” police force. Critics sarcastically commented that Dowbiggin recommended replacing “old mounted warriors” with “pimple-faced youths from the training school.”¹³⁰ While the Palestine Police would continue drawing heavily from the Royal Irish Constabulary—the notorious “Black & Tans”—Dowbiggin hoped that unlike its colonial counterparts the Palestine force would distance itself from the Irish militarized model that dominated the Empire.¹³¹ According to Dowbiggin’s vision Palestine’s policemen would be well educated—they now had to pass literacy tests—and better integrated among themselves (Arabs, Jews and Britons) and within the communities they served. They would be armed with notebooks rather than rifles.¹³² This was part of a broader vision for bridging the state/society gap, making the colonial police at least *appear* less coercive or external to the population that they policed.

A major component in Dowbiggin’s reform proposal was the restructuring of the Criminal Investigation Division (C.I.D.). Drawing on Ceylon’s pioneering forensic laboratory experience, and representing another aspect of the shift from rifles to notebooks, Dowbiggin emphasized two issues in his report: the force’s scientific training and its intelligence-gathering capabilities.¹³³ Though less reliant on muscle, these new methods still bore the potential of unraveling Palestine’s social fabric by sowing fear and distrust, especially through the expansion of the British web of informants.¹³⁴ Though perhaps less obvious, the forensic turn also broadened the state/society gap by making the colonial state omnipresent and unhindered by temporality or space: forensic science rendered crimes detectable even if no one had witnessed them or was willing to come forth. Though crime-scene legibility was good news for law enforcement, forensic science’s independence from eyewitnesses was double edged: it freed the colonial governments from native cooperation, but alienated the policed population by rendering them passive objects of surveillance rather than active participants in policing their own communities. The turn from rifles to notebooks was therefore not necessarily always consistent with the effort to bridge between state and society.

To implement Dowbiggin’s recommendations, in 1932 a forensic laboratory was established at Palestine Police Headquarters on Mt. Scopus, ushering in a new era in policing.¹³⁵ Police now regularly conducted ballistic, blood and semen analyses, identified firearm markings and fabrics.¹³⁶ In his celebratory history of the Palestine Police Edward Horne perhaps exaggerates when remarking that “Palestine had one of the first police forces in the world to explore the possibility of forensic science as an aid to detection and conviction.”¹³⁷ Forensic science had been available for decades in other parts of the British Empire including India, Ceylon, and neighboring Egypt.¹³⁸ Yet it bears mention that the laboratory in Palestine was established three years before its English counterpart,

¹³⁰ Gad Kroizer, “From Dowbiggin to Tegart: Revolutionary Change in the Colonial Police in Palestine During the 1930s,” *Journal of Imperial and Commonwealth History* 32 (2004): 115 – 133.

¹³¹ For an analysis of the “Irish Model” and its influence on the colonies see *Policing the Empire: Government, Authority and Control, 1830-1940*, eds. David M. Anderson & David Killingray (Manchester: Manchester University Press, 1991), Chapter II in particular.

¹³² Kroizer, “From Dowbiggin to Tegart,” 115.

¹³³ Concerning the focus on political intelligence, see Kolinsky, *Law, Order and Riots*, 101.

¹³⁴ See generally, Hillel Cohen, *Army of Shadows: Palestinian Collaboration with Zionism, 1917 – 1948* (Berkeley: University of California Press, 2008).

¹³⁵ Edward Horne, *A Job Well Done: A History of the Palestine Police Force, 1920 – 1948* (Lewes, East Essex: Book Guild Publishing, 2003) 471.

¹³⁶ Horne, *Job Well Done*, 471.

¹³⁷ See above, 471 and Norman Ambage & Michael Clark, “‘Unbuilt Bloomsbury’: Medico-Legal Institutes and Forensic Science Laboratories in England Between the Wars,” in *Legal Medicine in History* eds. Michael Clark & Catherine Crawford (Cambridge: Cambridge University Press, 1994), 293-4.

¹³⁸ Sydney Smith, *Mostly Murder* (London: George G. Harrap & Co., 1959)

further suggesting the relation between colonialism and the development of forensic science as well as the Empire's role—quite literally—as ‘laboratory.’¹³⁹

Forensic sciences were quickly incorporated into the Palestine Police's everyday work. New recruits were brought to Headquarters and given a “smattering of forensic stuff, such as the theory of blood grouping and the test for human or animal blood.” They were “taught a bit about the impact of various calibers of firearm bullets,” given “an outline of the fingerprint classification system, and how to search for, identify and remove a fingerprint from the scene of a crime.” They were also “given instruction in footprints, and in general what to look for and how to investigate various types of crime.”¹⁴⁰ Crime scene investigators were provided with “Medico-Legal and Post-Mortem Specimens” forms to help them collect and label samples and ensure their later admissibility as exhibits in court. By 1937 a medico-legal course was also offered at the Jerusalem Law Classes.¹⁴¹

Forensic science addressed many of the deficiencies that impeded investigation and prosecution during the 1929 disturbances. Forensic sciences provided the colonial state access to evidence, bodies and crime scenes, unmediated by the indigenous population. These new technologies rendered crime scenes legible—and with the help of experts, verbal—without relying on the cooperation of local eyewitnesses. The universal language of science also provided a semblance of precision, objectivity and equality, especially in Palestine, where the British were accused by both Arabs and Jews of siding with the other party. With fresh memories of the police's ineptitude in bringing perpetrators to justice during the 1929 disturbances—mainly due to witness non-cooperation (whether due to ideology or due to witness intimidation), and with mounting British fear of recurring unrest in Palestine, such unmediated access was deemed indispensable. Establishing a dog section fit neatly within this brave new vision of policing, though it evoked a host of unique issues.

B. Breeding Injustice: Establishing Palestine's Dog Section

Initial aversion to the use of dogs in Palestine may have stemmed, at least in part, from Muslim distaste for them, an issue I shall take up more fully below.¹⁴² This may also explain why the Ottoman police did not use dogs. The Ottomans may have also believed there was no need for them: asked in 1933 why dogs were not employed by the Ottomans, Ibrahim *Bey* Stambouli, a veteran of the Ottoman police, reportedly responded, “Why would they? They had village trackers which are better than any dog.”¹⁴³

The African connection between native and canine trackers would continue in Palestine. The precise impetus for importing South African dogs can be pinpointed to a particular failure by the Bedouin trackers: the 1934 murder investigation of Dr. Haim Arlosoroff, head of the Political Department of the Jewish Agency. The prosecution hoped that the Bedouin trackers' testimony would provide the necessary corroboration for the widow's identification of Abraham Stavsky and Zvi Rosenblatt, two members of the rival Revisionist party. Yet at trial, both trackers—Abu Ruz and Abu Irgaig—were deeply discredited by defense attorney Horace Samuel who laid bare the fallibility of their methods: rather than following the footprints of the alleged murderers, cross-examination revealed that they had likely followed footprints left by policemen who

¹³⁹ Ambage & Clark, “‘Unbuilt Bloomsbury,’” 293–4

¹⁴⁰ Colin Imray, *Policeman in Palestine: Memories of the Early Years* (London: Lazarus Press, 1999), 99.

¹⁴¹ ISA M 5102/11; M 5102/12.

¹⁴² Yusuf Al-Qaradawi, *The Lawful and Prohibited in Islam* (Indianapolis, IN: American Trust Publications, 1994) 116.

