4 *Religion and the Colony*
Numbers, Representation, and Borders in British India and Mandate Palestine

There is no God, but he promised us the land.

Amnon Raz-Krakotzkin

This chapter examines the epistemological politics of religion as illustrated through a study of the partition of British India and Mandate Palestine and the emergence of the Pakistani and Israeli states. It argues that the concept of 'religion' and the capacious concepts of 'Muslim' and 'Jewish' both gave shape to and were shaped by the various claims for independence, resistance to colonial governance, struggle for minority representation, and other forms of recognition.[1] It shows that we can gain a better understanding of the costs of recognizing religion in International Relations (IR) by tracing the manifold ways in which the concept of religion has become recognizable locally, nationally, and globally. After a brief historical introduction, I engage the question of numbers and demography (through the analysis of the census and immigration), the topic of political representation, and the work of two border commissions at the centre of the partition processes – the Royal Palestine 'Peel' Commission and the Radcliffe Commission of Punjab and Bengal.

In examining how 'religion' came to be a part of a transnational vocabulary describing minorities, borders, or conflicts, I focus on the ways in which the term and its cognates were used by colonial, local, international, and postcolonial actors, as well as how it became part of new struggles for authority, power, and order. I ask what this use depended on in order to make sense in particular contexts, and how this use shaped the meaning and the work 'religion' could do in terms

[1] Increasingly broad and vague meaning serves a purpose, in our case the British using vague concepts in order to create the image of self-rule while keeping the regional influence after independence.

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of legitimating certain actors, authorizing certain political orders and hierarchies, and enabling access to power and position.[2] Interested in these dynamics, I also look closer at the shift in meaning instantiated by these forms of use and illustrate the details and consequences of such shifts.

It is not the question here whether or not the 'Jews' of Palestine or the 'Muslims' of India were a religious group or if the minorities, nations, or states formed around them were defined by 'religion'.[3] Extensive scholarship has studied the historical formation that has framed Judaism as religion (or not) and Islam as a separate category from politics.[4] Instead, I build on the critical standpoint underlying these studies and ask what it meant to categorize certain aspects of colonial, local, global, administrative, legal, political, cultural, and social life as Jewish or Muslim. What did this mean and how was it done? What were the consequences? I want to know how subjects that would come to claim political representation on a global stage took shape in the first place, as well as how those subjectivities shifted. The Eastern European Zionists were a very different part of this process than were the Mizrahim or the Orthodox Haredim, for example.[5] Similarly, the leader of the All-India Muslims League Muhammad Ali Jinnah's disregard for the Indian Muslims' religious practices did not hinder him from claiming a nation and state in their name. In this

[2] As Talal Asad, following Ludwig Wittgenstein, has argued, 'it is not enough to show that what appears to be necessary is really contingent. It is a matter of showing how contingencies relate to changes in the grammar of concepts – that is, how the changes in concepts articulate changes in practices' (Asad, *Formations of the Secular*, p. 25). For Asad on the Wittgensteinian language games of 'religion' and the 'secular', see also Asad, *Secular Translations*, pp. 147–48.

[3] To be clear, the following analysis does not argue that the British, Indian, or Palestine discourses on 'Muslim' or 'Jewish' subjectivity conflates the 'Arab' or the 'non-Jew' with the 'Muslim'. It remains clear to all that British Indian Muslims are not necessarily future Pakistani citizens and the practices of Muslims not deducted from a single version of 'Islam'. To the British, the British Indian 'Muslims' were considered a nation, much like the Assyrian Christians, and until very late in the partition process, not as foundational for a state.

[4] Adcock, *The Limits of Tolerance*; Hussin, *The Politics of Islamic Law*; Dalsheim, *Israel Has a Jewish Problem*; Batnitzky, *How Judaism Became a Religion*. For a study on how the image of 'the Jew' and 'the Arab' constitute the condition of religion and politics, see Anidjar, *The Jew, the Arab*.

[5] Boyarin, *Judaism*; Shumsky, *Beyond the Nation-State*.

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chapter, I single out a few instances of these constitutive processes and look at numbers, questions of representation, and the making of international borders.

It is important to note here that none of these processes were creative in the sense of inventing subjectivities, territorial demarcations, or political categories. As we will see throughout the chapter, these processes were embedded in a context in which such manifestations made sense. The only questions are, then, how were they recognizable and to whom? Why them and not others? And most importantly, what followed?

Race and Religion: Colonial Politics of Knowledge

Over the past five centuries, imperial domination has shaped modern global relations, deeply influencing the development of political orders and legal frameworks that governed both domestic and international affairs. By the peak of European imperialism, a rigid international hierarchy had become entrenched, often justified by appeals to racial differences. Although notions of difference had existed in earlier international orders, during the late nineteenth and early twentieth centuries, these distinctions were increasingly framed in racial terms. What W. E. B. Du Bois called the global 'color line' emerged from intersecting political and ideological forces in the nineteenth century, including the legacies of enslavement in the Americas, imperial exploitation in Africa, and what Adom Getachew refers to as a 'growing racial identification among Europeans and their settler counterparts' – the latter increasingly blurring the lines of differentiation.[6] By the end of the nineteenth century, the racialized concept of difference had led to a more conflicted view of empire as a civilizing mission.[7] While liberal advocates of empire saw imperial rule as a temporary tool for advancing progress, growing scepticism about whether such progress was achievable – due to the perceived intransigence of the colonized peoples – led to a more cautious and conservative approach to empire that focused on maintaining order and

[6] Getachew, *Worldmaking after Empire*; see also Appadurai, 'The Heart of Whiteness'.

[7] Getachew, *Worldmaking after Empire*; Sullivan and Tuana, *Race and Epistemologies of Ignorance*.

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conserving native societies.[8] Another key factor driving the transition from direct to indirect rule by colonial powers was the challenge to the legitimacy of colonial authority, particularly due to its racialized nature and its violation of acclaimed universal principles of equality.[9] To justify colonial rule, local intermediaries and traditional authorities became crucial in the implementation of indirect rule.[10]

As Mahmood Mamdani argues, it was under the system of 'indirect rule' in colonial governance that the categorization and management of difference became central to the functioning of empire. Colonialism, in this context, institutionalized divisions based on race and religion, embedding them both in societal structures and in official policies.[11] This form of indirect colonial rule – through tools like historiography, lawmaking, and census-taking – politicized these acknowledged differences, transforming them into legally recognized boundaries. Adherence to these boundaries, in turn, became tied to the distribution of security and economic benefits. Mamdani captures this process with the phrase 'define and rule'.[12] As Yael Berda suggests, the unravelling of the myth of universality revealed that racial hierarchy was not only a political belief but an organizing principle for administrative actions.[13] In the hybrid structure of indirect rule, race and religion emerged as key categories, offering an alternative to a universalist order. These categories were thus deeply intertwined with the mechanisms of imperial governance. In this chapter and Chapter 5, I examine how the concepts of religion and race appear, at times, interchangeable and at other times function as distinct concepts of governance and knowledge. In Chapter 5, I argue that this conceptual ambiguity was not merely a product of political interest or administrative needs but was also shaped by the deeper and often contradictory assumptions held by individual actors regarding the global political order.

[8] Getachew, *Worldmaking after Empire*; see also Pasha, 'Religion and the Fabrication of Race'; An, *The Coloniality of the Secular*.
[9] Berda, *Colonial Bureaucracy and Contemporary Citizenship*.
[10] Hussin, 'Making Legibility between Colony and Empire'; see also Hussin, *The Politics of Islamic Law*.
[11] Mamdani, *Neither Settler nor Native*; Mamdani, *Define and Rule*.
[12] Mamdani, *Define and Rule*.
[13] Berda, *Colonial Bureaucracy and Contemporary Citizenship*, p. 41.

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Pakistan and Israel as States: The British Withdrawal from India and Palestine

On 3 June 1947, the British government issued a statement announcing the 'intention of transferring power in British India to Indian hands'.[14] The Second World War had left the British heavily indebted, dependent not only on their colonies but on the declaredly anti-imperialist United States.[15] The recent war had seen the international order crumble, leaving the League of Nations with its Mandate system and Woodrow Wilson's limited but broadly disseminated idea of self-determination to merge into a new order. The United Nations (UN) struggled to take up the mantle and emerged as an independent organization during the beginning of what would come to be known as a Cold War.[16]

In this context, the newly elected British Labour government established two commissions to 'demarcate the [new state] boundaries … on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims'.[17] Independence in India was to come at midnight on 14 August 1947, allowing for about ten weeks' preparation. The British lawyer Cyril Radcliffe left for India on 7 July to head one of the commissions tasked with demarcating the boundary between the emergent states. It was his first visit to the subcontinent. Six weeks later, the results of the commission, known as the Radcliffe line, became an international border separating the Indian Union and Pakistan. It also divided the north-western region of Punjab, bordering Afghanistan, and the north-eastern region of Bengal, bordering Burma, into respective Indian and Pakistani territories. The Radcliffe Award demarcated 'Muslim Pakistan' from its 'non-Muslim' Indian neighbour in the terms used in the official brief. Subsequently, fourteen and a half million people crossed the border after partition.

