HISTORIOGRAPHY OF EXCLUSION: TRACING THE IMPACT OF COLONIAL RULE ON MUSLIM MARGINALIZATION IN BRITISH INDIA

by

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DEDICATION

This thesis is dedicated to the victims of communal mob lynchings in India. It seeks to understand the roots of such darkness, with the hope that understanding our past will guide us towards a future of justice, empathy, and peace.

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ABSTRACT

This thesis explores the historical roots of Muslim marginalization in British India, emphasizing the transformative impact of colonial rule on socio-political dynamics. It delves into the historiographical narratives that have shaped understanding of this period, highlighting how colonial policies and attitudes contributed to the systematic exclusion and marginalization of the Muslim community in South Asia. Through an interdisciplinary approach, combining historical analysis with sociopolitical perspectives, the study investigates how colonial policies and attitudes entrenched divisions and exacerbated communal identities. It argues that the colonial era's policies, administrative structures, and ideological impositions played a pivotal role in fostering divisions and communal tensions, which have had lasting effects on the post-colonial Indian state.

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Chapter 1: Introduction

The seed for this thesis was planted in the fall of 2018, a time during my undergraduate journey when I took up the course HIST4501: Becoming the State, under the mentorship of Dr. Ajay Parasram. This intellectually stimulating encounter formed the bedrock of my maiden voyage into the understanding of the 'state'— an entity often regarded as a constant in our modern context, as unchanging and inevitable as the daily appearance of the sun. Dr. Parasram's insightful direction has persistently navigated me throughout my scholarly quest since.

In today's world, the state undeniably sits at the pivot of the modern global system. However, most explanations for the state's rise tend to emphasize Eurocentric historical narratives, thus overshadowing the many spatial organizational forms that have been common across our shared world. The dialogues that took place in 2018 provided me with a unique platform to examine the birth and progression of the modern territorial nation-state. Specifically, the tensions that surface when various spatial organization methods converge within the context of the colonial era. The nations or states we recognize today on a significant part of our planet were carved out of erstwhile European colonial territories. These political entities transitioned from colonies to independence, yet independence stained with the trauma of the colonial encounter.

My birthplace, India, is one such entity, transitioning from colonial rule to post-colonial 'sovereignty' in 1947. Despite the fanfare of emancipation, however, the character of the state machinery did not fully escape its colonial shackles. The administration, in essence, was inherited and adapted, not entirely reinvented. As the colonial masters left, they bequeathed to these lands a modus operandi they had managed and refined over centuries of dominion. The

same institutions that once catered to colonial interests now served the new 'native' elites, a seeming change in guard that, in essence, perpetuated the colonial mentality, practices, and structures. In essence, the notion of 'independence' was loaded with an irony that seemed lost on many - the structures of power that were ostensibly 'nationalized' remained stubbornly colonial in their outlook. Thus, while the nationalistic fervor celebrated the departure of the 'whites', the reins of governance were left in the hands of 'browns' who, more often than not, were molded in the image of their former colonizers. The colonial order may have been officially dismantled, but its ghost continued to haunt the post-colonial state, shaping its behavior, and influencing its actions.

As a Muslim growing up in Northern India, I remember the scornful treatment I received from some of my peers and educators. I was even told by a classmate that I belonged to Pakistan during a discussion about our native domiciles when I was around seven years old. This scorn eventually evolved into slurs such as "Pakistani," "Terrorist," and "Katwa" (an insult aimed at the Muslim practice of circumcision). Despite the state’s stated mission of 'secularism', I was deeply perplexed by how starkly my lived experiences differed from this ideal.

With the rise in violence against India's minority Muslim community—especially after the sweeping victory of Hindutva politics under the banner of the BJP in 2014—I felt compelled to explore the intertwined dynamics of 'communalism' and 'secularism' in the post-colonial Indian state. In the South Asian context, 'Communalism' refers to tensions between religious communities, often culminating in violence. It's not just about religious conflict but also the unique strain of modernity ushered in by colonialism in India. This tension continues to shape life in the subcontinent, deeply intertwined with constructs of caste, faith, language, and geography.

Secularism, as understood in the West as the separation of Church and State, cannot be transposed directly to the Indian subcontinent given the lack of a homogenous, state-sponsored Church. The subcontinent was home to diverse faith, tradition, caste, occupation, and language-based communities, largely autonomous under the pre-colonial Mughal Empire. Hence, in India, secularism carries a distinct meaning. Rather than advocating for a strict separation of religion and state, Indian secularism speaks to a spirit of inclusivity and mutual respect among various religious communities[1]. It espouses the nourishment of all faiths, supporting a diverse range of religious expressions, and promoting a harmonious coexistence of disparate religious communities under one constitutional framework.

I embarked on a journey of disentangling our intertwined history to understand the forces that formed my personal experiences. This path led me to pen my seminal term paper in 2018, titled 'Secular Pretensions, Communal Aspirations'. This paper scrutinized the application of secularism in India, asserting that it was merely the imposition of the dominant Hindu worldview under the guise of secularism. In crafting this paper, I was deeply influenced and inspired by the work of Lynn Gehl. Her recounting of her Debwewin journey, as she maneuvered the convoluted colonial bureaucratic framework of the Canadian state to secure the land rights of her Algonquin Nation, served as a beacon for my work. I also drew methodological guidance from Gehl's work as an Anishnaabe-kwe scholar, specifically in discerning the 'heart' from 'head' knowledge. Her conveyance of 'heart knowledge', a core element of understanding for the Algonquin people,

[1] Robert L Hardgrave, "India: The Dilemmas of Diversity," *Journal of Democracy* 4, no. 4 (1993): 54–68, https://doi.org/10.1353/jod.1993.0052, 65.

echoed within my own heart.[2] This resonance extended beyond the paper, influencing the foundation of my current thesis, which merges my heart knowledge and academic research.

The Western Academy's long-standing assertion of 'objective' historiography appears implausible to me. As Alun Munslow argues, the process of historiography is not merely about discovering the past, but rather about authoring a narrative that inherently reflects the historian's perspectives and choices. He argues that the historian does not uncover an intrinsic narrative in historical events, but rather authors it, thus making history and the past distinctly separate entities. According to Munslow, every historical representation is an act of authorial choice, imbued with the historian's own epistemic and ontic beliefs.[3] The assumption that historians can be entirely unbiased appears questionable to me as well, and even if they were, the sources they use are not free from bias. Thus, the notion of an 'objective' historian or source seems fundamentally flawed.

Recognizing the inherent subjectivity and biases in historiography, as outlined by thinkers like Munslow, Gehl, and Parasram, leads one to confront specific instances where these biases manifest. This is particularly evident in the work of Parasram, who, through his critical examination of Eric Williams's 'Capitalism and Slavery,' unveils the challenges posed by the coloniality of archives. His insights into how these archives, steeped in Eurocentric views, often marginalize non-European perspectives, serve as a concrete example of the broader critiques of 'objective' historiography. [4] This tendency to favor certain viewpoints in historical archives not

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[2] Lynn Gehl, *The Truth That Wampum Tells: My Debwewin on the Algonquin Land Claims Process* (Halifax & Winnipeg: Fernwood Publishing, 2014), 8-12.

[3] Alun Munslow, "History, Skepticism and the Past," *Rethinking History* 21, no. 4 (2017): 474–88, https://doi.org/10.1080/13642529.2017.1333287.

[4] Ajay Parasram, "Capitalism and Slavery as a Decolonial Text: Looking Back to Look Forward," essay, in *Reading the Postwar Future: Textual Turning Points from 1944*, ed. John Munro and Kirrily Freeman (London: Bloomsbury, 2019), 113–28, http://dx.doi.org/10.5040/9781350106734, 114,116,124.

only shapes our understanding of the past but also highlights the importance of an introspective and critical approach in historical research. Such a perspective is crucial, not just for my thesis but for any scholarly endeavor in the field of history, as it demands a deeper understanding and acknowledgment of the biases that influence the narrative of history. This tendency in historical archives to favor certain viewpoints markedly shapes the narrative and perception of history, frequently leading to historiography that favors certain perspectives and marginalizes others. Thus, an introspective and critical approach is not only relevant to my thesis but to any historical research. To me this project is more than an academic endeavor; it's a journey of self-discovery, influenced significantly by my previous works, including my 2018 paper.

The research I undertook for that paper unmasked the deep-seated influence of the British colonial encounter on the region's sociocultural and political tapestry. I realized that there were many layers yet to be uncovered, and my investigation was just scratching the surface. When the opportunity to undertake a master's degree in history arose, it provided the perfect platform for me to probe further into the ramifications of the colonial encounter in South Asia.

At its inception, this thesis set out to scrutinize the 'secular' credentials of the Indian National Congress during the late 19th and early 20th centuries, contrasting it with Muslim marginalization and the rise of Hindu nationalism. However, a deeper plunge into the subject revealed that contemporary understanding and practice of Hinduism are significantly a product of colonial restructuring. The colonizers repackaged a rich tapestry of local knowledge and diverse faith traditions into a singular ‘religion’ and identity that aligned with their own understanding and objectives. This realization prompted me to reassess the historically entrenched Hindu-Muslim dichotomy, a binary continually reinforced through the perpetuation

of colonial knowledge.[5] I became cognizant of the fact that this binary served as a smoke screen, obscuring the intricate prehistory of the Hindu-Muslim conflict, a narrative crafted during the colonial encounter.

Therefore, my thesis underwent a conceptual evolution. Instead of purely examining the secularism of the Indian National Congress, I decided to examine the formation and evolution of corporate Hindu identity during the British colonial period. By 'corporate,' I refer to the transformation of Hindu identity from a diverse, fluid set of beliefs and practices into a more structured, organized, and collectively recognized form. This process entailed the standardization of beliefs and practices, influenced by the British colonial administration's efforts to codify laws and by colonial instruments like print capitalism and the census. These efforts led to the categorization and definition of Hinduism in a more uniform manner, emphasizing certain texts, rituals, and beliefs as representative of Hinduism as a whole. Additionally, the legal and judicial restructuring under colonial rule, which treated Hindus as a distinct group with specific laws and customs, further solidified this corporate identity. The role of colonial historiography was also significant in shaping this identity, as British historians portrayed Hindu history in a specific light, influencing perceptions within and outside the Hindu community. This exploration

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[5] Rajmohan Gandhi, *Eight Lives: A Study of the Hindu-Muslim Encounter*, *EBSCOhost* (Albany: State University of New York Press, 1986), https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=7736&site=ehost-live; Paul R. Brass, *The Production of Hindu-Muslim Violence in Contemporary India*, *EBSCOhost* (Seattle: University of Washington Press, 2003), https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=375888&site=ehost-live; Peter Gottschalk, *Beyond Hindu and Muslim: Multiple Identity in Narratives from Village India*, *ProQuest Ebook Central* (New York: Oxford University Press, 2005), https://ebookcentral.proquest.com/lib/dal/detail.action?docID=4963725; 1. Finbarr Barry Flood, *Objects of Translation: Material Culture and Medieval "Hindu-Muslim" Encounter* (Princeton University Press, 2009), https://hdl-handle-net.ezproxy.library.dal.ca/2027/heb31437.0001.001; Sebastian Schutte, "Politics or Prejudice? Explaining Individual-Level Hostilities in India's Hindu-Muslim Conflict," *International Interactions* 45, no. 4 (2019): 666–92, https://doi.org/10.1080/03050629.2019.1620743; https://doi.org/10.1080/02185377.2020.1741414

unveiled the dynamics that shaped the religious and cultural landscape of India, revealing how the shaping of Hindu identity and religion, the marginalization of Muslims, and the broader socio-political implications were interconnected as artifacts of colonial influence and manipulation.

In the inaugural chapter, I begin by contextualizing the emergence of a corporate Hindu identity within the sphere of British colonial rule. I trace the impact of colonialism, missionary movements, and colonial technologies such as print capitalism, education, railways, and the census in structuring Hindu religion within an Abrahamic model. I also explore the creation of public space and the liberal discourse of 'representation' that contributed to Hindu identity formation. I conclude the chapter by challenging the widespread narrative of unending Hindu-Muslim antagonism and highlight periods of mutual acceptance and integration in South Asia's historical timeline.

In the second chapter, I undertake an examination of the historical and socio-cultural landscape during the Mughal era. I dispute the colonial historiography that persistently portrays Indian Muslims as intrusive invaders. I highlight the fluidity of religious and societal identities and the intertwined existence of non-Muslim and Muslim communities. I underline the historical continuity and local roots of the region's Muslim populace and investigate the role of Sufism in fostering peaceful co-existence within the diverse religious communities during the period of Mughal rule. My aim is to critically engage with the colonial narrative that has pushed Muslims to the margins in South Asia and to create a more inclusive and accurate depiction of the historical realities that have shaped the Indian subcontinent.

In the third chapter, I explore the intricate maze of legal implications under British colonial rule in South Asia. I delve into the intricate legal machinations introduced during the

British Raj and their deep-seated impact on South Asia. I highlight the British administration's attempts to impose centralized religion-centric legal frameworks onto the region's diverse societal and religious contexts. I also dissect the systematic demonization of the Mughal state by the British as a means to legitimize their colonial presence. The Orientalist endeavors of prominent British figures are a primary focus of my examination. I analyze their efforts to shape and systematize the colonial understanding of Hindu religion and law into a "pure" form of Hindu law, free from the region’s inherent pluralistic complexities. More importantly, I delve into the consequences of these actions, which culminated in the creation of rigid, homogenized religious identities. I also discuss how the reification of religion-based division has had a profound effect on South Asia's socio-political fabric in the 20th century and beyond. The British, by engendering rigid religious bifurcations, paved the way for the devastating partition of British India in 1947. I underscore the powerful role of legal systems in molding societal outlooks and interactions, thus illustrating their role in defining the current identity dynamics of the Indian subcontinent. I end by contending that the enduring impact of these British colonial tactics still echo in today's Indian society, shaping socio-political connections, religious self-perceptions, and community interactions.

In the Discussion, rather than offering a comprehensive analysis, I initiate a cursory conversation on the contemporary manifestations of the historical and political processes explored in my study. This discussion, focusing on the rise of Hindutva politics in India and the accompanying virulent Islamophobia, represents a crucial but initial step in understanding these complex phenomena. Hindutva, a Hindu nationalist ideology, and the political parties advocating it have steadily gained influence and power since the 1980s, culminating in their current hold over the country's political landscape. These parties, with their nationalist agenda, have reframed

the discourse around India's nominally secular identity, pushing a narrative of India as a Hindu nation and reinforcing the Hindu-Muslim dichotomy inherited from the colonial era.

The alarming escalation of marginalization and persecution of India's Muslim community under the BJP regime is deeply intertwined with the colonial-era transformations that rigidified religious identities and fostered a perception of Muslims as invaders. This legacy has perpetuated a profound Islamophobia, not as an isolated phenomenon but as a systemic issue deeply embedded within the structures of the Indian state, influenced by media, political rhetoric, and business interests.

While I touch upon these aspects in the Discussion, it is imperative to acknowledge that each of these areas warrants a detailed, separate investigation of its own. The complexity of these issues, ranging from the entanglement of politics and religion to the role of media and economic forces in shaping public discourse, requires a dedicated scholarly inquiry beyond the scope of this thesis. The historical trajectories leading to the present-day socio-political landscape of India provide a foundational understanding, but the intricacies of how these forces operate in contemporary society demand a focused exploration.

The implications of these developments on India's secular ethos are profound. The state's commitment to secularism has been significantly compromised, eclipsed by an emerging majoritarianism that diverges sharply from the nation's earliest post-colonial aspirations. This divergence is not merely a topic for historical reflection but a pressing issue that calls for active scholarly engagement.

The Discussion, therefore, is more than a conclusion to my historical analysis. It is an urgent call for awareness and action, an appeal for introspection on our historical trajectories, and our

current realities. It is a call for in-depth studies to understand the complexities of contemporary India, to foster a more profound understanding of the forces shaping it, and to inspire meaningful efforts towards an inclusive and equitable society. In essence, this segment aims to highlight the critical need for continued scholarly investigation into the ongoing challenges shaping our collective future.

Chapter 2: Organization, Hindu Identity and Muslims

This chapter explores the formation of a corporate Hindu identity during British colonial rule in South Asia. The term corporate here refers to the process of transforming the diverse and regionally varied practices of Hinduism into a more structured and homogenized form. This transformation involved the consolidation and standardization of religious practices, beliefs, and rituals to create a unified Hindu identity, recognizable and distinguishable as a singular entity. This process was largely influenced by British efforts to categorize and administer their colonial subjects through mechanisms such as legal codification and the census, which required defining religious groups in specific terms. To effectively navigate this intricate narrative, it is essential first to establish an understanding of "religion" within this study's scope. It adopts a broad understanding of the term, acknowledging it as a system of faith and worship, typically encapsulating a belief in a divine or higher power, common rituals, corresponding ethical guidelines, shared communal practices, and a belief in a corporate community of believers. However, it acknowledges that this definition, heavily influenced by Abrahamic religious structures, may not precisely mirror the multifaceted spiritual practices prevalent across different cultures and time periods. This discrepancy becomes particularly significant in the context of Hinduism, which historically encompassed a vast range of local traditions and beliefs before being shaped into a more corporate form under colonial influence.

Prior to British colonial rule, what is now categorized as 'Hinduism' was a complex tapestry of diverse spiritual practices, rituals, philosophical thoughts, and traditions across the Indian subcontinent. These traditions, while possessing certain shared concepts and beliefs, did not identify as a single, unified "religion" in the way that Abrahamic faiths do. There was no central religious text akin to the Bible or Quran, no singular prophet or institution, and less of a

definitive boundary separating the sacred and the secular. The spiritual practices that were later codified into 'Hinduism' were deeply woven into the fabric of daily life, blurring the lines between what could be considered religious or not.[6]

The chapter argues that popular claims of Hinduism as the world's oldest religion are misguided and rooted in Orientalist perceptions of South Asia, influenced by a 19th century Western understanding of religion that sought to simplify and homogenize diverse spiritual practices. This research also probes into the historical deployment of the term "Hindu", tracing its semantic evolution in the wake of British colonial rule. Amongst the diverse population of the region, there was no widespread understanding of the "Hindu religion" in its organized form as it is known today. Although scholars like David Lorenzen have suggested that religious aspects began to be associated with a Hindu identity by the 12th century, the instances he references are sporadic and not widespread.[7] This term was predominantly an external classification used to group the inhabitants of South Asia, rather than a self-identified religious label, introducing additional intricacies to the perception of Hindu identity.

In this chapter, I study the transformation of Hindu identity into a modern/colonial "religion" during the period of British rule. It asserts that the metamorphosis of this manifold spiritualism into a more structured 'religion' was not an organic progression, but a product of colonial exigencies and influences. .It demonstrates that pressures exerted by the British colonial state, including missionary activities attacking their faith and attributing South Asia's social ills

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[6] Cynthia Talbot, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India," *Comparative Studies in Society and History* 37, no. 4 (1995): pp. 692-722, https://doi.org/10.1017/s0010417500019927, 693. Harjot Oberoi, *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition* (India: Oxford University Press, 1994), 4.
[7] David N. Lorenzen, "Who Invented Hinduism?," *Comparative Studies in Society and History* 41, no. 4 (1999): pp. 630-659, https://doi.org/10.1017/s0010417599003084.

to their religion, compelled upper-caste Hindu elites to organize their religious beliefs within an Abrahamic framework through a discourse of reform. This organization was facilitated by British colonial technologies, such as print capitalism, British-style education, railways, and the census, with the census playing a crucial role in solidifying the perception of essential differences between British-designated categories of Hindus and Muslims.

Moreover, this study highlights the creation of public space in South Asia through print capitalism and the discourse of "representation," which the British Raj initiated as a legitimizing factor following the 1857 War. These factors significantly contributed to the formation of Hindu identity. The chapter argues that process of organization, while empowering certain upper-caste Hindu sections, led to the ostracization of South Asian Muslims. Excluded from the reimagined Hindu identity, Muslims were also excluded from the emerging idea of Indian nationhood within the British colonial state. This study goes beyond the transformation of Hindu identity to explore the repercussions of this reorganization on the broader sociopolitical landscape. It contends that this process inadvertently led to an antagonistic construction of Hindu-Muslim identities that fueled the simplistic narrative of a perpetual conflict between these two communities. By examining these intricate historical dynamics, this chapter seeks to challenge stereotypical narratives and shed light on periods of tolerance, accommodation, and synthesis amongst pre-colonial South Asian peoples. This study's ultimate objective is to underscore the profound influence of colonial rule on South Asia's religious landscape, revealing a history that defies the notion of monolithic, hostile religious communities and instead highlights the diversity and mutual interplay within the region's history.

Hindus without Hinduism

Scholars such as David Lorenzen have noted an intriguing paradox in academic discourse. Even while acknowledging the modern construction of 'Hinduism', these scholars sometimes engage with it as if it were a historically consistent entity that existed centuries prior. In other words, despite their theoretical recognition that 'Hinduism' as a cohesive religion is a recent construct, their analyses occasionally imply a continuity that extends much further back in history.[8] Lorenzen's analysis, particularly in his seminal work “Who Invented Hinduism?”, argues against the notion that Hinduism as a religion was birthed after 1800 in the womb of the British colonial state. He suggests that a Hindu religious identity, rooted in texts like the Bhagavad-gita and the Puranas, emerged distinctly between 1200 and 1500, long before British influence.[9] However, Lorenzen's analysis does not address the absence of a defined "Hindu" community in these ancient texts. He also discusses the categorization of Muslims in India, especially those of low-caste Hindu origins, challenging why they were not labeled as 'Hindu Muslims'.[10] This observation markedly diverges from Hardiman's research, which highlights syncretic communities desiring to be acknowledged as Hindu-Muslims/Muslim-Hindus in British colonial census. Their recognition was, however, consistently refused by colonial authorities. This evidence suggests that such blended communities were prevalent until the British colonial era, but their identities were marginalized and erased or the administrative policies of the colonial regime. [11]

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[8] Ibid, 631.
[9] Ibid,.
[10] Ibid, 636.
[11] David Hardiman, “Purifying the Nation: The Arya Samaj in Gujarat 1895-1930,” *The Indian Economic and Social History Review* 44, no. 1 (2007): pp. 41-65, https://doi.org/10.1177/001946460604400103, 48.

Lorenzen leans on the "standard model" of Hinduism as defined by European authors during the Colonial and Pre-Colonial periods. He asserts that these authors were constructing Hinduism based on their observations and native informants' inputs.[12] However, Lorenzen's focus, much like that of the Europeans on "religion" as they understood it, overlooks the significant role of caste in South Asian identity.

He further cites literature by North Indian religious poet-singers, mainly from non-Brahmin castes, as evidence of a pre-1800 Hindu identity. These texts, according to Lorenzen, define Hindu identity in contrast to a Muslim 'Other'.[13] This raises questions about the nature of the Hindu identity referred to by these poet-singers as a reactive rather than independent religious identity. Furthermore, it prompts critical inquiries about inclusivity and geographical representation: Were groups like Adivasis, Dalits, or people from regions such as modern Tamil Nadu or the Meghalaya encompassed within the historical Hindu identity Lorenzen argues for? Unfortunately, his article stops short of trying to delineate the contours of this identity.

This trend to historicize presentist notions is not confined to the study of religious traditions. It also permeates the examination of pre-colonial South Asian kingdoms, which are frequently labeled as 'Indian'. This terminology, much like the anachronistic usage of 'Hinduism', often lacks the necessary historical nuance, suggesting a homogeneous 'Indian' identity that did not necessarily exist in the pre-colonial period. Brian Smith offers an explanation, positing that "Hinduism" was likely first conceived by the British in the early 19th century to describe and control a complex amalgamation of people and traditions in the South Asian subcontinent. As Smith notes, "Hinduism" enabled the British, as well as subsequent scholars, including those that

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[12] David N. Lorenzen, "Who Invented Hinduism?," *Comparative Studies in Society and History* 41, no. 4 (1999): pp. 630-659, https://doi.org/10.1017/s0010417599003084, 636-646.
[13] Ibid, 648.

came to be referred to as 'Hindus', to speak of a singular religion where previously there was none, or at best, a multiplicity of religious practices.[14]

The persistence of the notion of a singular, unified Indian identity throughout history can be attributed to several factors. Many Indian historians, particularly those of the Nationalist[15] or Cambridge School[16] bent, tend to view history through a lens of linear continuity and unity, seeking to identify a single, unified Indian identity that has existed throughout history, despite the lack of scholarly evidence to support this view. The idea of a unified Indian identity has been politically useful for both colonial and post-colonial governments, which may have contributed to the persistence of the lackadaisical treatment meted out to these ontological presuppositions among scholars. While it is important to note that communitarian identities did indeed exist in pre-colonial South Asia[17], but they were not uniform across the entire region. As noted by historian Cynthia Talbot, supra-local social identities did exist, but they were primarily developed among the elite, similar to the development of such identities in Europe.[18]

In the last few years, a number of scholars have put forth the argument that the concept of Hinduism as we know it today was constructed or invented by British scholars and administrators in the 19th century and did not exist in any form prior to that time period[19].

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[14] Ibid, 633.
[15] Sri Ram Sharma, *The Religious Policy of the Mughal Emperors. (Second Edition.)* (New Delhi: Asia Publishing House, 1962); Ashirbadi Lal Srivastava, *The Sultanate of Delhi (711-1526 A.D.) - Including the Arab Invasion of Sindh, Hindu Rule in Afghanistan, and Causes of the Defeat of the Hindus in Early Medieval Age* (Agra: Shiva Lal Agarwala & Company, 1966); Bipan Chandra et al., *India's Struggle for Independence, 1857-1947* (New Delhi: Viking, 1988).
[16] Anil Seal, *The Emergence of Indian Nationalism: Competition and Collaboration in the Later Nineteenth Century* (London: Cambridge U.P., 1968).
[17] Cynthia Talbot, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India," *Comparative Studies in Society and History* 37, no. 4 (1995): pp. 692-722, https://doi.org/10.1017/s0010417500019927, 694.
[18] Ibid, 713.
[19] David N. Lorenzen, "Who Invented Hinduism?," *Comparative Studies in Society and History* 41, no. 4 (1999): pp. 630-659, https://doi.org/10.1017/s0010417599003084, 630.

According to John Hawley, the word "Hinduism" and the reality of it are both products of the 19th century, created through the agency of Print Capitalism, a term coined by political scientist Benedict Anderson in his seminal work "Imagined Communities: Reflections on the Origin and Spread of Nationalism".[20] Anderson asserts that "print-capitalism gave a new fixity to language, which in the long run helped to build that image of antiquity so central to the subjective idea of the nation."[21] He theorized that the technological ability to print for mass audiences across vast territories played a vital role in fostering a sense of shared community among dispersed individuals.

This theory of Anderson's becomes even more pertinent when analyzing the circumstances in South Asia during British colonial rule. In this setting, as Anderson suggested, "the convergence of capitalism and print technology on the fatal diversity of human language created the possibility of a new form of imagined community, which in its basic morphology set the stage for the modern nation."[22] The British administration's print capitalism techniques were instrumental in the mass production and dissemination of religious texts and commentaries, thus playing a critical role in consolidating a variety of practices, traditions, and beliefs into the structure of modern 'Hinduism.'

Particularly, the widespread reach of newspapers facilitated a shared language and identity, and thus a sense of community. As Anderson notes: "In fact, the newspaper reader, observing exact replicas of his own paper being consumed by his subway, barbershop, or residential neighbors, is continually reassured that the imagined world is visibly rooted in

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[20] Benedict Anderson, *Imagined Communities: Reflections On the Origin and Spread of Nationalism* (London: Verso, 2006), 18.
[21] Ibid, 44.
[22] Ibid,46.

everyday life."[23] A coherent 'Hindu' religious identity was largely fashioned and spread through texts that were written or translated by the colonial administration and Western missionaries and widely circulated. Enabled by print capitalism, this newly created public sphere also provided a platform for the upper-caste Hindu elites to project and develop and propagate their version of "National" identity. Drawing on the specific case of Bengal, Chatterjee highlights the importance of language as a potent symbol of cultural identity and an instrument of resistance against colonial encroachment. He details the conscious efforts made by the bilingual elite to enrich and modernize their mother tongue, Bengali, turning it into a dynamic cultural vehicle that could carry the ideals of modernity while maintaining a distinctive "national" character.[24] In this light, Anderson's work offers a crucial theoretical lens, supplying a framework through which the emergence and solidification of a 'Hindu' identity, facilitated by print capitalism, can be critically assessed, and understood.

Hawley describes Hinduism as the "notoriously illegitimate child" of the Colonial South Asian middle-classes and the British. He observes that the term did not come into general English usage until the inexpensive handbook "Hinduism" was published by the Society for Promoting Christian Knowledge in 1877. [25] Yet, as Partha Chatterjee's work illuminates, the construction of corporate Hindu identity was more complex than a mere lexical development. It was intimately tied to the colonial context, emerging nationalist sentiment, and the dynamics of

[23] Ibid, 35.
[24] Partha Chatterjee, *The Nation And Its Fragments: Colonial and Postcolonial Histories* (Delhi: Oxford University Press, 1994), 6-7.
[25] Hawley, John Stratton. "Naming Hinduism." *The Wilson Quarterly (1976-)* 15, no. 3 (1991): 20–34. http://www.jstor.org/stable/40258117. Page 20-21

historiography. According to Chatterjee, the term "Hindu" was not only a religious term but was utilized as a rallying point for emerging nationalistic sentiments during the colonial period.[26]

Partha Chatterjee's work provides a compelling analysis of how colonial powers often set themselves apart from those they colonized by labeling them as 'different'. He argued that this tactic imposed an oversimplified dichotomy onto a vast spectrum of human existence, effectively reducing the complex reality of human life into a basic 'us-and-them' or 'our world-and-their world' division.[27] Such simplistic division of the vast human landscape served the purpose of upholding a narrative of racial superiority and justifying colonial domination. In this context, “Indian Nationalism” refracted through "Hinduism" became a counter to this imposed "difference," a unifying banner under which Indian nationalism could grow.[28]

Chatterjee's examination brings into relief the manner in which historical narratives were reconfigured to bolster a shift in national consciousness. As articulated by Chatterjee, "A nation, or so at least the nationalist believes, must have a past,"[29] emphasizing the necessity of historical grounding for the validation of nationalistic beliefs.