¹⁴³ Horne, *Job Well Done*, 454.

arrived at the scene earlier.¹⁴⁴ In his acquittal of Stavsky on appeal Chief Justice McDonnell concluded that the tracker's evidence should have been given absolutely no credit.¹⁴⁵

The evidence of the trackers was in many ways unsatisfactory. The undoubted confusion of the tracks which they followed, with tracks showing spur chains that were clearly those of a mounted constable... are enough to make it difficult to accept this evidence, especially in view of the circuitous route followed by the debated tracks.¹⁴⁶

Given the political tensions surrounding the case, Stavsky's acquittal was a painful setback for the Palestine Police and the Attorney General. Despite considerable resources invested in the investigation, overseen directly by head of the C.I.D Harry Rice, a conviction could not be secured. The high profile of the case focused attention on Bedouin tracking skills and methods, placing them under considerable public scrutiny and raising profound doubts concerning their reliability.¹⁴⁷ Ironically, dog's unavailability for cross-examination, which deemed their evidence inadmissible in South African courts, was their greatest asset in Palestine: though equally unreliable, the dogs imprecisions could more easily be concealed from the fact-finder and from the public. Weeks after Stavsky's acquittal Sergeant Parker and Constable Pringle were dispatched to Pretoria for a six-month training course.¹⁴⁸ They returned to Palestine on Christmas Eve, 1934, with three Dobermans: Ria, Gift and Mayer.¹⁴⁹

Roy Spicer, Palestine's newly appointed Inspector General played a key role in incorporating dog tracking into the Palestine Police's work. Nearly a decade after his 1927 visit to Pretoria while serving on the Kenyan Police, Spicer was still captivated by the Dobermans' abilities.¹⁵⁰ He reported how easily the dogs had tracked his prints "across dry veldt" even though he had walked from 4 p.m. until 9 a.m. the following morning and made every effort to cover his tracks. Spicer recounted how he had "tried every stratagem and trick performed by a hunted stag. I doubled my tracks, chose stony ground, went round in circles and jumped out; but the bitch never missed a yard and marked my entry into a car on the main road with no hesitation."¹⁵¹ Though he would have liked to adopt dog tracking in Kenya, in 1927 he could not justify the expenditure. But in Palestine his plans could more easily be realized. Coupled with the Palestine

¹⁴⁴ "Arlosoroff Murder Trial—Trackers' Evidence; Plaster Casts of Footprints," *Palestine Post*, May 3, 1934, p. 7. See also Horace B. Samuel, *Who Killed Arlosoroff: A Record of Crime and Justice in the Mandated Territory of Palestine* (unpublished: 1934), p. 34 onward.

¹⁴⁵ A.A. 7/1934 *Abraham Stavsky v. A.G.* 2 PLR 148, 150-151 (1935).

¹⁴⁶ *Id.* McDonnell added: "Further, even if the evidence as to tracks on the scene of the crime were unimpeachable, I am satisfied that the foot-print parade on the beach was vitiated by the fact the trackers witnessed the identification parade in the station yard at which Mrs. Arlosoroff pointed out Stavsky, that Irgaig there made several of the people in the parade lift their feet for his inspection, that he and Abu Ruz studied such foot-prints as could be found in the yard and that Abu Ruz, though he says 'it was not wrong for me to look at the tracks,' immediately afterwards admits 'I should have been scolded if an officer had seen me.' Further, Mr. Faraday gave evidence that seeing a tracker, who he believed was Irgaig, bending down to examine the tracks on this occasion in the yard, he told him to go away."

¹⁴⁷ Samuel, "Who Killed Arlosoroff?" 62-76. The Supreme Court ultimately entirely discredited the testimony of the trackers and dismissed it as corroboration.

¹⁴⁸ M/335/10. For a history of the South African dog training grounds see Charles F. Sloane, "Dogs In War, Police Work and Patrol," *Journal of Criminology and Police Science* 46 (1955): 385 – 395, 389. See also Spicer, "The New Detective," 245.

¹⁴⁹ "Police Dogs for Palestine: Officers Return with Trio," *Palestine Post*, December 24, 1934, p. 10.

¹⁵⁰ See above, 245.

¹⁵¹ See above.

Police's inability to bring criminals to justice during the 1929 disturbances, the Arlosoroff murder trial helped justify the import,¹⁵² making Spicer's "dog dreams... come true."¹⁵³

To counter potential doubts and enhance the dogs' image in public imagination, Palestine's printed press—in Arabic, English and Hebrew—was enlisted by the Police to disseminate favorable accounts of the canine's successes.¹⁵⁴ Soon after the Dobermans' arrival, journalists were summoned for a public demonstration at the Mt. Scopus kennels.¹⁵⁵ The campaign was so effective that *Davar* newspaper took credit for having planted the idea of importing dogs in Spicer's mind in the first place.¹⁵⁶ On March 1, 1935, *Davar's* front page reported the first success of these mythical creatures in cracking mysterious and otherwise unsolvable crimes. According to the article, Gift and Mayer were brought to sniff a jewelry box from which £P.15 were stolen. Each leading their handlers separately, the two dogs followed identical trails to Dir Yassin, a few kilometers away from the Yemin Moshe crime scene, where both gave tongue. They then went on to separately select the same individual in an identification parade.¹⁵⁷ According to official statistics, by May the dogs had assisted in solving 24 cases, including 4 murders,¹⁵⁸ 2 attempted murders, 11 crimes against agricultural property, one case of stock theft and three cases of forced entry.¹⁵⁹ The dogs were famed to have followed 72 hour-old tracks,¹⁶⁰ distances of up to 6 kilometers from the initial spoor, and through terrain bereft of visible tracks.¹⁶¹ Between 1935 and 1939, the Palestine Post reported as many as 398 stories about the dogs.

News of the dogs' outstanding tracking abilities traveled beyond Palestine's frontiers: French authorities in Lebanon soon requested their assistance as well.¹⁶² In their first year of operation, the dogs were put to work at 99 crime scenes, leading a number of suspects to confess.¹⁶³ In its annual report to the League of Nations for 1935, His Majesty's Government reported: "The Police dogs have frequently been used in detecting the perpetrators of agrarian or other crimes, with an efficacy which has established their value as an aid in the apprehension of offenders and has created a very useful deterrent impression in the minds of villagers."¹⁶⁴

Following their great success in Palestine, Spicer fostered the vision to "spread the police dog cult into other Colonies and into the British Police Forces themselves."¹⁶⁵

¹⁵² *Palestine Review*, vol. IV, No. 1, 1939 (Friday, April 21, 1939).

¹⁵³ Spicer, "The New Detective," 245.

¹⁵⁴ Horne, *Job Well Done*, at 456. For examples of such publicity see "Police Use Dogs," *Davar*, March 1, 1935, at 1; "Police Dogs in Salame," *Filastin*, April 16, 1935.

¹⁵⁵ According to reports in the *Palestine Post* and *Filastin*, in attendance were journalists from *Haaretz*, *Hayarden*, *Davar*, *Doar Hayom*, *Al-Jamea Al-Islamiya*, *Al-Difa'a*, *Filastin* and the *Palestine Post*. "How Dogs Assist the Police: Jerusalem Journalists Receive a Lesson in Dog Training for Crime Discovery," *Doar Hayom* (in Hebrew), May 10, 1935, p. 4; "The Police Dogs," *Haaretz*, May 5, 1934; J.L. Meltzer, "A Local Departure in Crime Detection: Dogs Used by Palestine Police," *Palestine Post*, Thursday, May 9, 1935; "Police Dogs and Crime Detection: Important Press Demonstration," *Filastin*, May 14, 1935. According to *Filastin*, it was the Hebrew press that requested the demonstration and the Arabic press asked to be included. "How do Police Dogs Detect Crimes?" *Filastin*, May 8, 1935.

¹⁵⁶ "The Police Uses Dogs," *Davar*, March 1, 1935.

¹⁵⁷ See above.

¹⁵⁸ *Palestine Post*, May 9 1935.

¹⁵⁹ "How Dogs Assist the Police: Jerusalem Journalists Receive a Lesson in Dog Training for Crime Discovery," *Doar Hayom*, May 10, 1935, p. 4.

¹⁶⁰ Horne, *Job Well Done*, 458

¹⁶¹ See above. See also: "Police Dog Tracks Robbers: "Kim" Follows Scent for 6 Kilometers," *Palestine Post*, September 24, 1945 (The article describes how at dawn Kim followed a spoor from the scene where a bus had been held up the previous evening, to the middle of the village of Kaza, where the scent was lost. An identification parade of the village's eleven male inhabitants was then held, where Kim identified Ahmed Hassan.)

¹⁶² "Borrowing Palestine Police Dogs," *Palestine Post*, October 14, 1935.

¹⁶³ Horne, *Job Well Done*, 458.