[14] HC Deb 03 June 1947 vol 438 cc35–46.

[15] Extensive critique on the discrepancy between the projected anti-imperial stance and the broad line continued support for the British by the US-American government. See, for example, Louis and Robinson, 'The Imperialism of Decolonization'; see also: Grob-Fitzgibbon, 'Further Thoughts on the Imperial Endgame and Britain's Dirty Wars'; Strang, 'Global Patterns of Decolonization, 1500–1987'.

[16] Mazower, *No Enchanted Palace*; Getachew, *Worldmaking after Empire*; Dubnov and Robson, *Partitions*.

[17] Cmd. 7136.

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Of these, between 500,000 and two million died in the warlike conditions that followed.[18]

Earlier that year, on 14 February, the British cabinet had decided to return their Mandate and hand over the 'Palestine Question' to the UN. On 18 February, the British foreign secretary Ernest Bevin had spoken to the House of Commons about Palestine: 'We are unable to accept the scheme put forward either by the Arabs or by the Jews, or to impose ourselves a solution of our own'.[19] Responding, the UN General Assembly met in special session in New York and established a Special Committee on Palestine (UNSCOP) to re-examine the options for a Palestine future. The committee toured the country during the summer of 1947 and presented their report on 1 September, later that year. There was unanimity in UNSCOP about the need to terminate the Mandate and a majority in favour of partition into two states. A minority proposal, however, was also presented that would give Palestine independence as a 'federal state' with locally governed, separate Arab and Jewish autonomous areas. It would leave Palestine a unitary state under 'Arab domination'.[20]

During the following two months, three specially appointed subcommittees of UNSCOP developed the terms of the different recommendations. At the end of November, UNSCOP's recommendations were brought before the UN General Assembly at Lake Success in New York, where the vote was held on 29 November. Two-thirds of the votes were necessary for ratification. In the end, thirty-three states voted yes, thirteen no, and ten abstained. Partition had passed but not very comfortably.[21] The rejections had consisted of Arab states, Cuba, and India. Resolution 181 (II) thereby terminated the British Mandate

[18] Jalal, *The Pity of Partition*, p. 5; Chester, *Borders and Conflict in South Asia*, p. 81.

[19] Quoted in Morris, *Righteous Victims*, p. 180, and in Cohen, *Palestine and the Great Powers, 1945–1948*, p. 223. Foreign Secretary Bevin and Prime Minister Attlee did not necessarily see the Jews in Palestine as an emerging nation but rather as a religious group displaced by war. On a visit to Washington in 1945 Bevin told President Truman that he hoped that the Jews would play their part in reconstructing Europe and not 'over-emphasise their separateness from other peoples' (*The Times*, 14 November 1945, quoted in Shindler, *A History of Modern Israel*, p. 58).

[20] Shindler, *A History of Modern Israel*, p. 58; Bevin regarded UNSCOP's majority report as unjust and immoral (Morris, *Making Israel*, pp. 48, 73).

[21] Morris, *Righteous Victims*, p. 186.

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for Palestine and established two states, one Jewish, the other Arab, bound in an economic 'union'. The British pullout was to be completed 'no later than 1 August 1948'.

With the UN resolution passed, massive demonstration erupted in cities across the Middle East and North Africa. Within the following hours, the region experienced an eruption of violence, turning into civil war.[22] The desire for a zero-sum conflict during the UN resolution negotiations transformed into a full-scale war, drawing in the neighbouring countries of Transjordan, Egypt, Syria, Lebanon, and Iraq. The culmination was the exodus of between 600,000 and 760,000 Palestinian Arabs, the refusal of Israel to allow them to return, and the unwillingness, combined with inability of the neighbouring states apart from Transjordan, to resettle them.[23] On 14 May 1948, Israel's first prime minister, David Ben-Gurion, proclaimed the establishment of 'the Jewish State' in Palestine.[24] While the Israeli state was de facto recognized by the United States within eleven minutes of the Mandate's end, Britain took more than eight months. Iraq, Lebanon, Pakistan, Syria, and about twenty-five other states still do not recognize the State of Israel.[25] On the last day of the British Mandate – 14 May – with the conditions on the ground radically changed, UNSCOP was formally dissolved. In the span of a year, in processes that had been accompanied by large-scale violence, both Pakistan and Israel had emerged as new states that were shortly thereafter granted membership in the UN.[26]

Numbers: Census, Enumeration, and Immigration

British India

The population upon whose behalf the 'Muslim National Home' of Pakistan was claimed had been a part of the British Indian Empire for

[22] Shindler, *A History of Modern Israel*; Khalidi, 'The Palestinians and 1948'.
[23] Khalidi, 'The Palestinians and 1948'; Shindler, *A History of Modern Israel*, p. 48, Morris, *Making Israel*; see also Bashir and Farsakh, *The Arab and Jewish Questions*; El-Eini, *Mandated Landscape*.
[24] From the declaration of independence: 'hereby declare the establishment of a Jewish state in Eretz-Israel, to be known as the state of Israel' (reprinted in Armitage, *The Declaration of Independence*, p. 239).
[25] Shindler, *A History of Modern Israel*, p. 43.
[26] Pakistan: A/350, 21 August 1947 and 108(II), 30 September 1947; Israel: A/RES/273(III), 11 May 1949.

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centuries. Prior to that, it had experienced three centuries of Mughal rule. Nevertheless, British Indian Muslims were a heterogeneous group, estimated to comprise approximately 100 million at the time of partition.[27] The fact that the British administration categorized a population who spoke different languages, belonged to different social strata, and carried out different cultural rites and rituals under a singular label spoke more to the forms of imperial knowledge than the day-to-day experiences of its population.[28]

The census was one of the most influential ways in which this heterogeneity was represented to and by the British as a single whole, making the 'Muslims' politically salient and intelligible in the rule of the late British Empire. The Registrar General and Census Commissioner conducted a census in British India every ten years beginning at the end of the nineteenth century. It was intended to serve as a basis for knowledge about Indian local society, mapping the population and land according to language, caste, religion, professions, and so on. Initially initiated in order to assist revenue and tax collection in the north-east region of Bengal during the late eighteenth century, the census developed to capture almost every aspect of British Indian life in numbers.[29] In his foundational study of the Indian census, Bernard Cohn shows how the original concern with counting the characteristics of the Indian population, 'which may have started as the intellectual concerns of a few British officials or the administrative necessity of knowing the "natives"' had become an object to be used in political, social, and cultural battles'.[30] The Indian census shaped a new sense of categorized identity that in turn

[27] 'The dilemmas on imagining a coherent Pakistani nation have been compounded by regional and linguistic diversities that have resisted being melted down to fit the monolithic molds of the state's Islamic identity' (Jalal, *The Sole Spokesman*, p. 74; see also Jalal, *The Pity of Partition*; and Devji, *Muslim Zion*).

[28] Bayly, *Empire and Information*; Bayly, *Indian Society and the Making of the British Empire*; Cohn, *Colonialism and Its Forms of Knowledge*; Devji, 'Changing Places'.

[29] Cohn, *Colonialism and Its Forms of Knowledge*, pp. 231–47. The census developed to capture almost every aspect of British Indian life in numbers after initially introduced to assist revenue and tax collection in the north-east region of Bengal during the late eighteenth century.

[30] Cohn, *An Anthropologist among the Historians and Other Essays*, p. 250.

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created 'the conditions for new strategies of mobility, status politics, and electoral struggle in India'.[31]

Through the census, the Indian Hindus, Muslims, Sikhs, and Christians became quantifiable as 'communal' entities.[32] The census's enumeration of the Indian population into communities further functioned as a point of reference for the colonial state when it introduced representative political institutions. This was most clearly reflected at the provincial level in 1909 with the decision to introduce separate electorates for Muslims and as the British extended provincial self-government through the Government of India Acts in 1919 and 1935. Through these 'marked' electorates, Muslim representation was thought to increase in the system of elective local government.[33] Once these census categories became a point of reference for the British government, however, religious demographical numbers became directly linked to political representation, power, and patronage. While the introduction of separate electorates for Muslims, Sikhs, and others in British India in the first decades of the twentieth century were meant to 'protect either community from being deprived of political representation in areas where it was a minority',[34] those who were supposed to benefit from these protections were also 'transformed by virtue of their subjection to the calculus of state and geopolitical power'.[35]

The recognition of religious minorities had empowered and provided them with local political power, but it had also conditioned that very influence to those identifiable as 'Muslims', 'Sikhs', or the other categories provided for by the census. This categorization encouraged new forms of practices by putting different weights and values on existing conceptions of group identity, bodily distinctions, and self-representation.[36] While this does not imply that British Indian

[31] Appadurai, 'Number in Colonial Imagination', p. 316; see also Dirks, *Castes of Mind*; Guha, *Dominance without Hegemony*.