According to Chatterjee, the foundational generation of British influenced Bengali intellectuals conceived the national past as a "Hindu" past. This happened regardless of the reality that the titular designation was a comparatively recent construct, and the resurgent movement chose to delineate itself using a term assigned to it by “others”.[30] This reconstruction of the past, viewed from the lens of the English-educated Hindu middle-class nationalists,

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[26] Partha Chatterjee, *The Nation And Its Fragments: Colonial and Postcolonial Histories* (Delhi: Oxford University Press, 1994), 110.
[27] Ibid, 16 – 22.
[28] Ibid, 26.
[29] Ibid, 73.
[30] Ibid, 74.

posited that the Hindu past was synonymous with the national past. Moreover, such a recontextualization of history was not incidental but rather a strategic maneuver to cultivate a collective identity and resistance against the dominion of both Muslim and British rulers. [31]

In dissecting this historical reconstruction, Chatterjee acknowledges that influential figures like Bankim Chandra Chatterjee, among his peers, were instrumental in merging the national past with a predominantly Hindu past. [32] The resulting narrative was heavily weighted towards recounting tales of Hindu resistance against Muslim rule. [33] Interestingly, these authors' works largely omitted the British colonial rule from this power narrative. This intentional omission obstructed the possibility of an alternate historiography that could have portrayed the resistance against British colonialism as a more inclusive regional effort, rather than being confined to a strictly Hindu narrative. [34]

Chatterjee suggests that the English-educated Hindu middle-class conception of "Hinduism" was not defined strictly in religious terms. Rather, it was a nationalistic concept, one that embraced a wide array of beliefs and practices, and even included non-Vedic and anti-Brahmanical religions like Buddhism and Jainism as part of the Hindu community.[35] In his study of early “Indian” historiography through the works of Bengali authors, Chatterjee underscores the profound role of historical origin in demarcating national identity. During this period, Bengali playwrights, and novelists, who engaged with history through their fictional narratives, suggested that the historical origins of a religious community significantly influenced its congruence or divergence with the perceived "Hindu" nation. In their portrayal of the past,

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[31] Ibid, 109.
[32] Ibid,.
[33]Ibid, 80-85, 93-94,99-106.
[34] Ibid, 109.
[35] Ibid, 97.

these literary figures were not only delineating a historical narrative but also conceptualizing a present and projecting a future.

Chatterjee further highlights that in these narratives, the concept of "India" imagined as a fixed, territorially defined entity served as the backdrop for the history of the 'Jati' or the nation.[36] Religions like Islam and Christianity, which had their roots outside of this territorially defined entity, were marked off from the nation based on their historical origin. Particularly concerning the Muslim community, Chatterjee makes a significant observation that, "this history of the nation could accommodate Islam only as a foreign element."[37] Conversely, a wide array of local beliefs and practices were included under the umbrella of the "Hindu" nation, underscoring the historical and territorial ties to India and belongingness.[38]

While Chatterjee's observation points to this historical narrative positioning Islam and Christianity as external to the 'Hindu' nation based on their cosmological origins, it is essential to distinguish between the religions and the people who practice them. Although these religions might have originated outside the geographical boundaries of this territorially defined entity, the people who embraced these faiths *are* local to the land. This distinction between the individuals and their adopted religions is significant. The local residents who adopted Islam or Christianity have their origins and heritage deeply interwoven with the land, regardless of the foreign genesis of these faiths. This interplay between the land, its people, and their diverse religious beliefs reveals a complex tapestry where these elements are not mutually exclusive but rather coexisting and interwoven, collectively contributing to the rich historical and cultural identity of the region.

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[36] Ibid, 110.
[37] Ibid, 74.
[38] Ibid, 110.

In a sense, the adoption of the term "Hinduism" by the South Asian middle-classes and the British during the late 19th century served as a defining moment in the formation of a Hindu-nationalist consciousness among the English-educated Hindu middle class in Bengal that later spread to the rest of the region. The British propagated the term "Hinduism" with an understanding that suited their colonial agenda, while the emerging middle class saw it as a tool for asserting their identity and rallying against colonial rule.

Oberoi also argues that people who are now referred to as Hindus never used this term to describe themselves. The Vedas, Ramayana, and the Mahabharata, which many consider as the religious texts of the Hindus, do not employ the word Hindu.[39] The term Hindu was first used by the Achaemenid Persians to describe all those who lived on or beyond the banks of the river Sindhu, or Indus.[40] Therefore, at one stage, the word Hindu as an ethno-geographic category came to encompass all those who lived in India, without ethnic distinction. According to Oberoi, it was only under the Muslim rulers of India that the term began to gain a religious connotation. He notes that,

> But it was not until colonial times that the term 'Hinduism' was coined and acquired wide currency as referring collectively to a wide variety of religious communities, some of them with distinct traditions and opposed practices. Communities like the Saivites, Vaishnavites, and Lingayats, each with their own history and specific view of the world, were tied together under the blanket category Hinduism. [41]

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[39] Harjot Oberoi, *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition* (India: Oxford University Press, 1994), 5.

[40] Arvind Sharma, "On Hindu, Hindustan, Hinduism and Hindutva," *Numen* 49, no. 1 (2002): 1–36, https://doi.org/10.1163/15685270252772759, 2 and Harjot Oberoi, *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition* (India: Oxford University Press, 1994), 16.

[41] Harjot Oberoi, *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition* (India: Oxford University Press, 1994), 16.

Oberoi argues that the modern idea of religion is a "relatively recent development in the history of the Indian peoples." He suggests that:

> Religion, as a systematized sociological unit claiming unbridled loyalty from its adherents and opposing an amorphous religious imagination, is a relatively recent development in the history of the Indian peoples. Once such a tidy cultural construct surfaced, probably sometime in the nineteenth century, it rapidly evolved, gained wide support, and became reified in history. [42]

Oberoi notes that unlike Abrahamic scriptures such as the Quran or the Bible, which were intended for the entire "religious community" as understood by the British, the Vedas and other Brahmanical scriptures that are considered part of the Hindu Canon, excluded not only Lower Caste individuals (Shudras) but also women, by categorically prohibiting them from even hearing these texts. He notes that, "Law books laid down that if a Shudra was to hear a mantra even inadvertently, molten lead should be poured into his ears" [43]. Moreover, other scriptures that have come to be perceived as Hindu scriptures, such as the Ramayana and Mahabharata, make no mention of Hindus or Hinduism. [44] Oberoi points to the lack of a word in the South Asian languages that refers to "an overarching community of believers" as evidence against the idea of historic Hinduism. [45] Arguing instead that religion before the entrenchment of the British colonial state, was a "highly localized affair." [46]

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[42] Ibid, 17.
[43] Ibid, 8.
[44] Ibid, 16.
[45] Ibid, 13.
[46] Ibid, 14.

However, Oberoi's focus on the exclusionary nature of 'Hinduism', while accurate and critical, paints only part of the picture. In engaging with 'Hinduism' as a colonial discourse, we must avoid replicating Orientalist tropes that portray dharmic practices as static or backwards. The complex tapestry of religious and philosophical traditions in South Asia has also been characterized by internal reform and resistance to orthodoxy. For instance, the Bhakti movement, originating between the 7th and 17th centuries in India, emphasized personal devotion to a deity and sought to transcend caste and sectarian boundaries, challenging the ritualistic orthodoxy and exclusivity of traditional Brahmanical practices. Martin Fárek highlights that while the Bhakti movement is often seen as an egalitarian force against the caste system[47], it primarily advocated for spiritual equality, wherein all humans are equal in the eyes of God, rather than directly challenging social hierarchy[48]. The movement critiqued Brahmanical practices but did not reject the caste system outright[49]. Instead, it contributed to a significant transformation within Hindu religious practices by democratizing them and emphasizing personal religious experience over ritualistic adherence.[50]

Additionally, it is crucial to engage with the interplay between anti-colonial nationalism, print-capitalism, and the construction of 'Hinduism' as a unifying idea. The consolidation of diverse traditions under the umbrella of 'Hinduism' was not merely a process of religious categorization but was intimately tied to the political project of modern state-building that bled into nation-building. The emergence of print-capitalism provided the necessary infrastructure for

[47] Martin Fárek, "Were Shramana and Bhakti Movements Against the Caste System?," essay, in Western Foundations of the Caste System, ed. Martin Fárek et al. (Cham, Switzerland: Palgrave Macmillan, 2017), 127–72, https://doi.org/10.1007/978-3-319-38761-1_5, 127-128.
[48] Ibid, 135.
[49] Ibid, 138-140.
[50] Ibid, 142-143.

the propagation of this unified 'Hindu' identity, disseminating religious texts and nationalist literature to a broad audience.

Finally, we must also grapple with the fraught legacy of this unifying project, as seen in the contemporary politics of Hindutva. While these forces claim Buddhists and Sikhs as internal reformist movements within a broader 'Hindu' framework, such claims trivialize the distinct cosmological, historical, and political purpose of these traditions, while simultaneously defining Islam and Christianity as 'non-Indian' on account of being 'non-Hindu'. This underscores the potent implications of the historical construction of 'Hinduism', consequences that continue to reverberate in South Asia's political landscape today.

Superiority and the Aryan Race

The establishment of the Company Raj, and subsequently the British Raj, occurred amidst a climate of European intellectual activity that was increasingly indulging in 'race-science'—a discourse that used arbitrary markers and dubious connections to construct vast, biologically questionable generalizations about 'races'. These assumptions, although scientifically suspect, carried substantial political and sociological impacts that reverberated through the colonial establishment.

The “fact” of British military superiority was used to justify the discourse of "essential" difference between British and South Asian during the establishment of British Rule in India. It's important to note that South Asians themselves made up the majority of the forces in the East India Company and later, the British Raj. The Bengal Army, which had a good recruitment rate,

was dominated by high-caste Hindus, mostly Brahmins and Rajputs from the North, who constituted almost 80% of the army. [51]

The British, already steeped in racial thinking, drew upon evolving notions of an 'Aryan race' to interpret their interactions with these high-caste Hindu soldiers.[52] The idea of the Aryan race began in the 1780s with Sir William Jones' and other Orientalist thinkers' philological theories about the common linguistic origins of Sanskrit, Ancient Greek, and Latin. [53] By the early 19th century, these ideas had evolved into the notion that a common "race" of "Aryans" not only spoke this common ancestral language but also invaded ancient Europe and India.[54] Prominent scholars such as Oxford Sanskritist Friedrich Max Müller were proposing that high-caste Hindus from north India, such as many soldiers in the Bengal Army, were the "Aryan brethren" of Europeans, including Britons. [55]

Lieutenant-Colonel James Tod, who spent time among the Rajputana royalty during his time in Company employ, wrote the ‘Annals and Antiquities of Rajasthan’. In his own words, he aimed to "affirm and endeavor to prove" Rajput’s and the ancient conquerors of Europe's "common origin." Tod postulated that both north Indians and Europeans must share a common Aryan racial past, considering their common treatment of women and their common feudal past. [56]

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[51] Joseph Sramek, *Gender, Morality, and Race in Company India, 1765-1858* (New York: Palgrave Macmillan, 2011), 78.
[52] Ibid, 138.
[53] Ibid,.
[54] Ibid, 134.
[55] Ibid,.
[56] James Tod, “Annals and Antiquities of Rajasthan, v. 1 of 3 by James Tod,” ed. William Crooke, Project Gutenberg (Oxford University Press, July 4, 2018), https://www.gutenberg.org/ebooks/57374; Joseph Sramek, *Gender, Morality, and Race in Company India, 1765-1858* (New York: Palgrave Macmillan, 2011),138.

This racialized worldview is highlighted in the contrasting stereotypes of South Asians that emerged among the British. The British stereotype of "effeminate" South Asians is located by Sramek in the racialized comparisons drawn by the British between Bengalis and high-caste Hindus from the North. In contrast to the 'small, black, and effeminate' image ascribed to Bengalis, Brahmins and Rajputs were seen as 'the tallest, fairest, and most warlike and manly'—a perception noted by Lieutenant Colonel Thomas Skinner. Such stereotypes reveal the multifaceted impacts of race-science and patriarchy on British understandings of South Asians, shaping military recruitment, social hierarchies, and cultural interactions[57] [58]

Organizing the Hindu Religion

The War of 1857 was a watershed moment in the history of South Asia. Seen by the British as a rebellion emanating from Company disregard of Native feelings surrounding religion. The British Raj officially began with a proclamation from the British monarch, Victoria. The proclamation, while grounding herself firmly in Christianity, assured her newfound 'subjects' of their rights in terms of their religious freedoms:

> Firmly relying Ourselves on the truth of Christianity, and acknowledging with gratitude the solace of Religion. We disclaim alike the Right and the Desire to impose our Convictions on any of Our Subjects. We declare it to be Our Royal Will and Pleasure that none be in any wise favored, none molested or disquieted, by reason of their Religious

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[57] Joseph Sramek, *Gender, Morality, and Race in Company India, 1765-1858* (New York: Palgrave Macmillan, 2011),135.
[58] Ibid,.

Faith or Observances, but that all shall enjoy the equal and impartial protection of the Law…"[59]

In 1892, Surendranath Banerjea, a "Nationalist" Indian National Congress leader, hailed the proclamation as the "Magna Carta of our rights and privileges," [60] seeing it as a foundation for representative politics in South Asia under British rule. [61] However, Hardy highlights that the language in Victoria's proclamation actually encouraged the development of political and community organizations based on religious lines, a factor that Banerjea overlooked. [62]

This portrayal of the British Raj as a superior, neutral, disciplined, and rational governing force obscured the fact that British rule in South Asia was predicated upon a highly unequal and disjointed system. Instead, the colonizers portrayed themselves as benevolent rulers, while imposing their own cultural and economic values on the colonized population. Zavos notes that through the proclamation, "a largely disjointed and imbalanced system was represented as a neutral, rational, and organizing force in Colonial Society which saw all its subjects in the same light."[63]

Despite being highly critical of the "corruption" of South Asians, the British themselves were not immune to corruption within their own ranks. Following the 1757 Battle of Plassey, the East India Company (EIC) was granted the authority to collect revenue from Mughal Bengal in 1765. However, due to concerns of misconduct among its own employees, Robert Clive had

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[59] Queen Victoria, "Proclamation, by the Queen in Council, to the Princes, Chiefs and People of India - 1 November 1858," British Library, accessed February 13, 2023, https://www.bl.uk/collection-items/proclamation-by-the-queen-in-council-to-the-princes-chiefs-and-people-of-india, 1.

[60] Speech at 1892 Congress; see S. Banerjea, Speeches, Vol. 4 (Calcutta, n.d), p.67. (https://www.forgottenbooks.com/en/download/TheTrumpetVoiceofIndia_10141537.pdf)

[61] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000),36.

[62] P. Hardy, *The Muslims of British India* (London: Cambridge University Press, 1972), 116.

[63] Zavos 26 (GUHA 'Dominance without hegemony' pp 275-7

appointed Muhammad Reza Khan, a minister at the court of Mir Jafar, to handle the collection of revenue. It was only when Khan was unable to meet the unrealistic demands of the Company, that British officials were sent to Bengal to oversee the process.[64] Concerns about the actions of British officials persisted during Warren Hastings' term as Governor-General. Joseph Sramek notes that Hastings "deeply mistrusted" British officials and feared that if left unchecked, they would abuse their power to exploit Indians and amass personal wealth.[65] It was during the governorship of Hastings' successor, Cornwallis, that the East India Company's concerns about corruption among its officials were addressed. In an effort to reduce corruption, Cornwallis significantly raised the salaries of EIC officials. According to Sramek, a covenanted official's salary increased from around 150 pounds a year in the mid-19th century to 2600 pounds by the end of the century, with those who had served for 12 years or more earning nearly 4000 pounds.[66]

Although the War of 1857 heightened British concerns about public opinion in South Asia, it is important to note that British apprehensions about public opinion regarding their rule in India predate the events of 1857.Company critics such as Frederick John Shore had already warned the British in the 1830s that the native population had an unfavorable view of the British due to their excesses.[67]The consequent passing of the Government of India Act in 1858, South Asia had its first taste of un-parliamentary "representation". The legislation transferred control from the East India Company's Court of Directors to a Secretary of State, to be assisted by an

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[64] Joseph Sramek, *Gender, Morality, and Race in Company India, 1765-1858* (New York: Palgrave Macmillan, 2011), 31.
[65] Ibid, 31-32.
[66] Ibid, 41.
[67] Ibid,.

unelected Council. Thus, the Raj began, in its own words by creating 'an impression of representation, justice, and benevolence'[68].

While Queen Victoria kept her promise of not imposing her Christian beliefs on her newfound subjects, missionary activity, previously limited to educated high-caste individuals, saw an expansion into groups at the lower rungs of the Brahmanical Caste hierarchy after the advent of the British Raj. According to Zavos, this trend dubbed as a "mass movement" of conversions among lower castes as reported in Census reports from 1871-1901, created a perception of Hinduism "as a religion being eroded from its base upwards."[69]. Hardiman notes that the counting of religious groups in the decennial census from 1872 made the notion of "Hinduism" under threat a 'common-sense' notion for Upper Castes.[70]

Hinduism as the cause of "Corruption"

"Every Native of Hindustan is corrupt," declared Cornwallis in 1789. [71] While making such a statement was one thing, proving it was another matter altogether. In Colonial and Missionary discourse, the religion of the Hindus, dubbed 'Hinduism' emerged as a significant contributor to the supposed 'corruption' among South Asians. According to Bombay Civil Officer Rattray, Brahmins were the reason why there was "no Country on earth, in which the sanctity of an Oath is less respected"[72] than South Asia. The blame on Hinduism for the problems in South Asian societies was frequently placed by clergymen such as Claudius

[68] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 35.
[69] Ibid, 39.
[70] David Hardiman, "Purifying the Nation: The Arya Samaj in Gujarat 1895-1930," *The Indian Economic and Social History Review* 44, no. 1 (2007): pp. 41-65, https://doi.org/10.1177/001946460604400103, 43.
[71] Joseph Sramek, *Gender, Morality, and Race in Company India, 1765-1858* (New York: Palgrave Macmillan, 2011),39.
[72] Ibid, 45.

Buchanan, Andrew Fuller, William Ward, and Alexander Duff. Ward believed that the "bad moral examples" upheld by the "Hindu Religion" made its adherents "the most corrupt." [73] As a Protestant Calvinist, Duff compared the Brahmin priests of South Asia to his Catholic opponents in Europe, claiming that the control they exerted over the people had rendered them incapable of independent thought or action. [74] According to Sramek, Duff's implication was that until South Asians were capable of taking "personal moral responsibility for good or evil," only Protestant Britons should rule the region. [75]

Drawing Lines in the Sand – The Census

In his analysis, Neil DeVotta cites the observations of Howard Wriggins and James Guyot, who note that demographic changes, such as a perceived decline in population, led to concerns among ethnic elites about their political power. [76] According to DeVotta, the British colonial administration placed a strong emphasis on religion as the "primary identification marker", which in turn caused "Hindus" and "Muslims" to become more interested in each other's population trends during the 19th century. [77]

The British authorities also placed great emphasis on speculation about the "fate of Hindus" in relation to the growth of the Muslim population. Officials frequently speculated about the timeframe for Muslims surpassing Hindus in numbers, which in turn led to a consciousness among Upper Class – Upper Caste Hindus of potentially becoming a minority community in

[73] Ibid,.
[74] Ibid, 43-44.
[75] Ibid, 44.
[76] Neil DeVotta, "Demography and Communalism In India.," *Journal of International Affairs* 56, no. 1 (2002): pp. 53-70, https://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=7911660&site=ehost-live, 54.
[77] Ibid, 54-55.

their own land. [78] This emphasis on Hindu demographics had the implicit assumption that South Asia was only the Land of Hindus.

While British colonial officials portrayed South Asian society as "drifting and changeless" with images of effeminacy, indolence, deceitfulness, and a closed village economy, which they attributed to the degeneracy of what they perceived as Hinduism[79], they had a different perception of Muslims. They projected Muslims as virile and masculine, with one census official noting that "the strength of the Mussalmans, who, as is well known, are more prolific than Hindus." This contrast in portrayal was used to highlight the supposed inferiority of Hinduism as compared to Islam[80]**.** DeVotta argues that this emphasis on religious identity and population trends helped to sow the seeds of communalism in South Asia, where different religious communities increasingly saw themselves as separate entities with competing interests. This contributed to the development of a Hindu nationalist movement, which sought to assert the dominance of the Hindu community in South Asia. At the same time, it also fostered a sense of Muslim identity and a movement for Muslim separatism, which eventually led to the creation of Pakistan as a separate Muslim state in 1947.

According to Sramek, British colonial perspectives on Indian caste during the 18th and 19th centuries prioritized considerations of social status and class over religious identity. Although evidence contradicted this view, colonial military officials frequently viewed Brahmin and Rajput sepoys as similar to British landed gentlemen.[81]The British were not ignorant of the

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[78] Ibid, 55.
[79] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 30.
[80] Neil DeVotta, "Demography and Communalism In India.," *Journal of International Affairs* 56, no. 1 (2002): pp. 53-70, https://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=7911660&site=ehost-live, 56.
[81] Joseph Sramek, *Gender, Morality, and Race in Company India, 1765-1858* (New York: Palgrave Macmillan, 2011),69.

significance of caste in South Asia, as evidenced by the complaints made by British commanders against the Rajput and Brahmin soldiers who comprised the majority of the EIC army in the early 19th century. This is exemplified in the remarks of Bombay Army's Brigadier-General John Jacobs, who expressed dissatisfaction that "a native soldier is far more afraid of an offense against caste than of an offence against the articles of war." [82] Instead of organizing the census based on the existing caste system, the British opted to use the term "Hindu" as a catch-all category to encompass a diverse range of people with varying faiths, practices, rites, rituals, social structures, and organizations that they did not fully understand.

The Problem of Counting Hindus

The report of the 1881 Census bemoaned that:

> Many of the bigoted high caste Hindooos employed as Census enumerators or supervisors objected record such lowe persons as of the Hindoo religion. This was illustrated by numerous instances brought to my notice of such persons having been recorded as of the Dher, Mang or Chandal religion by mere repetition of their caste in the column for religion. Possibly some in their humility and ignorance may not even have claimed to be of the Hindoo religion. More probably they were not even asked.[83]

D.C.J Ibbetson, the Census Commissioner of the 1881 Census in Punjab, acknowledged the challenges faced by the state in gathering statistics on religious communities. He specifically mentioned the difficulty in accurately determining the religious affiliation of individuals, stating that ″with the exception of caste, no other one of the details which we have recorded is so

[82] Ibid, 138.

[83] Report on the Census of British India taken on 17 Feb, 1881 vol 1 (HMSO, London 1883),, p.17.

difficult to fix with exactness [as religion], or needs so much explanation and limitation before the real value of the figures can be appreciated." [84]

In the Bengal Report of the 1901 Census of India, it was observed that the *"classes most receptive of Christianity are those who are outside the Hindu system or whom Hinduism regards as degraded."* [85] This observation implies that, in the early 20th century, the colonial state had not yet firmly established what "Hindu" meant. The "Hindu system" term denoted the Brahmanical or Upper Caste hierarchy, which did not include several marginalized groups such as Lower Castes, Tribal, or Adivasis. The 'Hindu system,' as used in the report, seems to have been equated with the Brahmanical or Upper Caste hierarchy. This categorization notably excluded several marginalized communities such as the lower castes and tribal or Adivasi groups. However, the relationship of these marginalized groups to the 'Hindu system' is far from straightforward. We must keep in mind historical instances of communities, such as the Jats, that resisted the Brahmanical model and did not necessarily identify with the imposed Brahmanical framework. The tribal or Adivasi communities present another layer of complexity. Their relationship with the 'Hindu system' was often marked by distinct regional and cultural practices that did not align with the mainstream Brahmanical tradition. It's important to stress, however, that these interpretations and self-identifications varied greatly among communities and individuals, highlighting the fluid and complex nature of religious identity during this period.

According to Christopher Jaffrelot, Hindu nationalism was a cultural strategy designed to defend the dominance of the Brahmanical caste order. He posits that it emerged in the 19th century and was transformed into a political ideology by V.D Savarkar in the 1920s. While some

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[84] Harjot Oberoi, *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition* (India: Oxford University Press, 1994),9.

[85] Census of India 1901, Vol. I, India Pt: 1(Government Printing Office, Calcutta, 1903), pp 387-92

narratives oversimplify Vinayak Damodar Savarkar's views on caste as entirely oppositional[86], Atul Mishra's research presents a more nuanced perspective. Savarkar acknowledged the negative social effects of the caste system but did not fundamentally reject its hierarchy or the varna structure. He saw the caste system as integral to the 'organic unity' of the Hindu nation, central to his concept of Hindutva and international relations.[87] Savarkar considered the four varnas as vital to preserving the Hindu community's "racial seed and blood" and maintaining societal continuity.[88]

Thus, Savarkar's approach to the caste system was complex; indeed, he criticized its exclusionary aspects but also supported its foundational role in shaping Hindu identity and unity through its hierarchical core and the varna arrangement.[89] This stance reflects a sophisticated position on caste, diverging from a straightforward endorsement or denial of caste hierarchy in his version of Hindu nationalism. Audrey Truschke notes that Savarkar, an atheist critical of certain Hindu practices, aimed to redefine 'Hindu'. In "Hindutva: Who Is a Hindu?", he proposed that being a Hindu involves being a native Indian, belonging to a specific racial lineage, and engaging in Sanskrit or neo-Sanskrit culture. This interpretation draws less from traditional Indian thought and more from early 20th-century European ethnonationalism, echoing ideas similar to those in Nazi Germany regarding national identity and racial superiority.[90] Therefore, I think that the process of constructing a Corporate "Hindu" identity, rather than nationalism, and

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[86] Shamsul Islam, "Truth about Savarkar and Caste," *Indian Express.Com*, March 23, 2022, https://indianexpress.com/article/opinion/columns/truth-about-savarkar-and-caste-7832134/.
[87] Atul Mishra, "Locusts vs. the Gigantic Octopus: The Hindutva International and 'Akhand Bharat' in V.D. Savarkar's History of India," *India Review* 21, no. 4–5 (2022): 512–45, https://doi.org/10.1080/14736489.2022.2131121, 530.
[88] Ibid, 523,532.
[89] Ibid, 530.
[90] Audrey Truschke, "Hindu: A History," *Comparative Studies in Society and History* 65, no. 2 (2023): 246–71, https://doi.org/10.1017/s0010417522000524, 265.

its expression through representative politics in the latter half of the 19th century, constitutes the cultural strategy suggested in Jaffrelot's analysis.

Public Space – The Pressure to Organize Hinduism as Nation

It is worth noting that during the colonial period in South Asia, the emergence of All India Associations was primarily driven by opposition to *Lex Loci* legislation regarding the inheritance rights of Hindus who had converted to Christianity. Gauri Vishwanathan traces the widespread panic to 1845, with the release of the draft of a new law called the *Lex Loci Act*, which was later enacted in 1850 as the *Caste Disabilities Removal Act*. This act, known in British records as the "*Emancipation Act*," aimed to revive a clause in the 1832 Bengal Code that protected the inheritance rights of converts from what British administrators considered to be some of the harshest features of Hindu and Muslim personal law. These features included the forfeiture of rights to ancestral property by individuals who converted to another religion. The justification for depriving converts of their property rights was based on what legal scholars today call “legal fiction." This legal fiction referred to the construction of the convert as deracinated and outcaste, no longer recognized by scriptural law as a functioning member of their former community.[91]

This opposition was expressed by Upper Caste/Upper Class leaders who called for solidarity among "Hindus" during a public meeting in Calcutta. [92] Suntharalingam has noted that the founders of the British Indian Association believed that having representation from "Natives

[91] Gauri Vishwanathan, “Coping with (Civil) Death: The Christian Convert’s Rights of Passage in Colonial India,” in *After Colonialism Imperial Histories and Postcolonial Displacements*, ed. Gyan Prakash (Princeton: Princeton University Press, 1995), pp. 183-210, https://hdl-handle-net.ezproxy.library.dal.ca/2027/heb01764.0001.001. PDF, 183.

[92] Ramanathan Suntharalingam, *Indian Nationalism: An Historical Analysis* (Sahibabad: Vikas, 1983), 92

of every part of British India" would influence the decisions of the British Parliament[93], following the logic of representative legitimacy employed by the British. However, it is important to acknowledge that even among these British Indians, there was no concept of a unified Indian identity or "Indianhood."

The introduction of printing presses throughout British-controlled South Asia, a pivotal manifestation of print capitalism, created a novel type of "public space" that was previously non-existent. This development played a significant role in the emergence of a distinct Hindu identity. The advent of print capitalism, as highlighted by Benedict Anderson in "Imagined Communities," was instrumental in fostering a sense of shared community among dispersed individuals[94]. In this context, the availability of printed materials allowed for the widespread dissemination of ideas and information across a broader audience, leading to a shared understanding of what it meant to be Hindu.

Within this newly formed public space, empowered by the reach and influence of print capitalism, as early as the 1860s, upper-class and upper-caste individuals who were educated in the British system began to articulate their identity in relation to the colonizers. Rajnarayan Basu's 1867 book, "Prospectus of a society for the national feeling among the educated natives of Bengal," was one of the first articulations of local aspirations for Europeanhood vis-à-vis nationalism, framed within the context of print-capitalist expansion. This "National Feeling" was organized around scriptures, language, and practices exclusively from the upper-class, upper-caste context through the organization of a "National Promotion Society."

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[93] Ibid,.

[94] Benedict Anderson, *Imagined Communities: Reflections On the Origin and Spread of Nationalism* (London: Verso, 2006), 18, 44, 46.

Basu and Nabagopal Mitra organized a fair in 1867 called the "Hindu Mela,"[95] the executive committee of which was called the "National Society." According to Dutta, the organizers' response to media criticism was,

> We do not understand why our correspondent takes exception to the Hindoos who certainly form a nation by themselves, and as much a society established by them can very properly be called a National Society.

For these organizers, "Hindus" were the Indian nation. Moreover, Mitra wrote in his journal that,

> …the basis of national unity in India is the Hindu religion. Hindu nationality embraces all the Hindus of India irrespective of their locality and language.

This statement prompted even (Hindu) Nationalist historian RC Majumdar to opine that, "Nabha Gopal forestalled Jinnah's theory of two nations by more than half a century" [96]

In 1889, Rajnarayan Basu published a pamphlet titled "Old Hindu's Hope" which gained widespread attention in the British Colony. The pamphlet put forward the idea that all religions, except Islam and Christianity, were part of the "Hindu" religion. Basu called on Sikhs, Jains, Buddhists, and Brahmas to unite under the banner of a "*Maha Hindu Samity*," [97] to address issues of concern to "Hindus," including cow protectionism, Sanskrit University establishment, Hindi and Devanagri promotion, and Swadeshi promotion. [98]Basu's "Maha Hindu Samity" remained an idea, but his belief in organizing "Hindus" to re-establish the domination of an Aryan Nation

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[95] Jim Masselos, *Indian Nationalism: An History* (New Delhi: Sterling Publishers, 1991), 68.
[96] R. C. Majumdar, *Three Phases of India's Struggle for Freedom* (Bombay: Bharatiya Vidya Bhavan, 1961), 18.
[97] Nilesh Roy, "Hindu Upheaval and 19th Century Intellectual Tradition in Bengal," Communist Party of India (Marxist-Leninist) New Democracy, April 9, 2019, https://www.cpimlnd.org/hindu-upheaval-and-19th-century-intellectual-tradition-in-bengal/.
[98] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 55.

over the world led to his involvement in the founding of the "*Bharat Dharma Mahamandal*." [99] This organization became the forerunner of the Hindu Mahasabha, which would become a significant player in Indian Hindutva politics.