¹⁶⁴ *Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the year 1935* (available at: <http://unispal.un.org/UNISPAL.NSF/0/B672DC87B2D50447052565D4005173DF>)

¹⁶⁵ Spicer, "The New Detectives," 251.

Canines, he observed, held promises that the other means available at that time did not: “The rest of the police world, Great Britain included, may have finger-print expertise, wireless, mobile cars, and telephone kiosks, but until they take up the police dog as their best detective, they cannot expect to compare with the South African Police...” The Dobermans were “uncanny in their scenting powers and in their intelligence. They are in my opinion, as infallible in identification as finger-prints.” Moreover, whereas “many a finger-print is not left for the convenience of the police, and even if found on the scene of a crime is blurred and indecipherable... to a Doberman Pinscher the smell of one human being cannot be repeated or copied, and, so far as I know, the Palestine criminal is not more odiferous than criminals in other parts of the world.”¹⁶⁶ Spicer urged his colleagues throughout the Empire to “adopt the Doberman Pincher, see that every country and county has its quota of dog-masters and trained dogs, and you will be able to detect crime in a manner beyond the wildest dreams of Conan Doyle and Edgar Wallace. I am not romancing; I am not exaggerating. I have never been more serious in my life.”¹⁶⁷

In Palestine, like in South Africa, dogs were used at least initially to address common but otherwise difficult to investigate “agrarian crime”¹⁶⁸ such as tree cutting, crop burning and animal maiming. The latter was considered one of “the most loathsome habits in this country.”¹⁶⁹ To British eyes, such crimes epitomized the irrationality of the Levantine delinquent and distinguished him from his European counterpart: unlike theft, such crimes provided no gain and served only a vengeful instinct. As Frederic Goadby, Director of Legal Studies to the Government of Palestine, noted in his 1924 study on criminal law in the Middle East: “crimes of vengeance such as murder, wounding and malicious injuries to property are far more common in Egypt, while in the case of acquisitive crimes such as theft and the like the difference [between England and Egypt] is less startling.”¹⁷⁰ Sir Sydney Smith, Principal Medico-Legal Expert to the Ministry of Justice in Egypt similarly observed, “It is perhaps a sign of civilization and progress that in more advanced communities crimes of revenge tend to be greatly outnumbered by crimes committed for gain.”¹⁷¹

Through the prism of Orientalist criminology, inability to discern motives posed particular investigative challenges. As the Palestine Post noted, crimes such as animal maiming displayed “beastliness of conception with great difficulty of detection and proof,” thus rendering them “outside the pale of ordinary police methods.” Dogs, however, provided a solution that was both practical and bore symbolic significance that was not lost on contemporaries: “Brutality in humankind is confronted by a super-human intelligence in brute creation. Better still, one dumb creature has it in its power to avenge another.”¹⁷² Like in South Africa, in Palestine much of the dogs’ impact was believed to be their “impression in the minds”¹⁷³ of the natives. Still, the Arabic Jaffa-based newspaper *Filastin* expressed skepticism about just how profound that impression would be: one journalist questioned the dogs’ ability to curb “despicable customs” such

¹⁶⁶ *Id.* 250-51.

¹⁶⁷ *Id.* 251.

¹⁶⁸ J.L. Meltzer, “Local Departure in Crime Detection: Dogs Used by Palestine Police,” *Palestine Post*, 9 May, 1935: “The animals appear at their best in agrarian crimes or malicious injury to property...” See also: “Destruction of Trees,” *Palestine Post*, 18 October 1935: “The cutting of the trees of one’s enemy is still a common type of revenge in the Tulkarem district, despite the success of the police dogs in tracking down offenders.”

¹⁶⁹ “Suppressing a Savage Crime,” *Palestine Post*, 4 June, 1935. The article was written after the dogs reportedly tracked down a man who stabbed in revenge a mare belonging to the Sheikh of Sakne tribe.

¹⁷⁰ Frederic M. Goadby, *Commentary on Egyptian Criminal Law and the Related Criminal Law of Palestine, Cyprus and Iraq* 320 (1924).

¹⁷¹ Sir Sydney Smith, *Mostly Murder* 65 (1959).

¹⁷² “Suppressing a Savage Crime,” *Palestine Post*, 4 June, 1935.

¹⁷³ See above.

as tree cutting. Believing the dogs provided an insufficient deterrent, he instead advocated more severe penalties for these deplorable crimes.¹⁷⁴

C. Let Slip the Dogs of Empire: Suppressing the Arab Revolt

*Cry Havoc, and let slip the dogs of war;
That this foul deed shall smell above the earth...*

William Shakespeare, *Julius Caesar*

The Palestine Dog Section reached its heyday during the Arab Revolt. Following the murder of two Jewish drivers on April 15, 1936, two Arabs were murdered in Petah Tikva. Rioting rapidly spiraled, spreading to the Nablus and Tulkarem regions of northern Palestine. Drawing on Arab economic strength, the Arab Higher Committee, (AHC) a national *ad hoc* stirring body, called for a general strike.¹⁷⁵ Particularly in northern Palestine the strike was accompanied by attacks on Jewish and British targets. With Jewish emigration from Europe rapidly increasing after the ascent of the Nazi Party in Germany, Arab leadership posed an ultimatum to the Palestine Government for resolving key issues such as immigration, land sales and representative government. Until the end of 1936 British policy in both Whitehall and Jerusalem fluctuated between two competing approaches: severely punishing the Arab leadership, thus risking its alienation, and responding to their demands and upsetting Palestine's Jewish inhabitants. At the behest of the royal families of Saudi Arabia, Iraq and Transjordan, the AHC called to end the strike in October 1936 and a Commission of Inquiry chaired by Lord Peel was convened. In July 1937 the Commission recommended that Palestine be partitioned, but their proposal was rejected.

With the rejection of the Peel Commission's Report, hostilities resumed in September 1937: the assassination of Acting District Commissioner of Galilee Lewis Andrews led to a British proclamation of martial law. Some members of the AHC fled, while others were detained or exiled. During 1938 the British effectively lost control of many parts of Palestine, most notably the mountainous region surrounding Nablus.¹⁷⁶ Command over Palestine was ultimately handed over to the British military. With overwhelming and mostly uninhibited force under the command of then Major-General Montgomery, the 8th Infantry Division brought the Revolt to an end in May 1939.¹⁷⁷ By then, Jewish casualties were estimated in the hundreds, while Arab casualties were between 3,000 and 6,000.¹⁷⁸

With hostilities mounting, to meet increasing demand for canine assistance, the Royal Air Force placed aircrafts at the Dog Section's disposal. "So great was the demand for the services of dogs that in several cases aeroplanes were used in order to transport them expeditiously from one part of the country to another."¹⁷⁹ "Arthur's Dogs" (named

¹⁷⁴ "Police Dogs and the Custom of Tree Cutting," *Filastin*, April 10, 1935.

¹⁷⁵ Historians still debate to what degree these events were premeditated, directed and controlled by the formal leadership, rather than spontaneous popular outbursts. By most accounts, the Supreme Muslim Council (SMC)—comprised mostly of notables—followed the lead of young nationalists, the *shabab*, trying to gain a degree of control and rein them in by adopting their actions post fact.

¹⁷⁶ The rebels established their own government, levied their own taxes, and established their own judicial system, which in addition to trying regular civil and criminal cases severely punished—and often executed—those suspected of collaboration with Britons or Jews. Zeina Ghandour, *A Discourse on Domination in Mandate Palestine: Imperialism, Property and Insurgency* (New York: Routledge, 2010), 99-101.

¹⁷⁷ Benny Morris, *Innocent Victims*, 154.

¹⁷⁸ *Id.* 159-60.