[32] Talbot and Singh, 'The Road to 1947'; for example with facts such as the number of mimes in 1941 India was around 60,000 (Census of 1941).

[33] Ahmed, 'The 1947 Partition of Punjab'.

[34] Devji, *Muslim Zion*, pp. 59–60.

[35] Mahmood, *Religious Difference in a Secular Age*, p. 60. In the case of the role of the census as a 'modern instrument of domination and liberation … a mechanism for organizing and perpetuating state power'.

[36] Appadurai, 'Number in Colonial Imagination', p. 316. See also Cohn, *An Anthropologist among the Historians and Other Essays*, p. 250 for an account of attempts by the Arya Samaj in Lahore to influence the answers which

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Muslims were 'invented' by imperial arithmetic logics and administrative practices – the Mughal rule had long before consolidated power on the subcontinent around a Sunni Hanafi legal tradition – this formation of an integrated religious, cultural, and political Muslim body brought together what Arjun Appadurai calls an 'exoticizing vision of orientalism with the familiarizing discourse of statistics'.[37]

In a more general sense, the recognition of the national minority, which had gained an international institutional form after the First World War, had empowered these minorities, but the process of minoritization had also made them governable.[38] Therefore, while governing instruments such as the census and forms of political representation such as the separate electorates partook in the constitution and the empowerment of the religiously marked minorities, they had simultaneously made them vulnerable to the government practices and categories of the colonial state.[39] The protection of the minority would not only make it more vulnerable; it would also push its members to amplify their difference in regard to the national majority in order to make them legible to a national and international discourse of minority rights.[40] The double face of recognition had both enabled and subjected those seeking empowerment through it.

The enumerative power of the census's categorization was probably the most influential example of the effect that colonial administration and bureaucracy had on consolidating the Muslim political constituency and stabilizing the demarcation between Muslim and non-Muslim. As categories, the 'Muslims' and the 'Hindus' lent stability to the British experience of heterogeneous Indian social, political, and cultural life. This reduction of complexity was, indeed, a

people would give in the census, listing the answers to give to questions of religion, sect, caste, race, and language.

[37] Appadurai, 'Number in Colonial Imagination', p. 333. See Berda, *Colonial Bureaucracy and Contemporary Citizenship* for an account of other actors shaping the conceptual instrumentarium for governing mechanisms such as the census, for example M. W. M. Yeatts, the notoriously named 'iron-willed census Commissioner'. Yeatts justified shifting away from costly All-India tabulations of caste and instead proposed using categories for nationality and religion, which were more useful to the government. Further notorious are his efforts to remove language from the census.

[38] Mufti, *Enlightenment in the Colony*.

[39] Mufti, *Enlightenment in the Colony*, p. 13.

[40] Mahmood, 'Religious Freedom, the Minority Question, and Geopolitics in the Middle East'; Mahmood, *Religious Difference in a Secular Age*.

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mechanism for organizing and perpetuating state power, as has been argued many times before.[41] However, while this process of individualizing, categorizing, and disciplining corporeal bodies functioned as an instrument of domination, it also created the conditions for the idea of the representation of Indian selves – in the form of self-rule – as nationalism became a mass movement.[42] The enumerative power of the census had indeed elevated the entity or identity of 'the Muslims' and made them recognizable and intelligible as a coherent and identifiable subject able to claim both the nation and the state. Although the close connection between the census and political representation and power left this connection highly charged, it remained relatively unchallenged until the very end of the British rule.[43] As so, at the time of independence, the census featured as the single most important point of reference for separating the new Pakistani state from the Indian Union.[44]

Mandate Palestine

The counting and categorization of the population was a different issue in Mandate Palestine. Prior to the British Mandate, the Ottoman Empire kept detailed registers (*daftar-I mufassal*) providing comprehensive statistics on economic activity and population, including counting household heads and indicating their religion. During the nineteenth and early twentieth centuries, there were two main sources of Ottoman population data on Palestine: the *Salname* (yearbook) and population register (*nüfus*) for the years 1871, 1880, 1905, 1912, and 1915. While they remained incomplete, their main object was not necessarily to provide exact information to the Turkish centre but rather

[41] Bayly, *Empire and Information*; Appadurai, 'Number in Colonial Imagination'; Cohn, *Colonialism and Its Forms of Knowledge*; Chakrabarty, 'History and the Politics of Recognition'.

[42] Hussin, *The Politics of Islamic Law*; Devji, *Muslim Zion*.

[43] The counsel of the Indian National Congress loudly contested the reliability of the 1941 census figures (Ahmed, 'The 1947 Partition of Punjab', p. 124), which were said to have been particularly problematic due to an unprecedented increase in Muslim population between 1931 and 1941. While its contestability was not questioned by the other members, the representative of the Muslim League, Muhammad Zafarullah Khan, argued that the Commission had no choice but to rely on the figures (Ahmed, 'The 1947 Partition of Punjab', p. 142).

[44] Cmd. 7136.

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to obtain the names of persons liable for military service or upon whom they could impose new taxes.[45]

The British subsequently conducted censuses in Palestine in 1922, 1936, and 1946, but rather than being connected to questions of political representation and the governing of minorities, the numbers in Palestine came to be intimately connected to the question of immigration. Specifically, the censuses were concerned with the number of Jewish immigrants to Palestine under the auspices of the British Mandate.[46] In September 1922, after the First World War, the League of Nations allotted the Mandate over Palestine and Iraq to the United Kingdom. The Mandate stipulated that Palestinians should receive 'administrative advice and assistance by a Mandatory until such time as they are able to stand alone'.[47] While fulfilling this role, the British were to facilitate the establishment of a 'Jewish National Home' through immigration.[48] The Mandate thereby affirmed the Balfour Declaration given by the British government to the head of the British Zionist Federation, Lord Lionel Walter Rothschild, five years earlier in 1917. The double obligation by the British to develop a 'Jewish Home' and protect the 'civil and religious rights of existing non-Jewish communities in Palestine' left the Mandate and the Declaration at the centre of the conflict regarding the right to establish a Jewish State and facilitate European immigration to Palestine.[49]

In contrast to the Palestinian census, which would come to note Arab Palestinians as 'Muslims, Christians, Druze, and Others', the Balfour Declaration, as well as the Mandate itself, spoke of Jews and non-Jews only.[50] The Palestinian Arab population was mentioned

[45] Frantzman, 'Counting Nomads'. Further population censuses conducted by Moses Montefiore (1839, 1849, 1855, 1866, and 1875) were restricted to the Jewish population.

[46] The Declaration read that 'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country' (Balfour Declaration in Laqueur and Rubin, *The Israel-Arab Reader*, p. 16).

[47] Balfour Declaration in Laqueur and Rubin, *The Israel-Arab Reader*, p. 16.

[48] Berda, *Colonial Bureaucracy and Contemporary Citizenship*, pp. 63–89.

[49] Balfour Declaration in Laqueur and Rubin, *The Israel-Arab Reader*, p. 16.

[50] El-Eini, *Mandated Landscape*, p. 17. On the census, see Leibler, 'Statisticians' Ambition'; Leibler, 'Establishing Scientific Authority'; Leibler and Breslau, 'The Uncounted'.

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only as 'non-Jewish communities' and not explicitly by name. Jews were also alone in being labelled 'national' in addition to being a religious community in Palestine. No other community was 'national' or named. Instead, they were subsumed under the category of the 'other inhabitants of Palestine', or 'non-Jews'.[51] One of the few suggestions of Arab community occurred in Article 22 of the Mandate, which mentioned Arabic next to English and Hebrew as the future official languages of Palestine.[52]

Demographic politics also structured the Zionist conceptualizations of and policies towards the Arab minority in the proposed Jewish state. As Nimrod Lin shows, prior to 1937 and the first official plan for Palestine partition, the official policy of the Zionist Organization regarding the future of Palestine was 'mutual non-domination' – the idea that Jews should not dominate Arabs, and vice versa. 'This slogan, which permeated Labor Zionist thought since at least 1917, excluded, by definition, any scenario in which an Arab minority would be ruled by a Jewish majority, and thus no serious planning for the place of an Arab minority in a Jewish State had been conducted by the Zionist leadership until July 1937.'[53] The tacit agreement to establish a Jewish state at the 1937 Zionist Congress, however, signalled the end of mutual non-domination as an official Zionist policy, abandoning the principle of parity between Jews and Arabs in Palestine's self-governing institutions. It meant that the Zionist leadership accepted that 'Jews should, and could, rule over Arabs'.[54] The issue of mass transfer of Arabs out of the Jewish state now became a central part of Zionist political discourse as a measure that would consolidate the Jewish character of the state.[55] I return to the role of transfer of population in Chapter 5, but what remains important here is how ideas about minority governance and parity – the understanding that Jewish and Arab communities are equal in terms of the kind of entity – both worked to constitute and affirm the difference between them.

