

Twentieth-Century Partitions: Legacies of British Rule

Research and Workshop Proposal

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15 August 1947 marked the divisive moment when Pakistan in the North-west and Pakistan in the far East which later became Bangladesh, were separated by India. It was a botched-up surgical operation. India's arms were chopped off without any anesthetic, and streams of blood swamped the land of the five rivers known as the Punjab. A cold war broke out between Muslims on the one side, Hindus and Sikhs on the other. ... Women were abducted, raped and forced into wedlock against their will. Thousands escaped by throwing themselves into wells. Over ten million were uprooted from their homelands and treaded across the plains on foot, or were crammed into bullock carts and trains set upon by marauders and killers till they crossed the new frontiers to safety. In a couple of months, a million were slaughtered in cold blood. Almost overnight, Muslims, Hindus and Sikhs, who had co-existed amicably over centuries, became sworn enemies. The aftermath was beastlier than anything beasts could have done to each other.

-- Kushwant Singh, introduction to *Train to Pakistan* (2006)

The British loved to Partition. They partitioned four hapless countries and all have been disasters. Cyprus is too small to be permanently in the news and sheer tiredness probably has blunted the bitterness there. But in Ireland, Palestine and India, partition has remained an open wound. In each case, mutual fear, suspicion and hatred verge on paranoia and, sometimes, necrophilia.

-- Ashis Nandy (2009)

Political partition has been defined as a fresh political border cut through at least one community's national homeland.

-- Brendan O'Leary (2006)

Rationale / Description

Two territories were partitioned under British administration in 1947 and 1948: India and Palestine. In South Asia the partition ultimately resulted in the formation of three states: India, Pakistan, and Bangladesh. In the Middle East it led to one independent state, Israel, and the statelessness of another people, the Palestinians. The trajectories and circumstances of the two partitions differ in many respects. Nonetheless, they share commonalities that can be traced directly back to the unprecedented emergencies in their respective areas, stemming from sectarian violent conflict, and leading to deep socioeconomic crises and severe sociopolitical fragmentations. All of these disparate and extreme phenomena are grouped

together under the umbrella term “partition,” a seemingly innocuous term that belies the complexity and acuity of these ongoing crises.

Law played a crucial role in the partition process and the attempts to facilitate a peaceful transition and transfer of power in the time leading up to partition. Then, it replaced the British legal orders in the newly created partitioned states. During the violent transition period, law was often absent, suspended or simply ignored. At the same time, as the partition was unfolding, new emergency laws were devised to regulate – first temporarily, and then more permanently – its major effects, including borders, transfer of population, refugees and their properties, the challenges of ethnic violence, and the issue of citizenship, minority rights and their protection. While many of these issues still remain unresolved, emergency and emergency-like legislation which was enacted during the “long partition” era, and those British emergency acts which the new nations chose to retain, continue to linger and affect their legal, social, political and geographical landscape more than 65 years after partition.

Despite the importance of the two regions and the similar problems they face, which are significantly an effect of the partitions the regions experienced, it is only very recently that international scholarly interest has begun to turn to a comparative approach. Building on this growing awareness in scholarship, and on a discussion group begun under the auspices of the Van Leer–Haifa project, we propose a two-year working group, widening the comparative scope to include the other legacies of partition, most prominently, Ireland and Cyprus. While these partitions have been studied individually, there is almost no literature that takes a comparative perspective on this collective experience, nor one that takes the British colonial legacy as its main focus. The British were not the first or only to divide and rule, but they appear to have framed a specific theory of state-building which was perceived as universally valid, and that partition came to be regarded as its inevitable consequence.

Perhaps the thorniest practical and theoretical paradox of partition is the one that makes it of unique relevance to the Minerva Center for the Study of the Rule of Law under Extreme Conditions, namely, the interrogation of Partition as “ongoing crisis.” By definition, a crisis is limited in time, it is an extreme condition which has to be recognized as a break from that which came before it, and that which comes after. Because of the extreme conditions – so the logic goes – a crisis requires special, unusual measures with which in can respond and intervene *to end the crisis*. But what happens when the crisis itself generates more (similar or different) extreme conditions? What happens when the attempts to control the crisis by various legal means are themselves constituted as (similar or different) crises, or, conversely, when disaster is normalized and its treatment routinized? Do extreme conditions that extend over decades still merit the designation of “extreme”? What is the status of “emergency” laws, rules, and practices that become not only normative, but normal? These questions come up in every one of our case studies, where we identify crises – extreme conditions – that are ongoing, as are the “emergency measures” taken to contain them.