¹⁷⁹ *Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the Year 1936*, pp. 121 (1937).

for High Commissioner Arthur Wauchope) could now fly and miraculously appear anywhere in Palestine—even a day’s journey from Jerusalem—within minutes. British reports noted with satisfaction how “To the rural villager who decided to break the law, the new dog section now began to appear ubiquitous.”¹⁸⁰ From their kennels atop Mount Scopus in Jerusalem, the Dobermans could sniff out criminals in Palestine’s most remote districts; that prospect alone—it was hoped—would keep criminals at bay. In so doing, the British merged two powerful technologies of imperial control: dogs and aircrafts.¹⁸¹ Though the government may not have had hidden eyes everywhere, it hoped that fear of its nose might be equally as effective. The dogs’ results were tremendously satisfactory: of the 172 unsolved mysteries in which they were employed in 1936, the dogs were reportedly “successful” in 87.¹⁸²

One such “successful” tracking took place following an ambush of the York and Lancs Regiments on August 29, 1936. A search party discovered a dead body of an Arab in possession of a rifle and a clip of cartridges. The dogs were flown in and given scent, after which they followed an eight-kilometer trail. “He gave tongue in the house of an Arab villager. In the house was found a large stock of explosives, powder and lead, together with a photograph of the dead man.”¹⁸³ The police could not have hoped for more convincing corroboration.

With the canines’ success, however, came certain professional risks. Fear of poisoning meant that tracking dogs were generally prohibited from taking food from strangers.¹⁸⁴ During the Arab Revolt, the Dobermans increasingly became attack targets.¹⁸⁵ The police responded by providing the dogs with armed escorts. The 1938 death of Migdal aroused suspicions of foul play and an autopsy was ordered to ensure that he had not been poisoned. Thankfully, Migdal was found to have died of “heart failure following a chill.”¹⁸⁶

When violence resumed in September 1937, the Secretary of State for the Colonies dispatched Charles Tegart (former commander of the Calcutta Police), and David Petrie (Director of Intelligence for the Government of India and subsequently of MI5) to advise the Palestine Police on how to tend to the emergency. Dedicating an entire chapter of their report to “Dogs,” Tegart and Petrie recognized the Dobermans’ invaluable contribution to combatting “Arab terror.”¹⁸⁷ “The trained instinct of these animals achieves results which are quite beyond the highest human intelligence.”¹⁸⁸

Tegart and Petrie were relying not only on second-hand accounts or the dogs’ reputation but on an investigation they had witnessed: in January 1938 renowned archeologist J.L. Starkey was murdered outside Hebron by ‘Arab bandits.’ After halting

¹⁸⁰ Horne, *A Job Well Done*, 459.

¹⁸¹ For an analysis of the British use of airplanes in the Middle East, and Iraq in particular, see Priya Satia, *Spies in Arabia: The Cultural Foundations of Britain’s Covert Empire in the Middle East* (Oxford: Oxford University Press, 2008). See also David Killingray, “A Swift Agent of Government’: Air Power in British Colonial Africa, 1916 – 1939,” *Journal of African History* 25 (1984): 429 – 444.

¹⁸² *Report by His Majesty’s Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the year 1936*, p. 121.

¹⁸³ SAP 296.21.22.38.

¹⁸⁴ “Dogs as Detectives in South Africa,” *Argus*, Saturday Oct. 6, 1934 (Melbourne). This practice seems particularly ironic given the fact that dogs historically often served as food tasters for kings.

¹⁸⁵ *Id.* at 458. See also: “Two gang members killed during attack on cars on road to Nablus,” *Davar* (in Hebrew), July 10, 1938. *Davar* reported that this incident was the third case in which police dogs were targeted. “After the Dogs,” *Palestine Post*, November 22, 1937. (“The effectiveness with which the police bloodhounds [sic] have been doing their work has attracted the ire of the gunmen whom they are called upon to track down, often with success.”)

¹⁸⁶ M 335/10. The analyst added that “The Dog [sic] was employed on a long and arduous trail of some 25 kilos in the Acre Sub-District” and “was off colour on his return and on the sick list from the date of his return.”

¹⁸⁷ Some have mistakenly attributed the introduction of Dobermans to Tegart. See Laleh Khalili & Jillian Schwedler, “Introduction” in *Policing and Prisons in the Middle East: Formations of Coercion* eds. Laleh Khalili & Jillian Schwedler (London: Hurst & Co. 2010) 15.

¹⁸⁸ PRO CO 733/383/75742/77



his vehicle, he was ordered to alight and then shot in the back. Tegart and Petrie accompanied the investigation, in which police dogs were brought to the murder scene. The dogs led the detectives on a twenty-two-kilometer trail in mountainous terrain, from Beit Jibrin to Kharass, ultimately leading the police to a weapon concealed in a wall.¹⁸⁹

In his Report, Tegart noted the short supply of Dobermans in Palestine. Even with the R.A.F. at their service, the Dobermans could not keep up with demand.¹⁹⁰ Tegart observed that in 1937, in Hebron alone there had been 50 requests for the assistance of dogs; yet only 10 were answered.¹⁹¹ As a result, many crimes went unsolved and the Hebron police despaired of making additional requests. “Consideration of time, economy in transport and escort, as well as the health of the dogs themselves” required significantly increasing the number of dogs and geographically spreading them more evenly throughout the country. The Report recommended that there “be a complete and self-contained establishment in Nazareth” with the aim of eventually establishing separate dog units in Nablus and Haifa as well.¹⁹²

To that end, the Palestine Government approached South African authorities to purchase eight more dogs, as well as seconding two trained dogmasters at tremendous expenditure to the Government¹⁹³: each of the South African officers’ salaries amounted to a total of £P.800 per annum, more than four times the average cost of a Palestinian Policeman at that time.¹⁹⁴ Based on Tegart’s recommendation an additional kennel was established in Affula, which reportedly “greatly increased the efficiency of the section. Dogs can now arrive at the scene of a crime in any part of the country within two hours of being requisitioned.”¹⁹⁵ The investment seemed crucial: by 1937, with anti-colonial sentiment mounting, police dogs had become indispensable.

Though the demand for Dobermans persisted and increased, after 1938 the Union of South Africa could supply no more, declining demands not only from Palestine but from other parts of the Empire as well.¹⁹⁶ Following Migdal’s death, Tegart recommended that two additional dogs and two bitches be purchased,¹⁹⁷ but the Union government responded it could spare no more. The Secretary of State for the Colonies’ personal appeal to General Jan Smutts—whose farm initially housed the dog depot—proved futile and other alternatives were explored.¹⁹⁸ With English bloodhounds “far too delicate for Palestine conditions,”¹⁹⁹ no other breed was found suitable. The bloodhound’s inadequacy was perhaps symbolic of a deeper colonial truth: the gentlemanly methods for investigating and prosecuting crime in England proved too delicate for the colonies. The Empire required the paramilitary Royal Irish Constabulary model rather than the unarmed Bobbies of Westminster.

¹⁸⁹ “Investigations into Murder on Beit Jibrin Track: Dogs on Trail of Highwaymen,” *Palestine Post*, January 12, 1938, p. 1; “Several Arrests in Starkey Murder Investigation,” *Palestine Post*, January 13, 1938; “Prisoner Acquitted by Jerusalem Military Court: Prosecution Withdraws Charge” *Palestine Post*, January 28, 1938.

¹⁹⁰ Four additional dogs were purchased in 1937. *Report by His Majesty’s Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the year 1937*, p. 111 (Jerusalem: 1938)

¹⁹¹ PRO CO 733/383/75742/77

¹⁹² PRO CO 733/383/75742/77

¹⁹³ *Report by His Majesty’s Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the year 1938* (Jerusalem: 1939) pp. 113.

¹⁹⁴ ISA M 335/10. Each dogmaster received a salary of over £P. 300 per annum; this at a time when Palestine Police were making less than a quarter. In addition, they were paid a “disturbance allowance” of £P. 60 a year.

¹⁹⁵ *Report on the Administration of Palestine*, pp. 113

¹⁹⁶ SAP 21/22/38: “Whilst I am always willing to assist other Police Forces in the Empire in the matter of police dogs, I regret exceedingly that at the moment, and for the next eighteen months, I shall be quite unable to spare you any dogs at all owing to the very heavy drain on us by the Palestine Force.” GRC Baston to Commissioner of Police, New South Wales, 1.9.1938.

¹⁹⁷ CO 733/358/38.