In addition, according to Suntharalingam[100], Theosophists advocated for the idea that Indian historical writing should begin with the assumption that India, as the successor to a magnificent and ancient civilization, did not owe much to discoveries made by other civilizations, whether European or otherwise. Theosophists, including Annie Besant, shared the conviction that nothing discovered by European nations in the areas of science, politics, or religion was actually unknown to ancient Hindus. Therefore, nationalism was not a European innovation, as some authors had suggested, but a phenomenon that had long been ingrained in Hindu culture. [101]

During his speech at Banaras, Bal Gangadhar Tilak spoke to the Bharat Dharma Mahamandala and stressed the significance of unity within the Hindu religion. According to Tilak, this unity had been lost since Vedic times, and he saw religion as a crucial factor in the formation of a sense of nationality. Tilak envisioned bringing together the various sects that were scattered throughout South Asia into a powerful and united "*Hindu nation*." [102]

Public Space – The Pressure to Organize Hinduism as Religion

Tradition and Reform

[99] Shamsul Islam, *Hindu Nationalism and Rashtriya Swayamsevak Sangh* (Delhi: Media House, 2015), 155.
[100] Ramanathan Suntharalingam, *Indian Nationalism: An Historical Analysis* (Sahibabad: Vikas, 1983), 23.
[101] Ibid,..
[102] Bal Gangadhar Tilak, *Bal Gangadhar Tilak: His Writings And Speeches* (Madras: Ganesh & Co, 1922), http://www.archive.org/details/balgangadhartila00tilauoft, 37.

In the early 19th century, Upper Caste society was faced with a state that was becoming increasingly intrusive. The state was being aided by Indigenous 'reformists' who were Western educated, such as Rammohun Roy. These reformists were not acting as agents of the existing order, but instead were external pressures to it.

However, in the latter half of the 19th century, there emerged internal ‘reform’ movements such as the Arya Samaj and the Sanathan Dharma Sabhas. [103] These movements brought about heated debates on issues such as the role of women in Upper Caste/Upper Class society, the practice of widow burning or Sati, widow remarriage, the age of consent, and conjugal rights. [104] The emergence of these movements signaled a shift in the power dynamic. Upper Caste societies could no longer be solely reliant on the existing order but needed to challenge and shape their own social structures to the reality facing them. The debates that took place within these movements reflected a desire to reform and modernize Upper Caste society, while still retaining their cultural and religious identity.

It is important to note that much of the "reform" movements' focus on organization came from the perceived threat of Christianity[105] and the colonial state. These movements were, in a way, forced to adapt to the colonial power, but they were not powerless. They used the organizational structures and tactics of the colonial state and Christianity to defend and promote their own beliefs and practices. Though often categorized as traditionalists, these groups were not less proactive or innovative than their reformist counterparts in setting up organizations within the colonial framework. For instance, the Dharma Sabha, while maintaining its stance as a champion of traditional, authentic Sanathani values, also adopted European style organizational

[103] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 39.
[104] Ibid, 38.
[105] Ibid, 54.

frameworks to adapt to the realities of colonial rule. The Calcutta Dharma Sabha was formed as early as 1831, in reaction to William Bentick's abolition of Sati in 1830. Zavos situates its modus operandi as defending tradition by means of petitions and memorials[106]. The Dharma Sabha was modeled after British style but sought to preserve the traditional mores of the Upper Castes. It included "a president, a board of directors, a secretary and a treasurer", and its members conducted "its meetings according to strict rules of parliamentary procedure."[107] The European-inspired Brahmo Samaj merged with the Tattvabodhini Sabha in the 1840s and sought to use European-style organization to curtail European missionary activity in Bengal. Both organizations "drew its membership from the same social bloc- the English-educated, high-caste, land-owning, Calcutta Bhadralok." [108]

Scholars such as Bayly[109] and Kenneth Jones have used European models to explain the South Asian reform movements of the 19th century, viewing it as the Indian version of Protestant reform against the pre-colonial Brahmanical/traditional order. [110] However, such arguments imply the existence of a "Catholic style" establishment that did not exist in South Asia. [111] Pandey challenges the comparison between the Indian reform movement and European Protestant movements, arguing that while traditional practices existed in India, they operated within a framework that was fundamentally different from the Christian model that has been

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[106] Ibid, 44.
[107] David Kopf, *British Orientalism and Bengal Renaissance: The Dynamics of Indian Modernization 1773-1835* (Berkeley: University of California Press, 1969), 271.
[108] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 44.
[109] Susan Bayly, "Hindu Modernizers and the 'Public' Arena: Indigenous Critiques of Caste in Colonial India," in *Swami Vivekananda and the Modernization of Hinduism*, ed. William Radice (Delhi: Oxford University Press, 1998), pp. 93-137, 135.
[110] Kenneth W. Jones, *Arya Dharm: Hindu Consciousness in 19th-Century Punjab* (Berkeley: University of California Press, 1976), 37.
[111] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 41.

imposed upon it. [112]Zavos also highlights a fundamental flaw in drawing parallels between the Indian reform movement and European Protestant movements, by emphasizing evidence that contradicts the idea of a polarization of ideas between 'reformers and traditionalists.[113] Bayly emphasizes that reformers and traditionalists in India had "continually borrowed from and interacted with one another, all sharing in the same broad "discursive field" of Upper Caste religious thought and practice." [114]

Zavos identifies two different approaches that emerged in the 19th century. The first approach is the reformist, Arya Samaj style of "Vertical Restructuring" of "Hindu Society"[115] that sought to organize religion along Vedic axis, similar to the Abrahamic faiths it saw as adversarial. The second approach, lacking the emphasis on doctrinal uniformity of the Arya Samajists, was that of the Sanathanis/Traditionalist Upper Caste-Upper Class who sought organization along a broad-based, horizontal axis. Both approaches sought to eradicate the "evils" of caste, but not caste itself[116]. They had different ways of achieving this goal, while the Arya Samajists proposed a vertical restructuring of Hindu society, the Sanathanis proposed a horizontal restructuring of it. The Sanathani approach eventually won but the impact of Arya ideas on the formation of Hindu identity and politics was profound and continues to resonate to this day. Their ideas played a crucial role in shaping the understanding of what it means to be Hindu and in the political mobilization of the Hindu community. Despite losing to Sanathanis, the influence of Arya ideas can still be seen in various aspects of Hindu society and politics.

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[112] Ibid, 42.
[113] Ibid, 41-42.
[114] Susan Bayly, "Hindu Modernizers and the 'Public' Arena: Indigenous Critiques of Caste in Colonial India," in *Swami Vivekananda and the Modernization of Hinduism*, ed. William Radice (Delhi: Oxford University Press, 1998), pp. 93-137, 135.
[115] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 55.
[116] Ibid,.

Arya Samaj and Muslims

Kenneth Jones sees the Arya Samaj movement as a Protestant struggle against the institutionalized decadence of the traditional "Catholic Establishment." [117] However, the movement did not seek to change the existing order but rather to establish an alternate framework for the expression of religious truth, based on particular aspects of Western Christian tradition.[118] The founder of the Arya Samaj, Dayanand Saraswati presented the Vedas, the ancient Hindu texts, as the "book" of Hindus, similar to the Bible or the Quran in the Abrahamic framework of religion. In the words of Zavos, the Vedas became the "textual embodiment of religion" for the Aryas[119].

Saraswati's written works carried a strong anti-Islamic sentiment. Dayananda was a relentless critic of Islam and his text, "Satyarth Prakash," was a chief source of inspiration for anti-Islamic polemics. He believed that the Quran, the Islamic God, and Muslims were full of bigotry and ignorance. This anti-Islamic sentiment was continued by other leaders of the movement such as Pandit Lekh Ram, Swami Sharaddhanand and Lala Lajput Rai, who subjected the Quran to severe criticism, depicted Muhammad as a man of dubious sexual ethics and interpreted Islam as a religion that sanctifies war and the slaughter of non-believers. [120]

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[117] Kenneth W. Jones, *Arya Dharm: Hindu Consciousness in 19th-Century Punjab* (Berkeley: University of California Press, 1976), 37.
[118] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 43.
[119] Ibid, 45-46.
[120] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu Religion, Community, and the Politics of Democracy in India*, ed. David Ludden (New Delhi: Oxford University Press, 2008), pp. 185-208, 199 and Charu Gupta, "Anxious Hindu Masculinities in Colonial North India: Shuddhi and Sangathan Movements," *Cross Currents* 61, no. 4 (2011): 441–54, https://doi.org/10.1111/j.1939-3881.2011.00194.x, 444.

Jaffrelot's analysis of the Arya Samaj as a movement as a strategy of "reform and defense"[121] stands up to Zavos' critique[122], albeit in a modified form. The Arya Samaj aimed to defend the caste system as a whole, rather than just Brahmanical Hinduism. However, it is important to note that the Aryas' position on the caste order was not completely distinct from the traditional Brahmanical system as argued by Zavos. While traditional Brahmanical society opposed Arya Samaj's initiatives for lower caste Shuddi, it cannot be claimed that the Aryas were fundamentally different from the Brahmanical order, as the Aryas also saw Brahmins as the pinnacle of the "Hindu" caste order. However, the Aryas believed that the position of Brahmins should be based on Varna or ability, rather than Jati or birth, which was the characteristic of the old order. By interpreting and mediating the "true" religion of the Hindus through the texts of the Vedas and their knowledge, the Aryas created a "rational" framework that was accessible and acceptable to colonized South Asians.[123]

In this context, the Arya Samaj's vehement anti-Islamic sentiment can be viewed through the lens of Sheldon Pollock's argument that Muslims occupy a distinctive outcast status. Pollock posits this status arises due to Islam's unassimilated nature and its fundamental opposition, at least in principle, to the caste system. Dayananda Saraswati and subsequent Arya Samaj leaders' critique of Islam can thus be seen as an extension of their defense of the caste system and their broader efforts to construct a 'Hindu' religious and social order grounded in the Vedas. The Islamophobic rhetoric deployed by the Samaj served to position Muslims as being outside of this Vedic social order, reinforcing their outcast status.[124]

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[121] Christophe Jaffrelot, *The Hindu Nationalist Movement in India* (New York: Columbia University Press, 1996), 15.
[122] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 7.
[123] Ibid, 48.
[124] Sheldon Pollock, "Rāmāyaṇa and Political Imagination in India," *The Journal of Asian Studies* 52, no. 2 (1993): pp. 261-297, https://doi.org/10.2307/2059648, 282.

Heimsath cites a passage from W.G.S Holland's article in the Indian Review, VIII, 7 (July 1907), 535, in which the British observer states that the Arya Samaj enables,

> …the educated man to regard himself as still a Hindu, while freeing him from the burden of much of the superstition, against the absurdity and depravity of which his education has led him to rebel. He welcomes this new version of Hinduism with a sigh of relief. [125]

Zavos also cites J.R Graham's unpublished Ph.D. dissertation, where he observes that "one could apparently be an Arya Samajist while following practically all the social customs of Orthodox Hinduism." This suggests that the Arya Samaj movement's followers were not necessarily against traditional Hindu customs and practices, but rather aimed to reconcile them with the new framework of the Colonial State. [126]

Shuddhi – Eradicating Syncretism

Moreover, the Arya framework of caste competence based on merit rather than birth found strong support among the trading castes in Punjab, who had acquired proficiency in English education and were emerging as a new elite in the region after its introduction in 1856[127]. According to Hardiman, in Gujarat, the urban middle classes, higher farming castes, and the gentry of the Koli caste formed the main following of the Arya Samaj. [128] The Arya Samaj's

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[125] Charles Herman Heimsath, *Indian Nationalism and Hindu Social Reform* (Princeton, NJ: Princeton University Press, 1964), 126.

[126] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000),48; James Reid Graham, "The Arya Samaj As A Reformation In Hinduism With Special Reference To Caste (Order No. 6505065)" (dissertation, 1943), https://ezproxy.library.dal.ca/login?url=https://www.proquest.com/dissertations-theses/arya-samaj-as-reformation-hinduism-with-special/docview/301850091/se-2, 197.

[127] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000),47- 48. Ravindra Kumar, "The Rowlatt Satyagraha in Lahore," in *Essays in the Social History of Modern India* (New Delhi: Oxford University Press, 1983), pp. 148-212, 156.

[128] David Hardiman, "Purifying the Nation: The Arya Samaj in Gujarat 1895-1930," *The Indian Economic and Social History Review* 44, no. 1 (2007): pp. 41-65, https://doi.org/10.1177/001946460604400103, 41.

campaign to convert syncretic "Kshatriya" communities, such as the Malkanas in Rajasthan was not driven by religious instruction or the expectation that converts would embrace Arya Samaj's beliefs. Rather, the focus was on caste status, with the promise that converts would be accepted as full-fledged Rajputs. However, this promise was never fulfilled, as other Rajputs refused to intermarry or have significant social relations with the Malkanas.[129] This illustrates that the Arya Samaj's campaign was not truly opposed to the caste system but rather used it as a means to gain social and political power. Therefore, Yoginder Sikand and Manjari Kaju suggest that the Arya Samaj's Shuddhi efforts were aimed at socially dominant and powerful syncretic Muslim-Hindu communities believed to have Rajput origins, while lower-status Muslim communities were often overlooked as they could not be offered the allure of high-caste status. The authors argue that the Arya Samaj's community-based Shuddhi work was most successful in areas where these dominant communities were located. [130]

According to Hardiman, Charu Gupta and Nirav Mehta, the Arya Samajists conducted campaigns to "purify" syncretic "Kshatriya" communities[131], such as the Malkanas[132] in western UP, the Mers in central Rajasthan, and the Sheiks of Larkana in Sind, claiming that these communities had been forcibly converted to Islam during Muslim rule in medieval times. [133] Moreover, Gupta also highlights Gandhi's unequivocal disapproval of these movements, who anticipated that they might precipitate heightened inter-sectarian discord. From Gandhi's

[129] Ibid, 53.
[130] Ibid,.
[131] Nirav Mehta, "The Inner Revolution: Shuddhi and the Reinvention of Hinduism," *Swarthmore Undergraduate History Journal* 1, no. 1 (2020): 4–36, https://doi.org/10.24968/2574-0113.1.1, 18.
[132] Charu Gupta, "Anxious Hindu Masculinities in Colonial North India: Shuddhi and Sangathan Movements," *Cross Currents* 61, no. 4 (2011): 441–54, https://doi.org/10.1111/j.1939-3881.2011.00194.x, 443.
[133] David Hardiman, "Purifying the Nation: The Arya Samaj in Gujarat 1895-1930," *The Indian Economic and Social History Review* 44, no. 1 (2007): pp. 41-65, https://doi.org/10.1177/001946460604400103, 52.

perspective, these movements were not principally motivated by the commitment to propagate religious tenets but were, to a greater extent, fueled by a profound anti-Muslim animus.[134]

The Jhala Molesalams from Kapadvanj Taluka of Kheda District traced their ancestry back to the prestigious Jhala Rajputs, who had ruled several states in eastern Kathiawad. While young men from this community married women from the Hinduized Rajput/Koli community, young women from their community married those who followed Islamic customs. This arrangement could be viewed as a threat to the Hindu population by communalists, who would argue that Hindus were being "lost" to a so-called Muslim group. However, before the 20th century, the Thakors (a land-owning community) were indifferent to this issue. [135] It was only in the early 1900s that a few young and educated members of this group began to see it as a problem and sought to rectify it. They were influenced by some Arya Samajists from Agra who had established a Rajput Shuddhi Sabha in 1909, targeting Muslim Rajputs in northern and central India, as well as Gujarat, for conversion to Hinduism. While the organization only lasted a short time, it successfully converted a number of Muslim Rajputs[136], and its work was continued at the local level by Arya Samaj activists. [137] One such activist was Kesarisinh Solanki, the Thakor of Mogar in central Gujarat, who had received his education at a British-established school for Thakors in Sadra. He became an Arya Samajist and focused on Shuddhi, a practice aimed at converting the Molesalams back to Hinduism, along with some Christian converts.[138]

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[134] Charu Gupta, "Anxious Hindu Masculinities in Colonial North India: Shuddhi and Sangathan Movements," *Cross Currents* 61, no. 4 (2011): 441–54, https://doi.org/10.1111/j.1939-3881.2011.00194.x, 444.
[135] David Hardiman, "Purifying the Nation: The Arya Samaj in Gujarat 1895-1930," *The Indian Economic and Social History Review* 44, no. 1 (2007): pp. 41-65, https://doi.org/10.1177/001946460604400103, 52.
[136] Nirav Mehta, "The Inner Revolution: Shuddhi and the Reinvention of Hinduism," *Swarthmore Undergraduate History Journal* 1, no. 1 (2020): 4–36, https://doi.org/10.24968/2574-0113.1.1, 22.
[137] David Hardiman, "Purifying the Nation: The Arya Samaj in Gujarat 1895-1930," *The Indian Economic and Social History Review* 44, no. 1 (2007): pp. 41-65, https://doi.org/10.1177/001946460604400103, 52.
[138] Ibid,.

Hardiman's observation about the spread of the Arya Samaj in Gujarat is interesting, as it suggests that the organization, although originating in Gujarat, only became a mass organization there "after a wave of conversions to Christianity in central Gujarat by untouchables." [139] This implies that the Dalits converted to Christianity in central Gujarat as a reaction to their social and economic marginalization, and the emergence of the Arya Samaj as a mass organization in Gujarat is possibly a reaction to this wave of conversions.

Hardiman's observation is supported by the fact that Upper Caste in Gujarat's Kheda district resented both the untouchable conversions to Christianity as well as their attendance in village schools, which were encouraged by missionaries[140]. So much so that Upper Caste Patidars in Alindra village withdrew their children enmasse from these schools, with the situation only being resolved once the missionaries opened a separate school for Christians[141]. The missionaries had made substantial headway among the lower caste communities in Gujarat through their relief work during the 1899-1900 famine, referred to pejoratively as "Chappaniyas" or the products of the famine of 56 (Samvat 2056) [142]. Many of the orphans of the famine had found refuge with the Methodist mission, were "rescued" by Arya Samajists who established a "Hindu Anath Ashram" or Hindu Orphanage for them as a bulwark against Christianity[143]. Upper Caste insecurity found its voice in the Bhajans Aryas taught these children, to be sung in processions around the city, one of which reads “To eat us alive the Quran and the Bible are hissing (like snakes)” [144]. This demonstrates that the Arya Samaj was not solely a religious

[139] Ibid, 41.
[140] Ibid,46.
[141] Ibid,.
[142] Ibid, 45.
[143] Ibid, 46-47.
[144] Ibid, 47.

movement, but also had political aspirations, as it endeavored to safeguard the Hindu caste hierarchy and resist the conversion of lower castes to Christianity.

In the same vein as the Arya Samaj's intertwined religious and political motives, the Christian missionaries' activities in Gujarat were not solely of a religious nature but were politically significant too. Their evangelism embodied a dual character, seeking not just the spiritual conversion of Hindus to Christianity but also the restructuring of social hierarchies and societal norms.

J J.M. Blough of the American Church of the Brethren Mission epitomized the intersection of religious and political motives driving these missionary activities. He stated, "Religiously India is in turmoil... Christianity has driven Hinduism to a defensive attitude, and even an aggressive one... Idolatry is certainly losing its hold upon the people."[145] Hardiman's analysis offers further insight into the missionaries' broader aims. He asserts that the missionaries believed "Western civilization, with its education and technology, had transformed the country; now it was on the cusp of similarly embracing Christianity,"[146] highlighting the cultural motivations behind the missionary activities. The goal was not solely converting individuals to Christianity but realigning India more closely with Western, Christian societal norms.

Hardiman elucidates further on the missionary perspective through Blough, who, in Hardiman's interpretation, was of the belief that "Christianity is destined to triumph as it uniquely has the power to bridge the gap between India and Western modernity."[147] This understanding underscores the complex blend of religious evangelism, political ambition, and

[145] Ibid, 45-46.
[146] Ibid, 45.
[147] Ibid, 46.

hegemonic cultural aspiration. Furthermore, it indicates an objective beyond spiritual conversion, suggesting a vision of comprehensive societal transformation that would make India more 'modern' and 'Western'.

According to Jaffrelot and Gupta, the ideology of Arya Samajism not only included the promotion of ethnic pride but also exhibited a proclivity towards overtly stigmatizing individuals or groups who were considered as "others".[148] Despite this, the Arya Samajists emulated the very people they stigmatized, with the aim of better resisting them. He claims that Arya discourse stigmatized the Other as a threat to Hindus, which in turn motivated the imitation of cultural traits considered the source of their strength and effectiveness. [149]

In the late 1800s, the Arya Samajists launched a campaign against Muslims with increasing intensity. Led by Pandit Lekh Ram, the campaign condemned all forms of Islam and specifically targeted Syed Ahmed Khan's Aligarh movement, calling for the expulsion or conversion of Muslims to Aryanism. The crusade lost momentum after Lekh Ram's assassination in 1897. This hostility towards Muslims and their culture was a result of the emergence of a new sense of Hindu identity and had significant political implications.[150] In view of this, it seems that the evolution of a Hindu identity under the British relied significantly on hostility towards Muslims and Islam.

Hindu Hindi, Muslim Urdu

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[148] Charu Gupta, "Anxious Hindu Masculinities in Colonial North India: Shuddhi and Sangathan Movements," *Cross Currents* 61, no. 4 (2011): 441–54, https://doi.org/10.1111/j.1939-3881.2011.00194.x, 448.

[149] Christophe Jaffrelot, *The Hindu Nationalist Movement in India* (New York: Columbia University Press, 1996), 16-17.

[150] Francis Robinson, *Separatism among Indian Muslims: The Politics of the United Provinces' Muslims, 1860-1923* (London: Cambridge University Press, 1974), 68-69.

The first constitution of the Arya Samaj designated Hindi as the "*Arya Bhasha*" or Aryan Language, and members of the organization declared it a sacred language. K.L Tuteja notes that the Hindi movement led by the Arya Samaj and the Punjab Hindu Sabha resulted in the weakening of the composite culture in Punjab[151]. Leading intellectuals, such as Bharatendu Harishchandra, used print culture to link Hindi to Sanskrit and ancient Aryan-Vedic culture, while Urdu was maligned as a foreign language brought in by Muslims who were seen as outsiders[152]. This contributed to the association of Hindi as the language of the Hindu majority and Urdu as the language of Muslim minority.

Lajpat Rai, a Congress leader and Arya Samajist, rationalized his opposition to "Muslim Urdu" by linking it to the historical presence of Muslim rulers in India and their supposed influence on the language of educated Indians, with a preponderance of Arabic and Persian words.[153] It is worth noting that the concept of India as a nation did not exist during the rule of Muslim rulers in the subcontinent.

Cow Protection

In 1882, Dayanand Saraswati established the Cow Protection Society, which played a significant role in shaping "Hindu" politics by promoting the idea of returning to Vedic principles [154]. As noted by Shabnum Tejani, the cow protection movement in Punjab, as well as in Maharashtra, often portrayed Muslims as outsiders and "alien interlopers" and characterized

[151] K.L. Tuteja, "Hindi–Hindu' Discourse in Late Colonial Punjab," *Studies in People's History* 6, no. 1 (2019): pp. 33-51, https://doi.org/10.1177/2348448919834776, 34.
[152] Ibid, 39.
[153] Ibid, 45.
[154] Kelsi Nagy, "The Sacred and Mundane Cow: The History of India's Cattle Protection Movement," in *The Routledge Handbook of Religion and Animal Ethics*, ed. Andrew Linzey and Claire Linzey (London: Routledge, 2018), pp. 245-263, https://doi.org/10.4324/9780429489846, 252.

"India" as the land of the Aryans. [155] Regrettably, this movement has persisted in instigating violence against marginalized Muslims, Dalits and Adivasis up to the present time.

The cow protection movement also played a significant role in the Bombay riot of 1893. As early as 1891, materials promoting cow protection were widely distributed with an explicit anti-Muslim tone. These materials often depicted Muslims as outsiders and butchers, one particular illustration being that of "a Muhammadan 'mlechcha' (outsider/outcaste) of a butcher, with a hangdog, villainous face, brandishing a long knife and looking sinisterly at the cow."[156] The Cow Protection Society also distributed a pamphlet, only 13 days after the violence, which portrayed the riot not as a communal conflict but as a righteous war fought by Shivaji's warriors. This pamphlet encouraged Hindu rioters to continue to fight and not to be discouraged. [157]

In analyzing the communal conflict in Yeola, a weaving town in Maharashtra during 1893-94, Tejani highlights the emergence of a recurring theme in "Hindu" politics: the practice of carrying out loud music processions and playing music outside mosques during Muslim prayers. Tejani notes that the primary community involved in these events were the Salis, a lower-caste group of weavers who had migrated from Western Telangana after the 1840s[158]. The Salis championed the Ganapati Festival[159] started by Tilak, a Brahmin, and instigated by a Chitpavan Brahmin named Ramchandra Ganesh Barve, who began a boycott of Muslim traders

[155] Shabnum Tejani, "Music, Mosques and Custom: Local Conflict and 'Communalism' in a Maharashtrian Weaving Town, 1893–1894," *South Asia: Journal of South Asian Studies* 30, no. 2 (August 2007): pp. 223-240, https://doi.org/10.1080/00856400701499227, 229.
[156] Shashi Bhushan Upadhyay., "Communalism and Working Class: Riot of 1893 in Bombay City," *Economic and Political Weekly* 24, no. 30 (1989): pp. 69-75, http://www.jstor.org/stable/4395135, 71.
[157] Jim Masselos, "The City as Represented in Crowd Action: Bombay, 1893," *Economic and Political Weekly* 28, no. 5 (1993): pp. 182-188, http://www.jstor.org/stable/4399343, 184.
[158] Shabnum Tejani, "Music, Mosques and Custom: Local Conflict and 'Communalism' in a Maharashtrian Weaving Town, 1893–1894," *South Asia: Journal of South Asian Studies* 30, no. 2 (August 2007): pp. 223-240, https://doi.org/10.1080/00856400701499227, 232.
[159] Ibid, 239.

and artisans and sought to fine Hindus for violating the boycott[160]. In their petitions to the government, the Salis referred to themselves as the "Hindoos of Yeola." [161] However, Tejani argues that this was not a development of a cross-caste Hindu identity but rather a quest by the Salis to carve out a more prominent position for themselves in urban society as a rationale for their actions. [162]

“Riot” as Discourse

In 1894, Orientalist William Crooke attributed the cause of violence in Banaras to the Muslim weaver caste, whom he described as "always a turbulent, fanatical class" that "took advantage of a quarrel over an almost deserted Hindu shrine…to spread rapine and outrage through the city." [163] However, Pandey highlights the gaps in such historiography and points out that it ignores the underlying causes of the conflict, such as the government's proposed waterworks project that entailed the destruction of a temple dedicated to Ram, food scarcity, and rising inflation[164].

He supplies evidence to suggest that the "riot" was not a simple Hindu-Muslim conflict, as Crooke's reductionist narrative suggests, but a conflict "between the Musalmans assisted by a number of Hindus on the one side and the police on the other." [165] While the city Magistrate attributed the incident to a collusion between Hindus and Muslims for the mutual protection of

[160] Ibid, 236.
[161] Ibid, 233.
[162] Ibid, 238-239.
[163] William Crooke, *The North-Western Provinces of India: Their History, Ethnology and Administration* (London: Methuen, 1897), https://archive.org/details/northwesternprov00croo/page/n7/mode/2up, 187; Gyanendra Pandey, *The Construction Of Communalism In Colonial North India* (New Delhi: Oxford University Press, 1990), 53.
[164] Gyanendra Pandey, *The Construction Of Communalism In Colonial North India* (New Delhi: Oxford University Press, 1990), 53-57.
[165] Ibid, 56.

their religious buildings, the acting Commissioner's report suggested that the Muslim weavers had gathered to protest rising prices and petition the Collectorate for relief. [166] Crooke’s crooked analysis highlights the ways in which colonialist narratives perpetuated the notion of Muslims as "others" and posed them as dangers to Hindu society. Additionally, colonial discourse surrounding “riots” framed the conflicts as Hindu-Muslim struggles, further entrenching the divide between the two communities.

Pre-Colonial, Nominally Muslim States and, Hindu Identity as otherness

Pandey argues that the lack of any powerful sense of an "all-India Hindu community" or an "all-India Muslim community" during pre-colonial South Asia, as opposed to its insistent presence during colonial times, played a significant role in shaping land wars, local disputes, and nationalist struggles. He also highlights the transformative nature of the colonial state, which was far more modern, powerful, centralized, and interventionist than any previous state in the subcontinent. Furthermore, he notes that the colonial state was also far more self-consciously 'neutral' and detached from society, a position that previous states had not claimed or desired. [167]

According to Tablot and Pandey, pre-colonial South Asian society was characterized by a fragmented society made up of various castes and local loyalties, which hindered the emergence of larger allegiances. They argue that it was only through the advent of modernity and the establishment of the Colonial State that nationalisms emerged in the 19th and 20th centuries[168]. Furthermore, Pandey highlights the lack of a sense of "all-India" communities between the 18th

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[166] Ibid, 57.
[167] Ibid, 17.
[168] Cynthia Talbot, “Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India,” *Comparative Studies in Society and History* 37, no. 4 (1995): pp. 692-722, https://doi.org/10.1017/s0010417500019927, 693 and, Gyanendra Pandey, *The Construction Of Communalism In Colonial North India* (Delhi: Oxford University Press, 1990), 199.

and 20th centuries, and attributes this radical change to the transformative nature of the Colonial State, which he describes as far more powerful, centralized, and interventionist than its predecessors.[169]

A review of the pre-colonial history of state formation in South Asia reveals that, unlike in Europe, sovereignty was not understood as centralized, absolute power. Instead, it was always shared with peripheral entities. The recent historiography on the Mughal Empire illustrates that the emperor would negotiate and share his power with regional polities [170] DeVotta points out that while the Mughal Empire did map out the regions under their control, this exercise was primarily aimed at facilitating revenue collection and remained limited to that purpose. [171] Moreover, rather than being a unified force under central command. The Mughal army was highly decentralized, comprising of various forces, each controlled and loyal to their local commanders.[172]

Reconciling Islamic Rule over Non-Muslim Subjects

The early Islamic scholars, or exegetes, navigated the tension between a rapidly expanding Muslim rule and the diverse religious beliefs of the societies they governed. Prominent Sunni jurist al-Shafi'I was one of the early interpreters of Islamic law, interpreting the Quranic verse "To you your religion, and to me mine" (109:6) to make sharp distinctions

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[169] Gyanendra Pandey, *The Construction Of Communalism In Colonial North India* (New Delhi: Oxford University Press, 1990), 16.
[170] Sekhar Bandyopadhyay, *Nationalist Movement in India: A Reader* (New Delhi: Oxford University Press, 2009), Xvii.
[171] Neil DeVotta, "Demography and Communalism In India.," *Journal of International Affairs* 56, no. 1 (2002): pp. 53-70, https://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=7911660&site=ehost-live, 54.
[172] Joseph Sramek, *Gender, Morality, and Race in Company India, 1765-1858* (New York: Palgrave Macmillan, 2011), 69.

between believers and non-believers, stating that "All infidelity is one religious' community…in the same way as Islam is one religious' community."[173]

However, Muslim rulers in South Asia, when faced with the practical realities of ruling over predominantly non-Muslim populations, found it more effective to adopt the interpretations of another major Sunni jurist, Abu Hanifa. In contrast to al-Shafi'I, Hanafi jurists classified all non-Arab 'idolators' as 'dhimmis' or protected peoples. This status allowed non-Muslims certain rights under the protection of Islamic law. As 'dhimmis', these populations were allowed to practice their religion in exchange for paying a tax, the jizya. This allowed the Muslim rulers to effectively govern their diverse subjects without violating Islamic laws.[174] This choice wasn't simply about convenience but represented a philosophical divergence in the interpretation of Islamic law between Muslim rulers in South Asia and their counterparts in the Arab world. It was a conscious deviation from the prevailing norm, which favored al-Shafi'i's interpretation, and played a significant role in shaping the sociopolitical dynamics in South Asian Muslim societies.