From the side of the British, the mandate to facilitate Jewish immigration to Palestine in order to establish a 'Jewish National Home'

[51] The Balfour Declaration in Laqueur and Rubin, *The Israel-Arab Reader*, pp. 16, 30–36; see also Robson, *States of Separation*; Shapira, *Israel*, p. 73.
[52] Laqueur and Rubin, *The Israel-Arab Reader*, p. 35.
[53] Lin, 'The Arithmetic of Rights'.
[54] Lin, 'The Arithmetic of Rights'; see also Lin, 'People Who Count'.
[55] Lin, *People Who Count*.

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remained, on the one hand, a pledge to help Jews immigrate to Palestine. However, it also sedimented the association between Jews as immigrants.[56] The growth of the Jewish population of Palestine from approximately 56,000 to 650,000 during the thirty years of British rule not only laid the groundwork for the creation of a durable Jewish society – or a 'Jewish National Home' – but confirmed the initial fears of the Palestinian population regarding the expansive aims of the Zionist movement. It made immigration a 'matter of life and death' for the Arab population and connected the notion of immigration with the Jewish community.[57]

Indeed, the question of immigration became increasingly contentious throughout the Mandate. While the initial argumentation of the British officials tended to measure immigrant numbers according to the economic ability of the Palestinian society to absorb them, the immigration question soon became a brick in British wartime negotiation. As the British increasingly came to see the war in Europe as unavoidable, they promised the Arab states to limit Jewish immigration to Palestine in return for their support against the Germans. As the war proceeded, the British continued to use the number of Jewish immigrants as leverage to regulate its influence in the region, emphasizing the difference between the Jewish immigrants and the non-Jewish indigenous population.[58]

[56] Berda, *Colonial Bureaucracy and Contemporary Citizenship*, pp. 62–89.

[57] El-Eini, *Mandated Landscape*; Shapira, *Israel*; Berda, *Colonial Bureaucracy and Contemporary Citizenship*; Morris, *Righteous Victims*, pp. 123, 117. See Banko, 'Claiming Identities in Palestine' for an account of the transformation of a flexible national affiliation system after the fall of the Ottoman Empire into a rigid system based on domicile, finally settled with the treaty of Lausanne putting in place international regulations for provisions of citizenship and nationality; and Sasson and Shamir, 'The 1931 Census of Palestine and the Statistical (Un)Making of an Arab Landless Class' for a study on the workings of the census to making the class of landless Arabs in order to clear land for immigration.

[58] This was to be the origin of MacDonald's historic White Paper of 1939 which set British policy on a pro-Arab course: Palestine was to become independent in ten years as a unitary state, with Jewish immigration restricted to 75,000 over a five-year period. 'This figure was calculated to ensure that the Jews would constitute no more than a third of Palestine's population. Any increase was made conditional on Arab consent. The principle that had guided immigration policy up until then – the country's economic ability to absorb newcomers – had finally been rescinded' (Śegev, *One Palestine, Complete*, p. 440). See also Shindler, *A History of Modern Israel*: 'With

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Representation: Made and Unmade

British India

Another source to look to when trying to understand the establishment and stabilization of knowledge regarding religious difference in British India was political representation. The party of the All-India Muslim League and its leader, Muhammad Ali Jinnah, hold a special position in this context.[59] Changes in the forms of representative government throughout the early twentieth century expanded the possibilities for participation by the British Indian population at large. However, with the emerging prospects of parliamentary democracy came the fear of majority rule by those who did not see themselves as belonging to it.[60] It is against this backdrop we can read Jinnah proclaiming the British Indian Muslims as a nation rather than a minority. According to Jinnah, the Muslims were both too large in numbers and too distinct in a constitutional fashion due to the reforms granting them a separate electoral body to be reduced to a national minority.

The real struggle in which the Muslim League and Jinnah took part, then, was not only the struggle for a territorial homeland for India's Muslims but rather one to establish a unified 'Muslim community' in India despite its cultural, linguistic, demographic, religious, and political differences.[61] It was a struggle between regional and national politics,[62] between the multiplicity of particular local meanings attributed to these religious markers and in light of the need for a unified Muslim front on the national stage.[63] However, rather than being a power

the defeat of German forces at El Alamein, the British attempted to disband the Palmach (the elite military unit) since it no longer served their interests. There was a revision to the proposal of the 1939 White Paper where the Jews were expected to remain a permanent minority in Palestine. Immigration would be dependent on Arab goodwill. At a time when Jews were desperately attempting to find ways out of Nazi-occupied Europe, this marked a turning point in Zionist relations with the British' (p. 37).

[59] For a tension between the Muslim League and the Punjab Unionist Party claiming representation through legal codification of family law, see Nelson, *In the Shadow of Shari'ah*.

[60] Jaffrelot, *The Pakistan Paradox*, p. 94.

[61] Gilmartin, 'Partition, Pakistan, and South Asian History', p. 1071; Jalal, *The Sole Spokesman*; Devji, 'Minority as a Political Form'.

[62] Daechsel, *The Politics of Self-Expression*.

[63] Devji, 'Minority as a Political Form'; Gilmartin, 'Partition, Pakistan, and South Asian History'; Talbot, *Pakistan*.

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struggle between different levels of government for the authority to define and delimit a future state, the struggles between the local, national, and internationalist visions of a 'Muslim Homeland' forced the political elite of the Muslims League, including Jinnah, to outline a detailed case to convince domestic supporters as well as an international audience of its feasibility.[64]

Early on, Jinnah had rejected appeals to the religious specificity of the 'Indian Muslims'. Attempts to frame Muslims as a religious minority, as had previously been done by Gandhi and the Indian National Congress, would, he argued, 'confine [the Indian Muslims] to the demographically and constitutionally powerless, degraded, and impossible position' of a minority only 'tolerated' under a Hindu Raj.[65] The Muslim League was, however, not only prevented by its leaders' opinions on the matter from making much use of Islam as the set of religious beliefs and practices of a minority population. Notably, they were also prevented from doing so by the opposition of a broad range of Muslim clerics.[66] Many of these leaders and clerics rejected the quest for Pakistan and supported the acclaimed secular, if Hindu-dominated, Indian National Congress. To opt for Pakistan, then, was to 'give up India as part of the Muslim world' and lose the possibility to regain influence within the subcontinent.[67]

As partition grew closer, the Muslim League had sidelined other Muslim representatives, and according to Ayesha Jalal, Jinnah gained the position as the League's – and its constituents' – 'sole spokesperson'.[68] Jinnah had rejected the relegation of India's Muslims

[64] See Dhulipala, *Creating a New Medina* for an account of the public controversies regarding the nature of the political system of a future Pakistan – 'Islamic or Western' – that would 'possess adequate territory and natural resources, a hardworking enterprising, and martial population, adequate revenues from taxes and duties, besides immense potential of developing into a great power' (p. 18).

[65] Devji, *Muslim Zion*, p. 85. At the Congress in Nagpur 1920, Jinnah parted with the Indian National Congress after they adopted Gandhi's non-cooperation resolution, stating that 'I will have nothing to do with this pseudo-religious approach to politics. I part company with the Congress and Gandhi' (quoted in Das, *India*, p. 76). For Jinnah's use of the terminology of 'faith' as a politics of pure will, see Devji, 'Minority as a Political Form', p. 88.

[66] Metcalf, *Ideologies of the Raj*.

[67] Devji, 'Minority as a Political Form', p. 86.

[68] Jalal, *The Sole Spokesman*. For alternative readings, see Singh, 'The Origins of the Partition of India, 1936–1947'; Pandey, *Remembering Partition*;

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to the status of a religious minority – which would have been able to provide the unifying power needed to bridge the heterogeneity of particularities of Indian Muslim life – and Muslim clerics had refused to give their support to a 'Muslim Homeland'. According to Jinnah, the Muslims were a nation. However, national projects had previously been consolidated through language and natural borders of mountains, rivers, or oceans. They were reinforced by historiography, religious rituals, and so on. The Indian Muslims, however, were heterogeneous in every respect.