¹⁹⁸ CO 733/358/8

¹⁹⁹ CO 733/358/9

Though Doberman Pinschers were used for patrol by police forces throughout Europe, trained *tracking* dogs could only be obtained at that time from Austria or Germany. This posed both practical and political challenges: as a memo to the Secretary of State pointed out, the dogs “would have been trained in German.”²⁰⁰ More importantly, by 1938, requesting the assistance of Nazi Germany was no trivial matter. Despite British disdain with the Reich over the issue of Sudetenland, officials in the Colonial Office entertained the notion of approaching Nazi Germany for assistance. “It is not necessarily out of the question that we should approach the German Government.” Still, as one Colonial Office official pointed out, there was great irony in the “rather curious position that we should be seeking the aid of the German Government in acquiring animals designed to track down Arabs who murder Jews.”²⁰¹ But as the Arab Revolt spiraled out of control, the Palestine Government succumbed to any qualms it may have had, ultimately approaching a dog breeder in Hamburg in August 1938.²⁰²

In his report, Tegart linked the necessity to recruit dogs to the absence of public cooperation in solving crimes during the Revolt. “In every case where tracks are left, there is, with dogs, a good chance of success and without them a virtual certainty of failure, *assistance from the public being rarely forthcoming*” (emphasis added). Circumstantial scientific evidence—including dog tracking—came to replace eyewitness accounts, which were growing scarcer as public support for the colonial government waned. “There is nothing more likely to put an end to acts of sabotage and violence than tracking by dogs,” the report determined. Concluding their report, Tegart and Petrie noted: “The question of dogs we regard as of the utmost importance and urgency in the matter of restoring law and order.”

D. Modern or Primitive? Religion, Science & Britain’s Civilizing Mission

Despite some initial misgivings in 1927 about the “morale influence” the dogs had on native populations, which might lead the innocent to confess, by 1935 Spicer noted with satisfaction the “moral effect” that his flying dogs possessed over the “criminal classes in Palestine,” both primitive and sophisticated: “They are regarded with superstitious fear and dread by less educated offenders while the really intelligent criminal realises that they are possibly the most dangerous servants of public security that has yet been encountered.”²⁰³ The police believed the dogs had a “useful deterrent impression in the minds of villagers.” Not understanding *how* exactly the dogs operated ‘primitive’ Palestinian criminals reportedly tried every trick, including the tying of rags around their feet.²⁰⁴ So deep was the belief in the dogs’ abilities that victims soon began demanding that the dogs be brought to crime scenes.²⁰⁵

1. Dogs in Islam

²⁰⁰ CO 733/358/9).

²⁰¹ CO 733/358/9

²⁰² Two dogs and one bitch were purchased for a cost of Reichmark 475 each (the equivalent of £P. 40). Chief Secretary to H. P. Downie, Esq. O.B.E. August 2, 1938, CO 733/358/15.

²⁰³ Horne, *Job Well Done*, 459.

²⁰⁴ Horne, *Job Well Done*, 458.

²⁰⁵ “They Set Fire to Fields and Forests, Chop Down Trees, Throw Stones and Bombs—Yet the Government Remains Silent,” *Davar*, May 4, 1936. Some suggested that the dogs be given their share in rewards for wanted persons, also suggesting that a pension fund be established for their benefit. See “Haifa Notebook,” *Palestine Post*, May 17, 1938.

Though explicit about the dogs' "moral effect" and "deterrent impression in the minds of villagers," official correspondences in Palestine were less overt in discussing the dogs' religious or cultural significance for Palestine's inhabitants, Muslims and Jews. Still, other sources indicate that those serving in Palestine believed that "Muslim Arabs considered dogs to be unclean."²⁰⁶ Herbert Samuel, Palestine's first High Commissioner, forbade the entry of dogs into his official residence for precisely that reason.²⁰⁷

Dogs' status in Islam has been contested for centuries, by some accounts dating back to the Prophet himself. Historical sources suggest that the Prophet owned dogs and even prayed in their presence.²⁰⁸ Certain schools in Islam, however, decreed that a container touched by a dog be washed seven times and then sprinkled with dust before used.²⁰⁹ Some believed that dogs endangered not only physical, but moral purity: in the Quran dogs appear as a metaphor for disbelievers. The passing of a dog was believed to negate the prayer or good deeds of a pious Muslim. Similarly, some believed that angels would not enter a house in which dogs dwelled. Muslims were commanded not to trade in dogs. Some stricter authorities mandated slaughtering all dogs not employed for herding, hunting or protection.²¹⁰

One of the great debates among pre-modern Muslim scholars was whether there was a rational basis—namely, hygiene—which rendered dogs impure, or whether their impurity (*najasa*) was inherent and decreed by God.²¹¹ This doctrinal debate had practical ramifications: it would determine whether these traditions held currency or had become outdated with greater control over canine diseases. It also determined whether one may distinguish between urban and rural, wild and domesticated, ill and healthy dogs or whether all dogs were to be treated equally. Notably, dogs and pigs are the only impure animals in Islam. Al-Jahiz (ninth century, Basra) explained that dogs were considered impure because they were border-crossers: they confused the categories of culture and nature, neither a "wild animal nor a domestic one, neither a human nor a *jinn* (spirit)."²¹² As we see, dogs' occupation of a liminal space between domestic and wild, subhuman and superhuman, was not a British colonial innovation

Still, it would be overly simplistic to focus exclusively on Islamic traditions rendering dogs impure. As Alan Mikhail has demonstrated, dogs played a significant role in Egyptian society until the nineteenth century, their impurity notwithstanding.²¹³ Particularly in Arabic poetry, dogs were often depicted as the embodiment of noble virtues such as intelligence, compassion, skill, bravery, self-sacrifice and loyalty. Al-Jahiz dedicated more than one of his seven-volume series *Kitab al-Hayawan* (book of animals) to dogs, extolling their many virtues. A century later, Muhammad Ibn Khalaf Ibn Marzuban wrote a book entitled "The Superiority of Dogs Over Many of Those Who Wear Clothes" admiring canines through verse and rhyme. In a particularly poignant

²⁰⁶ <http://www.landofbrokenpromises.co.uk/palestine/howard.html>

²⁰⁷ Tom Segev, *One Palestine Complete: Jews and Arabs Under the British Mandate* (New York: Henry Holt & Co. 2000), 197. In his diary, Kisch wrote that for the same reason the High Commissioner prohibited his waiters from wearing tarbushes. All this changed dramatically by 1938: adjacent to the new Government House a dog cemetery was erected. Segev, *One Palestine Complete*, 342.

²⁰⁸ Alan Mikhail, *The Animal in Ottoman Egypt*, in particular Part II ("In Between") (Oxford: Oxford University Press, 2014).

²⁰⁹ Richard Gauvain, "Ritual Rewards: A Consideration of Three Recent Approaches to Sunni Purity Law," *Islamic Law and Society* 12 (2005): 333 – 393, p. 354 n. 68 (2005)

²¹⁰ See generally, Khaled Abou El Fadl, "Dogs in the Islamic Tradition and Nature" in *Encyclopedia of Religion and Nature* (New York: Thoemmes Continuum, 2005)

²¹¹ *Id.*

²¹² Al Jahiz, *al-Hayawan*, cited in Marion Holmes Katz, *Body of Text: The Emergence of the Sunni Law of Ritual Purity*, (Albany, NY: State University of New York Press, 2002), 19.

²¹³ Mikhail, *The Animal in Ottoman Egypt*. According to Mikhail, it was only in the nineteenth century that they ceased to be considered as productive and constructive members of society and began being targets of eradication. *Id.*, at 69.

story, the author tells the tale of a dog who lay down his own life to save his owner—the King—who stubbornly ignored his warning that his meal had been poisoned.²¹⁴

Some have argued that in the twentieth century, dog ownership was generally regarded unfavorably in the Middle East. El Fadl asserts that dog ownership was largely reserved for Bedouins, who used dogs for protection and herding, and for Westernized elites, for who dogs symbolized ‘Europeanization.’²¹⁵ Still, Palestine’s Arabic press did not reflect such an aversion—at least not initially. Though Palestine’s villagers reportedly referred to the police dogs as sons of the devil,²¹⁶ the newspaper *Filastin* published numerous celebratory accounts of the police dogs’ abilities and successes. Some journalists were particularly hopeful that the dogs might help curb crime, and tree cutting in particular.²¹⁷ It was only during the Arab Revolt that the newspaper grew more critical of dog tracking, suggesting that its critique was anti-colonial rather than culturally or religiously motivated. Though one may dismiss the coverage by *Filastin*—and by the Arabic press more generally—as reflecting the views of Westernized elites, a more plausible explanation may be that dogs simply did not carry the cultural significance that the British had assumed or hoped that they would.