For example, one of our case studies considers the ways in which the Emergency rule constituted by Indira Gandhi in 1975-77 not only utilized the legal mechanisms in place since partition (as well as colonial ones), but also functioned as an affective and political rehearsal and renegotiation of this period. Thinking of the *legacies* of partition – rather than partitions as discrete *events* or as political *solutions* – thus brings up some of the issues that are fundamental to the way a crisis is defined and extreme conditions identified: i.e. when does a

crisis end and become a chronic situation? What differentiates a crisis from its effects? These questions become even more pointed when we take into account Gyanendra Pandey's seminal argument (raised in the context of the South Asian Partition but equally valid in others) that violence was not an unfortunate *accompaniment* of partition but rather *constitutive* of it. Our collective research thus promises to shed light not only on our individual case studies and on partition, but also to be relevant and of interest to those working in the study of crisis and of extreme conditions more generally. We thus aim to share our findings with the other research teams in the Center, and to gain knowledge from their investigations as well.

Research Goals & Methodology

The project is inherently interdisciplinary, bringing together legal scholars, political, cultural and literary historians, geographers, political scientists, and area specialists (see list of participants and their fields below). The goal of the working group is not to discuss the merits and problems of partition as a model for political state-building, nor to assess or determine when and whether partition is a valid political solution. Rather, we propose to write the histories of partition in the twentieth century as cultural, historical and legal phenomena that are intricately tied to colonial discourses and practices, and whose implications are ongoing and far-reaching. Through our monthly discussions and workshops, we will try to understand better how these partitions and separations were experienced, how they were maintained and reified, how they came to be viewed as inevitable.

The British colonial legacy which engendered these partitions will be our main focus of inquiry. Through this prism we expect to address, among others, the following themes and topics:

- The rule and role of law during and following partition. These include the enduring British colonial legacies, the building of post-partition constitutional orders, the role played by courts in the processes of building new geographies, and include issues of citizenship, migration, refugees and properties. Partition as a mode and model for establishing ethno-nationalist separatist politics, new categories of social difference and cultural identities.
- The interplay between "state of emergency" and normalization during and following partition.
- The role of various legal (such as judges, state attorneys, private lawyers and legal scholars) and non-legal agents (such as military and security officials, special counsellors) in devising, developing and adapting the interplays between "emergency" and "normal" legal orders.
- The utilization and limits of the right discourse during and following partition and the role of the courts in protecting or undermining human and civil rights in the partition and post partition eras.
- The implications of partition, colonial practices and discourses for processes of state building, among them, for example: citizenship making, structures and practices of the state bureaucracy, practices of governance, the democratic regime, land policies, development projects (rehabilitation), symbolic representations of the nation, and the status of minorities.
- Communal conflicts and violent struggles and their representations.
- The role of violence (state and popular) in constituting these partitions as historical events, and the way these have shaped subsequent conflicts and resolutions.

- Gendered aspects of partition.
- The role of religion as an organizing category for notions of national, ethnic, linguistic and cultural identity.
- The political economy and sociology of borders and separating walls.
- The role of cultural production and the politics of memory in constituting and maintaining partition, and the creation of looking-glass societies across borders.
- The long-term legacies and implications of migration and displacement, refugees and diasporic communities.

The Minerva Center and the University of Haifa

In addition to the theoretical affinities with the Center outlined above, and the pertinent research question that we raise, we also believe that the new Minerva Center for the Study of the Rule of Law Under Extreme Conditions at the University of Haifa is an ideal host for our work, most saliently because of its focus on complex interdisciplinary research on crisis and its larger social/ political/ cultural ramifications. In addition, its location at the University of Haifa is fortuitous since the largest single group of scholars in our group hail from the University of Haifa (see below), all of whom teach and conduct research on partition and its trajectories. The three PIs, all from Haifa, have considerable background in the field. Ayelet Ben-Yishai (Department of English) has been working and teaching on the representations of the partition of the Indian subcontinent in literature and is currently at work on a book on the Indian Emergency of 1975-77 (with Eitan Bar-Yosef, also a member of the group). Sandy Kedar (Faculty of Law) has been working on the British, Pakistani and Indian sources of the Israeli Absentee Property Law as well as more generally on post-1948 land nationalization and allocation. Ornit Shani (Department of Asian Studies) is working on the implications of the partition of India on issues of citizenship and minority rights. Haifa's India Studies Program is the only one in the country specifically focused on Modern India, and has a number of graduate students working on relevant research projects.

Finally, the University of Haifa and the city in which it resides, is a noteworthy example of a location which struggles with many of the political, social and cultural issues that are the legacies of partition. Significantly, Haifa works through these concerns not through the paradigm of partition but of tentative co-existence. While this paradigm is far from perfect, and brings with it a host of other concerns, it can serve as a valuable counter-point to our discussions, possibly opening new horizons for this conversation. Convening the working group in Haifa would significantly reinforce this intellectual community and contribute to its academic strengths.