> [They had] such elements of tradition or religiosity working rather to divide them more, by region, language, sect, and class. Islam as an agglomeration of prejudice, practice, and superstition, held together by juridical categories like separate electorates and personal law on the one hand, and external boundaries of caste … on the other, had to be translated into a national unity of another kind.[69]

Whatever this consolidating power would be – international geopolitics,[70] pragmatic minority politics,[71] internationalist forms of Muslim nationalism,[72] anti-colonial sentiments,[73] or ideas of Islamic utopias

Dhulipala, *Creating a New Medina*; Chatterji, *The Spoils of Partition*. Jalal argues that Jinnah had less intention in realizing the Pakistani state as he did bargained to acquire political equality with the numerically superior Hindus in an undivided independent India. Anita Inder Singh rejects the position and argued that the claim to Pakistan had been outlined in the Lahore Resolution. Gyanendra Pandey, on the other hand, rejects 'the concurrent tendency to reduce South Asian history to a teleological biography of the nation state' and notes that 'the Muslims had fairly widely supported the movement for Pakistan, though … few had clear ideas about what that goal meant' (Pandey, *Remembering Partition*, p. 8). This position is echoed by Chatterji arguing that Jinnah's insistence on separate Muslim nationhood was not 'an inevitable overture to exclusive statehood', and that it was compatible with the confederal idea allowing the possibility of an all-India entity reconstituted on the basis of multiple levels of sovereignty.

69 Devji, 'Minority as a Political Form', p. 90; see also Zamindar, *The Long Partition and the Making of Modern South Asia*.

70 Mazower, *No Enchanted Palace*; Getachew, *Worldmaking after Empire*.

71 Singh, 'The Origins of the Partition of India, 1936–1947'; Chatterji, *The Spoils of Partition*; Zamindar, *The Long Partition and the Making of Modern South Asia*.

72 Devji, *Muslim Zion*; Daechsel, *The Politics of Self-Expression*; Lelyveld, *Aligarh's First Generation*.

73 Khan, *The Great Partition*; Gilmartin, 'Partition, Pakistan, and South Asian History'.

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such as those championed by the Deobandi ulama[74] – it was clear by the mid 1940s that it would be voiced through the representational authority of Jinnah and the Muslim League, and it was not religion in any institutional sense.[75]

In the elections of February 1946, the League's victory vindicated its claim to speak for Muslim India. However, the recognition of Muslim unity did not come without costs. As Talbot and Singh have argued, the 'consolidation of political allegiances around religious community both reflected and contributed to the communal polarisation'.[76] Again, we see how the meaning and use of 'religion' and its 'Muslim' cognate is structured by both the representational political system and the need for recognizable political subjects and structures the ways in which arguments on behalf of this particular subject can be made.

Mandate Palestine

In Palestine, the situation of political representation was different. While the highest-ranking political authority of the country was vested in the High Commissioner, who represented the United Kingdom, and while no Palestinian parliament or cabinet could claim popular representation, the Mandate had foreseen a representative body for its Jewish population. Designed to 'advis[e] and cooperat[e] with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine',[77] the Jewish Agency

[74] Dhulipala, *Creating a New Medina*; Devji, *Muslim Zion*; Ingram, *Revival from Below*.

[75] Jinnah's position on religion left little space for Muslim imaginings. Having reached the goal of a 'Muslim Homeland' on the basis of the two-nation theory, Jinnah called for a separation of state and religion, as well as equal citizenship rights regardless of affiliation. At the first meeting of the Pakistani constituent assembly on 11 August 1947, he stated: 'You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed – that has nothing to do with the business of the State' (Presidential Address to the Constituent Assembly, 11 August 1947, in Jinnah: *Speeches as Governor-General of Pakistan, 1947–1948*, p. 8).

[76] Talbot and Singh, *The Partition of India*, p. 36.

[77] League of Nations: the British Mandate in Laqueur and Rubin, *The Israel-Arab Reader*, rt. 4.

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represented the Palestinian Jews, Zionist and non-Zionist alike.[78] It also centralized different Jewish land acquisition and settlement projects. There was, however, no equivalent body for the 'non-Jewish' population.[79]

Throughout the decades of Mandate rule, demands for representational government and the halting of land sales lay at the root of reoccurring conflicts, riots, and protests, which were always dealt with in tandem with the question of Jewish immigration. This was also the case during the Arab Revolt in April 1936. What started as dispersed acts of violence throughout Palestine became countrywide riots and ended in six-month-long strikes.[80] The already significant gap between 'Jews' and their 'non-Jewish' counterparts grew deeper with each act of violence. The semi-official status accorded to the Jewish Agency by the British and the League of Nations through the Mandate conferred international legitimacy upon the Zionist movement and guaranteed it access to international arenas in London, New York, and Geneva. The demarcation between 'Jew' and 'non-Jew' – seldom questioned in general – was therefore internationally recognized and institutionally practiced, as the Jewish Agency claimed representation not only for Palestine's Zionists but for all Jews both inside and outside Palestine with regard to the Jewish state.

In contrast, the Palestinians were not granted the same national recognition or institutional framework. The wording of the Mandate for Palestine mentioned the 'civil and religious rights of the existing non-Jewish communities in Palestine' but remained silent on their political or national rights.[81] During the 1930s, the region's surrounding countries underwent processes of decolonialization. In Iraq, the Mandate was replaced by self-government, and in Egypt, the terms of the British protectorate were amended in Egypt's favour. As the rest of the Class A mandate countries moved towards independence, Palestine alone was 'governed by a regime that did not grant representation to the

[78] See: Shumsky, *Beyond the Nation-State* for a challenge to the narrative of the Zionist quest for full sovereignty and self-determination. See Ravitzky, *Messianism, Zionism, and Jewish Religious Radicalism* on the competing understandings of religion and politics in Jewish modernity.

[79] Khalidi, 'The Palestinians and 1948', p. 19; Shapira, *Israel*, p. 119.

[80] Shindler, *A History of Modern Israel*; Morris, *Righteous Victims*, p. 138; Shapira, *Israel*, p. 84.

[81] Balfour Declaration in Laqueur and Rubin, *The Israel-Arab Reader*, p. 16.

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majority of the population'.[82] Further, the representational situation was complicated by the fact that the Mandate itself contained the recognition of the Zionist project of building a 'National Home' in Palestine. Any claim to political representation within the framework of the Mandate would have implicitly accepted its terms, and thereby the right to establish a Jewish National Home.

In 1923, a British proposal was put forward for an Arab Agency to be appointed by the High Commissioner. Rather than being elected, as was the case with the Jewish Agency, it was 'a pale reflection of the Jewish [representative body], without sanction in the Mandate, and without international standing'.[83] In this vacuum, Palestinian Arab politics were increasingly dominated by a religious leadership that had been authorized and subsidized by the British. After taking control over the Palestine territories, the latter created the entirely new post of the 'Grand Mufti of Palestine' (*al-mufti al-akbar*). They were also designated the 'Mufti of Jerusalem and the Palestine region' (*mufti al-Quds wal-diyar al-filistiniyya*), as well as head of the new 'Supreme Muslim Council', an advisory body on 'Muslim' courts, schools, and charities. The existing system was thus 'completely restructured by the British, who effectively placed the mufti above all other religious officials in Palestine'.[84] The British appointed Hajj Amin al-Husayni to this newly created position of unprecedented power. 'Among all the other leaders of national movements in Arab countries during this period (and among Palestinian leaders), the mufti was alone in being a leading religious figure, whose base of power was a "traditional" religious institution, albeit a newly invented one.'[85]

After the 1936 revolt, the British exiled most Arab leaders in 1937. Others fled, and some never returned to the country, most notably Hajj Amin al-Husayni himself. At this point, the British took control of the Supreme Muslim Council, appointed British officials to

[82] Shapira, *Israel*, p. 84; see also Khalidi, *The Palestinians and 1948*, p. 19.
[83] Khalidi, *The Palestinians and 1948*, pp. 19–20.
[84] Khalidi, *The Palestinians and 1948*, p. 22.
[85] Khalidi, *The Palestinians and 1948*, p. 23. A decade earlier, in 1921, Abraham Isaac Kook was appointed the first Chief Rabbi of Palestine. Kook, who is considered to be one of the founders of religious Zionism, was the first orthodox rabbi to represent atheist Zionists and played a part in developing the basis for Israeli 'national religion'.

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supervise it, and deprived the Mufti of its revenues.[86] As the Second World War approached, the rift between the Jewish Agency and the Mufti grew wider, finally coming to a head with the claim of independence for the Jewish state at the 1942 Biltmore Conference in New York.[87] The Mufti subsequently left for Germany, supporting the National Socialist German and Fascist Italian war efforts.[88] Notably, the Biltmore resolution demanded unrestricted Jewish immigration to Palestine, the establishment of Palestine as a commonwealth, and the creation of a Jewish army. The position drove more moderate and non-Zionist members from the Jewish Agency, which would continue to lead the cause for Palestine partition and the independence of the Jewish state at the UN deliberation in the autumn of 1947.