2. New Jews, Old Tricks: Zionism & the Changing Jewish Attitude Toward Dogs

Like Islam, Judaism has historically also displayed a degree of ambivalence towards dogs. Unlike (and perhaps due to) contemporary Egyptian worship of canines, as represented in the features of some Egyptian gods, the Bible treated canines as contemptible and impure creatures. Deuteronomy prohibited offerings funded by the “hire of a whore or the price of a dog.”²¹⁸ Dogs are described throughout the Bible as foolish, carcass-eating, blood-thirsty creatures. As in some African traditions, a dog’s howling in the bible represented a bad omen of death.²¹⁹ Such negative depictions may stem from the fact that these texts predate canine domestication and the prevalence of rabies in the region.²²⁰ Though such attitudes had subsided by post-biblical times,²²¹ perhaps thanks to Persian and Greco-Roman influence, negative treatment of dogs can be found in the Talmud as well. Most notably, the Talmud recounts the unfortunate tale of a dog’s bark that caused a pregnant woman to abort, depriving the Jewish people of the missing soul needed for the *Shechinah*—the Divine Presence—to rest upon them. The Talmud therefore decrees that one should not own a “mad” or “evil” dog. Yet notably, it contains no categorical prohibition of ownership.²²² The *Shulhan ‘Arukh*’s sixteenth

²¹⁴ See above, p. 75-76.

²¹⁵ Abou El Fadl, “Dogs in the Islamic Tradition.”

²¹⁶ *Palestine Post*, May 9, 1935, p. 3.

²¹⁷ “News of Border Crime: Dogs Detect Culprits,” *Filastin*, April 4, 1935; “Crime Discovered by the Police Dogs: Tree Cutting in Ramallah,” *Filastin*, March 14, 1935; “Dogs Discover Tree Cutting Crime: Track Culprit to Mosque Gates,” *Filastin*, April 2, 1935. See also, “Police Dogs in Salame,” *Filastin*, April 16, 1935; Assad A-Shakiri, “The Barks of Our Dogs and the Activity of the Foreign Dogs,” *Filastin*, June 23, 1935

²¹⁸ Deuteronomy 23:18.

²¹⁹ Robert A. Rothstein, “If a Jew Has a Dog...’: Dogs in Yiddish Proverbs,” in *A Jew’s Best Friend? The Image of the Dog Throughout Jewish History*, Phillip Lieberman-Ackerman & Rakefet Zalashik eds. (Brighton: Sussex Academic Press, 2013)

²²⁰ See generally, Sophia Menache, “From Unclean Species to Man’s Best Friend: Dogs in the Biblical, Mishnaic, and Talmud Periods” in *A Jew’s Best Friend? The Image of the Dog Throughout Jewish History*, Phillip Lieberman-Ackerman & Rakefet Zalashik eds. (Brighton: Sussex Academic Press, 2013).

²²¹ Joshua Schwartz, “Good Dog—Bad Dog: Jews and Their Dogs in Ancient Jewish Society,” in *A Jew’s Best Friend? The Image of the Dog Throughout Jewish History*, Phillip Lieberman-Ackerman & Rakefet Zalashik eds. (Brighton: Sussex Academic Press, 2013).

²²² Tractate Bava Kama, 79B.

century interpretation, considered authoritative, deems the prohibition of dog ownership as pertaining only to dogs that intimidated or placed others at risk.²²³

Still, in Europe, Jews were widely believed to suffer from an irrational fear of dogs and dog ownership was generally discouraged.²²⁴ As a Yiddish proverb suggests “if a Jew has a dog, either the dog is no dog or the Jew is no Jew.”²²⁵ By the twentieth century, however, Jewish attitudes towards dogs were undergoing a conscious rebranding, at least in some circles. Through a stronger bond with land and nature—including animals—the Zionist movement sought to forge a different Jewish identity. Dogs played a key role in this plan.

The dog’s role in the Zionist agenda was made explicit in the writings of Rudolphine Menzel, a world-renowned authority on dog training and tracking who immigrated to Palestine in 1938. Menzel, an Austrian Jew, held three doctoral degrees from the University of Vienna: in psychology, biology and biochemistry. In the 1920s she founded an institute for dog training and research in Linz, focusing on the hereditary traits of dogs and dog training for policing and military purposes. In the late 1920s Menzel made significant advances in exploring the chemical foundations for canines’ olfactory abilities to distinguish between unique human scents, a finding of clear significance for forensic purposes. She convened a number of international conferences in Linz, one of which focused on best practices in dog tracking.²²⁶ Menzel served as an advisor to both the German and Austrian governments on dog training before immigrating to Palestine following the Anschluß.²²⁷ Upon arrival, Menzel founded the *Palestine Canine Research Institute* in Kirjath Motzkin. Publishing Hebrew and English guides on dog training, as well as children’s books, Menzel raised public awareness in Palestine to canine training and skills in herding, guarding and tracking.

In the foreword to her 1939 book “Dog Education and Training” Menzel drew on stereotypes concerning the diasporic Jew’s irrational fear of dogs to explain the key role of dog-training in Zionist ambitions to forge the “New Jew”²²⁸:

We [the Jews] are predominantly urban dwellers and the descendants of urban dwellers... They were far from nature, far from the land, far from animals... the dog being the greatest stranger. The dog belonged to the world of the gentiles. He served as the oppressors’ companion and accomplice; at the landlord’s command he would attack and chase away the Jewish peddler; the dog was the companion of rulers who determined the Jews’ fate, good or ill.

Yet before the ghetto dwellers there were other generations of free peasants, men of agriculture and herding, of war and of hunting. In those days our ancestors lived in harmony with nature and their lives reflected nature. In those times the dog was a companion who assisted our people.

Our national revival movement is erecting bridges to antiquity, skipping over many generations and linking us more tightly with natural life forgotten for centuries. In our treatment of dogs we must also pass over many generations and strengthen our ties to ancient traditions of a nation of shepherds and farmers in the ancient land of Israel.

The dog is like no other species. All species cling to their own. The dog alone has transcended his species to join man and become his companion and helper.

May he be a companion and assistant in the rebuilding of our land.

²²³ Shulchan Aruch, Choshen Mishpat, 109:3. In his commentary upon the Shulhan Aruch, Rabbi Moshe Isserles (*Rama*, considered binding upon Ashkenazi Orthodox Jews) adds that since Jews live among other nations, they may own vicious dogs for protection, though they must chain them.

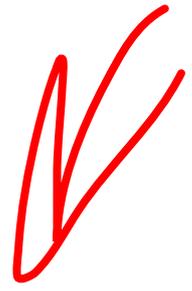
²²⁴ Menache, “Unclean Species,” 44.

²²⁵ Rothstein, “If a Jew Has a Dog...” 135.

²²⁶ The “Linz Resolutions.” CZA 129/132.

²²⁷ CZA 129/132 p. 19.

²²⁸ Rudolphine Menzel, *Dog Education and Training* (Palestine: Lanotter, 1939).



For Zionists, fear of dogs was associated with the diaspora Jew's general cowardice and detachment from nature, which Zionism aimed to obliterate. Zionists embraced dogs as a symbol of European modernity. Similar rebranding trends were evident among new nations established on the ruins of the Ottoman Empire seeking to Westernize: Mustafa Kemal Atatürk's beloved dog Fox symbolized modern Turkey's efforts to distance itself from the Ottoman Islamic past. In a famous photograph—staged as a portrait of a European sovereign—Atatürk posed surrounded by dogs, a practice that would have appeared repugnant to his Sultanic predecessors.