In 1579, Akbar broke from tradition and challenged the established power of Islamic scholars by asserting his dominance over religious affairs. Despite not having the formal training of the Muslim clergy, he secured the endorsement of leading Muslim jurists at his court to affirm his authority as a just ruler and make decisions on unresolved Islamic matters, as long as he adhered to the Qur'an. This marked the start of Akbar's assertion of religious authority. He had previously hosted religious debates among diverse beliefs in the Ibadat Khana, and later, he lifted

[173] A. Azfar Moin, "Sulh-i Kull as an Oath of Peace: Mughal Political Theology in History, Theory, and Comparison," *Modern Asian Studies* 56, no. 3 (April 8, 2022): pp. 721-748, https://doi.org/doi:10.1017/S0026749X2100041X, 722.
[174] Ibid, 724.

all restrictions on his ability to make pronouncements on all religious subjects of Islam or any other religion and declared total peace (Suhl-I Kull).[175]

Akbar sought to elevate the status of the Mughal Emperor to divinity through a blend of Sufi and Hindu practices. He inducted the elites into a "Sufi-like" order and asked them to pledge allegiance to him over their own lives, wealth, honor, and religion. For the masses, Akbar made public appearances, known as *Darshan*, which was a common practice in Hindu temples for the veneration of icons.[176]

According to Moin, the Akbarnameh of Abul Fazl portrays Islam as "simply one religion among many others in the realm."[177]. Although Akbar's departure from scriptural Islam does not represent the policy of all South Asian Muslim rulers, it highlights the diversity among their reigns and challenges the stereotypical view of Muslim rulers as intolerant. In fact, the Akbar's tolerance so infuriated a contemporary European Catholic observer that he noted that Muslim Emperor "cared little that, in allowing everyone to follow his religion, he was in reality violating all religions"[178] However, this was a matter of great pride for the Emperor himself.

Moin notes that elites from the Mughal world "took it upon themselves to be mindful of differences in religion, culture, and even literary preferences"[179] through the discipline of *Suhl-I Kull.* While it has been argued that the policy or philosophy of Akbar's policy of *Suhl-I Kull* was abandoned during the reign of his great-grandson Emperor Aurangzeb Alamgir, who reimposed the Jizya (tax paid by protected non-Muslims to the Muslim state), Moin argues that the *Suhl-I*

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[175] Ibid, 726.
[176] Ibid, 728.
[177] Ibid,.
[178] Ibid,.
[179] Ibid, 730.

Kull outlived the religiously inclined Alamgir, and even the Mughal State. Mirza Ghalib, arguably the most famous of Urdu poets claiming in a letter that he held "*all mankind to be my kin*" looking upon "*all men – Muslim, Hindu, Christian*" as his brothers regardless of how others perceived him. Invoking a reaction from his student and biographer, Altaf Hussein Hali who wrote that his teacher's real religion had in fact been *Suhl-I Kull.* [180]

While historical scholarship concerning the later Mughals presents many gaps, mainly due to Emperor Akbar getting the lion's share of the limelight. Rajeev Kinra's study of the Mughal Munshi Chandar Bhan Brahman though his memoir *Chahar Chaman* (The Four Gardens) who served through the reigns of Akbar's successors Jahangir, Shah Jahan and the early part of Aurangzeb's reign sheds some light on the self-perception of Hindu identity and its relationship with what Kinra refers to as the 'nominally Muslim' state of the Mughals in that period.[181] Kinra observes that Chandar Bhan's high-caste Brahmin origin and Sanskrit education did not present any obstacles to his employ at the court.[182] This was also true for other administrators from the Kayastha and Khatri Castes that made up the bulk of Mughal Administrators, from Nawal Rai of the Saksena subcaste or Ratan Chand who served during the ascendancy of the Sayyid brothers.[183] It was Nawal Rai who had the Nageswar Nath and Lakshmiji Temples constructed in Ayodhya as a Mughal state functionary, without issues.[184]

Muslims - Out-Caste Extraordinaire

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[180] Ibid,.
[181] Rajeev Kinra, *Writing Self, Writing Empire: Chandar Bhan Brahman and the Cultural World of the Indo-Persian State Secretary.* (Berkeley: University of California Press, 2015), 4.
[182] Ibid,.
[183] Muzaffar Alam and Sanjay Subrahmanyam, "Witnesses and Agents of Empire: Eighteenth-Century Historiography and the World of the Mughal Munshi," *Journal of the Economic and Social History of the Orient* 53, no. 1-2 (2010): pp. 393-423, https://doi.org/10.1163/002249910x12573963244647, 396.
[184] Ibid, 397.

For Pollock, the unassimilated nature of Islam and subsequently, Muslims into Brahminical hierarchy qualified them to be other par excellence. While on the one hand Pollock believes Muslim demonization to have started in early 13th century with the expansion of the Delhi, evinced by the mushrooming of Rama temples thereafter.[185] Tablot disagrees, citing the Vilasa grant of Prolaya Nayaka describing the description of the beef-eating, wine drinking, Brahmin slaying Muslims as 'demon-like Yavana soldiers' to be popular literary device rather than an account of actual atrocities by situating it in the Brahmanism's obsession with the inversion of Caste hierarchy in the Kali age.[186] For her, the device find precedence in the Puranas, written in another time of immigration into South Asia from the North West and the rise of Buddhism presented a challenge to Brahminical privilege.[187] Interestingly, Muslims then were in fact incorporated into Brahmanical worldview as Demons engaged in a perpetual battle against the forces of good due to their failure to directly advocate for caste order.[188]

Talbot's identification of the emergence of a 'broader, more inclusive, Indic identity' gains additional depth when viewed through the lens of André Wink's analysis of early Muslim influences on the conceptualization of India[189]. The Andhra inscriptions from 1352, which Talbot cites as referring to the Kings of the Vijayanagar Empire as 'Sultan among Hindu Kings,'[190] can be seen as part of a larger narrative where the definition and boundaries of India were significantly influenced by the arrival of Muslims. Wink's observation that the medieval

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[185] Sheldon Pollock, "Rāmāyaṇa and Political Imagination in India," *The Journal of Asian Studies* 52, no. 2 (1993): pp. 261-297, https://doi.org/10.2307/2059648, 282.
[186] Cynthia Talbot, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India," *Comparative Studies in Society and History* 37, no. 4 (1995): pp. 692-722, https://doi.org/10.1017/s0010417500019927, 696-697.
[187] Ibid, 698.
[188] Ibid, 699.
[189] Ibid, 700.
[190] Ibid, 700.

understanding of 'India' or 'al-Hind' was an Arab or Muslim territorial conception, extending from Sindh and Makran to Southeast Asia,[191] parallels the Vijayanagar Empire's use of Islamic-originated terminology to assert their distinctiveness. This distinctiveness, as Talbot notes, was initially intended to differentiate from the Turkic rulers to the north rather than to represent the Hindu religion in its later-defined form[192]. The absence of a unified Sanskrit term for India, as pointed out by Wink, further underscores Talbot's argument[193]. The term 'Hindu' in the context of the Vijayanagar inscriptions thus appears as a product of this complex intercultural dialogue, rather than a straightforward representation of religious ideology as it came to be defined later[194].

Carl Ernst highlights the fact that even among Muslims, 'Hindu' was initially a geographic descriptor, referring to the residents of India rather than explicitly to followers of a non-Islamic religious belief system.[195] He highlights that in early Persian poetry, the connotations of 'Hindu' were predominantly ethnic, often juxtaposed against the Turk rather than the Muslim in religious terms. This usage persisted until the late 13th century when Persian literature written in India began to use 'Hindu' predominantly as a religious designation.[196] It's a

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[191] Andre Wink, *Al-Hind: The Making of the Indo-Islamic World*, *Https://Www-Fulcrum-Org.Ezproxy.Library.Dal.ca/Concern/Monographs/Pz50gw28m* (Leiden: Brill, 2002), https://hdl-handle-net.ezproxy.library.dal.ca/2027/heb03189.0001.001, 5, 190.

[192] Cynthia Talbot, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India," *Comparative Studies in Society and History* 37, no. 4 (1995): pp. 692-722, https://doi.org/10.1017/s0010417500019927, 700.

[193] Andre Wink, *Al-Hind: The Making of the Indo-Islamic World*, *Https://Www-Fulcrum-Org.Ezproxy.Library.Dal.ca/Concern/Monographs/Pz50gw28m* (Leiden: Brill, 2002), https://hdl-handle-net.ezproxy.library.dal.ca/2027/heb03189.0001.001, 190.

[194] Andre Wink, *Al-Hind: The Making of the Indo-Islamic World*, *Https://Www-Fulcrum-Org.Ezproxy.Library.Dal.ca/Concern/Monographs/Pz50gw28m* (Leiden: Brill, 2002), https://hdl-handle-net.ezproxy.library.dal.ca/2027/heb03189.0001.001, 5, 190; Cynthia Talbot, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India," *Comparative Studies in Society and History* 37, no. 4 (1995): pp. 692-722, https://doi.org/10.1017/s0010417500019927, 700.

[195] Carl W. Ernst, *Eternal Garden: Mysticism, History, and Politics at a South Asian Sufi Center*, *Https://Web.s.Ebscohost.Com/* (Albany: State University of New York Press, 1992), http://ezproxy.library.dal.ca/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=7566&site=ehost-live&ebv=EB&ppid=pp_24, 24.

[196] Ibid,.

striking historical irony that al-Biruni, a Muslim scholar, was the first to apply an Islamic (Abrahamic) framework in defining the religious practices of the region, thereby demarcating the boundaries of what he perceived as the 'Hindu' (Indian) religion. His work, while pioneering, contributed to the gradual shift in understanding 'Hindu' from an ethnic and geographic term to one with specific religious connotations amongst the Muslims.[197]

Moreover, the Vilasa Grant's use of ethnic descriptors such as "Turk (Turushka), Persian (Parasika), and Greek (Yavana) for Muslims" decry the arguments that religion formed the basis of differentiation.[198] Tablot further identifies that in periods of relative stability, Muslims were described no differently from other political rivals sharing the peninsula in the Vijayanagar Empire.[199] So much so, their legitimacy even found a place in royal state Cosmology in the 16th century Telegu chronicle *Rayavacakamu* as one of the three occupants of the "Lion Thrones", as the 'Ashvapati' or 'Lord of the Horses'. The others being The Gajapati Kings or Orissa and the Narapati Kings of Vijaynagar.[200]

Just like Talbot situates temple destruction by medieval Muslim rulers in India to be motivated by political rather than religious concerns and locates them spatially in frontier zones or border areas in times of conflict- evidenced by the fact that reports of temple destruction in areas within established spheres are non-existent.[201] In similar vein the demolition of Babri, too was fundamentally a political, rather than a religious project. Representing a frontier zone, albeit a metaphysical one in the game of post-colonial politics.

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[197] Ibid,.
[198] Cynthia Talbot, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India," *Comparative Studies in Society and History* 37, no. 4 (1995): pp. 692-722, https://doi.org/10.1017/s0010417500019927, 701.
[199] Ibid, 705.
[200] Ibid, 708-709.
[201] Ibid, 718.

Conclusion

In conclusion, the history of South Asia, as examined in this chapter, reveals the complex interplay of religious, cultural, and political factors that defy the simplistic narrative of a perpetual Hindu-Muslim conflict. Disputing the belief that these two communities have consistently been in opposition, this chapter reconsiders the very concept of two discrete, fundamental groups persisting across time. Rather, it demonstrates that there were periods of tolerance, accommodation, and synthesis amongst pre-colonial South Asian peoples.

From the time of early Muslim rulers to the present day, the interactions between diverse religious communities have been shaped by various socio-political contexts and motivations. Furthermore, pre-colonial nominally Muslim states and their relationships with non-Muslim subjects reveal a more nuanced understanding of shared governance and sovereignty. The policies of rulers like Akbar, who sought to promote tolerance and inclusivity through the concept of Suhl-I Kull, demonstrate that it is possible for diverse religious communities to coexist peacefully. The examples of the Mughal Munshi Chandar Bhan Brahman and the Vijayanagar Empire are not merely illustrative but pivotal in understanding the complex dynamics of Hindu-Muslim relations throughout history. These examples serve as a powerful testament to the fluidity and adaptability of religious and cultural interactions, challenging the oversimplified narrative of inherent conflict between Hindu and Muslim communities.

The case of Chandar Bhan Brahman, a high-caste Brahmin serving in a predominantly Muslim Mughal administration, epitomizes the potential for cross-cultural integration and mutual respect that existed within these historical contexts. His ability to thrive in such an environment underscores the permeability of religious and cultural boundaries, a situation where personal

faith did not preclude participation and success in a dominantly Muslim political sphere. This narrative disrupts any monolithic portrayal of Hindu-Muslim relations, revealing instead a scenario where coexistence and cooperation were not just possible but were practiced realities.

Similarly, the Vijayanagar Empire stands as a compelling example of how Hindu rulers engaged with Islamic culture and political ideas. The use of titles and administrative practices borrowed from Islamic governance, and the adoption of Persianate court culture by these local kings, showcase a sophisticated level of intercultural exchange and appreciation. This assimilation, or at least accommodation, of Islamic elements within a local kingdom indicates a historical period where religious and cultural differences were not insurmountable barriers but rather facets of a shared, syncretic civilization.

In emphasizing the significance of these examples, we are reminded that Hindu-Muslim relations in South Asian history were characterized by a spectrum of interactions – from collaboration to conflict, and from assimilation to cohabitation. These historical instances serve as a stark reminder that the present-day narrative of perpetual Hindu-Muslim antagonism is a simplification of a much more intricate historical reality. By revisiting and highlighting these examples, we can better appreciate the rich tapestry of South Asia's past, where diverse religious identities coexisted and even flourished in a complex matrix of mutual influence and interdependence.

However, the impact of colonialism and the emergence of communal politics during the British rule significantly altered the dynamics between these communities, leading to exacerbated divisions and tensions. Movements such as cow protection, partition, and the eventual demolition of the Babri Masjid are but some examples that exemplify the consequences of these shifting dynamics and underline the politicization of religious identities.

This chapter reveals that the history of South Asia cannot be reduced to a binary narrative of Hindu-Muslim conflict. By examining the multifaceted nature of these interactions, we can gain a more nuanced understanding of the region's history, which in turn can inform efforts to foster a more inclusive and peaceful future. Recognizing the complex tapestry of diverse religious, cultural, and political experiences that have shaped South Asia over centuries, we can work towards bridging the divides and building a harmonious society that celebrates its rich and diverse heritage.

Chapter 3: India as Subjugated Territory

This chapter critically examines the historical and socio-cultural landscape of nominally Muslim rule in South Asia, with a particular focus on the Mughal period. It aims to challenge the colonialist historiography, that has perpetuated the narrative of India as a subjugated territory and Indian Muslims as invaders and subjugators, offering a more nuanced understanding of the complexities and interconnectedness that characterized this era. Furthermore, it seeks to highlight the marginalization of Muslims in South Asia, emphasizing the role that colonialist thought has played in shaping contemporary perceptions of religious and social dynamics during the Mughal period.

This chapter also seeks to contest the colonialist historiography by giving the reader a small glimpse into Mughal historiography, penned by its Hindu subjects, illustrating the diverse perspectives and experiences within the Mughal Empire. By offering a more nuanced and accurate understanding of the Mughal period and its impact on the Indian subcontinent's cultural and religious landscape, this chapter seeks to challenge and dismantle the colonialist narrative of Mughal (Muslim) bigotry, despotism and intolerance that has contributed to the marginalization of Muslims in South Asia. Through this exploration, the chapter aims to reveal the intricate and multifaceted historical realities that defined the Mughal era, ultimately promoting a more inclusive comprehension of this dynamic period in history.

Colonialist Historiography: India as a Subjugated Land

Ranajit Guha's evaluation of historiography highlights the complex facets of the colonial endeavor, indicating that it wasn't just a scheme of political control, but also a mission to reshape

historiography. According to him, the colonial enterprise wasn't solely focused on the installment of an alien state structure, but equally committed to fabricating a new, supportive historical context.[202]

Guha contends that the advent of colonial rule led to a stark erasure of what he refers to as “indigenous narratologies of precolonial times”[203], as South Asian societies were depicted as trapped in a stagnant 'pre-history', devoid of their own historical lineage.[204] This 'pre-history' was tactfully manipulated into a narrative that conformed to and furthered the colonial agenda, fortifying the legitimacy of the colonial state.

Guha highlights that for the British, the seemingly 'historyless'[205] past of the conquered people proved invaluable in their effort to transition from conquerors to rulers. Institutions integral to the colonial state - the fiscal system, judicial institutions, administrative apparatus - drew heavily upon this 'pre-history' as a primary source of information necessary for formulating rules and establishing governance structures.[206]Prehistory, in this context, was the “the clay used by the regime to put itself in shape.”[207] It provided a canvas for colonial powers to inscribe their versions of an Indian past, converting it into a cornerstone of their edifices of colonialist knowledge. Thus, the 'peoples without history' were awarded a history upon their subjugation to 'civilized' Europe and World-history.[208]

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[202] Ranajit Guha, *History at the Limit of World-History* (New York: Columbia University Press, 2012), https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=78600&site=ehost-live, 1.
[203] Ibid, 5.
[204] Ibid, 4, 23, 37.
[205] Ibid, 44, 49.
[206] Ibid, 44.
[207] Ibid,.
[208] Ibid, 45.

This manipulation of pre-history was not just a means to colonial ends; it also paved the way for what Guha calls "the most outstanding achievements of British power in the East…the production and propagation of colonialist historiography." Highlighting the conscious manipulation of the narrative, Guha quotes James Mill's audacious claim that "England's Work in India" was a "highly interesting portion of the British history."[209] This encapsulates the colonial project's ultimate goal: to superimpose their ideas and narratives onto the subjugated peoples, rebranding indigenous history as part of the larger British narrative, thereby providing legitimacy to their rule.

This new narrative, cultivated on what Guha calls, "Prehistory's vacant plots"[210], was derived directly from post-Enlightenment European and especially English historical literature, repackaged for Colonial educational institutions. Guha labels this phenomenon in Indian Historiography as "Thralldom,"[211] wherein the historical accounts of the colonized society end up as a faithful emulation of the Western statist model, thus subjecting and mirroring the dominant colonial perspectives.[212]This influence of Orientalism refracted through colonialism significantly shaped the interpretation and portrayal of South Asian history by both the colonizers and the colonized. British colonial perspectives on South Asian history depicted the "Muslim period" as the "Dark Ages" of "Hinduism". In the colonialist narrative, the arrival of Muslims in South Asia was seen as marking the end of the 'Aryan Golden Age' and the onset of a 'Dark Age'. The British colonial historians argued that the disruption caused by the Muslim invasions led to social and moral decay in Hindu society, manifesting in increased caste

[209] Ibid, 1.
[210] Ibid, 45.
[211] Ibid, 5.
[212] Ibid, 45.

distinctions, idolatry, and superstition. Thus, they depicted the Muslim period as a time of societal disorganization and degradation for Hindus.[213] Such a narrative served to justify British colonization as a means to "rescue" the so-called "degenerate" Hindu society. Significantly, this narrative was also co-opted by "reformist" groups like the Arya Samaj. Gupta highlights that Aryas, in accordance with the reimagined image of Muslim rulers as malevolent, attributed the negative practices prevalent in Hindu society, especially those concerning women, to the Muslim rule in India. The Arya Samaj propagated this view through various means such as tracts, history books, stories, and essays, linking societal problems like the purdah system, sati, child marriage, and other social evils to the allegedly "lewd nature" of Muslims.[214] This narrative was not only adopted by the Arya Samaj, but it was also found among traditionalist Hindus and members of the Adi Brahmo Samaj.

Chatterjee references Tarakrishna Haldar, a 19th Century traditionalist Sanathani author, who used the notion of "impartiality" to commend British rule. Haldar compared the oppressive reigns of Hindu jatis and the Yavanas (Muslims), lauding the British for their perceived equal treatment of all societal ranks[215]. Similarly, at an Adi Brahmo Samaj meeting in 1876, Bholanath Chakravarti attributed India's decline to the advent of Muslim rule. He depicted Muslims as invaders who ruined Bengal's prosperity, distorted religious practices, and forced women into seclusion.[216] Thus, both Sanatani Traditionalists and the Adi Brahmo Samaj also echoed the

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[213] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 34.
[214] Charu Gupta, "Anxious Hindu Masculinities in Colonial North India: Shuddhi and Sangathan Movements," *Cross Currents* 61, no. 4 (2011): 441–54, https://doi.org/10.1111/j.1939-3881.2011.00194.x, 448-449.
[215] Partha Chatterjee, *The Nation And Its Fragments: Colonial and Postcolonial Histories* (Delhi: Oxford University Press, 1994), 93.
[216] Ibid, 93.

colonial view, attributing societal ills in Hindu society to Muslim rule, indirectly validating the British colonizers' self-proclaimed role as saviors.

It is important to recognize the specific methodology employed by the British in categorizing South Asian history. In James Mill's "History of British India" published in 1817, which became the standard text for British India's civil servants, he divided South Asian history into three periods: Hindu, Muslim, and British.[217] While the first two periods were characterized solely based on religion, real or perceived, the same categorization was not applied to the Christian British. Pandey asserts that colonialist authors played a significant role in creating the "modern" history of "India" with "sectarian strife" as a central theme. [218]However, this perspective selectively overlooked the earlier migrations of various peoples into the Indian subcontinent, such as the Aryans, Indo-Scythians (Sakas), Greeks, White Huns (Sveta-huna), Indo-Parthians, Kushans, Alchon Huns, Turk Shahis among others. Each of these groups arrived from the North-West before the onset of Muslim rule, and their diverse cultural influences contributed to the rich and complex tapestry of the region.

By overlooking the contributions of these earlier groups and focusing on religious categorizations, the colonialist historiography unjustly singled out Muslims as the primary source of South Asian societal disorganization. This categorization of identity aided the British by creating divisions within the population by simplifying the complex history of cultural interactions in the region. By pitting Hindus and Muslims against each other, the British were

[217] Ibid, 33.
[218] Gyanendra Pandey, *The Construction of Communalism in Colonial North India* (New Delhi: Oxford University Press, 1990), 23.

able to employ their infamous "divide and rule" strategy to maintain control over their colonial subjects and legitimize their presence as a stabilizing force in India.

The division of South Asian history into "Hindu," "Muslim," and "British" periods by the colonizers greatly influenced the mindset of the colonized indigenous elite. It provided a framework for understanding their position in history, particularly for those identified as Hindu, by suggesting a past Golden Age and the subsequent deterioration of their religion.[219] This inspired efforts to revitalize and re-legitimize Hinduism as a 'religion' through state-supported textualization, aiming to reconstruct it in the supposed image of its ancient form.[220]

For Orientalist/Colonial scholars such James Mill and Nevill, the superiority of the British government was characterized by firmness, character, and intelligence, [221] while the native population was seen as being prone to fanaticism and irrationality. [222] Mill, writing in the aftermath of the bloodbath at Benares in 1809 that a 'better knowledge of the British character' as well as the 'improving intelligence' of the Native population 'lightened the labor' of administering the city. [223] The discourse of "improvement" so characteristic of British rule in India perpetuated the idea of essential differences between Hindus and Muslims and positioned the events of 1809 as just one episode in an ongoing struggle. [224] Farhat Hasan observes that owing to his familiarity with the city, Mill viewed the "communal" conflicts in Banaras as a representation of the conflicting elements within Indian society, which were only prevented from frequent self-destruction through the presence of the "vigilance, vigor and vitality of the (British)

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[219] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 34.
[220] Ibid, 33.
[221] Gyanendra Pandey, *The Construction of Communalism in Colonial North India* (New Delhi: Oxford University Press, 1990), 49.
[222] Ibid, 39.
[223] Ibid, 46.
[224] Ibid, 44.

ruling power" [225] This narrative was often used to justify British rule, with the British being presented as the only force capable of containing and managing the supposed inherent hostilities between the two communities.

Moreover, Pandey also critiques colonialist historiography's portrayal of the 1809 police-military feud as solely stemming from religious differences. [226] He argues that the idea of hostility between Hindus and Muslims was crucial to the justification of British rule in South Asia. By depicting the "natives" as hopelessly divided, prone to primitive passions, and incapable of governing themselves[227], colonialist historiography reinforced the notion that British rule was necessary. The colonial self-perception of British rule was not tied to religion, even for missionaries. Instead, the British viewed their rulership as secular and grounded in the equal application of law for all. [228]

Calcutta's Anglican Bishop, Reginald Heber, believed that Hindus should be constantly reminded that the British:

> ...did not conquer them, but found them conquered, that their previous rulers were as much strangers to their blood and to their religion as we are, and that they were notoriously far more oppressive masters than we have ever shown ourselves [229]

[225] Farhat Hasan, "Nationalist Representations of the Mughal State: The Views of Tilak and Gandhi," *Studies in People's History* 6, no. 1 (2019): pp. 52-62, 52.
[226] Gyanendra Pandey, *The Construction of Communalism in Colonial North India* (New Delhi: Oxford University Press, 1990), 40.
[227] Ibid, 40-45.
[228] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 33.
[229] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 186.

This particular rhetoric from Bishop Heber, reflecting a broader colonial discourse, is intriguing. Although it stems from the early 19th century, it continues to resonate in the contexts of post-colonial and neo-colonial studies. The Bishop's statement is a prime example of how the British tried to sanitize their colonial legacy and embrace the logic of 'improvement.' Their approach, however, was built on the vilification of Islamic rule and Islamic presence in South Asia.

It's important to note that this vilification wasn't based on an accurate understanding of the history of Islam in India. Rather, it was founded on an Orientalist rendering of pre-colonial Indian history, characterized by biased narratives that were designed to malign a past empire to justify the then-present one. Such narratives conveniently overlooked the complexities and nuances of Islamic rule, focusing instead on crafting a vision of the past that could legitimize British colonial endeavors. The Bishop's words served not only as a disavowal of British imperialism but also as an attempt to deflect blame by comparing British rule favorably against the perceived oppressiveness of the previous Islamic rulers.

Moreover, Colonist Historian Alexander Dow asserted that the Mahommedans had endeavored to enforce their religion upon the world *"with the sword,"* deeming Islam to be a religion *"peculiarly calculated for despotism."* [230]British Colonial perceptions of Mughals and, by association, Muslims, were frequently shaped by Orientalist prejudices and the desire to validate their governance in India. According to another Colonial author Henry Whitehead, “in

[230] Jessica Patterson and Jessica Patterson, “Alexander Dow and the Hindoo Shasters,” in *Religion, Enlightenment and Empire: British Interpretations of Hinduism in the Eighteenth Century* (Cambridge, United Kingdom: Cambridge University Press, 2022), pp. 113-154, 138.

the sphere of politics all ideals of freedom and independence had been crushed by the despotism of the Muhammadan conquerors.”[231] He further stated that:

> Muhammadanism has done little to advance the civilization of India, and on the whole has been a demoralizing influence. It has distinctly lowered the position of Women” contending that, “The Seclusion of women dates from the Muhammadan conquest. The Hindus were compelled to follow the example of the Muhammadans in this respect in order to protect their women from the lust of the conquerors.[232]

Edwardes' 1926 publication, "Babur: Diarist and Despot," exemplifies this sentiment, emphasizing Babur's identity as a foreign usurper and oppressive leader. By depicting the Mughal Empire as despotic and alien, the British could rationalize their colonial rule as a requisite move toward stability and advancement, using Babur's persona as an illustration of the monarchs they aspired to supplant. Edwardes underscores to his audience that, being a "True Musalman as he was, [Babur] found no place in his doctrine for religious tolerance."[233]

Colonialist Historiography: Muslims as Subjugating Nation

British official perception of Muslims inhabiting South Asia differed vastly from Hindus, as demonstrated by Dufferin, British Viceroy of Colonial South Asia, who noted in Minute to the Provincial Council in 1888 that Muslims were, ‘A Nation of 50 million, with their monotheism, their iconoclastic fanaticism, their animal sacrifices, their social equality, and their remembrance of the days when, enthroned in Delhi, they reigned supreme from the Himalayas to Cape

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[231] Henry Whitehead, *Indian Problems in Religion, Education, Politics* (London: Constable & Co., Ltd., 1924), https://hdl.handle.net/2027/uc1.$b49752, 136.
[232] Ibid, 50.
[233] Stephen Meredyth Edwardes, *Babur: Diarist and Despot* (London: A. M. Philpot, ltd., 1926), 39.

Cormorin."[234]It was commonly believed that Islam south of the Himalayas was similar to Islam in other parts of the world and that its followers formed a united religious group that upheld the "desert faith in a land of idolators".[235] Bampfylde Fuller, another colonial writer, supported this notion by stating that "the unifying force of Islam has checked schism, and religious divisions are few in number."[236] This perspective contributed to the perception of Islam as a monolithic entity, further entrenching the divide between Muslims and the rest of Indian society.