Borders and the 'Transfer of Population'

British India

After the war, the newly elected Labour government witnessed the British being driven out of the Indian subcontinent. Despite long deliberations between the Muslim League, the Indian National Congress, and the British, the three parties were unable to find a path to independence involving a unified India. On 3 June 1947, therefore, His Majesty's Government announced the transfer of power to and the partition of British India. It was at this point that Radcliffe and both his Punjabi and Bengali commissions were instructed to 'demarcate the boundaries of the two parts of [the Provinces] on the basis of ascertaining contiguous majority areas of Muslims and non-Muslims'.[89] The instructions continued, 'for the purpose of determining the population of district, the 1941 census figures will be taken as authoritative. [The commissions] will also be instructed to take into [consideration] other factors.'[90] Apart from the census, the primary source of information

[86] Śegev, *One Palestine, Complete*, p. 426; Khalidi, *The Palestinians and 1948*, p. 28.
[87] At this time the terminology was that of a 'Jewish Commonwealth'.
[88] Mattar, 'The Mufti of Jerusalem and the Politics of Palestine'; Śegev, *One Palestine, Complete*, p. 426.
[89] Sadullah, *The Partition of the Punjab 1947*, p. 35. See also Mansergh, *India: The Transfer of Power*, p. 91.
[90] Sadullah, *The Partition of the Punjab 1947*, p. 35. See also Mansergh, *The Transfer of Power 1942–7*, p. 91.

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upon which Radcliffe relied in drawing his lines were the colonial maps. No information was gathered through the commissions' own surveys or by consulting the local administration, police, revenue officers, or bureaucrats in the border districts.[91]

The official maps used by Radcliffe had been commissioned for two principal reasons. The first was colonial administration and logistics, such as tax collection, transportation, roads, and railways. The second main function of the maps had been military, especially in the north-east, where the advancement of the Japanese forces in 1942 had highlighted the need for precise cartographical knowledge.[92] The mark of colonial administration and military imperatives on the maps available for Radcliffe's border mission became clear in the 'other factors' considered besides the census: that is, lines of communication, roads, railways, canals, and military bases. Of less interest were questions of trade patterns and kinship and the cultural and religious significance of cities and regions.[93] In the Punjabi commission, notably, these 'other factors' were insisted upon by the Indian National Congress and the Sikh representatives, the latter pushing for recognition of the importance of religious and cultural heritage in areas where they could never claim numerical majority.[94] However, in the end, the 'other factors' that trumped the cards of the census were just the rivers, canals, railroads, roads, and military bases visible on Radcliffe's maps.

As discussed, the enumerative power of the census had shaped and strengthened the perception of clearly demarcated and distinguishable religious communities without communal or individual overlap. The colonial maps, heavily dependent upon administrative and military knowledge, superimposed these reified religious communities

[91] Chatterji, *The Spoils of Partition*, pp. 224–25.
[92] Khan, *The Great Partition*; Chester, *Borders and Conflict in South Asia*.
[93] Chester, *Borders and Conflict in South Asia*, p. 21.
[94] The Sikh representative to the Punjabi commission Sardar Harnam Singh argued that in the Balfour Declaration Palestine was described as the homeland of the Jews even when they were a minority in it in 1917. A similar logic ought to be able to apply to the Sikhs in the Punjab. The references to the religious significance of Sikh shrines in Muslim majority areas were dismissed by the Muslim League's elected judges Din Muhammad and Muhammad Munir as 'most ridiculous, most unjustifiable and most unreasoned'. Further, the reference to the Sikh's 'religious freedom' as an important 'other factor' was dismissed (Partition Proceedings, Vol. II: 133, in: Ahmed, 'The 1947 Partition of Punjab', pp. 149–50).

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onto visible territory. The census and the map came together in the cartographic representation of a 'religio-national' composition, thereby 'naturalizing a territorialized politics of … national self-determination'.[95] The maps enacted 'immanent national units' while the census 'populates those entities', 'fill[ing] in politically the formal topography of the map'.[96] The census together with the colonial and wartime maps upon which Radcliffe's international border relied territorialized 'religion' and 'religious difference' by separating the 'non-Muslims' from the 'Muslims', and they contributed to making these categories salient and recognizable to the international political order that the future states would become a part of.

The border-drawing by Indian and British officials was, however, but one out of myriad instances where 'Muslims' were demarcated from 'non-Muslims'. Differing from the Punjabi border in the north-west, for example, the Bengali border between India and eastern Pakistan was intended to be kept porous.[97] Still, two factors worked to seal it: 'The first was the drive to stop smuggling. The second factor was the difficulty of impressing the official policy of openness upon border police and militia.'[98] As the Muslim National Guard had become obsolete, unemployed young men were plentiful in the swelling border communities. The Bengali government began to issue calls for Muslim youth to build up a 150,000-strong non-official

[95] Campbell, *National Deconstruction*, p. 79.
[96] Campbell, *National Deconstruction*, p. 79.
[97] Chatterji, 'The Fashioning of a Frontier'; Chatterji, *The Spoils of Partition*; Chatterji, *Bengal Divided*. The Bengal Radcliffe line disrupted every aspect of existence for the rural community along the border, rupturing agrarian communities all along its length. Grazing one's herds along the borders became risky business, where rivers formed the borderline, fishermen were attacked, villages were cut off from their markets and markets were cut off from the hinterlands that served them. The disruption of roads and railways separated the North of Bengal from the rest of West Bengal and interrupted the multi-million-rupee tea trade of the Assam region. Further, hospitals and courts lost the staff that manned them, and the border separated people from their families; see Chatterji, *The Spoils of Partition*, pp. 231–33. In theory, many West Bengalis continued after partition to own land in East Pakistan and vice versa, holding legitimate claims to cross the Radcliffe line to attend to their business on the other side. In practice, however, late 1940s Bengal saw three different conflicting national directives active, leaving the local police the 'discretion to decide which particular policy prevailed in each individual case' (Chatterji, *The Spoils of Partition*, p. 234).
[98] Chatterji, *The Spoils of Partition*, p. 233.

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Muslim military organization called Ansar Bahini.[99] This militia seemed to have been behind a trend starting a few years after partition in which Muslims from border villages in West Bengal moved to Pakistan after burning down their own houses. This made it impossible for the Hindu population to inhabit these homes, but it also left the Muslims who quit India with nothing to return to. The 'presence of armed border militia did much to re-kindle communal hostilities along the border'.[100] If this is correct, it would seem that they played an important part in strengthening the border and making it more impregnable.

In contrast to the Bengali border, there was an official agreement in the Punjab to complete the 'transfer of populations' on the basis of religious community, which was the only one of its kind in India. The figure of 'the refugee' in this region was marked by a sense of religious belonging. However, it was not simply the task of fixing citizenship onto religious differences, since not all Muslims could become Pakistanis, and some Muslims wanted to remain in or return to their homes in India.[101] Border-making, Vazira Zamindar writes, was not a simple geographic project but one that ran through households and the inner worlds of family ties. As such, the control of movements of people and property by national institutions – such as that of the Custodian of Evacuee Property – helped shape the 'Muslim' community alongside the defining imprint of citizenship.[102] As Zamindar shows, 'The very ways in which one came to be marked as Muslim were transformed by the process of this long Partition, of dividing, categorizing, and regulating people, places, and institutions for bounding two distinct nations, and they accrued new meanings, for alongside citizens there emerged the "undefined", the "stateless", and a landscape of divided families.'[103] Zamindar demonstrates that the quantification of refugees on either side of the official border categorized the 'displaced people' as 'Muslims' or 'non-Muslims' and suggests how the category of those leaving (the 'evacuees') was translated into the number of

[99] Chatterji, *The Spoils of Partition*, pp. 236–37.
[100] Chatterji, *The Spoils of Partition*, p. 239.
[101] Khan, *The Great Partition*, pp. 193–95; Zamindar, *The Long Partition and the Making of Modern South Asia*, p. 11.
[102] Zamindar, *The Long Partition and the Making of Modern South Asia*.
[103] Zamindar, *The Long Partition and the Making of Modern South Asia*, p. 226.

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individuals of the category that could be housed in their abandoned property, the so-called evacuee property.[104] 'Thus', Zamindar writes, 'it is ironic that the very formulation of evacuee property laws as a cornerstone of rehabilitation programs of both states ended up fixing these two sets of refugees in an oppositional relationship'.[105] As we will see in Chapter 5, the Pakistani regulations of refugee settlement and evacuee property were copied into the migration policy of the new Israeli state.