Expected Output

Our goal is to produce a collection of articles on the subject to be published as a special volume in a prestigious journal. We aim to submit a proposal to the Cambridge Journal Comparative Studies in Societies and History (CSSH) by the end of 2014. The final volume will be submitted in late 2015 and be followed by a major international conference/workshop which will be open to the public.

Timeline

First Year (2014-5)

Building on our previous discussions and initial research, we plan to open our first year with a closed two-day workshop (or two one-day workshops) in which each of the participants will present the initial research she or he has already conducted. This will enable us to gain an understanding of the contours of the group project and begin to work collaboratively on producing the above-mentioned special volume.

This will be followed by regular monthly meetings in 2014 in which we will alternately present our drafts and discussion scholarship which is relevant to the group. In these discussion we aim to develop a theoretical terminology by which to discuss these diverse events, regions and cultures. Our goal is to create a common vocabulary while maintaining, even insisting on, the historical and cultural specificity of each of the case-studies. This will be done through extended and intensive engagement with theoretical texts from the various disciplines, interspersed with short case studies, presented by the participants.

Second Year (2015-6)

The meetings in 2015-2016 will continue in the same vein, presenting our own work while raising theoretical and methodological questions and discussions, in light of which we will be able to constantly revise and improve our research. Our goal is to submit the final special volume in early 2016. In the Spring semester of 2016 we plan to hold a concluding international conference that will allow participants to present their research, alongside those from abroad. We envision a three-day conference which will incorporate (a) a one-day workshop for group members and international invitees (b) a one-day public conference and (c) a study tour of lines of partition (real/imagined, planned/executed, historical/contemporary/future, geographical/social/cultural) in Israel-Palestine.

Participants

All of the following scholars have expressed their commitment to attending the group meetings and to participating in the special volume:

Name	Field and affiliation	Research topic
Dr. Ayelet Ben-Yishai (PI)	British and Indian Literature, Haifa	Partition Temporalities: the Moment of No Return and the construction of an Indian future; Emergency fictions.
Dr. Sandy Kedar (PI)	Law, Haifa	Refugee Property laws: Israel, India, Pakistan, and the British connection
Dr. Ornit Shani (PI)	Political Science/ Asian Studies, Haifa	Partition and citizenship in India
Dr. Eitan Bar-Yosef	British Literature and Culture, BGU	Mandate and Partition in cinematic British culture. Emergency fictions.
Yael Berda	Law/Sociology, Princeton	Legacies of Colonial Population Management in Israel, India and Cyprus
Keren Dotan	Hebrew Literature,	Mandatory Partitions and the new Mizrachi

	NYU	Literature
Dr. Arie Dubnov	Jewish History, Haifa	Alternative plans for partition in mandatory Palestine, 1929 – 1947 (joint article)
Dr. Mahmoud Yazbak	Palestinian History, Haifa	
Rotem Geva	Indian History, Princeton U	Law and order in post-partition New Delhi
Dr. Ziva Kolodny	Urban Planning, Technion	The politics of Imperial landscape partitions
Dr. Noa Kram	Law/Anthropology, Sapir Academic College	Land Ownership, Citizenship and the National Separation between Arabs and Jews in Israel/Palestine: The Case of the Negev Bedouins
Maury Ram	Geography, BGU	The legal geography of the partition of Cyprus
Dr. Tsela Rubal	History of Ireland, IDI	Partition and Violence in Ireland and Palestine
Dr. Ran Shauli	Poli Sci, Truman Center, Hebrew U	Malaysian Partitions and British involvements

Budget

Item	Estimated Amount	Comments
Transportation to Haifa	\$2,880	Four meetings per semester, for two years = 16 meetings X average of 10 participants receiving travel expenses per meeting X \$18 average travel cost.
Video conferencing	\$400	In some of the meetings researchers from abroad will participate
Light Refreshments	\$720	\$45 per meeting X 16
Group Coordinator's Remuneration	\$1,000	Average of \$62.5 per meeting, which include coordinating the meetings, transportation, refreshments, reading materials and meeting transcripts X 16.
<u>¹Total: Workshop Request</u>	\$5,000	
<u>Publication of Articles</u> on Twentieth-Century Partitions: Legacies of British Rule	\$2,500	Mainly editing costs.
<u>Support of Ongoing Research</u>	\$7,000	This would allow us to offer a modest sum of \$500 to each research (\$500X14) or

¹ Each of the 3 budgetary items stands alone, and is requested in order of priority. Our highest priority is funding the workshop, next is assistance with publication costs and finally the support of our ongoing research.

		alternatively bringing several world leading scholars to our concluding international conference.
<u>Grand Total (See Note 1).</u>	<u>\$14,500</u>	