Muslims were seen as having a strong sense of unity and cultural coherence, regardless of race, caste, class, language, or region. They were also thought to have a shared perspective and the ability to speak with authority through their leaders[237]. The unity of Islam was considered a steadfast fact that could not be denied.[238] T.W. Holderness saw Islam as not suffering from the "speculative problems of purely Indian religions," contending that "Religions in the East take the place of Nationalities. The seventy millions of professing Muhammadans in India are for many purposes a nation." Thus, reinforcing the image of Muslims as a cohesive and distinct community within the diverse Indian society".[239]

This view oversimplified the realities on the ground. The intended erasure of caste within the Muslim Ummah (community) didn't entirely materialize in practice; social hierarchies and

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[234] Peter Hardy, *The Muslims of British India* (Cambridge: Cambridge University Press, 1972), 1; Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 191.
[235] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 189.
[236] Bampfylde Fuller, *Studies of Indian Life and Sentiment* (London: J. Murray, 1910), https://hdl.handle.net/2027/uc1.$b290970, 125.
[237] Henry Whitehead, *Indian Problems in Religion, Education, Politics* (London: Constable & Co., Ltd., 1924).
[238] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 189.
[239] Thomas William Holderness, *Peoples and Problems of India* (New York: H. Holt and company, 1912), https://hdl.handle.net/2027/mdp.39015064413548, 127-128.

caste-like structures persistently featured within Muslim societies in South Asia, much like in other religious communities. Thus, T.W. Holderness's characterization of Muslims as a distinctive 'nation' within diverse Indian society, while holding some truth, underrepresented the nuanced sociocultural dynamics within the Muslim population. Furthermore, during the colonial period, it was commonly believed that the British presence in India provoked resentment among Muslims due to their association with the former ruling class. According to Mushirul Hasan, this notion was based on the idea that some Muslims believed they were the descendants of a conquering race and hoped to regain their former dominance.[240] Whitehead urged his peers to "see the unrest among all the Muhammadan peoples of the world, their humiliation at their loss of power and prestige, their desire for a great Pan-Islamic federation which may restore them to their place in the sun, to realize, as we look at the big map, that the peril of invasion is one that India must take seriously."[241]

This belief was supported by writers such as Low, who asserted that "most Indian Mussulmans" harbored memories of their fathers' rule and thought they could regain it if the English were weakened.[242] However, this view was largely confined to the ruling classes and their followers, and most Muslims had little interest in or connection to that era. While figures like Shah Waliullah and Mirza Ghalib mourned the end of Mughal rule, this did not represent a uniform "Muslim response." Moreover, claims like those of Governor Harcourt Butler, who in the early 20th century suggested that Muslims were plotting to overthrow the British with the aid

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[240] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 188.
[241] Henry Whitehead, *Indian Problems in Religion, Education, Politics* (London: Constable & Co., Ltd., 1924), https://hdl.handle.net/2027/uc1.$b49752, 292.
[242] Sidney Low, *A Vision of India: with a Frontispiece* (London: Smith, Elder, & Co., 1911), https://hdl.handle.net/2027/coo.31924022898120, 281.

of fellow Muslims overseas, were groundless and unjustified.[243] Especially after the war of 1857, the Colonizers kept a keen eye upon the "'rustles in the Muhammadan community", for an outbreak of fanaticism and bigotry 'characteristic of their race'.[244]

Hardy critiques the narrow-mindedness and reductionism of the British belief that Muslims were prone to outbreaks of fanaticism and bigotry. He argues that medieval Muslims were not a monolithic group and were divided by sectarian beliefs, dietary habits, and often by language. Writing that "scattered unevenly over a sub-continent the size of Western Europe…medieval Muslims did not think or Act as a Nation."[245]As with the Upper Castes and Classes, the British policy was mostly interested in dealing the Muslim elite and not with the common Muslim cultivators and weavers. Hardy notes that, "as much subject as non-Muslim cultivators and weavers…the Bengali Muslim cultivator or the Gujrati Muslim weaver was less engaged in a common enterprise of Ruling India than members of the British working class in the 19th Century"[246]

According to Mushirul Hasan, British civil servants such as Crooke and Malcolm Darling understood that portraying Muslims as a homogeneous group prone to fanaticism and bigotry was narrow-minded. For instance, Charles Alfred Elliot reported from Unnao, close to Lucknow in Uttar Pradesh, that many Muslims tended to assimilate with their Hindu neighbors, adopting their clothing and salutations. Similarly, Fuller wrote about how in agricultural districts, Hindus and Muslims celebrated each other's festivals and sang each other's songs. Even Lytton, the

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[243] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 188.
[244] Peter Hardy, *The Muslims of British India* (Cambridge: Cambridge University Press, 1972), 82.
[245] Ibid, 1.
[246] Ibid,.

governor of Bengal in the 1920s, remarked on how the communities in the province coexisted peacefully in their daily lives. O. M. Martin, who served in Bengal province from 1915 to 1926, also highlighted the longstanding tradition of mutual dependence and friendship between Hindus and Muslims. However, despite this understanding, the British colonial authorities did not take concrete steps to reflect this in their political decisions or constitutional policies. [247]

The British press promoted the idea of a monolithic Muslim community during the colonial era. An article in the Pioneer newspaper on February 24, 1869, which was purportedly written by W.W Hunter, attempted to alleviate the feelings of Muslims by claiming that British rule could offer them compensation for any wounds inflicted upon their self-esteem or religious prejudice by providing them opportunities to eke out a living under British hegemony. The article stated that, "…the Muslim today may view this prospect with reluctance, but they cannot help themselves so long as we are masters in the arts of war and administration." [248]

This idea of a monolithic Muslim community was also held by some authors emerging from the immediate postcolonial era, such as Annemarie Schimmel[249], but has been disputed by other authors such as Hasan, who points to the socio-economic, regional, ideological, and theological differences among Muslims inhabiting South Asia. He argues that although there are "certain common symbols of Islam", there are also significant socio-economic, regional, ideological, and theological differences amongst the Muslims inhabiting South Asia[250]

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[247] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 190.
[248] Peter Hardy, *The Muslims of British India* (Cambridge: Cambridge University Press, 1972), 91.
[249] Annemarie Schimmel, *Gabriel's Wing; A Study into the Religious Ideas of Sir Muhammad Iqbal* (Leiden: E. J. Brill, 1963), 195-196.
[250] Mushirul Hasan, *Nationalism and Communal Politics in India, 1885-1930* (New Delhi: Manohar, 1991), 12-13.

Scholars such as William R Pinch have critiqued the way colonial authors like J.N Farquhar, who wrote in 1925, highlighted and upheld the essentialist Hindu-Muslim conflict in his work on the phenomenon of Medieval Soldier Monks (Sadhus) in South Asia. Farquhar based his history on oral accounts he heard from being in the company of various groups like "Chaitanyas, Brahmans, Aryas, Theosophists, followers of Ramakrishna and young men interested in other north India movements" as well as Vaishnavite and Shaivite ascetic orders in the late 19th and early 20th century[251]. Farquhar argued that the monks had organized around the need to defend defenseless "Hindus" against "Muslims." [252]. Pinch critiques Farquhar's rhetoric and argues for an alternative interpretation of the same story, by interpreting an account of Akbar's interest in the soldier monks, mentioned in Vincent Smith's biography of the emperor, that relied on the Akbarnameh of Abu-I-Fazl, Tarikh-I Badauni, and Tabakat-I Akbari. Pinch argues that the same story could be seen as the pivotal role Mughal Emperor Akbar played in the institutionalization of Shaiva armies in the 16th century. [253] Pinch also mentions the conflicts between Shaivite and Vaishnavite orders in 1789 at Nasik, as well as the conflict between Shaivite and Vaishnava Bairagis assisted by local Marathas that led to the "plunder of their monasteries and temples." [254] These conflicts demonstrate that the historical reality of the medieval soldier monks is more complex and cannot be reduced to a simplistic Hindu-Muslim binary.

According to Mushirul Hasan, many 19th century "Hindu" writers and reformers grudgingly recognized the presence of Muslims in India. They relied on the medieval

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[251] William R Pinch, "Soldier Monks and Militant Sadhus," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 140-161, 148.
[252] Ibid, 149.
[253] Ibid, 150.
[254] Ibid, 155.

chroniclers' "knowledge" translated by British historians, viewing the Muslim presence as a disruption to the "ancient" Brahminic traditions. These writers equated Indian culture with Vedic culture, Indian philosophy with the Vedanta, the Puranas and the Upanishads, and Indian religion with Hinduism [255] Aligned with British colonial narratives, Bal Gangadhar Tilak also considered the Mughal era as one of "Muhammadan Rule." [256] Gandhi also propagated the Orientalist idea of Hinduism's tolerance as opposed to Islam's intolerance. In a lecture at the Johannesburg Theosophical Lodge in the Masonic Temple on March 11, 1905, he claimed that Hinduism had given "Mahomedanism" an emperor such as Akbar, who had embraced a tolerant attitude in ruling India. He argued that the rise of Sikhism in Northern India was due to "militant Hinduism" arising from a need to "defend Hinduism from Moslem aggression." [257] While Gandhi's overall speech had a conciliatory tone, a closer examination reveals the extent to which the notion of Hindus as the oppressed and Muslims as the oppressor during the "Muslim" rule was accepted as common knowledge by the Colonized elite. [258]

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[255] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 198.

[256] Farhat Hasan, "Nationalist Representations of the Mughal State: The Views of Tilak and Gandhi," *Studies in People's History* 6, no. 1 (2019): pp. 52-62, https://doi.org/10.1177/2348448919834791, 55.

[257] Mohandas Karamchand Gandhi and Mohandas Karamchand Gandhi, "317. Hinduism," in *The Collected Works of Mahatma Gandhi*, vol. IV (1903-1905) (Ahmedabad: The Publications Division, Ministry of Information and Broadcasting Government of India, 1960), pp. 375-377, https://www.gandhiserve.net/about-mahatma-gandhi/collected-works-of-mahatma-gandhi/004-19031008-19050630/, 376-377.

[258] Farhat Hasan, "Nationalist Representations of the Mughal State: The Views of Tilak and Gandhi," *Studies in People's History* 6, no. 1 (2019): pp. 52-62, https://doi.org/10.1177/2348448919834791, 57;
Mohandas Karamchand Gandhi and Mohandas Karamchand Gandhi, "317. Hinduism," in *The Collected Works Of Mahatma Gandhi*, vol. IV (1903-1905) (Ahmedabad: The Publications Division, Ministry of Information and Broadcasting Government of India, 1960), pp. 375-377, https://www.gandhiserve.net/about-mahatma-gandhi/collected-works-of-mahatma-gandhi/004-19031008-19050630/, 376-377.

Post-Colonial Portrayal of Muslims

In the post-colonial era, many historians continued to adopt the British characterization of Muslims and Islam. Even K. M. Panikkar, who is generally associated with a more liberal perspective, described the organization of Islam in India as "frankly communal" and driven by the goal of ensuring independence and authority for the Islamic nation in India. Panikkar argued that Muslims were not just a religious minority, but a distinct society with a culture and way of life that set them apart from Hindus and other communities. In contrast, he viewed Christians as not fundamentally different from Hindus in their way of life, despite their different religious beliefs. Panikkar's perspective reflects the widespread acceptance of British categorizations of Indian communities, even among those who sought to challenge colonial rule. [259]

In Chapter 1, we established that the term 'Hindu' was originally an ethno-geographic term. This argument draws from Oberoi's research, which highlights that the people now identified as Hindus did not use this term to self-describe in ancient times. The term 'Hindu' emerged first as a geographic label coined by the Achaemenid Persians for those residing on or beyond the banks of the river Sindhu, or Indus. Thus, 'Hindu' was initially an ethno-geographic category encompassing all inhabitants of the region beyond the Indus, without regard to ethnic distinctions. It was only under the reign of Muslim rulers in India that the term began to acquire some religious implications. This ethno-geographic conception was later reified by British colonial influences, as 'Hinduism' was manufactured to categorize a multitude of diverse local non-Abrahamic communities into one unified religious identity.

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[259] Mushirul Hasan, "The Myth of Unity: Colonial and National Narratives," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India,* ed. David E. Ludden, 2nd ed. (New Delhi: Oxford University Press, 2005), pp. 185-208, 199.

However, David Lorenzen argues against the claim that "Hindu" started as a purely ethno-geographic term by questioning why the vast majority of Indian Muslims, who were originally low-caste Hindus, were not referred to as "Hindus" or "Hindu Muslims." He concludes that there is little evidence that such a categorization ever existed. [260] However, Hardiman's research suggests otherwise - a category identifying such individuals was enumerated in the British Census but discarded soon thereafter as it did not fit with the British binary system. [261]

Hardiman's research contradicts the views of Panikkar and Lorenzen that the divide between Hindu and Muslim was always clear-cut. Many communities in India had a complex identity, and the distinction between Hindu and Muslim was often blurred. For instance, the Daudi Bohras shared many cultural traits with the Baniyas. The Molesalam community consulted both Hindu and Islamic religious figures, and their customs and attire were similar to that of the Rajputs, even intermarrying with low-status Rajputs. [262] In addition, the Patidar community in Gujarat had groups like the Matias who followed the Pirana Panth, a sect that had syncretic customs and focused on the devotion to certain Muslim pirs. While most Patidars practiced cremation, the Matias buried their dead. [263] In the 1911 census, 35,000 members of this community identified as "Hindu-Muhammadans," [264] and across Gujarat, 200,000 people used the label "Mohammedan-Hindu"[265]. to describe their religious affiliation. E.A Gait, the census

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[260] David N. Lorenzen, "Who Invented Hinduism?" *Comparative Studies in Society and History* 41, no. 4 (1999): pp. 630-659, https://doi.org/10.1017/s0010417599003084, 636.
[261] David Hardiman, "Purifying the Nation: The Arya Samaj in Gujarat 1895-1930," *The Indian Economic and Social History Review* 44, no. 1 (2007): pp. 41-65, https://doi.org/10.1177/001946460604400103, 48.
[262] Ibid,.
[263] Ibid, 50.
[264] Ibid, 48.
[265] Harjot Oberoi, *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition* (India: Oxford University Press, 1994), 11.

commissioner, disapproved of this category and insisted that people should identify themselves as either Hindu or Muslim. [266]

Lorenzen's focus on "religion" ignores the significant role of caste in India. In the late nineteenth and early twentieth centuries, there was a surge in caste associations and movements, with many demanding a higher status and a change in their name's administrative record. [267] The 1901 decision by the Census Commissioner to classify castes and communities based on their ritual purity and social status further accelerated this process. Muslims, including low-status weavers, oil pressers, and barbers, aspired to a higher status, and Muslim Rajputs began calling themselves Pathans, with the title Singh giving way to Khan. [268] Muslim weavers in many places rejected the name Julaha altogether and demanded to be called "Momin," "Ansari," "Momin-Ansar," or "Sheikh Momin." By 1911, they had succeeded in having themselves recorded under these names in the census. [269]

Academics have widely acknowledged that nations, in their pursuit of legitimacy, often engage in a process of appropriating and reinterpreting historical narratives. These narratives, often drawn from distant pasts, are then molded to fit the national ethos. Benedict Anderson, in his seminal work on nationalism, provides a key insight into this phenomenon. While nation-states are often considered relatively "new" and "historical" constructs, the nations they

[266] David Hardiman, "Purifying the Nation: The Arya Samaj in Gujarat 1895-1930," *The Indian Economic and Social History Review* 44, no. 1 (2007): pp. 41-65, https://doi.org/10.1177/001946460604400103, 48.
[267] Gyanendra Pandey, *The Construction of Communalism in Colonial North India* (New Delhi: Oxford University Press, 1990), 83-84.
[268] Ibid,.
[269] Ibid, 88-89.

symbolize are invariably portrayed as being steeped in antiquity. This perceived continuity with an ancient past forms an integral part of the national consciousness. [270]

In this context, it is important to note that the construction of such historical narratives is often driven by the sociopolitical needs of the present. People, motivated by their contemporary needs, values, and preferences, engage in a selective remembering of their past, cherry-picking aspects of their history that align with their present national identity. This process is not a passive recounting of events, but an active shaping and reshaping of the past to serve current nationalist objectives. As such, the act of remembering becomes a strategic tool in the crafting of national narratives and identities, highlighting the fluid and constructed nature of nationalist history.

It is understandable that many struggle with the complex and varied landscape of castes and communities that made up the non-Muslim population of South Asia in the pre-Colonial period. However, it is important to recognize that the idea of India only became a prominent concept after representative systems were implemented, which in turn disrupted earlier systems. Unfortunately, these crucial factors are often overlooked in most discussions on the topic. C. Lloyd Thorpe's reference to Pakistan's statehood as a "final break from India proper"[271] implies a negative, separatist movement rather than a positive movement for self-determination. C.A Bayly's attempt to ascribe "communal" motives to pre-Hindu, pre-British, thoroughly medieval

[270] Benedict Anderson, *Imagined Communities: Reflections On the Origin and Spread of Nationalism* (London: Verso, 2006), 11-12.

[271] C Lloyd Thorpe, “Education and the Development of Muslim Nationalism in Pre-Partition India,” *Journal of the Pakistan Historical Society* 13, no. 1 (1965): pp. 1-26, https://ezproxy.library.dal.ca/login?url=https://www.proquest.com/scholarly-journals/education-development-muslim-nationalism-pre/docview/1301919722/se-2, 3.

South Asia has been criticized by Pandey[272], Hasan[273], and others.[274] Bayly's parallel of conflicts between "Hindu" and Sikh peasants against medieval Muslim gentry as "communal" has also faced critique.[275]

Popular (Congress) nationalist scholars, such as Sekhar Bandyopadhyay, tend to historicize the Hindu-Muslim binary, as noted in his introduction to the Nationalist Movement in India.[276] Bandyopadhyay writes, "“in the British Indian Empire, for example, there were numerous languages and castes and only two major religious groups, the Hindus, and the Muslims”.[277]Anil Seal, a Cambridge historian, observes that three-quarters of India's population were Hindu, a term that included peoples of different ethnical origins separated by language, customs, and religious rites.[278] However, rather than critically examining the subject, Seal accepts the colonial religious category unquestioningly.

Shashi Bhushan Upadhyay, attempting a class analysis of the Bombay riot of 1893 through a focus on "Hindu" mill workers, largely ignored the caste differentiation that marked what he referred to as "Marathi Hindus" or simply "Marathas".[279] Moreover, Farhan Hasan, in his discourse about nationalist representations of the Mughal state, locates the Mughal Empire in

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[272] Gyanendra Pandey, *The Construction of Communalism in Colonial North India* (New Delhi: Oxford University Press, 1990), 15.
[273] Mushirul Hasan, *Nationalism and Communal Politics in India, 1885-1930* (New Delhi: Manohar, 1991), 4.
[274] C. A. Bayly, "The Pre-History of '; Communalism'? Religious Conflict in India, 1700–1860," *Modern Asian Studies* 19, no. 2 (1985): pp. 177-203, https://doi.org/10.1017/s0026749x00012300.
[275] Gyanendra Pandey, *The Construction of Communalism in Colonial North India* (New Delhi: Oxford University Press, 1990), 15.
[276] Sekhar Bandyopadhyay, *Nationalist Movement in India: A Reader* (New Delhi: Oxford University Press, 2009), Xviii.
[277] Ibid, Xviii.
[278] Anil Seal, *The Emergence of Indian Nationalism: Competition and Collaboration in the Later Nineteenth Century* (London: Cambridge U.P., 1968), 28.
[279] Shashi Bhushan Upadhyay, "Communalism and Working Class: Riot of 1893 in Bombay City," *Economic and Political Weekly* 24, no. 30 (1989): pp. 69-75, 69.

India[280], a notion as absurd as a historian locating Byzantium in Turkey. P. Spear, in his discussion of pre-Colonial "classical" governance, historicized a "Hindu" identity that did not exist. [281]

Sri Ram Sharma, the erstwhile director of the Institute of Public Administration and Principal of the DAV College, Chandigarh, erroneously parroted Hastings in his discussion of separate "Hindu" and "Muslim" law during the period, along with commonplace tropes of Muslim despotism[282], even though there was no "Hindu." Sharma begins his book by declaring that, **"**India was held in subjection mainly by the military strength of her rulers."[283] It is important to acknowledge that during both the Mughal and British periods, the region could not have been governed without the active participation and cooperation of various actors from South Asia.

Ashirbadi Lal Srivastava, former Professor Emeritus at Agra College, takes the "Hindu-Muslim" binary to its extreme, with wild claims such as "Afghanistan was a part of India" and that the aim of Muslim rule over the region was to "convert it into an Islamic country." [284]**.** Srivastava's investigation is clearly expressed in terms of "we" the Hindus versus "them" the Muslims, projecting modern-day reality onto the past, and historicizing India and the Hindu-Muslim binary.

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280 Farhat Hasan, "Nationalist Representations of the Mughal State: The Views of Tilak and Gandhi," *Studies in People's History* 6, no. 1 (2019): pp. 52-62, 52.

281 Arthur Llewellyn Basham and Percival Spear, "The Mughals and the British," in *A Cultural History of India* (New Delhi, India: Oxford University Press, 2018), pp. 348-364, 360; Ramanathan Suntharalingam, *Indian Nationalism: An Historical Analysis* (Sahibabad: Vikas, 1983), 53.

282 Sri Ram Sharma, *The Religious Policy of the Mughal Emperors. (Second Edition.)*, 2nd ed. (Bombay: Asia Publishing House, 1962), 179, 180.

283 Ibid, 1.

284 Ashirbadi Lal Srivastava and Ashirbadi Lal Srivastava, "Preface to the Second Edition," in *The Sultanate of Delhi, 711-1526 A.D.: Including the Arab Invasion of Sindh, Hindu Rule in Afghanistan and Causes of the Defeat of the Hindus in Early Medieval Age*, 5th ed. (Agra: Shiva Lal Agarwala & Company, 1966), p. vii-viii, vii.

Upon scrutinizing the narratives offered by these scholars, it becomes evident that their works reflect the implicit yet pervasive influence of British colonial historiography. Notwithstanding, it is critical to recognize the constraints under which these scholars worked, and the insidious influence of colonial metanarratives on their framing and understanding of the past.[285] Nevertheless, the absence of critical interaction with these Oriental/Colonial paradigms necessitates an appraisal. Such critique is pivotal in freeing our historical understanding from the chains of colonial influence and welcoming a more nuanced, in-depth appreciation of our past.

These post-colonial narratives, featuring historicized 'Hindu' and 'Muslim' identities and the ingrained 'Hindu-Muslim' binary, perpetuate the constructs of British colonial historiography. This reflects the deep-seated impacts of colonial epistemic frameworks on Indian and South Asian historiography. In this context, Ajay Parasram's analysis provides an enlightening critique. Parasram posits that "assumptions about concepts such as state, territory, nation, and the gradual linear development of human societies bleed into the archive"[286]. This observation underscores the necessity of critically engaging with these entrenched assumptions, in order to reinterpret and reframe an understanding of the history of the colonized beyond the colonial gaze. Parasram's work reveals a need for a more nuanced approach to the past. From a dismissal of caste differentiation to the retrospective application of the 'Hindu-Muslim' binary, many post-colonial narratives reflect an alignment with the 'Coloniality of the Archives' as described by Parasram[287]. Such narratives, while seemingly objective, contribute to a colonial-induced "spatial

[285] Ajay Parasram, *Pluriversal Sovereignty and the State Imperial Encounters in Sri Lanka*, PDF (Cuddington: Manchester University Press, 2023), vii.
[286]Ajay Parasram, *Becoming the State: Territorializing Ceylon, 1815-1848*, n.d., accessed July 16, 2023, https://doi.org/10.22215/etd/2017-11879, 240.
[287] Ibid,.

forgetting"[288] of pre-colonial histories by retrospectively applying the 'Hindu-Muslim' binary to the colonial and post-Colonial, statist history.

In line with Parasram's study of the postcolonial period in South Asia, these post-colonial narratives reflect the endeavors of new governments that gained independence during the 1940s and 1950s in South Asia. They embraced colonial ontologies and sought 'modernization' to align with the now 'developed' former colonial countries.[289] This alignment exacerbates the erasure of diverse pre-colonial histories and underpins a linear, state-centric concept of time, contributing to James C Scott's description as of a collective "hypnosis by the state".[290] They inevitably echo the colonial perception of 'modernity', casting it as a universal metric of progress rather than recognizing it as a concept rooted in a specific Eurocentric experience. Parasram contends that such an approach perpetuates an implicit bias towards the validity of certain expressions of sovereignty, while discounting or even vilifying others.[291]

Therefore, if we are to engender a more genuine portrayal of the past, one that encapsulates the multidimensional tapestry of human existence and respects the diverse experiences of South Asian cultures, we must conscientiously heed Parasram's vital question: "how has the process of becoming the modern, territorial state worked to legitimize some expressions of sovereignty while de-legitimizing others?"[292] However, in critiquing the historiographical limitations of these scholars, we must also grapple with the broader challenge of extricating our understanding of the past from the remnants of colonial thinking. As Parasram advises, to construct more nuanced and locally rooted historical interpretations, it is imperative

[288] Ibid, 35.
[289] Ibid, 60.
[290] Ibid, 61.
[291] Ibid, 58-66.
[292] Ibid, 242.

to recognize and challenge the assumptions embedded within archival 'data' and strive to weave narratives that transcend the shadow of the colonial gaze.

Parasram's metaphor of the 'canary in the archives' is an apt reminder of the vigilance required in historical inquiry:

> Working in colonial archives is a lot like working in a coal mine – without constant attention to the canary that judges the quality of air one is breathing and when one might need to resurface for fresh air, one could easily fall victim to the noxious fumes.[293]

As he points out, the experiences of some of these scholars are akin to miners without canaries, navigating through potentially hazardous terrain. Their efforts, while not devoid of flaws, have nevertheless laid the groundwork for future research. While we critique and learn from post-colonial historiographical missteps, we must also be cognizant of the broader issues of decolonizing historical inquiry.

Contrasting Histories: British and Mughal Perspectives on South Asian Rule and Society

M Alam and S Subrahmanyam delve into the historical works of a Khatri Munshi, Sujan Rai Batalvi (Bhandari), who lived during the Mughal Era. Batalvi's seminal work, "Khulasat al-Tawarikh,"[294] presents a continuous narrative that connects the mythological figure of Mahabharat's King Yudhistra to various Hindu and Muslim rulers, ultimately leading to Emperor

[293] Ibid, IX.

[294] Muzaffar Alam and Sanjay Subrahmanyam, "Witnesses and Agents of Empire: Eighteenth-Century Historiography and the World of the Mughal Munshī," *Journal of the Economic and Social History of the Orient* 53, no. 1-2 (2010): pp. 393-423, 398.

Aurangzeb Alamgir in 1696.[295] Batalvi's account is remarkable for its seamless integration of Hindu and Muslim figures throughout the history of the Indian subcontinent.

Alam and Subhramanyam highlight an intriguing misinterpretation by colonial historians who confused the name "Sujan" (Hindu) with "Subhan" (Muslim). This led John Dowson to criticize Batalvi's work as being "written with the intolerance and virulence of a bigoted Musulman."[296] An assessment based on an incorrect assumption about the author's religious background. Furthermore, Alam and Subrahmanyam draw attention to another historical account, "Akhbar ul-Nawadir" or "Khulasat ul-Nawadir," written by Rai Chaturman, another Hindu in Mughal service. Like Batalvi's work, Chaturman's account of the Kings of Hindustan runs unproblematically from King Yudhistir to Emperor Shahjahan II.[297] Integrating Muslim rulers with their non-Muslim predecessors into a cohesive narrative.

The most striking aspect of these historical accounts is not only that Hindus in the service of Muslims were writing their overlords into history but also the fact that Muslim rulers accepted and endorsed these narratives. They did not feel the need to distinguish themselves as Muslims or set themselves apart from their Hindu counterparts. The attitude of one Prem Kishore "Firaqi" regarding the Marathas, often regarded as Hindu heroes fighting against the Muslim Mughals by Hindu nationalists, offers an intriguing contemporary 'Hindu' perspective. Firaqi's ancestry offers valuable insights into the Mughal State's permissiveness towards upward social and caste mobility. He was the son of Anand Kishor and the grandson of Jugal Kishor, who belonged to the bard (bhat) caste and initially worked as a liquor-seller. Jugal Kishor's extraordinary ascent in

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[295] Ibid,.
[296] Ibid, 398-399.
[297] Muzaffar Alam and Sanjay Subrahmanyam, "Witnesses and Agents of Empire: Eighteenth-Century Historiography and the World of the Mughal Munshī," *Journal of the Economic and Social History of the Orient* 53, no. 1-2 (2010): pp. 393-423, 405.

the predominantly Muslim Mughal state during the 18th century serves as anexample of social mobility. He secured a prominent position in the court of Alivardi Khan Mahabat Jang, the Nawab of Bengal, and represented him in the court of Muhammad Shah.[298]

Prem Kishore's Roznamcha-yi Shahi and Waqa i-I Alamshahi were written during the Maratha ascendancy and the decline of Mughal power. Although neither of these texts were commissioned by the royalty, one might expect, based on Colonialist History, that a Hindu like Firaqi would have ample freedom to critique his Muslim overlord. However, this is not the case; Prem Kishore's work defies the British colonialist framework. Rather than expressing concern about the Muslim overlordship of the Mughal sovereign, Prem Kishore was infuriated by the decadence displayed by the Emperor, who neglected his responsibilities. Instead, his work concentrates on the incompetence of the Mughal Emperor, whose negligence allowed the Marathas to act with impunity, regardless of their 'religion.' [299] Commenting sardonically, he notes that even while the Patel's army cheekily sang, "Shiva's conch sounds out strong, A hundred thanks that the faith of the Indians (din-i hindiyan) has been renewed. The heads of the Mlecchas now crown the doorway to the court of the Parel, the world's support," the Emperor was preoccupied with his own pleasure until it was time to retire for that day. [300] This reveals Prem Kishore's disappointment with the Emperor's indifference towards his duties rather than any concern with the Muslim overlordship.

In another intriguing passage by Firaqi, cited by Alam and Subrahmanyam, an incident involving Mendha Singh, the Commandant of Madhavji Sindhia Patel's Platoon, is described. Mendha Singh took it upon himself to halt butchers from slaughtering cows. Yet, rather than

[298] Ibid, 408.
[299] Ibid, 412.
[300] Ibid, 413.

expressing sympathy for his cause or demonstrating solidarity due to shared beliefs, Prem Kishore Firaqi writes, "Mendha Singh, Kumedan (Commandant) of the troop (paltan) of the Patel, one morning stopped the butchers, according to his own faith (tariqat-I khwud)...". What is particularly noteworthy is that the Patel, who Firaqi describes as being "proud of his loyalty and fidelity to the emperor," when confronted about this incident by Shah Nizam al-Din, the seemingly powerless Emperor's emissary, summoned his Commandant and rebuked him.[301]

Alam and Subhramanyam point out that for a Mughal administrator like Prem Kishore, there was a considerable chasm between him and the Marathas. He viewed the Marathas as upstarts who lacked a proper understanding of courtly etiquette. [302] Interestingly, Prem Kishore's primary concern was not the religion of the parties involved, but rather the well-being of the Mughal Empire.. Prem Kishore laments the Court's reliance on the Maratha Army, as he believes it undermines the stability and prestige of the Mughal Empire. Furthermore, he comments on what he perceives to be the Marathas' obsession with rituals, which, in his opinion, distracts them from fulfilling their duty to protect the empire. [303] It is clear that Prem Kishore's main concern was the stability and continuity of the Mughal state, which is evident from his focus on broader implications for the empire rather than religious affiliations or interests.