There were other ways in which the control of the population's movement closed the seal on what was 'Muslim' and sedimented its difference from the 'non-Muslim'. For example, this included identifying the need to monitor family ties of Muslim Indian civil servants in Pakistan. Non-Muslims were not surveilled in the same manner. There were also programmes to repatriate Muslim, Hindu, and Sikh women abducted in the Punjabi region to their respective 'nation', partly against their own will.[106] A further factor in consolidating the difference between 'Muslim' and 'non-Muslim' was fear and violence. The wide-ranging violence accompanying the process of Indian partition did not simply separate, disrupt, and destroy but, according to Gyanendra Pandey, was part and parcel of creating the actors and communities that emerged from this process. Violence and unity, in this sense, constitute each other. 'Violence happened – and can only happen – at the boundaries of community', writes Pandey. 'It marks those boundaries. It is the denial of any violence "in our midst", the attribution of harmony within and the consignment of violence to the

[104] Zamindar, *The Long Partition and the Making of Modern South Asia*, p. 86. It was not only the dichotomizing effects of 'evacuee property' laws that helped to fix what was 'Muslim', but also the fact that this category of 'evacuees' were partly assumed to include all religious minorities as 'intending evacuees', fitting the religious category into the status of a leaving, or soon-to-leave, population, emptying the land for the expected refugees from the other side of the border. 'The institution of the Custodian of Evacuee Property can be squarely placed in a comparative history of the mid-twentieth century, particularly given its chilling parallels with the Israeli equivalent, which makes evident its silenced effects in "emptying" the land and creating significant internal dispossession' (Zamindar, *The Long Partition and the Making of Modern South Asia*, p. 10).

[105] Zamindar, *The Long Partition and the Making of Modern South Asia*, p. 121.

[106] Menon, *The Transfer of Power in India*; Zamindar, *The Long Partition and the Making of Modern South Asia*, pp. 7–9, 112–14, 226–28.

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outside, that established "community".'[107] The violence in 1946 and 1947, as well as the slaughter that took place in the days of partition and independence, was in this sense also constitutive of a process consolidating the 'Muslims', making them even more distinguished and distinguishable from those who were not.

Mandate Palestine

Contrasted with the hasty creation of the new South Asian borders, plans had been available for Palestine for more than a decade before the UN recommended partition in November 1947. Partition ideas for Palestine had been circulating throughout the period of the British Mandate, but the escalation of violence in 1929 catalysed British officials to begin in earnest to further develop their ideas. Until the mid 1930s, these ideas – which mainly took the form of proposals for cantonization – remained vague and abstract.[108] The Arab uprisings of 1936 concretized these early ideas but did so in the form of full partition. 'After several months of unrest', writes Penny Sinanoglou, 'it became clear to many British administrators that anything other than a "clean cut" would continue to complicate the definition and practical governance of a national entity'.[109] The 'clean cut' would become the official British position a year later, through the Report of the Royal Commission, better known as the Peel Commission after its chairman, Lord William Peel.[110] The report not only confirmed the Mandate's distinction between Palestine's two essentially different 'Jewish' and 'non-Jewish' peoples but also territorialized them.[111] In its unanimous report, the commission recommended that Palestine be partitioned into an Arab state (to be joined with Transjordan), a Jewish state, and a new British Mandate area, which would cover the 'Holy Cities' of Jerusalem: Bethlehem and Nazareth, with a corridor to Jaffa. Despite the fact that it left many questions open – such as the precise lines of partition and the manner in which it was to be implemented – the Peel report was the first public proposal of partition put forward by British official representatives.

[107] Pandey, *Remembering Partition*, p. 204.
[108] Erskine, *Palestine of the Arabs*; see also Cust, L.G. Archer (1935): *The Future of Palestine*: TNA, CO 733/283/12.
[109] Sinanoglou, 'British Plans for the Partition of Palestine', p. 147.
[110] Cmd. 5479. [111] Cmd. 5479, p. 62.

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Violent rebellion and general strikes forged the context for the commission in 1936. Although the 'Arab uprising' was not the first in Mandate Palestine, it had definitely been the most violent in its history to date. The Peel Commission was given the task of reporting on the causes of the uprising and proposing methods for rectifying Arab and Jewish grievances.[112] Running to nearly 400 pages in its attempt to outline and analyse the complexities of the Palestinian situation, the Peel Commission's report was the work of six appointed members,[113] who had spent the previous eleven months listening to the oral testimony of British officials and Jewish and Arab Palestinians (though the latter boycotted the commission until a week before its departure). They had read letters, memoranda, and petitions, and they toured Palestine and parts of neighbouring Transjordan.[114] The report also reflected the commission's experience of a specific Palestinian 'reality': that, to a great extent, it was already parted into two separated communities. The salience of their experiencing this de facto partition on the ground was expressed in the commission's detailed analysis of separate Arab and Jewish economies, school systems, lifestyles, residential areas, and even health facilities.[115] In short, the thirty-year transitional Mandate

[112] The committee were to 'ascertain whether, upon a proper construction of the terms of the Mandate, either the Arabs or the Jews have any legitimate grievances upon account of the way in which the Mandate has been or is being implemented; and if the Commission is satisfied that the grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence' (Cmd. 5479: ix). However, as Segev argues, the 'commission was intended as cover to help the British find a relatively graceful exit from an increasingly uncomfortable situation' referring to this kind of commission of inquiry as a 'ritual procedure' (Śegev, *One Palestine, Complete*, p. 413). Chester continues that such 'bodies allowed the British to maintain the appearance to judicial objectivity and rationality, when in fact political considerations played a determining role in policy decisions' (Chester, *Borders and Conflict in South Asia*, p. 89).

[113] Lord Peel himself, Secretary of State for India from 1922 to 1923 and a member of the joint select committee on the Indian constitution in 1933–1934; Sir Horace Rumbold, a diplomat in the Middle East, Europe, and Asia; Morris Carter, chief of Tanganyika Territory from 1920 to 1924 and chairman of the 1932–1933 Kenya land commission; Reginald Coupland, Beit professor of colonial history at Oxford and editor of the Round Table from 1917 to 1919; Laurie Hammond, governor of Assam from 1927 to 1929 and chairman of the Indian delineation committee in 1935–1936; and Sir Harold Morris, president of the Industrial Court from 1926 to 1945.

[114] Sinanoglou, 'British Plans for the Partition of Palestine', p. 149.

[115] Klieman, 'The Resolution of Conflicts through Territorial Partition', p. 289.

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period had clearly enabled an established 'Jewish' society and economy in Palestine.[116]

Starting its narrative from the biblical days of Abraham, the report traced the history of the problem in Palestine, examining the economic, social, and political life under the Mandate. While it did offer suggestions for managing problems within the terms of the Mandate text itself, the report's central recommendation, and that which is important for our analysis, fell outside the bounds of the Mandate altogether. It saw the Mandate as unworkable as long as Jews and Arabs could not be brought together in a single representative legislature.[117] The situation in Palestine had reached a 'deadlock', it suggested, continuing, 'if the existing Mandate continued, there was little hope of lasting peace in Palestine'.[118] In order to lead the reader to this conclusion, according to Sinanoglou 'the report had to make the case that the conflict was indeed driven by a clash of two distinct and irreconcilable national communities rather than by ethnic hatreds, economic competition or domination, anger over immigration, or poor government'.[119] The function of the extensive historical part of the report, which went 2,000 years back into Jewish history, was mainly to make the historicist argument of the deep historical, spiritual, and now ideologically national Jewish connection to the land of Palestine, presenting the Jews as fundamentally different from the non-Jewish population.[120]

In the end, the more than 400-pages-long report reaffirmed the Zionist narrative of a Jewish historical connection to the land of Palestine, the idea of the Jewish people 'return[ing] to their historic homeland', and the fundamental difference of the Jews from their non-Jewish neighbours.[121] In this sense, the report stated that the 'culture of Arab Palestine … born as it is of Asia, it had little kinship with that of the National Home, which, though it is linked with ancient Jewish tradition, is predominantly a culture of the West. Nowhere, indeed, is the gulf between the races more obvious.'[122] The commission had taken the situation they found on the ground – that of separate education

[116] Shapira, *Israel*, p. 98. [117] Cmd. 5479: chap. 2, pp. 380–82.
[118] Cmd. 5479: chap. 2, p. 380.
[119] Sinanoglou, 'The Peel Commission and Partition, 1936–1938', p. 134; see also: Cmd. 5479, p. 395: 'It is not a natural or old-standing feud.'
[120] Dubnov, 'On Vertical Alliances'; Sinanoglou, 'The Peel Commission and Partition, 1936–1938', p. 135.
[121] Cmd. 5479, p. 3. [122] Cmd. 5479, pp. 2, 117.

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systems, economies, and language – as evidence reflecting the narrative of the separate nature of the two peoples of Palestine.