In addition to re-establishing Jewish bonds with nature, Menzel regarded dog training as a way of forging stronger bonds between the Zionist movement and Britain. In a 1942 memo she noted how “the good relations between the English and the Arabs are strengthened by English interest in Arab horses and by Arab expertise in horse breeding. We may tilt this unfavorable balance by successful and model use of good dogs, by breeding such dogs and by establishing successful dog sporting in Palestine.”²²⁹ During World War II Menzel did precisely that: she provided Allied Forces with dozens of mine-detecting dogs, mainly Boxers, which were considered to be the most reliable detection technology of that time.²³⁰

Menzel's expertise made her a highly valuable asset not only as an advisor on the use of dogs, but also on their evasion: understanding British dog-tracking techniques, Menzel knew their limitations all too well. When in 1942 a number of Jewish women in the Jordan Valley complained of sexual abuse by a local Arab farmer, the *Haganah* consulted Menzel on how to avoid dog tracking during their “operation” to teach the individual a lesson. Accompanied by a doctor, they set out one night and surgically castrated the alleged harasser. Acting on Menzel's advice, they escaped by walking on the train tracks, believing that their prints would thus be untraceable.²³¹

Though initially employed primarily against Arab defendants, during the 1940s the Palestine Police increasingly began using dogs to track “Jewish terrorists” agitating against British rule.²³² Perhaps most notably, in 1946, Palestine Police dogs uncovered an ammunition stash outside of Birya, leading to a wave of arrests.²³³ Dobermans would continue hounding those exiled from Palestine: in 1947, the Kenyan government requested that the South African Police provide them with Doberman Pinschers to track down Zionist detainees who were escaping from the camp at Gilgil.²³⁴ Still, even then, the Zionist press did not manifest any ideological aversion or hostility towards British employment of canines.

E. Dog Tracking as Evidence in Palestine

When initially introduced, newspapers disseminated the Police's message that the dogs' “function is not so much to produce evidence, as to corroborate the circumstances of crimes, as naturally dog testimony is admissible in no court.”²³⁵ Even dog enthusiasts such as Rudolfine Menzel were skeptical of dog-tracking's “scientific foundation”

²²⁹ CZA S53/1525-1530.

²³⁰ See above.

²³¹ Haganah Archive, 34/289.

²³² See Official Communique No. 32, reprinted in *Palestine Post*, November 27, 1945; “Desert Customs,” *Palestine Post*, September 4, 1946.

²³³ “New Official Communique Concerning Birya,” *Davar*, March 10, 1946.

²³⁴ SAP 21/199/26, Top Secret letter from Commissioner of Kenyan Police to South African Commissioner of Police, 21 March, 1947 (IMG_2655).

²³⁵ *Palestine Post*, May 9, 1935.

(*wissenschaftliche fundierung*).²³⁶ In her 1938 book on dog training Menzel observed that dogs typically follow the most recent—and hence strongest—tracks they were able to detect. It was impossible at that point, she observed, for a dog to sniff an object and then lead its handler to the criminal in a way that laymen believe them capable. Successful tracking, she explained, relied first and foremost upon detecting the right tracks at the crime scene. It was not uncommon for a dog to follow tracks for miles, finally leading to the home of a policeman who had investigated the crime scene.²³⁷ Menzel wrote that in her long career of dog training, only once had she observed tracking that had actually led to the criminal. More common were cases where the dog led to train-tracks or a road where the criminal had embarked upon a vehicle. Properly used, tracking dogs could lead to other clues that could, in turn, help police find the culprit. They could not, however, serve as independent evidence of guilt.

A number of incidents in Palestine provided additional grounds for skepticism of the Doberman's accuracy: in one robbery case, the Dobermans led the police to the house of an old blind man, who clearly could not have committed the crime.²³⁸ Critics further alleged that much like humans, dogs always picked out someone at an identification parade even if the perpetrator was not present.²³⁹ Once selected, police would invariably “discover” corroborative evidence of his guilt.²⁴⁰ Given their lack of verbal skills, the dogs' precise reasons for choosing a suspect remained uncharted and unexplorable. Menzel's own experience with Palestine's police dogs provided additional reasons for incredulity. In at least two instances where Menzel arrived at murder scenes (often hours before the Palestine Police), her tracking dogs Blitzie and Maggie followed entirely different trails than the police's Dobermans, suggesting that training and the handler had much to do with the path followed.²⁴¹

Though the Palestine Police had initially informed journalists in 1935 that dog handlers' evidence would remain inadmissible in court,²⁴² prosecutors soon began presenting Palestine courts with dog tracking evidence. Neither the novelty of the method nor skepticism concerning its reliability led to judicial reservations about admitting dog tracking and identification evidence. “Dog parades” were deemed not only admissible; with few exceptions, courts treated their evidence as iron-clad. Two dogs could even corroborate each other's identifications. Houses were demolished and some defendants were sent to the gallows based on such identifications alone.²⁴³

A 1937 murder investigation in Safad was a notable exception in which dog evidence was dismissed. But as a result, the case drew local attention as well as outrage in Westminster. The magistrate decided not to bind the accused over for trial despite the fact that a police dog picked him out of two separate identification parades based on the smell of a blood pool and a cigarette packet found at the crime scene. Furthermore, the tracking evidence was corroborated by the testimony of the victim's brother, who testified that the defendant had threatened the victim shortly beforehand. Though the Attorney General possessed the authority to indict without magistrate authorization, he

²³⁶ Haganah Archive, 34/289. Addressing *Haganah* staff in 1939, Menzel observed that properly defined, dog tracking could not yet be considered a “science.”

²³⁷ Menzel, *Dog Education and Training* 135 (Palestine: Lanotter, 1939).

²³⁸ Matthew Hughes, “The Banality of Brutality: British Armed Forces and the Repression of the Arab Revolt, 1936-1939,” *English Historical Review* 124 (2009): 313 – 354, 326. Citing MEC J&E Mission Papers, GB 165-0161, Box 66, file 3, 3.

²³⁹ See above.

²⁴⁰ See above.

²⁴¹ CZA 129/67.

²⁴² “How Dogs Assist the Police: Jerusalem Journalists Receive a Lesson in Dog Training for Crime Discovery,” *Doar Hayom* (in Hebrew), May 10, 1935, p. 4.

²⁴³ Hughes, “Banality of Brutality,” 318; “Death Sentence for Daylight Shooting,” *PALESTINE POST*, January 11, 1939, at 2.

chose not to do so. Colonel Wedgwood brought the matter to the attention of Parliament when questioning Secretary of State for the Colonies Ormsby-Gore, asking “what further steps are to be taken to put an end to the terrorism in Palestine which prevents convictions being obtained by the police?” The question prompted Ormsby-Gore to take special interest in the case, ordering the High Commissioner to submit a detailed report on the matter.²⁴⁴

Palestine courts admitted dog identifications even when the police had clearly breached handling and tracking protocols.²⁴⁵ In one case dog handler Parker admitted that he had permitted “a suspect person to come near the place in which there is a trace related to the crime,” raising fears of contamination and the possibility that the dogs—much like the Bedouin tracker in the Arlosoroff investigation—had traced tracks left after the fact. Though the judge noted that dog evidence was “extraordinarily not bad,”²⁴⁶ he rendered this breach of protocol “extreme negligence.” The Court nevertheless admitted the evidence and convicted the defendants of murder. They were sentenced to 10 and 15 years imprisonment.²⁴⁷

Furthermore, those testifying and interpreting the dogs’ identifications in court were frequently not even certified handlers.²⁴⁸ Given the high demand for their skills, Parker and Pringle—Palestine’s only certified dogmasters for a number of years—were stretched thin and were often unavailable to testify.²⁴⁹ Instead, rank-and-file policemen who took part in the investigation offered evidence about the dogs’ behavior at the defendant’s home or during a line-up: whether they pounced on the defendant, barked at him or gave tongue.²⁵⁰ Given their lack of expertise, these policemen could not confirm the dogs’ pedigree, training or reliability; nor could they testify concerning adherence to dog-handling protocols in the particular investigation. They could merely attest to the fact that generic lineup requirements had been met. These shortcomings rendered those policemen’s cross-examination useless. Arguably, even Parker and Pringle’s testimony would have been imperfect: as the Supreme Court of South Africa had ruled in 1920, it too could be deemed inadmissible hearsay.²⁵¹ But perhaps the unavailability of cross-examination or any real possibility to scrutinize the Doberman’s techniques was what made their evidence so tremendously useful. Unlike the Bedouin trackers, the scent the dogs followed could not be seen and their methods could not be undermined in open court.