Kinra challenges the prevalent approach in modern scholarship that treats premodern social, religious, and linguistic identities in South Asia as mutually exclusive. He contends that this perspective, which suggests that a Muslim ruler must become "less Muslim" to demonstrate tolerance towards non-Muslims or that a Hindu learning Persian would become "less Hindu," is

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[301] Ibid,.
[302] Ibid, 415.
[303] Ibid,.

exemplified in John Richards's praise for the "chameleon-like attributes" of Hindu munshis in the Mughal secretariat. However, Kinra disputes this notion by highlighting the case of Chandar Bhan, a distinguished Hindu munshi who consistently took pride in his Brahmanical heritage. Chandar Bhan even adopted "Brahman" as his literary pen name and asserted that his Brahmanical background enhanced his comprehension of Sufi ideals. Furthermore, Chandar Bhan's Muslim colleagues and patrons were well-aware of his Hindu identity and embraced it, without making any attempts to convert him or causing him to feel any pressure to conceal his religious identity. [304] This example challenges the assumptions underlying the mutually exclusive view of premodern South Asian identities, revealing a more complex and nuanced reality.

It is crucial to recognize that Chandar Bhan opted to use the term Brahman as his *nom de plume*, rather than Hindu. The label 'Hindu' often took a backseat when it came to identity, serving merely as an indicator of non-Muslim status and offering little value beyond that. The Mughals were acutely aware of the caste-based order, as evidenced in the Majalis-I Jahangiri, where Abd al-Sattar identifies Raja Manohar Kachhwaha as belonging to the Kachhwaha caste instead of using the term Hindu Qaum (Nation or Tribe), a Hindustani word that later evolved to signify 'nation.'[305]

Moreover, Chandar Bhan did not see his devotion to Sufi mystical practices as a threat to his robust Brahman identity. On the contrary, he maintained that his Brahman background heightened his sensitivity to the esoteric intellectualism and spirituality intrinsic to Sufism. [306]

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[304] Rajeev Kinra, *Writing Self, Writing Empire: Chandar Bhan Brahman and the Cultural World of the Indo-Persian State Secretary.* (Berkeley: University of California Press, 2015), 5.

[305] Corinne Lefèvre, "The Majālis-i Jahāngīrī (1608-11): Dialogue and Asiatic Otherness at the Mughal Court.," *Journal of the Economic and Social History of the Orient* 55, no. 2-3 (2012): pp. 255-286, 278.

[306] Rajeev Kinra, *Writing Self, Writing Empire: Chandar Bhan Brahman and the Cultural World of the Indo-Persian State Secretary.* (Berkeley: University of California Press, 2015), 9.

This perspective highlights the complex interplay of religious and social identities in premodern South Asia, contrary to the more rigid, mutually exclusive view often presented in modern scholarship.

The Mughal State: A Universalist Discourse

In numerous historiographical discourses, European entities are frequently attributed with the introduction of 'modern' values, such as religious tolerance, reason, and a reverence for science, to the South Asian continent. However, it is crucial to underscore the fact that, until the late eighteenth century, no European conglomerate, inclusive of the British, could establish a substantial political or cultural hegemony in this region. Their influence, often overemphasized in historical narratives, did not achieve a pervasive character until the nineteenth century. [307]

Referencing the scholarship of Rahul Sapra, Kinra underscores that travel narratives of Europeans from the seventeenth century often portrayed the Mughal empire as an advanced civilization, marked by notable religious tolerance. This was a period when religious strife placed constraints on societal opportunities in England, while the Mughals were actively incorporating and inviting individuals from varied faith backgrounds. Several European travelers, especially those belonging to lower social strata or religious minorities, found greater freedom and social mobility within India. They engaged deeply with various facets of South Asian culture and way of life. Some of these Europeans, identified as 'White Mughals' - a term coined by William Dalrymple, chose to abandon their initial trading voyages in favor of service within Indian courts. Recent scholarly investigations suggest that these immersive experiences

[307] Rajeev Kinra, "Handling Diversity with Absolute Civility: The Global Historical Legacy of Mughal Ṣulḥ-i Kull," *The Medieval History Journal* 16, no. 2 (2013): 251–95, https://doi.org/10.1177/0971945813514887, 255.

within Mughal India significantly shaped early Enlightenment discourses on tolerance, trade, philosophy, and science back in Europe. [308]

One individual of note for Kinra is the famous, Sir Thomas Roe, an eminent English diplomat who functioned as James I's envoy to the court of the Mughal Emperor Jahangir from 1615 to 1619. Contrary to several postcolonial critiques, Roe often demonstrated admiration for the societal and religious tolerance he observed in the Mughal territories, eschewing the perspective of 'colonial authority'. These experiences exerted a profound influence on him. In 1641, several decades post his Indian sojourn, Roe delivered a significant speech to the English Parliament. He utilized the Mughal model to extol the economic merits of pluralism and proposed a series of reforms aimed at bolstering England's global trade competitiveness. [309] To inspire his parliamentary colleagues to rectify the existing state of affairs, Roe presented the Mughal state as an exemplary instance, arguing that tolerance harbored benefits for commerce. Unlike the English who implemented social, ethnic, and sectarian barriers in trade and governance, the Mughals capitalized on the skills of India's diverse indigenous populations and those foreigners' seeking opportunities or refuge within their territories. Consequently, Roe asserted the vast reach and economic strength of the Mughal Empire, stating:

> the severall sorts of Callicoes made of Cotton woolls in the Moguls and Dans Dominions, doth clothe from head to foot all Asia, a part of Europe, Aegypt, much of Africa, and the Easterne Islands as farre as Sumatra, which makes that Prince without Mines the richest Prince in the world. [310]

[308] Ibid, 256.
[309] Ibid, 257.
[310] Ibid, 258.

However, Kinra poses a critical question: Does this suggest an absolute absence of religious conflict, bigotry, or oppression in seventeenth-century Mughal India? Indubitably, the response is negative. It witnessed intermittent societal and political disruptions, suffused with elements of religious undertones. Nevertheless, the severity of these instances was considerably diminished when juxtaposed with their European counterparts. The Mughals, in stark contrast to their European equivalents, did not establish an institution that mirrored the nature of the Inquisition, nor did they promulgate a methodical policy of religious marginalization akin to the Test Acts.[311]

Instead, the Mughal society was remarkably open and meritocratic, lessening the need to advocate for new forms of state tolerance and secularism that were prevalent among early modern European intellectuals Kinra highlights an interesting contrast between Europe and the Mughal empire, especially with regard to intellectual thought. In Europe, John Locke's 'Epistle on Tolerance' emerged as a groundbreaking contribution, signifying an innovative turn in thought. However, the Mughals were not pioneering new ideologies but rather upholding long-standing traditions of political and ethical philosophy. They underscored the importance of justice (adl) as the primary focus for rulers, eschewing the imposition of their religious convictions. This mindset can be traced back to the Qur'anic command that there should be 'no compulsion in religion', thereby deeply ingraining the ethos of tolerance and pluralism within their sociopolitical structures.[312]

Famed for implementing the governing philosophy known as 'sulh-i kull' or 'absolute peace,' Akbar's contribution to Mughal socio-political theory was significant. Originating from

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[311] Ibid, 260.
[312] Ibid, 260.

the Indo-Persian tradition of akhlaq, teachings focused on political ethics and moral wisdom, 'sulh-i kull' advocated for societal stability through a harmony forged among various ethnic and religious communities.[313] Despite its significance, Kinra argues that the expansive and enduring impact of this philosophy has often been overshadowed, with the emphasis typically resting on its enactment during Akbar's reign alone.[314]

Gommans and Huseini's work suggests that the seeds of this universalistic vision originated in the traditional Mongol values of inclusivity and tolerance, known as the Pax Mongolica. The Mughal rulers melded these principles with Neoplatonic philosophical concepts to create a unique system of statecraft, 'sulh-i kull,' or 'universal peace.' This system was not merely an abstract idea but a strategic governance tool, imbuing the Mughal state with a defining character that outlived several reigns. [315]

The authors highlight the Tarikh-i Alfi, a book commissioned during Akbar's reign. Reflecting his desire for a broader understanding of his empire, this 'Millennial History' traced the Islamic world's evolution leading up to his reign. The Tarikh-i Alfi represents a work of monumental significance, transcending its function as a mere historical record. As the embodiment of concerted intellectual endeavor, it was instrumental in informing policy, thereby solidifying the authority of Akbar's heterogenous governance.[316] Intriguingly, it foregrounds Chinggis Khan and his successors as Mughal role-models over the Semitic prophets or ancient Iranian kings. This preference for Mongol ancestry seamlessly intertwines with Neoplatonic

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[313] Ibid, 261.
[314] Ibid, 262.
[315] Jos Gommans and Said Reza Huseini, "Neoplatonism and the Pax Mongolica in the Making of Ṣulḥ-i Kull. A View from Akbar's Millennial History," *Modern Asian Studies* 56, no. 3 (2022): 870–901, https://doi.org/10.1017/s0026749x21000044, 871.878.
[316] Ibid, 872-884.

values of akhlāq (ethics) and 'sulh-i kull' (universal peace), mirroring the multifaceted cultural blend fostered by Akbar.[317] Therefore, the Tarikh-i Alfi embodies not only historical narratives but also the rich mosaic of philosophical, ethical, and cultural influences that shaped the Mughal polity.

Tthe Tarikh-i Alfi underscores the rule of Mongol leader Möngke, and the policies he implemented, such as tax exemptions and special privileges for religious specialists across various faiths. [318] These policies echoed the principle of non-discrimination, a fundamental aspect of Mughal 'sulh-i kull.' The Tarikh-i Alfi further extols Möngke's introduction of a diverse group of experts, scribes, and secretaries, a policy regarded as an 'admirable tradition (rasm-i pasandida)' that future rulers should strive to replicate. [319] This embodiment of diversity within the court further underscores the principles of 'sulh-i kull,' reinforcing the idea that Mongol leadership served as a practical blueprint for this Mughal policy.

Alam and Subhramanyam have suggested that the influence of Sufism, as demonstrated in the works of Sujan Rai Batalvi, facilitated a universal discourse bridging Hindu and Muslim elites. [320] This shared understanding had a profound impact on the foundational principles of the Mughal State. Kinra proposes that such universal principles were not restricted to renowned Mughal royal figures like Emperor Akbar or Prince Dara Shukoh, known for their unique tolerance. Instead, these 'universal civility' ideals underpinned the broader culture of tolerance that characterized Mughal society.

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[317] Ibid, 886.
[318] Ibid, 897.
[319] Ibid,.
[320] Muzaffar Alam and Sanjay Subrahmanyam, "Witnesses and Agents of Empire: Eighteenth-Century Historiography and the World of the Mughal Munshī," *Journal of the Economic and Social History of the Orient* 53, no. 1-2 (2010): pp. 393-423, 399.

As Kinra observes, while Akbar deserves praise for spearheading this liberal cultural, political, and religious mindset, it was sustained and expanded through the concerted efforts of subsequent rulers and their officials. This wide-ranging application of Mughal social and political theory and its everyday relevance are often underestimated in contemporary historiography due to the disproportionate focus on Akbar's rule. Akbar's son, Jahangir, praised his father's success in fostering religious freedom in his memoir. He drew a stark contrast between the Mughal approach and that of their rivals, the Ottomans and Safavids. He noted that practitioners of diverse religions coexisted peacefully within his father's empire, unlike in Iran and other nations that allowed only one religious sect. Jahangir extolled his father's efforts to converse with representatives from all religions and his commitment to treating them according to their social standing and comprehension level. Jahangir's memoir, Jahangirnama, includes multiple references to his own efforts to adhere to these established ideals. He noted his father's engagement with wise men from various religions and how, despite being illiterate, his father's erudition and understanding of prose and poetry were impressive due to his interactions with learned men.

Evidence of the persistence of Akbar's concept of Suhl-I-Kul or Pax Mughalia can be found in Jahangir's critique of Shah Tahmasp, his Safavid counterpart, particularly regarding Imami Shiism, as recorded in Majalis-i-Jahangiri. [321] Jahangir, in his instructions to his Sunni Uzbek ambassador, Nur Qulich, emphasized the importance of impartiality, exhorting rulers to perceive themselves as the "universal manifestation" and the "lieutenant and shadow of God on Earth."[322] Additionally, Jahangir considered the Persian translation of the Yogavashishtha to be

[321] Corinne Lefèvre, "The Majālis-i Jahāngīrī (1608-11): Dialogue and Asiatic Otherness at the Mughal Court.," *Journal of the Economic and Social History of the Orient* 55, no. 2-3 (2012): pp. 255-286, 266.
[322] Ibid, 267.

an invaluable resource on Sufism (tasawwuf). [323] His memoirs also recount his successive visits to the ascetic Jadrup, whose companionship he cherished owing to Jadrup's expertise in Vedanta (Ilm-i-bedanat). This body of knowledge was further interpreted through the lens of Sufism as Sufi wisdom (ilm-I tasawwuf). [324]

According to Lefevre, in Abd al-Sattar's "Majalis-i Jahangiri," the distinction in beliefs between the ruler and the subjects is acknowledged, but it is not regarded as an issue or anomaly that necessitates rectification. Contrarily, the Mughals underscored the harmonious coexistence of religious plurality within their empire as one of their most remarkable feats. [325] The spirit of cultural liberality and patronage also extended into the era of Emperor Aurangzeb Alamgir, an oft-maligned figure known for his alleged religious orthodoxy and intolerance. This is substantiated by the increasing trend of Muslim aristocracy and state officials extending patronage to non-Muslim scholars and artists and fostering both classical and vernacular traditions.

Evidence of this is seen in the posthumous appreciation of 'Abd al-Rahim Khan-i Khanan's works, a military and multilingual literary luminary under Akbar and Jahangir. Of particular note is an illuminated manuscript of the Ramayana, a project which required over ten years and the efforts of numerous artists to complete. Following his demise, this manuscript found its audience amongst Muslim aesthetes of the 17th-century, predominantly those belonging to the nobility during the reigns of Shah Jahan and Aurangzeb 'Alamgir.[326] This wide distribution and acceptance of a culturally diverse work implies a level of religious and cultural

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[323] Ibid, 276.
[324] Ibid, 277.
[325] Ibid, 278.
[326] Rajeev Kinra, "Handling Diversity with Absolute Civility: The Global Historical Legacy of Mughal Ṣulḥ-i Kull," *The Medieval History Journal* 16, no. 2 (2013): 251–95, https://doi.org/10.1177/0971945813514887, 276.

openness during the period of Aurangzeb's rule, challenging the conventional narrative of rigid orthodoxy.

Additionally, Giles Shute, a staunch Catholic critic of the oppressive English Test Acts, drew parallels between the religious persecution in England, which brought about significant societal and economic ramifications, and the contrasting situation in India, as narrated by an eastern contact. Shute observed that despite the diversity of castes or sects, the Indian region under Mughal rule experienced relative harmony, devoid of religious persecution.[327] This was attributed to the equal treatment of all religious sects by the Mughal administration, which provided them with protection and ensured their safety. While the validity of Shute's comprehension of the caste system might be open to debate, his confirmation of his eastern contact's depiction of Mughal governance is of significant interest. Shute, penning his observations on the brink of the Glorious Revolution of 1688 — a pivotal event in the history of religious tolerance — advocated for a surge in English tolerance, inspired by the religious pluralism he observed during his eastern travels. His publication arguing for tolerance preceded John Locke's seminal 'Letter Concerning Toleration' by a year, a document that signifies the emergence of tolerance as a core principle of modern liberal philosophy. Intriguingly, Shute's argument for tolerance occurred during the reign of Aurangzeb, who, despite contemporary evidence to the contrary, is often mischaracterized as a symbol of despotism, orthodoxy, and intolerance in historical and cultural narratives.[328]

In addition to these instances, the culture of tolerance and appreciation for diversity within the Mughal era is further illustrated by the career of Raghunath Ray Kayastha. A high-

[327] Ibid, 258.
[328] Ibid, 259.

ranking Hindu official during the reign of Shah Jahan and the commencement of Aurangzeb's rule, Kayastha continued to serve under Aurangzeb, and even rose to the position of prime minister. Aurangzeb later praised him as one of the most competent administrators he had encountered.[329] This evidence not only contradicts the popular notion that Aurangzeb's reign was intolerant, but also highlights the continuity of the principles of 'universal civility' or 'sulh-i kull' promulgated by Akbar throughout the Mughal society, disputing the assumption that its significance waned post his demise.

The relationship between non-Muslims and the Mughal State during Emperor Aurangzeb Alamgir's reign, as explored by Audrey Truschke, presents a multifaceted picture, challenging several prevalent narratives about his rule. She contends that as opposed to popular perception, Aurangzeb's approach to non-Muslims, particularly Hindus, was not dictated by an overarching agenda of religious conversion or oppression. In fact, the notion of a homogenous Hindu identity as it is understood today did not exist during his time. The term Hindu was not commonly self-referential during the Mughal era; people often identified themselves more by regional, sectarian, or caste affiliations such as Rajput, Maratha, Brahmin, or Vaishnava.[330] This lack of a unified Hindu identity underlines the diversity within the empire and complicates the very possibility of a monolithic policy towards Hindus.

Moreover, contrary to the popular belief of Aurangzeb as a zealot bent on forcibly converting his subjects to Islam, there is no historical evidence to suggest that he oversaw a large-scale conversion program.[331] The popular narrative of Aurangzeb offering non-Muslims a

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[329] Ibid, 278.
[330] Audrey Truschke, "Introducing Aurangzeb," essay, in *Aurangzeb : The Life and Legacy of India's Most Controversial King* (Stanford, California: Stanford University Press, 2017), 1–16, https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=1519321&site=ehost-live, 14.
[331] Ibid, 14.

choice between Islam, or the sword is not supported by the historical record.[332] Aurangzeb's policies did not amount to a genocide of Hindus; rather, his administration saw Hindus holding top positions in the government. He protected the interests of Hindu religious groups and even issued orders for Muslims to cease harassing Brahmins. His governance aimed to provide safe roads and basic law and order for all his subjects, reflecting a commitment to a certain level of justice and stability within the diverse empire he had inherited.[333]

The sixteenth century rise of the Mughals marked a fundamental transformation in South Asian Islamicate imperial political culture. In rural areas, regional authority was predominantly held by sub-imperial Hindu families and kinship networks, particularly the Rajputs, who exerted significant influence across vast regions of northern India..[334] During Emperor Akbar's reign, the Mughal Empire not only reinforced this existing power structure but innovatively blended it with a new political vocabulary and cultural ethos. This integration, effectively combining traditional, local political discourse with Mughal innovations, led to a unique identification among local Hindu elites with both the Mughal state and its Persianized culture.[335] According to Muzaffar Alam, this synthesis was underpinned by three main elements: the practice of Sufi ideology, adherence to Nasirean akhlaqi norms, and the influence of a broader Persian cosmopolis, each playing a vital role in shaping Mughal political ideology.[336] Alam notes that this perception went beyond mere political allegiance; the Rajputs began to identify themselves with the Mughal house, considering it as something to be defended in the same way as their own families and

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[332] Ibid, 12.
[333] Ibid,.
[334] Muzaffar Alam, “A Muslim State in a Non-Muslim Context - The Mughal Case ,” essay, in *Mirror for the Muslim Prince: Islam and the Theory of Statecraft*, ed. Mehrzad Boroujerdi (Syracuse, NY: Syracuse University Press, 2017), 160–89, https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=714571&site=ehost-live, 160.
[335] Ibid, 161-162.
[336] Ibid, 162.

houses.[337] The practice of the Mughals marrying into Rajput royalty and permitting the princesses to partake in their cultural rituals within the royal palaces played a significant role in fortifying the bonds between the two. These matrimonial alliances transcended mere political alliances, reflecting a deep-seated respect and integration of Rajput traditions into the Mughal court. This respect and integration contributed to a unique perception among the Rajputs: they began to view the Mughals not just as allies, but as an extension of their own community or Jati.[338]

Moreover, Akbar's rule was distinguished by his keen interest in local cultures and mystic traditions. His approach was deeply influenced by the Sufi doctrine of Wahdat-i Wujud, (The unity of being), [339] a prominent concept in Sufi mysticism that became particularly influential with the Chishti order in the Mughal era. This doctrine posits that all existence is essentially one, and everything emanates from the same divine source. In this view, the distinctions one perceives in the world are not ultimate realities but rather different manifestations of the same underlying reality.[340] Akbar's reign saw the translation of several Sanskrit works into Persian, an initiative continued by his successors, notably his great-grandson and Aurangzeb's elder brother prince Dara Shukoh. These translations, which included texts like the Bhagavad-Gita and the Upanishads, highlighted the similarities between Islamic Sufism and Hindu Yoga, suggesting a universal quest for divine truth across different religious traditions.[341] This cultural synthesis, supported by the doctrine of Wahdat-i Wujud, played a crucial role in promoting accommodation and a culture of mutual respect between Hindu and Muslim elites.

[337] Ibid, 188.
[338] Ibid, 188.
[339] Ibid, 164.
[340] Ibid, 165-168.
[341] Ibid, 167

In their governance approach, Mughal rulers emphasized cooperation and justice, adhering to principles found in Akhlaq literature. This body of work advocates for judging and treating individuals based on their inherent virtues or flaws (khair wa sharr-i taba'i), rather than their religious background. It underscores the idea that all people, regardless of being Muslim or non-Muslim (kafir), are entitled to Divine compassion (rahmat-i Haqq). Akhlaq texts notably reject distinctions based on religious identity, such as kafir, kufr, zimmah, and any form of discrimination. A key concept in these writings is the portrayal of the king as God's earthly representative, tasked with the harmonious governance of His subjects. This role involves enabling each individual to reach their fullest potential (kamal) in accordance with their abilities and talents. [342] This approach emphasized affection and favors over strict command and obedience. The concept of justice (Adl) in Mughal governance was not strictly based on Islamic law but was more inclusive, acknowledging the existence of different communities with their unique Shari'as or laws.[343] Mutual love (Mahabbat) was considered even more important than justice as a means to achieve societal harmony. Alam points to the influence of Akhlaq texts, evident in the Mughal imperial orders[344], which often mirrored their language and ethos, emphasizing fairness, respect for diversity, and a balance of interests across different religious and social groups.

This rich tapestry of cultural integration and inclusive governance, meticulously woven during the reigns of Akbar and his successors, set the stage for the complex and multifaceted rule of his great-grandson, Aurangzeb. Aurangzeb's approach to governance, while more deeply rooted in Sunni Islamic tradition, also bore the imprints of Persian and Greek philosophies that

[342] Ibid, 174.
[343] Ibid, 173 – 174.
[344] Ibid, 175.

predated Islam.[345] His rule, particularly in its early years, was characterized by the continuation of diverse Mughal practices that had their roots in Hindu customs. For instance, he upheld the tradition of darshan, a Hindu ritual where the emperor appeared in the Jharoka (palace window) to be seen by his subjects, symbolizing his connection and responsibility to them. He also continued the ritual of being weighed against gold and silver on his birthdays, with the proceeds distributed among the poor, a practice that the Mughals had adopted during Akbar's reign.[346] These actions in the early part of his reign show a continuation of the Mughal tradition of synthesizing various cultural elements into their governance. In addition to these rituals, Aurangzeb maintained personal relationships with Hindu religious figures, reflecting a continuation of the Mughal practice of engaging with diverse religious communities. His engagement with and patronage of music, a cherished aspect of Mughal court life, also exemplified his initial adherence to the cultural traditions established by his ancestors.[347]

However, as his reign progressed, particularly in the second decade, Aurangzeb began to diverge from some of these traditions. He ceased appearing for the daily royal darshan in 1669 and also discontinued his birthday weighing. This shift marked a move away from the established traditions of Mughal court culture, and also entailed a departure from certain rituals with Hindu origins.[348] Despite these changes, Aurangzeb continued to embody aspects of Mughal tradition, such as holding formal court sessions daily and, at times, twice daily, where he

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[345] Audrey Truschke, "Introducing Aurangzeb," essay, in *Aurangzeb : The Life and Legacy of India's Most Controversial King* (Stanford, California: Stanford University Press, 2017), 1–16, https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=1519321&site=ehost-live, 10.
[346] Audrey Truschke, "The Grand Arc of Aurangzeb's Reign," essay, in *Aurangzeb : The Life and Legacy of India's Most Controversial King* (Stanford, California: Stanford University Press, 2017), 37–48, https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=1519321&site=ehost-live, 41.
[347] Ibid, 41- 42.
[348] Ibid, 43.

took pride in dispensing justice and often personally addressed petitions.[349] His adherence to the practice of consulting astrologers, a longstanding aspect of Mughal kingship, remained consistent throughout his rule Truschke highlights that in the 1690s, Italian traveler Gemelli Careri noted Aurangzeb's dependence on astrological advice for making decisions.[350]

Despite these changes at his court, Aurangzeb's actions inadvertently resulted in the dissemination of cultural practices to the courts of his sons and other Mughal nobles. For example, while Aurangzeb abstained from music, some of his sons enthusiastically sponsored musicians and musical treatises, leading to a significant production of Indo-Persian music treatises during his rule, surpassing the output of the previous five hundred years of the region's history. Similarly, painting, and Persian poetry continued to flourish, with Aurangzeb's own daughter, Zebunnisa, emerging as a notable poet. Aurangzeb's dismissal of Sanskrit pandits also led to a redistribution of talent to sub-imperial patrons. For instance, after losing his imperial stipend, Kavindracarya found employment in the court of Danishmand Khan, a Mughal noble, and assisted French traveler Francois Bernier. Shaysta Khan, Aurangzeb's maternal uncle and a noted patron of Sanskrit intellectuals, also contributed to preserving and promoting Sanskrit-related projects.[351] Furthermore, even in the later years of his reign, Aurangzeb's court was not entirely devoid of Hindu influences. Persian adaptations of Hindu texts, such as the Ramayana, continued to be dedicated to him, indicating the integration of Hindu culture into Mughal imperial life.[352]

[349] Ibid, 45-47.
[350] Ibid, 47.
[351] Ibid, 44.
[352] Ibid, 47.

Therefore, this evolution in Aurangzeb's rule demands a deeper analysis, particularly in the context of his policies towards non-Muslim communities. Historian Audrey Truschke's work plays a pivotal role in challenging the simplistic narratives of religious intolerance that often dominate discussions about Aurangzeb. In her examination of sources like the 'Maasir-i Alamgiri', a Persian chronicle written shortly after Aurangzeb's death, which depicts his reign from the viewpoint of Islamic conquest, Truschke uncovers a more complex picture of his rule. She advises against accepting these sources without scrutiny, noting that they often overstate or misrepresent Aurangzeb's deeds to align with the author's bias. Truschke specifically points out that while this text is a rhetorical gem, it tends to overemphasize the destruction of temples under Aurangzeb, suggesting a cautious approach to its claims.[353]

Contrary to the image of Aurangzeb as a relentless temple destroyer, the actual number of temples he ordered to be demolished is much lower than often cited. Truschke contends that contrary to popular belief, he did not massacre millions of Hindus or destroy thousands of temples, as commonly alleged. Truschke notes that those advancing the narrative of him being a prolific temple destroyer overlook Aurangzeb's measures that contradicted this narrative, such as his orders to protect Hindu temples, his allocation of stipends and land to Brahmins, and his consultations with Hindu ascetics. Notably, he also employed more Hindus in his administration than any previous Mughal ruler. Additionally, Truschke emphasizes that Aurangzeb's religious policies were not solely focused on Hindu practices such as celebration of Holi; he also imposed restrictions on Islamic celebrations, including Muslim observances of Eid and Muharram.[354]

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[353] Audrey Truschke, "Overseer of Hindu Religious Communities," essay, in *Aurangzeb : The Life and Legacy of India's Most Controversial King* (Stanford, California: Stanford University Press, 2017), 78–88, https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=1519321&site=ehost-live, 84.
[354] Audrey Truschke, "Introducing Aurangzeb," essay, in *Aurangzeb : The Life and Legacy of India's Most Controversial King* (Stanford, California: Stanford University Press, 2017), 1–16, https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=1519321&site=ehost-live, 8-9.

Richard Eaton, a leading authority on the subject, puts the number of confirmed temple destructions during Aurangzeb's rule at just over a dozen, with fewer tied to the emperor's direct commands.[355] This figure challenges the commonly held perception of widespread temple destruction under Aurangzeb's rule. However, it is crucial to note that the exact number of temples demolished or pillaged on Aurangzeb's orders is unknown and remains a subject of historical conjecture.[356] Moreover, Aurangzeb's approach to temple destruction was not an indiscriminate campaign against Hindus, but rather a calculated response to specific political situations. For instance, he ordered the demolition of the Vishvanatha Temple in Benares in 1669 and the Keshava Deva Temple in Mathura in 1670. Truschke suggests that these actions were taken to address political slipups by the temple's associates and to ensure their future obedience to the Mughal state. The temples involved had become centers of political dissent or opposition, posing a direct challenge to the authority of the Mughal Empire.[357]

Truschke also references the 'Brihatsamhita', a Sanskrit text possibly from the sixth century, which echoes the belief that unusual activities in religious structures like a Shiva lingam or temple indicated impending political turmoil, including the potential downfall of kings and their territories, underscoring the symbolic political power vested in religious icons. She further explains that based on this understanding, Hindu kings from as early as the seventh century targeted each other's temples not just for material gain but also as a strategic move in their power struggles. Their actions went beyond mere looting; they also involved the defiling of sacred images of deities like Durga, Ganesha, and Vishnu. These acts of desecration and destruction

[355] Audrey Truschke, "Overseer of Hindu Religious Communities," essay, in *Aurangzeb : The Life and Legacy of India's Most Controversial King* (Stanford, California: Stanford University Press, 2017), 78–88, https://search.ebscohost.com/login.aspx?direct=true&db=e000xna&AN=1519321&site=ehost-live, 83-85.
[356] Ibid, 83.
[357] Ibid, 85.

were at times celebrated in Sanskrit poetry commissioned by Hindu kings![358] Truschke argues that this practice was later adopted by Indo-Muslim rulers, including Aurangzeb. For these rulers, Hindu temples became legitimate targets for state action, especially when associated with political dissent or rebellion. This strategy was part of a broader historical pattern in which religious institutions were entangled in the political and military strategies of the Indian subcontinent. Truschke's work thus places Aurangzeb's actions within this long-standing tradition, highlighting the complex interplay of religion and politics in premodern India.[359]

Aurangzeb, like his predecessors, exhibited a multifaceted approach to religious institutions in his empire. This approach was characterized by a mix of tolerance, patronage, and at times, destruction, which was not solely based on religious considerations but often influenced by political and strategic factors. For instance, his farman to the Umanand Temple at Gauhati in Assam, confirming an earlier land grant and the associated right to collect revenue, demonstrates a continuation of the Mughal tradition of supporting religious institutions, regardless of their affiliation. Similarly, his directives to protect Hindu figures like Bhagwant Gosain in Benares and the allocation of land to Ramjivan Gosain for building houses for Brahmins and faqirs, along with the substantial land grant to Mahant Balak Das Nirvani of Chitrakoot to support the Balaji Temple, reflect a pattern of patronage that aligns with the broader Mughal policy of religious tolerance and support.[360]

Aurangzeb's 1672 decree, calling for the recall of all endowed lands granted to Hindus and reserving future land grants exclusively for Muslims, is often cited as a significant shift

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[358] Ibid, 85.
[359] Ibid,.
[360] Ibid, 81-83.

towards a more exclusive religious policy in his reign.[361] However, the implementation and impact of this order within the vast and complex administrative system of the Mughal Empire reveal a nuanced reality that goes beyond the actions of Aurangzeb as an individual ruler. Truschke argues that while the decree could have severely affected Hindu and Jain communities if fully enforced, historical evidence suggests a different reality. The decree's enforcement varied, particularly in remote areas, indicating it was more of a theoretical directive rather than a practical policy across the empire. For example, a Parsi family of physicians in Gujarat received confirmation of a land grant in 1702, defying the decree's implications and highlighting its limited influence. This inconsistency suggests that, despite its apparent intent, the decree's on-ground reality was often contradictory. Consequently, some modern historians propose that the 1672 order was largely a nominal measure, effectively unenforced in most parts of the empire, except in certain regions of the Punjab.[362]

While Aurangzeb was the emperor and the figurehead of the Mughal Empire, he was not the empire in its entirety. The empire's administrative apparatus was vast, diverse, and often operated with a degree of autonomy, especially in far-flung regions. This meant that even though a decree might be issued from the imperial center, its enforcement could vary greatly across different parts of the empire. In the case of the 1672 order, historical evidence suggests that its implementation was not uniform. For instance, in parts of Bengal, Mughal officers actually granted more endowed land to Hindus after this decree than before.[363] This disparity in enforcement indicates that the Mughal administrative system had its own dynamics, often influenced by local realities, traditions, and the practicalities of governance.