On 2 April 1937, the *Daily Herald* broke the story of the commission's plan for dividing Palestine, which was officially endorsed by the British government when the commission's report was published on 7 July 1937. The partition line more or less followed the existing Jewish and Arab settlement pattern. The proposed Jewish state was estimated to contain some 225,000 Arabs, who were to be transferred based on an exchange that occurred between Turkey and Greece during the 1920s.[123] It would come with 'just compensation' for those moved, but for those who objected, the transfer would be implemented by the British by means of compulsion 'in the last resort'. While the Arab Higher Committee rejected the plan in July 1937, 'Jewish' opinion was reported to have remained divided.[124] Though initially rejected, the Peel report resurfaced ten years later in UN negotiations on Israeli independence and the partition of Palestine in the autumn of 1947. Nearly a decade after the Peel report's release, the UN recommended the partition of Palestine 'using the Peel proposals and maps as a blueprint'.[125] In February 1947, when the British decided to leave Palestine and hand over the question of its future to the UN, they did not expect the UN to achieve a binding resolution, which required a two-thirds majority, mainly due to previous Soviet opposition to Zionist policies. However, contrary to British and Arab expectations, both Eastern and Western blocs supported the draft resolution.[126]

The UN decision to partition intensified the waves of violence that had engulfed Palestinian society during the final years of the British Mandate. A month before Israel declared itself independent, the Arab states surrounding the future state countered the first attempt at a large-scale Jewish offensive. Initially, according to Shapira, 'The Arab Legion's goal had been to take control of areas designated as part of

[123] 'Before the operation the Greek and Turkish minorities had been a constant irritant. Now the ulcer has been clean cut out, and Greco-Turkish relations, we understand, are friendlier than they have ever been before' (Cmd. 5479, p. 390).

[124] Sinanoglou, 'British Plans for the Partition of Palestine'; see also Allen, *A History of False Hope*.

[125] Sinanoglou, 'The Peel Commission and Partition, 1936–1938', p. 120.

[126] Shapira, *Israel*, pp. 15–16.

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the Arab state and as far as possible avoid clashing with the Jews'.[127] However, each 'wave of violence brought with it further distancing and segregation of these national communities, each into its own territory'.[128] On 14 May 1948, David Ben-Gurion declared the independence of the Israeli state, and within the following months, the Jewish State of Israel was recognized by a majority of the world's existing states. Yet the war of 1948 continued, ending with the expulsion of between 600,000 and 760,000 Palestinian Arabs: 'Given the destruction of all the Jewish settlements on the Arab side, and the Arab evacuation from the Jewish side', Shapira writes, 'a new reality materialized: two ethnically homogeneous states, a mainly Jewish one and a purely Arab one.'[129] The conclusion was that the State of Israel could not allow the Arabs to return to their homes.

Conclusion

In the chapter, I asked what it meant to categorize certain aspects of social, political, and administrative life as 'Jewish' or 'Muslim' in the decades leading up to the partition of British India and the Palestine Mandate and the subsequent establishment of Pakistan and Israel. I traced a number of constitutive processes of the 'Muslim' and 'Jewish' subjects tied into the state-building projects of Pakistan and Israel following the Second World War and the demise of the British Empire. I did so in order to find out how the conceptual apparatus of religion was used to describe minorities, border, and conflict, and how it was put into use when it came to negotiating claims for independence and visions of statehood. How did it structure the analysis of conflict and the expectation of how those conflicts would develop? How did it feature in the struggle over authority, legitimacy, and political order?

In British India, the politics of the census was part of the process of moulding the heterogeneous group of British Indian Muslims into a homogeneous, politically representative entity. In Palestine, the Mandate reaffirmed the Balfour Declaration's distinction between 'Jews' and 'non-Jews' and tied the image of the 'Jew' intimately to that of the immigrant. The question of political representation highlighted the efforts of Jinnah and the Muslim League to claim and gain

[127] Shapira, *Israel*, p. 165. [128] Shapira, *Israel*, p. 96.
[129] Shapira, *Israel*, p. 174.

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representational power over British Indian Muslims, which continued to deepen the distinction between 'Muslims' and 'non-Muslims' as fundamental, national, and civilizational – and as existing prior to history and politics. Colonial, national, and local government inscribed and shaped the knowledge about 'Hindu', 'Sikh', and 'Muslim' identities in India, recognizing their salience by accounting for them in political electoral representation. Meanwhile, in Palestine, the international recognition of the authority of the Jewish Agency affirmed the alleged difference between the 'Jews' and 'the non-Jews' as a fundamental difference of two 'peoples'. This distinction tied the 'Jews' to what had previously been claimed as Palestinian territory.

The boundary-drawing and subsequent transfer of population illustrated the terms given to and used by the boundary commissions in British India to separate the future Pakistani 'Muslim Homeland' from its 'non-Muslim' neighbour. It showed how the knowledge represented in the census and colonial maps was authorized and how their conflicting and ambiguous backgrounds were erased. The creation of an international border between these constructed but nonetheless embodied communities further sharpened the edges of the blurry categories that otherwise claim them. Further, local border control, family surveillance, and refugee administration stabilized the officially sanctioned separations. Through national and local channels and through myriad on-the-ground processes, the meaning and scope of the ideas of a 'Muslim' identity and a 'Muslim Homeland' were transformed.

The boundary-drawing of partition – both the official, clean, rational, and 'representative' version and the unofficial, messy, long, and partly arbitrary one – represented the parting of ways of two 'religious communities', inscribing them and the states formed around them into the international system, irrespective of their historical formation. In Palestine, the work of the Peel Commission authorized the claims of the Balfour Declaration and the Mandate regarding the separate nature of the 'Jews' from the 'non-Jews' and territorialized these differences. Ten years later, this differentiation made its way into the UN's deliberations on Israeli independence and materialized internationally through the partition of Palestine.

Through this detailed – and yet still inevitably simplified – account of the politics of religion in British India and Mandate Palestine, we see how the vocabulary of 'religion' defines the categories of the census but also changes as the shifting constituency of the British Indian

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Muslims claim political and legal representation.[130] It both confined those it represented to a recognizable version of 'Muslim' while at the same time allowing for mobilization in the name of that very 'Muslin' subject. The border commissions delineated the international borders along the lines of religious difference, unifying villages visible on wartime maps according to particular notions of the nation state, but they also enabled new forms of solidarity taking shape across previously separate class divisions.

The two faces of recognition do not describe two sides of a historiographical coin, the either-or of reading of the past, the bad coming with the good, and vice versa. Rather, the two faces of recognition highlight the fact that the enabling aspect – international agency, national representational power – also comes with costs, such as the abduction of women married into the wrong families, demographic politics punishing those remaining unrecognizable or impossible to identify, and more. Thus, mine is not simply an argument about the

[130] With varying levels of success, local elites and common people, colonial elites and administrators, even the sovereign, attempted to make their version of Islam or Muslim life recognizable both to themselves and others. As Sharafi shows in her study of Parsi, that is, Zoroaster, lobbyists, legislators, lawyers, judges and jurists were integrated deep into the colonial legal system, working from within and through the colonial state rather than outside or against it. Through litigation, legislation, and the legal profession, the 'Parsi approach gave a twist to the all-encompassing logic of colonial law. Even within the constraints of Anglo-legalism, it was possible to protect community interests to a significant degree by embracing the methods of colonial law and infiltrating its institutions' (Sharafi, *Law and Identity in Colonial South Asia*, p. 9). As this example shows – as does the case of the Pakistani Ahmadiyya explored in Chapter 3 – the path to recognizability is by no means a success story. Rather, recognizability is achieved through multiple, interconnected, unintended, contingent efforts, intentions, circumstances, and chance. As Stephens shows in the case of petitions directed at the colonial officials, most efforts fail. They are, nevertheless, important reflections on the conditions of possibility under which recognizability was achieved. For studies of the influence of legal practitioners, judges, and local elites translating between British Common Law and Indian Colonial Law, see Hussin, 'Making Legibility between Colony and Empire'; on petitions, see Stephens, *Governing Islam* and Stephens, 'A Bureaucracy of Rejection'; on Parsi litigation, legislation, and the legal profession internalizing colonial legalism, see Sharafi, *Law and Identity in Colonial South Asia* and Morgan and Orloff, *The Many Hands of the State*; on Muhammad Shah's (Aga Khan's) secular Islam, see Purohit, *The Aga Khan Case*; on the colonial secularity of Queen Victoria at the transfer of power from the East India Company to the crown, see Ingram, *The Queen's Urdu*.

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violence in the aftermath of nationalization processes of state-building missions. It is also not just about the need to pay more attention to the brutal realities and epistemic violence of colonizing and decolonizing projects. It is about the conditions of possibility inherent in recognition, the fact that we cannot get away from the duality of subject and subjectivization, of becoming able to act and the dependency on the epistemic structures that enable this agency in the first place.

The study of religion's global epistemological politics allows us a way in to understanding both the process of becoming international subjects and the dynamics of the order within which these subjects are realized. In Chapter 5, I will continue my study of the global politics of religion by looking at not only the ways in which it took shape within and among emerging states but how it circulated between them. By looking at the entangled histories of South Asia and the Middle East, we will see how the meaning of and knowledge about 'religion' is mirrored, changed, and at times emptied through the decades before and after Pakistani and Israeli independence.

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