Dogs justified extra-judicial punitive action as well. In an ironic twist, dog tracking—devised in South Africa to individualize criminal responsibility—was used in

²⁴⁴ ISA M 276/22.

²⁴⁵ CrimA 8/36 (IMG_1561)

²⁴⁶ Criminal Assize 8/36: “This is a queer evidence and it is extraordinarily not bad. The method through which the identification took place, however, is that the two accused were brought to the place of the incident, and their feet may have stepped near the place of the footsteps which are found there, and the dogs may have smelled their footsteps. The Court sees that it is a sign of extreme negligence to permit a suspect person to come near the place in which there is a trace related to the crime, and have the dogs then come and smell its odour.”

²⁴⁷ See above.

²⁴⁸ Compare to situation in Kenya when dogs were employed: *Abdullah bin Wendo v. R.*, EACA Cr. App. 44/52. The Court insisted that at minimum the handlers be available to testify.

²⁴⁹ For examples see ISA M 276/22. The witness testifying at trial was Kassen Eff. Abu Ghazaleh, a member of the Palestine Police, who interrogated the defendant. Concerning the dogs, he testified: On 17/3/37 at 9:10 in the morning, the accused was put in a parade for identification by the Police dogs. The dog picked him out from amongst 7 persons after it had smelt the odour of the place where the large blood stains were found. The dog recognized him twice. After that, I charged the accused Mohammad Yasseen with the murder. He denied killing him. He said: ‘I did not kill Shmuel Gottfried and I did not see him.’

²⁵⁰ *Id.*

²⁵¹ The dog’s techniques would of course be of little importance or controversy if the accused later confessed, as they did in some cases. Spicer reports one case in which a man accused of attempted murder, after having been picked out in an identification parade said “Finish; good enough; the dog is not a liar.” But this was not typically—and definitely not always—the case. See Spicer, at 249.

Palestine to justify collective punishment and fines.²⁵² After rebels ambushed and killed an R.A.F. officer in February 1938, dogs were brought to track them. The dog led to a house in the village of Ijzim. But when put on the scent again he led to a house opposite the one it had originally tracked. The British solution was simple: both houses were demolished and the entire village was fined.²⁵³ One soldier wrote to his mother how “You may follow the police dogs into one village and upon this vague clue you may smash the village and burn it down...”²⁵⁴ One such incident occurred after the November 5, 1937 killing of two “Black Watch” soldiers near the Jaffa Gate. One soldier in the force reported that after the Dobermans led the forces to Silwan, just south of Jerusalem, they beat twelve Arabs to death with rifle butts.²⁵⁵

How did judges in Palestine justify the admissibility of dog tracking evidence, especially given its exclusion as insufficiently scientific in South Africa? Since no judge in Palestine addressed the issue directly, one may only speculate. One possibility is that in the absence of juries, judges in Palestine were less concerned than their South African peers of the necessity of excluding evidence of questionable scientific merit. As professional judges, they would attach proper weight to such evidence. This is unlikely, however, given how cautious Palestine judges were concerning other formal evidentiary requirements—such as corroboration—where they displayed greater rigidity than English judges presiding over juries.

A more plausible explanation has to do with the historical moment at which the dogs arrived in Palestine. Though the Palestine Police and prosecution initially promised to adopt the South African model whereby dogs would serve the police in investigations but their tracking would not be presented in evidence, this position shifted as events unfolded. The crisis that began in the mid 1930s made it too tempting to set aside such evidence; the courts proved too weak to ignore it. The Government often found itself with not much more than the barking and pawing of Doberman Pinschers to tie defendants to a crime. In a time of emergency, when dogs supplied the only evidence against alleged rebels, judges in Palestine proved reluctant to exclude it. When the canons roared and Argos barked, Themis too fell silent.

Palestine’s Doberman Pinschers met an unfortunate fate in 1948, falling victims to British decolonization.²⁵⁶ Rather than repatriating them to South Africa or exporting them to one of the many colonies seeking their services, the dogs were euthanized.²⁵⁷ But though Palestine’s Dobermans perished, the sun did not set on dog tracking in the Empire. In 1949 Harry Rice—former head of the Palestine C.I.D., now serving in Kenya—helped introduce a dog section there too.²⁵⁸ The dogs would go on to play a significant role in suppressing the Mau Mau Uprising, like they did in Palestine.²⁵⁹

²⁵² “Attack on Post,” *Palestine Post*, April 21, 1938; “Attacks on Traffic” *Palestine Post*, April 10, 1938.

²⁵³ Hughes, “Banality of Brutality,” 326.

²⁵⁴ *Id.*, at 327.

²⁵⁵ *Id.* 346, citing Diary, Nov. 7 1937, Major White, 1974-04-24-8 NAM. Officially, one villager “fell of a cliff” with another shot dead and another injured.

²⁵⁶ Segev, *One Palestine, Complete*, 489.

²⁵⁷ *Id.*

²⁵⁸ SAP 21/199/26 (Letter from R.J. Palmer to Harry Rice, 15 February 1949) Though South African experts believed that “the climatic conditions prevailing in Kenya would not be conducive to good work on the part of the dogs,” Rice convinced his former South African colleague Palmer to send him two trained Doberman-Pinscher-Rottweilers. Rice explained to Palmer that “his reputation hangs” on his ability to secure tracking dogs for the Kenyan force.

²⁵⁹ Derek Peter Franklin, *A Pied Cloak: Memoirs of a Colonial Police Officer* (London: Janus Publishing, 1996), 53. “From time to time, we called upon our very efficient Kenya Police Dog Section. In those days a lot of dogs came from South Africa, and the commands were given in Afrikaans!”

Conclusion

The multifaceted history of forensic dog tracking may be characterized by a number of features; while some are unique to time, place and this particular investigative technique, others are generalizable to other forensic technologies developed in the colonies. As a case study, dog tracking illustrates the new ground the colonies helped break in forensic culture and epistemology. As with fingerprinting and tool-marking, the colonies helped reimagine and redefine the boundaries of forensic inquiry and methodology, not only scientifically but also morally. Techniques deemed unthinkable in contemporary Britain became imaginable in its empire. Challenges to colonial authority pressed colonial authorities to develop and adopt new policing methods, even though they lacked proper scientific foundation. Furthermore, whereas in England morality confined the epistemological boundaries of forensic innovation, in the colonies these frontiers remained far more open and pliable. The distance between colonizer and colonized allowed innovations in policing that reduced populations to their biological attributes.

By reducing populations to their physical attributes, forensic technologies often required—but also produced—a detachment between observer and observed, police and policed. Only through its objectification could a population be reduced to its physical traits and traces. It is precisely this aspect that made dog tracking so objectionable in Victorian England. Dog tracking's origins in animal stalking and in the slave hunts of the American South underscored the dehumanizing nature of this particular method. But this objectification is also what made dog tracking both necessary and possible in the colonies: the dehumanization that attended colonialism made such objectification possible, while eyewitness unreliability and non-cooperation made it indispensable.

Dog tracking also displayed some distinguishing characteristics. Despite science's ambition to universality, forensic dog tracking was based from its inception on assumed racial difference, thus epitomizing colonialism itself. It relied on the assumption that although all individuals possessed a unique scent, only non-Europeans in rural colonial environments could be reliably traced. Moreover, dog tracking espoused inherent contradictions, simultaneously drawing on purported scientific objectivity and precision while also relying upon superstition and religious taboo for its psychological effect. Though colonial administrators may have considered these aspects to be complementary, rendering dog tracking more effective as a policing method, the two were utterly inconsistent. Relying upon and reinforcing native superstition was diametrically opposed to colonialism's purported justifications of substituting superstition with science and despotic caprice with a rational rule of law.