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[361] Ibid, 82.
[362] Ibid, 83.
[363] Ibid, 81-82.

The Rajamandala system, as discussed by Parasram in his examination of Sri Lanka, particularly in the context of the Kandyan kingdom, presents a fascinating parallel to the administrative workings of the Mughal Empire under Aurangzeb. This model, which originated in the Mauryan Empire between the fourth and second centuries BCE[364], emphasized a balance of power that was both concentrated and dispersed. It featured a central authority surrounded by satellite principalities and provinces, each mirroring the central structure on a smaller scale yet maintaining a degree of autonomy. In this model, the central power, though paramount, was not absolute in its operational reach, as the peripheries often exercised considerable self-governance.[365]

The non-application of the 1672 decree underscores a crucial aspect of Aurangzeb's reign and the Mughal Empire in general: the distinction between the emperor's decrees and their actual application across a vast and diverse territory. Aurangzeb, despite being the sovereign, had to navigate the complexities of an empire where local administrators had significant influence and where policies had to be adapted to the realities of each region. Thus, while the 1672 decree might be reflective of Aurangzeb's personal religious and political inclinations, does not fully encapsulate the varied and multifaceted nature of governance across the Mughal Empire. This insight into the implementation of Aurangzeb's 1672 order sheds light on the complexity of Mughal governance, illustrating how the emperor's authority, though extensive and paramount, was mediated by the realities of a vast administrative system. It reveals a more layered view of his reign, marked not just by the policies issued by the imperial center, but also by the diverse ways in which centrally issued policies were interpreted and applied throughout the empire.

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[364] Ajay Parasram, *Pluriversal Sovereignty and the State Imperial Encounters in Sri Lanka*, PDF (Cuddington: Manchester University Press, 2023), 9.
[365] Ibid, 109.

Furthermore, as indicated by A. Azfar Moin, even as late as the mid-19th century, the principle of 'sulh-i kull' profoundly shaped the disposition of Mirza Ghalib who is widely recognized as the last gentleman of the Mughal era and the preeminent poet in the Urdu language. Ghalib, as quoted in one of his epistles, considered the entirety of humanity as his kinfolk, perceiving individuals across religious backgrounds - Muslims, Hindus, Christians - as his brethren, irrespective of the prevailing societal views. His disciple and biographer, the distinguished poet Altaf Hussein Hali, posited that 'sulh-i kull' constituted the essence of Ghalib's philosophical and religious framework. [366]

The Mughal Translation Movement: Socio-Political Dynamics and Interfaith Discourse

During the Mughal era, there was a significant translation movement that saw many Hindu texts being translated into Persian**.** The Mughal emperor Akbar commissioned an extensive translation project, which included the conversion of the Sanskrit epic "Mahabharat" (Razm Nameh) into Persian. Mulla Abdul Qadir Badayuni and Shaikh Muhammad Sultan Thanesari, under the supervision of Nagib Khan, were responsible for carrying out this task. [367] Shaikh Abu' Fazl provided a scholarly introduction to the translated work. Additionally, Akbar instructed the translation of the "Harivansha Purana", a compendium of stories recounting the life of Shri Krishna and various other sages and kings, which was subsequently translated by Maulana Tabrezi. [368]

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[366] A. Azfar Moin, "Sulh-i Kull as an Oath of Peace: Mughal Political Theology in History, Theory, and Comparison," *Modern Asian Studies* 56, no. 3 (2022): 721–48, https://doi.org/https://doi.org/10.1017/S0026749X2100041X, 730.
[367] Muzaffar Alam and Sanjay Subrahmanyam, "Witnesses and Agents of Empire: Eighteenth-Century Historiography and the World of the Mughal Munshī," *Journal of the Economic and Social History of the Orient* 53, no. 1-2 (2010): pp. 393-423, 400-401.
[368] Ibid,.

The esteemed "Ramayana" was similarly translated into Persian. Under the patronage of Prince Dara Shikoh, other texts, such as those found in the "Kitab Bhagawat Jog Basisht", were translated by Shaikh Ahmad and his associates. Pandit Braj's "Singhasan Battisi", recounting the tales of Raja Bikramajit, was rendered into Persian as "Gul Afshan".[369] The "Padmavat" narrates the heroic exploits of Raja Ratansen of Chittor, who valiantly defended his queen's honor against Sultan 'Ala al-Din. [370] The genealogical account of ancient kings in the "Rajavali of Bidya Dharamsar", initially composed in Hindi, was translated into Persian by Sahu Ram, a disciple of Wali Ram. [371] Moreover, the comprehensive historical record of India's monarchs, as chronicled in "Rajatarangini" by Pandit Raghunach Kalhana, was translated into Persian by the erudite Maulana 'Imad al-Din. [372]

In his scholarly article, "Sufism as Medium and Method of Translation: Mughal Translations of Hindu Texts Reconsidered," Shankar Nair contests the prevailing notion that the Mughal "translation movement" was primarily a reflection of the tolerant disposition of emperors such as Akbar. [373] Instead, Nair posits that the impetus for these translations arose from pragmatic socio-political considerations. By examining the role of Sufism as a medium for translation, Nair elucidates the objective of highlighting the universal and shared elements between the two cultural communities. [374] This interpretation calls into question the tyrannical image imposed on the Mughals by the British and underscores the significance of intercultural cooperation in the historical context. Furthermore, the enthusiasm for collaboration between

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[369] Ibid,.
[370] Ibid,.
[371] Ibid,.
[372] Ibid,.
[373] Shankar Nair, "Sufism as Medium and Method of Translation: Mughal Translations of Hindu Texts Reconsidered," *Studies in Religion* 43, no. 3 (2014): pp. 390-410, 392.
[374] Shankar Nair, "Sufism as Medium and Method of Translation: Mughal Translations of Hindu Texts Reconsidered," *Studies in Religion* 43, no. 3 (2014): pp. 390-410.

communities illuminates the Mughal empire's nuanced approach to governance that encompassed embracing diversity and cultivating intercultural comprehension.

Conclusion

This chapter endeavors to provide a counter-analysis of the Mughal era, contesting the colonialist historiography that portrays Indian Muslims as invaders and oppressors. The widely held perception of Muslim rule as an "invasion" of foreign forces significantly overlooks the fact that the majority of the region's Muslims were not foreign invaders but were local peoples who converted to Islam from the lower Hindu castes.

Therefore, the notion of an 'invasion' becomes blurred when considering the demographic composition of the region's Muslim population. It is important to reiterate that the people who came to accept and adopt Islam have been residing in the subcontinent since time immemorial, and their conversion to Islam did not alienate them from their cultural roots or geographical origins. Exclusion or marginalization of these people based on their religious transformation makes little sense, especially when considering their longstanding history in the region.

By examining various historical accounts, the chapter seeks to highlight the fluidity of religious and social identities in pre-British South Asia and underline the critical interconnectedness between non-Muslim and Muslim communities. These analyses shed light on the socio-religious transformations that have taken place in the subcontinent, emphasizing the historical continuity and local roots of the region's Muslim community. The dichotomous narrative of 'invaders' versus 'natives' is therefore overly simplistic and fails to capture the complexities of the historical reality. Furthermore, this understanding underscores the deep interconnectedness between Non-Muslim and Muslim communities in India, which is a testament to the shared historical, cultural, and social experiences that have shaped the diverse religious landscape of the Indian subcontinent. This analysis disputes the marginalizing

narratives that strive to displace Muslims from their legitimate position in the region's historical tapestry and collective identity.

It delves into the role of Sufism, not solely as a mystical or esoteric movement, practice, or ideology, but as a facilitator of a universalist discourse that fostered the peaceful coexistence of diverse religious communities within the Mughal Empire. In a similar vein, it examines the translation movement commissioned by Mughal emperors as an illustration of intellectual and cultural exchange between Non-Muslim and Muslim scholars, thereby contributing to a mutual understanding of religious texts and traditions.

By discussing Prem Kishore Firaqi's attitude towards the Marathas and the social mobility of individuals such as Jugal Kishor, the chapter underscores the complexity of the Mughal era, which cannot be reduced to simplistic binaries of Muslim domination and Hindu subordination. Furthermore, an analysis of Chandar Bhan's case reveals the nuanced identities of individuals within the Mughal Empire, where the adoption of the Persian language and Sufi ideals did not undermine one's Hindu identity but, in fact, enriched it. Additionally, the chapter emphasizes the Mughal era's perception of Hind as a nexus of convergence, where diverse communities, including Rumis, Zangis, Firangis, Iranis, and Turanis, amalgamated and contributed to the collective identity of Hindustanis.

The primary objective of this chapter is to contest the colonialist narrative that has marginalized Muslims in South Asia by offering a more nuanced understanding of the Mughal period. By deconstructing the stereotypes and misconceptions perpetuated by colonialist thought, a more inclusive and accurate view of the historical realities shaping the Indian subcontinent can be fostered. It is essential to continue scrutinizing the multifaceted dynamics of the Mughal era and its legacy, as well as the impact of colonialist historiography on contemporary discourses

surrounding Indian Muslims. In doing so, we can work towards a more comprehensive understanding of the history that has woven the diverse and vibrant fabric of South Asia, ultimately contributing to a more inclusive, empathetic, and equitable future for all its inhabitants.

Chapter 4: Divide and Adjudicate - Contrasting British and Mughal Approaches to Law

This chapter delves into the complex legal aspects of the British Raj and its influence on South Asia, by examining the interactions between colonial authorities, existing legal structures, religious institutions, and cultural practices. It seeks to understand the transformative and lasting impacts of colonial rule on India's socio-legal fabric, focusing on the British administration's endeavors to refashion and superimpose religion-centric legal structures amidst the region's diverse social and religious milieu. In pursuit of this understanding, the chapter probes the British East India Company's tactical maneuvers to entrench their judicial dominion over Bengal's populace. This segues into a dive into the motives behind their exploration of Indology and Sanskrit studies. It argues that these disciplines, integral to colonial jurisprudence, represent what Bernard Cohn characterizes as the British 'conquest of knowledge'.[375]

Employing a comparative methodology, this academic discourse presents an evaluation of the Mughal and British colonial legal systems, spotlighting their distinctive legal paradigms. The significance of such an analysis is two-fold. Firstly, it enables an understanding of the legal milieu preceding the British administration. Secondly, it demarcates the adjustments engineered to align with British objectives. Together, it seeks to shed light on the region's remarkable socio-legal metamorphoses during this critical historical period.

Under the rule of the Mughal Empire, the legal system was deeply influenced by Islamic jurisprudence, with Sharia law constituting a crucial part of the legal structure. However, the Mughal administration was cognizant of the ethnically and religiously heterogeneous nature of

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[375] Bernard S Cohn and Bernard S Cohn, "The Command of Language and the Language of Command," essay, in *In Colonialism and Its Forms of Knowledge* (Princeton University Press, 1996), 16–56, 1.

their subjects and endeavored to implement a relatively inclusive and accommodating legal system. This system allowed for the coexistence of Islamic law with other customary and community-based legal traditions, embodying a unique amalgamation of religious law and local customs.

In contrast, the British East India Company, motivated by their strategic objective of establishing control over the Indian subcontinent, adopted a rigid and codified approach towards law and governance. In their quest to codify “Hindu” law, the British primarily relied on textual sources and their interpretations of Brahmanical sources, often neglecting or undermining the fluid and diverse living traditions that existed within the spectrum of what they clubbed together as Hindu jurisprudence. The creation of a homogenized Hindu law, while ostensibly aimed at simplifying governance, perpetuated, and entrenched existing caste hierarchies and divisions within local society.

This chapter commences with an exploration into the British discontent with the Vyavashta system. This legal framework, conceived and put into practice by the East India Company, was established as the sole judicial system for their newly acquired Hindu subjects in Bengal. The system was initially conceived as a substitute for the Sharia court of the Bengal Sultan that had operated under the inclusive Mughal principle of 'Permissive Inclusion', catering to the needs of all subjects. The discussion subsequently ventures into an analysis of British efforts to mitigate the influence of Brahmin Pandits, who were perceived as intentionally complicating the understanding of Hinduism to preserve their hegemony over their judicial system, thereby, maintaining it outside the British realm of control. This perceived 'complexity' was attributed to the Pandits' employment of complex Sanskrit religious manuscripts, which presented a challenge to the British. The inaccessibility and complexity of these texts for British

officials enabled the Pandits to preserve their localized authority, which was unacceptable to the colonizers, propelling them to seek mastery over the Sanskrit language and religious understanding to neutralize this 'obfuscation' of Hinduism.

The chapter also sheds light on the British demonization of the nominally Muslim Mughal state and the indispensability of this demonization in their quest to legitimize their colonial existence. It further delves into an examination of the pivotal role of British individuals, namely William Jones and Alexander Dow, in their attempts to standardize what they referred to as the "Brahmin faith." This endeavor eventually led to the creation of a British Code of Hindu Law exclusively for the East India Company's judiciary, which predominantly focused on Brahminism, reifying a dominant narrative that overlooked communities outside the Brahmanical sphere of influence.

The chapter also scrutinizes the nuanced dynamics between the British and the Brahmin Pandits, who were reticent to divulge their scriptural knowledge and power to the colonizer. This was a stark departure from the Mughal era that was marked by a robust and efficacious translation movement. The study aims to highlight the Orientalist endeavors of these British figures, particularly highlighting their integral role in molding the colonial interpretation of Hindu religion and law and their relentless efforts to systematize it in their own image. It seeks to underscore the Eurocentric ideologies that underpinned their quest for a "pure" form of Hindu law, culminating in the codification project in South Asia.

Finally, it offers an assessment of the Mughal state's approach to legal governance and religious freedom, contrasting it with the British viewpoint. Through the exploration of the Mughal's "permissive inclusion" of non-Muslims in Sharia law and the role of non-Muslim witnesses in Mughal courts, the differences in the legal systems of the two eras are emphasized. This aspect

of Mughal governance, although intended to enforce a degree of centralized control over judicial affairs, fostered a climate of religious plurality, local autonomy, and cultural diversity.

The Multifaceted Agenda of the British Raj: Extraction, Cultural Imposition, and Enlightenment Principles

The establishment of the British Raj, following the War of 1857 and the fall of the Mughal dynasty, marked a significant turning point in South Asia's history. Although the British role in the region had been a topic of debate since the 18th century, British liberals sought a more comprehensive purpose for their imperial presence beyond the East India Company's primary objective of profit extraction. They believed that the British should be justified in their imperial endeavors by focusing on improving the lives of the local population they governed, driven by both mercantilist ambitions and the values of the Enlightenment. [376]

The British aimed not only to exploit India economically but also to impose their cultural and religious beliefs on the local people. To achieve this, they implemented a series of legislative measures and strategies. The Charter Act of 1698 required the East India Company to transport missionaries to South Asia with the goal of converting the local population to Christianity. [377] Later, the Charter Act of 1813 reinforced the British commitment to shaping the various South Asian societies by placing the responsibility for education in the hands of Missionaries to be supported by the EIC as well as EIC itself, emphasizing the "revival" and modernization of the local population. [378]In Macaulay's notorious Minute on Education, the British Raj's broader

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[376] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 24.
[377] C Lloyd Thorpe, "Education and the Development of Muslim Nationalism in Pre-Partition India," *Journal of the Pakistan Historical Society* 13, no. 1 (1965): pp. 1-26, https://ezproxy.library.dal.ca/login?url=https://www.proquest.com/scholarly-journals/education-development-muslim-nationalism-pre/docview/1301919722/se-2, 12.
[378] Ibid, 15.

objectives were laid bare. The aim was to create "a class of persons Indian in blood and color, but English in tastes, in opinions, in morals, and in intellect," [379] forging a new generation of Indians who would be sympathetic to British rule and facilitate colonial administration.

The British Raj's agenda was multifaceted, transcending mere economic extraction to reveal a complex interplay of economic exploitation, cultural imposition, and the pursuit of Enlightenment ideals. Their presence in India was characterized by an attempt to reshape Indian society according to their vision, trying to impose British rigidity onto the fluid identities found in India, with the intent of state-building as opposed to nation-building. This endeavor arguably prefigured the later anti-colonial efforts of nation-forming, which sought to bring together these diverse identities under a unified Indian nation. However, the British Raj's lasting impact was marked by the profound changes they introduced to the 'state' they were attempting to piece together from a myriad of social and cultural fragments.

The British Raj's Legal System: Balancing Colonial Control and Local Customs

In pursuit of their objectives, the British presence in South Asia aimed to establish itself as a 'rational and just' force, with the discourse of organization serving as a fundamental expression of the colonial state. The British were intentional in their approach, and the organization of their 'system of law' in South Asia, as described by James Fitzjames Stephen, a legal member of the Viceroy's council from 1869 to 1872, was intended to be,

[379] Ibid, 20.

> …a moral conquest more striking, more durable, and far more solid, than the physical conquest which rendered it possible. It exercises an influence over the minds of the people in many ways comparable to that of a new religion. [380]

This legal system originated in the Mughal subah of Bengal, where the East India Company (EIC) had won Diwanee, or revenue collection rights, in 1757 following the Battle of Plassey. However, as the British were unable to govern the region themselves, they entered into a peculiar agreement with the Nawab of Bengal and, through him, the Mughal Emperor, to share in the exercise of sovereignty. [381]

The British-implemented legal system in South Asia was not entirely new but aimed to align British regulations and interests with local customs, values, and needs, while preserving traditional systems to minimize disruption. As Warren Hastings' 1772 plan presented to the EIC Court of Directors stated, the goal was to establish the Company's government in Bengal on a "most equitable, solid and permanent footing." [382]

Hastings' assurance was driven by the severe criticism the EIC faced in 1772, as it teetered on the verge of financial bankruptcy and requested a loan of over a million pounds from the British government. [383] In response, the Parliament declared that territories under Company rule suffered from a "total lack of justice or law or adequate protection of person or property." [384]

To address these issues, Hastings aimed to adjudicate Britain's newfound subjects through, "…the Manners and Understandings of the People, and the Exigencies of the Country,

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[380] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 26.
[381] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1181.
[382] Bernard S Cohn and Bernard S Cohn, "The Command of Language and the Language of Command," in *In Colonialism and Its Forms of Knowledge* (Princeton University Press, 1996), pp. 16-56, 26.
[383] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1181.
[384] Ibid,.

adhering as closely as we are able to their ancient uses and Institutions."[385] His emphasis on the "ancient" origins of local South Asian systems reflects the British Orientalist presupposition that South Asia was stagnant and unchanging, with the Hindus having possessed laws "unchanged, from remotest antiquity."[386]

Hastings' 1784 communique to Nathaniel Smith, chairman of the Court of Directors, further illustrates the British understanding of the relationship between knowledge and power:

> Every accumulation of knowledge and especially such as is obtained by social communication with people over whom we exercise dominion founded on the right of conquest, is useful to the state… it attracts and conciliates distant affections; it lessens the weight of the chain by which the natives are held in subjection; and it imprints on the hearts of our countrymen the sense of obligation and benevolence… Every instance which brings their real character [i.e., that of the Indians] home to observation will impress us with a more generous sense of feeling for their natural rights and teach us to estimate them by the measure of our own. But such instances can only be obtained in their writings: and these will survive when the British dominion in India shall have long ceased to exist, and when the sources which once yielded of wealth and power are lost to remembrance.[387]

It is clear that the British Raj's legal system was a deliberate attempt to establish a 'moral conquest' rooted in tradition, knowledge, and the quest for power, seeking to reconcile British interests with local customs while maintaining an appearance of rationality and justice.

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[385] Bernard S Cohn and Bernard S Cohn, "The Command of Language and the Language of Command," in *In Colonialism and Its Forms of Knowledge* (Princeton University Press, 1996), pp. 16-56, 26.
[386] Ibid,.
[387] Ibid, 45.

Navigating Legal Complexities: The British Raj and the Challenges of Adapting to South Asian Legal Systems

Hastings' promise to the Court of Directors of the EIC to establish a legal system in Bengal proved to be more challenging than anticipated. The British struggled to adapt to South Asian legal systems, which lacked the "regularity and uniformity" characteristic of British law. Instead of relying on texts as a source of authority, they found that a significant portion of the local population in Bengal depended on Pandits, scholars of the shastra, for civil matters. [388]

Additionally, the British faced local customs expressed through panchayats or assemblies in the resolution of disputes. Initially, they relied on the authority of Pandits to settle civil matters involving "Hindus," considered by British officials and Scottish Orientalists such as Alexander Dow as "the followers of the Brahmin faith." [389] Dow wrote against the "popular prejudice" demonstrated by non-British Catholic missionaries against the beliefs of the 'Hindoos', opining that the Brahmins believed in the "unity, eternity, omniscience and omnipotence of God."[390] Meanwhile, criminal matters continued to be arbitrated through the Nawab of Bengal's court. [391]

The Bengal Famine of 1769-70 strained the already uneasy relationship between the EIC and the Nawab of Bengal, who could not meet the impractical British demands for revenue. Blaming the Nawab's officers for the worsening situation, the EIC appointed officials known as 'supervisors' in 1769 to oversee them. Srivastava argues that Company supervisors found the

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[388] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1183.

[389] Alexander Dow and Alexander Dow, "A Dissertation Concerning The Origin And Nature Of Despotism In Hindostan," in *The History of Hindostan*, 1779, p. viii-xxxvii, http://name.umdl.umich.edu/004858003.0001.000, xxxv.

[390] Jessica Patterson and Jessica Patterson, "Alexander Dow and the Hindoo Shasters," in *Religion, Enlightenment and Empire: British Interpretations of Hinduism in the Eighteenth Century* (Cambridge, United Kingdom: Cambridge University Press, 2022), pp. 113-154, 116.

[391] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1182.

adjudication of Non-Muslims through the Islamic Law courts of the Nawab problematic, contending that the "life and property of the 'Gentoos' had been endangered" ever since the conquest of the region by Muslims. [392] The Nawab vehemently opposed British attempts to "restore the laws and the customs (of the people they saw as "Gentoos" as the time)", arguing that law in the region was largely arbitrated through custom and tradition that had evolved over a protracted period of time through social acceptance and practice. [393]

Syed Muhammad Reza Khan, the Naib Nazim and Naib Diwan of Bengal from 1765 to 1772, clearly articulated that the personal law system being produced by the British (who claimed continuity with the Mughals) was neither legitimate nor derived from tradition. [394] Instead, he noted,

> That from the first propagation of the faith, the power of deciding the disputes and controversies has been vested in the Mussulmen. Brahmins never having been appointed for the trial of Hindoos, many of whose disputes are settled agreeable to the Mahommedan laws, and others such as relate to the customs of their cast [sic], their rules of society and the like after being referred to the arbitration of Bramins [sic] and people of their own cast (sic] are ultimately decided by the Mussulmen.[395]

Khan challenged the notion of compulsory arbitration, stating that not all "civil" disputes were suitable for arbitration. He stated that –

> The Disputes and Contests of Parties are of various kinds. Such of them as fall under the Cognizance of the Magistrate are enquired into by People acquainted with the laws of

[392] Ibid,.

[393] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1182.

[394] Nandini Chatterjee, "Reflections On Religious Difference And Permissive Inclusion In Mughal Law," *Journal of Law and Religion* 29, no. 3 (2014): pp. 396-415, https://doi.org/10.1017/jlr.2014.20, 398.

[395] Ibid, 412.

> religion and the precepts of commentators, after which they are ultimately decreed by the Magistrate. Others of nature fit for arbitration are adjusted by that Mode and the decree made out accordingly and now if People who have causes to settle can adjust them by arbitration it is a mode highly eligible. [396]

Khan also offered critical insights into the inherent diversity within the "sect of Gentoos,"[397] the demographic for which the British endeavored to create a unified legal system. He observed that, "Each separate tribe has its own distinct customs and laws,"[398] effectively encapsulating the vast diversity and localized nature of legal and societal norms in Bengal. This heterogeneity, as underscored by Khan, extended to core legal tenets, such as inheritance rights, where the variations amongst different communities highlighted the impracticality and folly of enforcing a monolithic legal system.[399] The British, with their homogenized legal tradition, faced a complex array of judicial and dispute resolution practices, each deeply rooted in its unique cultural and religious backdrop, which they largely chose to overlook in pursuit of their colonial objectives. Khan further critiqued the British methodology, particularly their heavy reliance on Brahmin law, which contrasted sharply with the region's established legal customs. He pointed out that previous emperors had eschewed appointing Brahmins to assist magistrates, thereby underscoring the disconnection between the British approach and the traditional legal practices of the area, contradicting British claims of restoring local law.[400] Despite Khan's objections, his appeals were ignored, the British persisting in their legal project.

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[396] Ibid,.
[397] Ibid, 413.
[398] Ibid,.
[399] Ibid,.
[400] Ibid,.

Divide and Adjudicate

Despite Reza Khan's objections, the British, particularly Hastings, maintained that the legal system in South Asia should be organized through two distinct codes—Hindu and Muslim[401] —based solely on religious differences. Hastings accused the Nawab's "Muslim" government and administration of obstructing the distribution of justice by applying Islamic law to their non-Muslim, "Gentoo" subjects. [402] Furthermore, Hastings extended his criticism to the former Muslim rulers of South Asia, claiming that their "intolerant principles" led them to systematically disparage the religion of their non-Muslim subjects. [403]

Hastings argued that it was essential to codify the laws of the non-Muslim population in Bengal, as providing true justice would be impossible without this codification. [404] Srivastava contends that the categorization of non-Muslims under the singular "Gentoo" label solidified religious and legal identities for South Asians in a way that had not previously existed. [405]

Zavos posits that British Orientalist scholars, in their efforts to comprehend a religion they found challenging, imposed their own ideals onto it by fabricating a distorted and idealized version of Aryan society. They perceived the religion's ancient texts as the ultimate representation of this supposed "Golden Age." [406] According to Zavos, this outlook led not to the linking of South Asian and European civilizations but rather to a separation of modern

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[401] Bernard S Cohn and Bernard S Cohn, "The Command of Language and the Language of Command," in *In Colonialism and Its Forms of Knowledge* (Princeton University Press, 1996), pp. 16-56, 26-27.
[402] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1182.
[403] Bernard S Cohn and Bernard S Cohn, "The Command of Language and the Language of Command," in *In Colonialism and Its Forms of Knowledge* (Princeton University Press, 1996), pp. 16-56, 45.
[404] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1182.
[405] Ibid, 1183.
[406] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 32.

Brahminic practices from their historical counterparts. [407] He maintains that this necessitated portraying contemporary Brahmanism as a degenerate, debased form, filled with superstition and idolatry, and indicative of the decline of indigenous society. [408]

Srivastava asserts that the British motivation for dividing law based on religion was directly connected to their pursuit of power and legitimacy in the region. By delegitimizing the erstwhile Muslim rulers of South Asia and instilling a sense of "imagined" injustices in the non-Muslim consciousness, the British presented themselves as saviors of the 'true' form of Hindu religion by restoring their long-lost liberties.[409] This strategy effectively served to justify their colonial rule in the eyes of the non-Muslim population they sought to govern.

Coding the "Other": The British Conquest of Sanskrit and Codification of Hindu Law

The vyavashta system granted the authority to pronounce judgment exclusively to the Pandits, circumventing the oversight of the British East India Company. Dissatisfied with the Pandits' localized power, Company officials took steps to limit their authority. [410] They believed that the Brahmin Pandits had intentionally obscured Hinduism in order to preserve their power. The British perceived Sanskrit as a "secret language invented by the Brahmins"[411] and sought to conquer it to liberate themselves from their dependence on what they considered to be inherently corrupt Natives. They had achieved this a few decades earlier by acquiring knowledge of Persian, eliminating the need to rely on the "akhunds, munshis, and kayasthas." [412]

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[407] Ibid, 33.
[408] Ibid,.
[409] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1185.
[410] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 31.
[411] Bernard S Cohn and Bernard S Cohn, "The Command of Language and the Language of Command," in *In Colonialism and Its Forms of Knowledge* (Princeton University Press, 1996), pp. 16-56, 25.
[412] Ibid, 29.

The desire to adjudicate the Native population emerged as one of the driving forces behind the study of Indology, particularly Sanskrit. In 1783, William Jones was appointed to the Calcutta Supreme Court and became one of the first British officials to master Sanskrit. He aimed to codify the "Brahmin faith" and create a British Code of Hindu Law for the British judges of the East India Company. [413] Jones mistrusted South Asian scholars' interpretations of their own traditions and wanted to ensure that they could not "deal out Hindu law as they please." [414]Dissatisfied with N.B. Halhead's Gentoo Code of 1776, Jones, assisted by Charles Wilkins, endeavored to translate the "Institutes of Manu" from Sanskrit, which was to become the first English version of the Manu-smriti. [415]

In fact, the conquest of Sanskrit had been initiated by Halhead, who had unsuccessfully attempted to acquire a working knowledge of Sanskrit in 1778. He argued that the "English masters of Bengal" needed to promote a language system that would serve as the "medium of intercourse between government and its subjects, between the natives of Europe who are to rule, and the inhabitants of India who are to obey." [416]It is crucial and intriguing to note that Jones' efforts were hindered by the refusal of Brahmin Pandits to assist him in translating Manusmriti from the original Sanskrit. Early in his quest for the Hindu Code, Jones and his British colleagues had to rely on Mughal Era Persian translations of Brahmin Law, which they curiously obtained from a Muslim Judge, Ali Ibrahim Khan from Banaras. [417]

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[413] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 32.
[414] Bernard S Cohn and Bernard S Cohn, "The Command of Language and the Language of Command," in *In Colonialism and Its Forms of Knowledge* (Princeton University Press, 1996), pp. 16-56, 30.
[415] Edward W. Said, *Orientalism* (New York: Vintage Books, 2004), 78.
[416] Bernard S Cohn and Bernard S Cohn, "The Command of Language and the Language of Command," in *In Colonialism and Its Forms of Knowledge* (Princeton University Press, 1996), pp. 16-56, 30-31.
[417] Ibid, 26-28.

Apart from the British belief that Brahmins concealed their knowledge, Srivastava offers another explanation for the Brahmin's unwillingness to share their scriptural knowledge and authority with the British. He posits that the Brahmins, referred to as "men of law" by Europeans, opted not to participate in the Company's project because they were aware of the variations in local customs and the limitations of their orally based Brahmanical laws. [418]

The understanding of Hindu religion origins by Alexander Dow and Jones was rooted in the language and ideas of 18th-century 'rational' religion, a concept deeply rooted in the European enlightenment ethos. [419] This intellectual movement, marked by an emphasis on reason and empirical evidence, significantly influenced British religious thought. It emerged as a response to what was perceived as the dogmatism and superstition of traditional religious practices, advocating for a religion compatible with Europe's newfound rational and scientific understanding.[420]

In this context, Dow and Jones's approach to Hinduism was marked by a distinct Eurocentric bias, often viewing non-European beliefs through a lens of skepticism and superiority. Their analysis and codification efforts assumed that a 'rational' essence of Hinduism could be distilled from its practices and texts, disregarding the complex, multifaceted nature of Hindu religious life. Furthermore, the sources for both Jones and Dow were tenuous at best, with Dow relying on an unidentified character he called "his pundit." [421] Dow believed it was crucial

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[418] Sushil Srivastava, "Constructing the Hindu Identity: European Moral and Intellectual Adventurism in 18th Century India," *Economic and Political Weekly 33* 33, no. 20 (1998): pp. 1181-1189, 1183.
[419] Jessica Patterson and Jessica Patterson, "Alexander Dow and the Hindoo Shasters," in *Religion, Enlightenment and Empire: British Interpretations of Hinduism in the Eighteenth Century* (Cambridge, United Kingdom: Cambridge University Press, 2022), pp. 113-154, 117.
[420] John Spurr, "'Rational Religion' in Restoration England," *Journal of the History of Ideas* 49, no. 4 (1988): 563–85, https://doi.org/10.2307/2709674.
[421] Jessica Patterson and Jessica Patterson, "Alexander Dow and the Hindoo Shasters," in *Religion, Enlightenment and Empire: British Interpretations of Hinduism in the Eighteenth Century* (Cambridge, United Kingdom: Cambridge University Press, 2022), pp. 113-154, 126.

to establish a code of law for Hindus, attributing the loss of the pure tenets of rational Hindu religion to the 'influence of superstition and priestcraft.'[422] He considered the "more ignorant Hindoos" to be those who followed popular customs such as venerating local deities. [423]Jones' Eurocentric view that a "pure" form of Hindu law could be discovered in written texts, rather than collective memory, guided his endeavor to codify and distinguish it from the supposed scheming of the Pandits. This belief also played a role in the British codification project in South Asia.

Indeed, the 'Brahmin Faith' was prominent, as Brahmins in Bengal held numerous employment opportunities within the colonial state, including positions as "clerks, teachers, and lawyers." [424] They also constituted a significant portion of the landowning class, disproportionate to their population size. Seal notes that "one Brahmin in five lived on rents from land, and one in twelve was a manager of a zemindari estate or a landlord's agent." Moreover, when Bengali Brahmins engaged in farming, they employed lower caste labor rather than performing manual labor themselves. [425]

The text translated by Jones and Wilkins emphasized and reinforced the caste order, particularly the subordinate position of the Sudras or Untouchables (once-born) in relation to the Upper Castes (twice-born). [426] For instance, the text states that “A once-born man (a Sudra) who insults a twice-born [Brahmin] man with gross invective shall have his tongue cut out, for he is of low origin (VIII/270).” Conversely, it advises kings and administrators to "never slay a

[422] Ibid, 136.
[423] Ibid, 137.
[424] Anil Seal, *The Emergence Of Indian Nationalism: Competition and Collaboration In The Later Nineteenth Century* (London: Cambridge, 1968), 39.
[425] Ibid, 39.
[426] Shoba Sharad Rajgopal, “Dalit/Black Solidarity: Comrades in the Struggle for Racial/Caste Justice,” *South Asian Popular Culture* 19, no. 1 (February 2021): pp. 81-86, https://doi.org/10.1080/14746689.2021.1884176, 81.

Brahmana, though he has committed all (possible) crimes; let him banish such an (offender), leaving all his property (to him) and (his body) unhurt." (VIII/380). These texts underscored and legitimized the pre-existing caste hierarchies and social disparities, which deeply influenced the subsequent development of British Indian society and its legal traditions. The caste system's deeply embedded nature may have been a contributing factor to the British desire for systemization, as they aimed to impose their own structure on a fluid and complex socio-religious landscape.

The British found themselves navigating through a web of religiously enforced social hierarchies that were inherently counter to their objective of establishing a uniform, fair legal system. Yet, it's noteworthy that their efforts in translating and understanding these codes, despite their partiality, laid a foundation for later legal and social reform efforts in colonial and post-colonial India. The British attempt to reconstruct and organize what they perceived as the "Original Code" of the Native population sparked an increased interest in Sanskrit studies among British officials during the 18th century.[427] The Sanskrit College, founded in 1791 in Banaras, India, placed particular emphasis on the study of the Dharmashastras for this purpose. [428] Nita Kumar points out that until 1844, the school was "run by Brahmins according to their own ideas." The first British Principal, J. Muir, replaced Rajaram Shastri, a respected Kashi scholar appointed as the judge of Azamgarh district due to his knowledge of the Dharmashastras. On February 10, 1845, during his address to the students of the newly rechristened Benares College, J. Muir emphasized the importance of appreciating the richness of Sanskrit learning and its diverse branches of knowledge. Kumar observes that Muir cited the names of esteemed scholars

[427] John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2000), 32.
[428] Nita Kumar, "Sanskrit Pandits and the Modernization of Sanskrit Education in the Nineteenth to Twentieth Centuries," in *Swami Vivekananda and the Modernization of Hinduism*, ed. William Radice (Delhi: Oxford University Press, 1998), pp. 36-60, 52.

in his address, "to prove the native genius and independent civilization of your countrymen in the most ancient times when most countries which are now the foremost in Europe were still peopled by barbarous tribes." However, Muir's appeals to students' patriotism for motivation were not entirely benign. His successor, Dr. Ballantyne, who led the institute from 1846 to 1861, not only aimed for the "formation of a class of Pundits" but also desired to have their minds "tinctured with European habits of feeling."[429]

Mughal Approach to Law and Religious Freedom: A Contrast to the British View

(In this page extracted from Walters manuscript W.649, the Mughal Emperor Akbar is portrayed trying to discourage a young Hindu girl from performing sati, a ritual of self-immolation.)[430]

[429] Ibid,.

[430] Muhammad `Ali Naqqash Mashhadi, Ibn Sayyid Ibn Sayyid Murad al-Husayni, and Muhammad Riza Naw'i Khabushani , "Llustration: Young Hindu Girl Before the Mughal Emperor Akbar, 1068 AH," In this folio from Walters manuscript W.649, the Mughal Emperor Akbar attempts to dissuade the young Hindu girl from committing sati (self-immolation)., 1657, The Walters Art Museum, Acquired by Henry Walters, W.649.16A, Henry Walters,

In comparison to the extensively documented British era, the Mughal period has relatively scarce literature regarding its legal governance, thereby rendering comparative analyses somewhat strenuous. Nevertheless, the scant information that is available provides substantial insights. During the Mughal era, the state delegated legal matters, particularly in civil cases, to traditional, community-based institutions.[431] Madhu Kishwar argues that the implementation of British rule signified an unparalleled departure from historical traditions. Before this period, no governing powers had attempted to interfere with the internal affairs of the 'jati' or 'biradari' organizations belonging to various communities, regardless of the extent of changes imposed at the highest levels. For example, under Mughal rule, Islamic law explicitly acknowledged the conventional, community-centered institutions for dispute resolution. The Mughal court maintained exclusive authority in cases they deemed as crimes against the rulers and in fiscal administration. The majority of familial and kinship conflicts were not presented to Mughal officials as the guidelines for resolving disputes varied significantly across castes and regions.[432]

Corinne Lefevre highlights Jahangir's "remarkably neutral" attitude towards non-Muslim faiths and social practices.[433]. Concurrently, Spear contends that classical Hindu and Muslim “ideas of government" advocated for non-interference.[434] Nandini Chatterjee posits that the Mughal concept of religious freedom differed from the British understanding, which viewed

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Baltimore [date and mode of acquisition unknown], Safavid Iran, https://library.artstor.org/#/asset/AWALTERSIG_10313536168.

[431] Madhu Kishwar, “Codified Hindu Law: Myth and Reality,” *Economic and Political Weekly* 29, no. 33 (1994): pp. 2145-2161, http://www.jstor.org/stable/4401625, 2145.

[432] Ibid, 2145.

[433] Corinne Lefèvre, “The Majālis-i Jahāngīrī (1608-11): Dialogue and Asiatic Otherness at the Mughal Court.,” *Journal of the Economic and Social History of the Orient* 55, no. 2-3 (2012): pp. 255-286, 277.

[434] Percival Spear, “The Mughals and the British,” in *A Cultural History of India*, ed. Arthur Llewellyn Basham (New Delhi, India: Oxford University Press, 2018), pp. 348-364, 360 and Ramanathan Suntharalingam, *Indian Nationalism: An Historical Analysis* (Sahibabad: Vikas, 1983), 53.

religious freedom as a collection of rights granted by the state to a well-defined set of religion-based laws, each with equal authority. In contrast, the Mughal perspective was founded on a formal commitment to the superiority of Islam as the source of law, carried out through a permissive and inclusive legal culture that attracted litigants with its accessibility and effectiveness.[435] The qadi's courts, operating under Islamic law, coexisted with community tribunals and assemblies, such as Brahmin councils and local village bodies, which often followed local customs and laws. This coexistence was not merely parallel but interacted in various ways. For example, non-Muslims frequently utilized the notarial functions of the Mughal qadi for legal documents such as leases, sales, and gifts, irrespective of their religious affiliation.[436]

Chatterjee's research highlights the challenge in obtaining a detailed understanding of the operations of various community institutions within the Mughal legal framework, due to scarce sources. This is evident in the case of the Julfan Armenian merchant's tribunals and local assemblies (jumiats), which illustrate autonomy and self-regulation but leave the specifics of their decision enforcement unclear.[437] In a case involving Gujarati Jain merchants, Emperor Shah Jahan demonstrated the Mughal Empire's adroit management of communal differences. The merchants approached him with complaints against orthodox Jain practices. Shah Jahan's response, while seemingly neutral, subtly favored the majority Jain customs. Intriguingly, he framed his decision within Islamic law, declaring that marriages and communal dining should proceed only with mutual consent, as per Sharia.[438] His decision demonstrates an instance of the

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[435] Nandini Chatterjee, "Reflections On Religious Difference And Permissive Inclusion In Mughal Law," *Journal of Law and Religion* 29, no. 3 (2014): pp. 396-415, https://doi.org/10.1017/jlr.2014.20, 414.
[436] Nandini Chatterjee, "Courts of Law, Mughal," essay, in *Encyclopaedia of Islam, THREE*, ed. Kate Fleet et al. (Novanet; Leiden: Brill, 2019), http://dx.doi.org/10.1163/1573-3912_ei3_COM_25171.
[437] Ibid,.
[438] Ibid,.

Mughal strategy of respecting local customs while maintaining Islamic law's nominal supremacy, skillfully balancing religious and cultural diversity within their governance framework.

The operations of village-level councils (panchayats) during the Mughal era are less documented, providing only a fragmented view of their role. Similarly, documentation on Brahmin assemblies in Banaras and the Marathi-speaking areas under the Bijapur Sultanate, though insightful, is limited and region-specific.[439] These examples highlight the diversity of legal practices but also the lack of comprehensive evidence on their continuity under Mughal rule. While the explored existing sources shed light on the pluralistic nature of the Mughal legal system, they also reveal a significant gap in historical understanding due to the scarcity and fragmentation of evidence, making it difficult to fully grasp the dynamics of community and state legal bodies in that period.

Despite the challenges in fully documenting the varied legal practices under Mughal rule, one clear aspect emerges: the Mughal approach was not only inclusive but also adaptive, integrating Islamic law with the diverse traditions of its non-Muslim subjects. This adaptive approach is further elucidated when considering the broader context of Mughal governance. The Mughal approach facilitated the coexistence of Islamic law with local customs, and other community-oriented traditions, thereby engineering a framework capable of effectively managing communal variations. Specifically, the Mughal governance, while rooted in Islamic law, did not disregard, or supersede pre-existing community legal norms. Instead, it worked in harmony with these systems, with a particular focus on civil and familial matters. Therefore,

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[439] Ibid,.

Hindu communities were accorded the autonomy to persist with their established legal practices, overseen by Brahmin priests or caste councils, in their internal dealings.[440]

The juxtaposition of multiple legal systems under Mughal governance yielded several positive outcomes. Firstly, it fostered a level of self-governance within communities. By allowing communities to adhere to their traditional customs and norms in legal matters, the Mughals demonstrated respect and recognition for communal diversity. Furthermore, it minimized the prospect of communal discord, as disputes could often be resolved within communities based on accepted rules and norms.

Secondly, although Mughal legal culture was permissive, it did not permit local customs to rationalize what it perceived as injustices or wrongdoings. The Mughal administration retained the prerogative to intervene in such scenarios, invoking Islamic law or the imperial decree as necessary to ensure equitable treatment of all subjects. Under Emperor Akbar, the Mughal state intervened not only in matters concerning Muslim constituents but also endeavored to safeguard individuals from certain traditional local customs such as sati, effectively prohibiting the coercive immolation of widows.[441] A compelling illustration of this nuanced approach is found in a Mughal miniature now dubbed as Walters manuscript W.649, which depicts Emperor Akbar attempting to dissuade a young Hindu woman from committing sati. The illustration underscores the Emperor's respect for the woman's autonomy and choice, revealing his reluctance to exercise state power to deprive her of her agency, despite his personal disagreement with her decision for self-immolation.

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[440] Nandini Chatterjee, “Reflections On Religious Difference And Permissive Inclusion In Mughal Law,” *Journal of Law and Religion* 29, no. 3 (2014): pp. 396-415, https://doi.org/10.1017/jlr.2014.20, 405, 413.
[441] Shadab Bano, “Keeping Women under Subjection: Laws and Norms in Mughal India,” *Studies in People’s History* 7, no. 2 (2020): 129–36, https://doi.org/10.1177/2348448920951517, 133-134.

Adopting a comparable stance, Emperor Jahangir conveyed substantial distaste towards the practice of widow immolation yet stopped short of imposing an outright prohibition. However, Shadab Bano highlights an intriguing adaptation of the Hindu tradition of Sati by the Muslims of Rajaur (present-day Rajauri in Kashmir), which involved the interment of wives with their deceased husbands during Jahangir's reign. The Emperor reacted to this practice with legislative assertiveness, issuing an explicit ban and prescribing capital punishment for violators, potentially due to their 'Muslim' identity, which thereby fell under the purview of Islamic regulations.[442] This adaptation offers an intriguing commentary on the complex interplay of religion and cultural practices, demonstrating how individuals who had likely converted to Islam retained practices entrenched in their local cultural fabric, reinterpreting a custom typically associated with Hinduism. This situation offers a rich testament to the fluidity of cultural identities and the resiliency of local traditions, even in the face of religious conversion.

Nonetheless, it is imperative to acknowledge that the measures implemented for the protection of women remained intrinsically restricted, perennially influenced by prevailing societal standards and entrenched male-centric paradigms. Familial prerogatives to dictate their daughters' matrimonial prospects were deemed inviolable. In such circumstances, the Mughal state seemingly undertook the role of a custodian, obligated to validate, and reinforce patriarchal dominance over women. Bano cites Badauni to claim that as a consequence, in situations where a Hindu woman autonomously chose to marry a Muslim man and converted to Islam, the state held the authority to demand her forcible extraction from her spouse and her subsequent reinstatement into her birth family.[443]

[442] Ibid, 134.
[443] Ibid,.

It is worth noting that rather than unequivocally aligning with the Muslim man, the state opted to respect the primacy of the woman's original family. This conduct underscores a conscious attempt to maintain a degree of religious impartiality and equitable resolution, thereby illuminating the unique ethos embedded within the Mughal administrative framework during that era. However, it is crucial to concede that such a system, when examined through the lens of contemporary norms, could be perceived as oppressive and significantly detrimental to women's autonomy. Despite this, it provides an intriguing window into the Mughal legal culture, unveiling a remarkable level of impartiality and resistance to favoritism, especially given the diverse and stratified religious landscape of the time. Through these subtle and nuanced maneuvers, the Mughal legal structure managed to strike a delicate balance between accommodating communal autonomy and upholding what were the bedrock principles of justice in its eyes, consequently amplifying its appeal and functional efficacy.

Chatterjee argues that "the Mughals, their officials, and their subjects did not conceive of law as divided up into several religion-based jurisdictions."[444] She maintains that law in Mughal India was characterized by widespread "permissive inclusion" into sharia, wherein non-criminal cases, the Qazi's courts were open to all Mughal subjects but did not require their participation. Chatterjee attributes this to an inclusive interpretation of sharia that gained popularity for various practical reasons. As a result, non-Muslims were attracted to the courts of the imperially appointed Qazis (Islamic judges).[445] It does indeed seem plausible that locals, including Brahmins, may not have been fundamentally troubled by the centralization of Islamic law. The nature of polytheistic traditions, often allows for a more flexible, inclusive approach to divinity,

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[444] Nandini Chatterjee, "Reflections On Religious Difference And Permissive Inclusion In Mughal Law," *Journal of Law and Religion* 29, no. 3 (2014): pp. 396-415, https://doi.org/10.1017/jlr.2014.20, 396.
[445] Ibid,.

potentially accommodating monotheistic concepts without significant internal conflict. The inherent adaptability and plurality of Dharma may have served as an underpinning mechanism allowing for its coexistence with the Mughal's Islamic legal system. The concept of Dharma, which delineates social and ethical duties specific to an individual's societal status and occupation, as well as universally applicable ethical principles, provides a flexible moral framework. Not being a rigidly monolithic code, it could evolve in response to changes in the socio-historical context.[446] This characteristic, coupled with the local societal norms of recognizing and respecting cultural and regional differences, may have facilitated a level of reconciliation and even accommodation with the centralization of Islamic law under Mughal rule. The hierarchical stratification inherent in the caste system, frequently rationalized via the principles of Dharma, juxtaposes sharply against the egalitarian premise of Islamic jurisprudence, which theoretically endorses universal equality. Hence, it necessitates a comprehensive scholarly examination to elucidate the intricacies involved in this dynamic interface and comprehend its ramifications on the larger paradigm of religious and jurisprudential cohabitation during the period of Mughal rule.

Chatterjee refers to Mouez Khalfaoui's research on Islamic jurisprudence in South Asia, which demonstrates that during the seventeenth century, religious scholars appointed by the devout Mughal emperor Aurangzeb 'Alamgir to compile a collection of *fatwas* made deliberate selections between the sources of Fiqh they used. They chose older, Iraqi compilations over newer Central Asian ones to find precedents from what was once a predominantly non-Muslim environment.[447]

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[446] Anand C. Paranjpe, "The Concept of Dharma: Classical Meaning, Common Misconceptions and Implications for Psychology," *Psychology and Developing Societies* 25, no. 1 (2013): 1–20, https://doi.org/10.1177/0971333613477302, 2-9.
[447] Ibid, 401.

Chatterjee also emphasizes Alam's work, which, like Kinra, suggests that instead of viewing religious tolerance in pre-modern India as a result of sharia being modified or replaced by other codes such as Adab (good manners), focus should be placed on the fact that sharia had other widely accepted interpretations beyond the legal sphere. It came to represent justice in a broader sense, particularly in three groups of Persian language writings: Akhlags (ethical texts), Maktubat (letters), and Malfuzat (conversations) of Sufi saints; and Shairi (court poetry). Alam credits both ideological consistency and a significant legal role to the Mughal state and proposes that a "transcendent, non-sectarian idea of justice became dominant in the Mughal polity," persisting even during periods considered more sectarian, such as Aurangzeb Alamgir's reign. [448]

From this viewpoint, Mughal Law departed from traditional Sunni interpretations of "Islamic Law" or Sharia on numerous issues. The Empire implemented a policy of non-interference in the customs of its non-Muslim subjects. One example is the case of a poor Bengali Muslim villager imprisoned by a Shiqdar (local official) for killing a peacock to feed a Portuguese Augustinian friar during Emperor Akbar's reign. The friar's theological argument about the permissibility of peacock meat was disregarded, as the official claimed to enforce the emperor's decree, which considered the killing of peacocks' offensive to the non-Muslim population.[449] Another deviation from traditional Sunni Sharia is Emperor Aurangzeb Alamgir's 1690 Farman, which turned all grants of subsistence (charitable trusts) into inheritable property. [450]

[448] Ibid, 402.
[449] Ibid, 405.
[450] Ibid,.

Chatterjee's reference to Farhat Hasan's research offers a different perspective on the impact of Islamic rule in India, particularly with regard to women's rights. Contrary to colonial historian Henry Whitehead's claim that:

> Muhammadanism has done little to advance the civilization of India, and on the whole has been a demoralizing influence. It has distinctly lowered the position of Women[451]

Chatterjee highlights Hasan's findings, which show that some women of commercial Hindu castes found the Islamic legal system to be more favorable than the Hindu legal system in matters of inheritance.

Whitehead contended that,

> The seclusion of women dates from the Muhammadan conquest. The Hindus were compelled to follow the example of the Muhammadans in this respect in order to protect their women from the lust of the conquerors.[452]

Chatterjee, however, points to Hasan's research, which challenges this assertion. For instance, when a Hindu merchant died in Ahmedabad, his two sons and one daughter approached the Qazi's court for their inheritance dispute. As a result, the daughter was awarded a one-fifth share under Islamic law, whereas she would have received nothing under any school of local law.[453]

Chatterjee underscores the significant presence of non-Muslim witnesses in Mughal courts, which also functioned as registrars, as evidenced by 6,000 Persian language documents from the National Archives of India. She also cites the example of a Brahman woman named Goran, daughter of Parasram, who opted to record the transfer of a house to Hari Ram Byas in

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[451] Henry Whitehead, *Indian Problems in Religion, Education, Politics* (London: Constable & Co., Ltd., 1924), https://hdl.handle.net/2027/uc1.$b49752, 50.
[452] Ibid,.
[453] Nandini Chatterjee, "Reflections On Religious Difference And Permissive Inclusion In Mughal Law," *Journal of Law and Religion* 29, no. 3 (2014): pp. 396-415, https://doi.org/10.1017/jlr.2014.20, 410.

1672. The identity of the witness was noted as Brahman, signifying their caste rather than religion.[454]

[454] Ibid, 408.

Conclusion

The Mughal Empire had a distinctly inclusive approach towards the interpretation and implementation of law, derived from an expansive understanding of Sharia. The legal milieu under the Mughals was characterized by a degree of flexibility, resulting in a legal framework that acknowledged and accommodated diverse religious, cultural, and regional practices. This openness to different legal systems promoted a diverse and pluralistic cultural environment, allowing people to express their identities in multifaceted ways. Religion, while significant, was just one aspect of an individual's identity, intricately woven with other social, cultural, and regional affiliations. This pluralistic understanding of identity during the Mughal era underscored a society where religious affiliations could coexist with other societal roles and relationships without domination or conflict.

The advent of British rule marked a stark shift in the perception and understanding of identity in the Indian subcontinent. The British colonial administration sought to codify the diverse and fluid local legal practices into standardized legal codes, based on their own interpretations of 'Hindu' and 'Muslim' laws. The British legal reforms prioritized the demarcation of religious boundaries over the inherent pluralism of South Asian society. Their approach to law was intertwined with their perceptions of local traditions, which they attempted to understand through their own ideological, cultural, and religious lenses. This led to a drastic overemphasis on religious identity, with the codified laws painting a rigid picture of 'Hindu' and 'Muslim' communities, often disregarding the complexities and variations within these communities themselves. In effect, the British legal codification crystallized religious identities, solidifying them into hardline divisions. Under British law, one's religious identity became a

primary determinant of their societal position and legal rights, a marked shift from the more nuanced understanding of identity during the Mughal era.

The transformation in the perception of religious identity brought about by the shift from Mughal to British legal practices had profound implications for the socio-political landscape of India in the 20th century. The rigid religious identities established under British rule began to drive socio-political discourse and influenced the formation of communal divisions that became increasingly prominent. These hardened identities also played a significant role in the partition of British India in 1947, a historical event marked by violent religious conflict between Hindus and Muslims.

In the post-independence era, the echoes of this shift continued to reverberate, shaping the socio-political narrative of the Indian subcontinent. Religion, now viewed as the primary determinant of identity, played a crucial role in shaping politics, social interactions, and communal relations. The legacy of this shift continues to influence contemporary Indian society, where religious identity remains a significant aspect of socio-political discourse. The transition from the more fluid, multifaceted Mughal understanding of identity to the rigid religious divisions propagated by British law has left a lasting imprint on the identity dynamics of the Indian subcontinent. It underscores the powerful influence of legal systems in shaping societal perceptions and dynamics, extending well beyond the immediate sphere of law and order.

Chapter 5: Discussion

The driving force that compelled me to delve into the Topic of Muslim Marginalization in India stemmed from the profound dissonance between the secular ideals celebrated by the Indian State and the pervasive communalism present in Indian society. As a child, I was made to taste the bitter sting of this discrepancy, confronted by both disparagement and exclusion, the wounds of which remain etched into my consciousness. My quest was to understand why Muslims, why Islam, were subject to such a stark negative bias within the Indian subcontinent.

However, it is with a deep sense of gratitude and humility that I acknowledge the relative comfort and security of my own circumstances when compared to the egregious suffering endured by the economically disadvantaged and visibly Muslim individuals in India. They are the primary victims of irrational and indiscriminate violence that is nothing short of devastating. This senseless brutality has claimed numerous innocent lives - fathers, brothers, sons, students, teachers, mothers, and has included horrific sexual violence against Muslim women and children.

Fast forward to the present day, a mere few days or weeks preceding my writing this on the 2nd of August 2023, the grim reality remains unchanged. The reprehensible assault on six Muslim youth by a Hindutva mob, one of whom lost his life; the deplorable instance where a young Muslim girl was forcibly stripped of her hijab and sexually abused, all caught on camera; the chilling story of a Railway Protection Force personnel who turned on his colleague and murdered three visibly Muslim passengers, exalting Hindu nationalists, including Prime Minister Narendra Modi and Uttar Pradesh Chief Minister Yogi Adityanath; a young Muslim Cleric mercilessly killed by a Hindutva mob in Gurugram, his mosque and numerous Muslim

businesses in the vicinity razed to the ground. These incidents are not mere statistics for me. They resonate on a deeply personal level - my uncle used to pray in that very mosque, and my father once joined him. These are not remote occurrences but a part of my world.

Yet, these recent happenings are just a tiny fraction of the horror that is occurring, barely scratching the surface of the iceberg. Meanwhile, the Western media maintains an unsettling silence, possibly attributable to the West's delicate geopolitical positioning. In a world that is grappling with a resurgent Russia and a rapidly ascending China, the West finds itself unwilling and unable to afford the risk of upsetting or alienating the Indian state. As I continue my exploration of these heartrending issues, the chasm between the secularist proclamations of the Indian State and the disturbing reality of communalism within its society becomes even more stark and troubling.

This thesis delivers an investigation into the strategic undertakings of the British Colonial state, which stimulated, incentivized, and developed a corporate Hindu identity. This coordinated endeavor converted the heterogeneous amalgamation of local customs and ideologies into the organized religion of Hinduism. At the same time, it constructed a historiography that portrayed Muslims as detrimental outsiders, antagonistic towards this religion and its adherents. The British empire successfully leveraged this narrative to diminish the legitimacy of their Mughal predecessors, the previous Muslim sovereigns of the territories they had annexed. This action enhanced their own legitimacy, painting themselves as liberators and custodians of ethical integrity within their progressive discourse of advancement and improvement.

However, the consequences of colonial stratagems exceeded the simple organization of religious identity. As local communities began to internalize the colonial notion of Hinduism and its related identity, a surge of anti-colonial 'Indian' nationalism, predominantly led by Hindu

elites of the Indian National Congress, arose. The colonized retooled the structures of their colonizers, inciting a shared sentiment against British dominance. In response to this growing threat, the colonial state contrived a resurgence in the significance of the Muslim community, a group they had previously suppressed during the onset of their rule. This strategic action was intended to incite discord between Hindus and Muslims, further widening the fissure of communal discord that they had created.

Regardless of the alleged 'equity' of this division from a significantly skewed standpoint, it becomes essential to exhaustively evaluate the societal distortions imposed on South Asian society due to the colonial encounter. Consequently, the tumultuous post-colonial aftermath is a foreseeable result. This troubling circumstance not only endangers the minority Muslim community in India, but it also imperils the stability of the Indian state, whilst concurrently projecting a widespread and ominous shadow over the entirety of the South Asian region.

Indeed, while anti-colonial nationalism has served as a catalyst for self-determination and resistance against colonial rule, it has not been without its adverse repercussions. While this largely Eurocentric ideology may have functioned to consolidate and mobilize the region's populace in their pursuit of independence, its residual effects persist in the form of communal conflict. Specifically, India's Muslim population finds itself in the direct line of incessant Hindu Nationalist propaganda, which has escalated to worrisome levels, culminating in the tragic loss of countless innocent lives.

Within this turbulent historical context and its ensuing consequences, it becomes evident that the sidelining of Muslims in India didn't develop from a self-perpetuating national evolution. Rather, it's firmly rooted in the historical aftermath of colonial interference. Therefore, it's crucial to decipher this intricate historical tapestry to comprehend the origin and continuity of

sectarian conflict. Moreover, this understanding is indispensable for envisioning a future where unity and diversity can harmoniously coexist in an equilibrium. The significance of History is such that it becomes the primary target of the Hindu nationalist or Hindutva assault, as Sarkar pointed out in his 2002 essay, 'Hindutva and History.' Sarkar's remark concerning the Hindutva's attack on 'intellectual and cultural freedom' has echoed beyond the borders of the Indian republic. Multiple Canadian scholars, who wrote about Hindutva across diverse universities and disciplines in 2022, experienced harassment in the form of persistent rape and death threats, as well as online trolling.

In the culmination of this inquiry, I am acutely aware of the vast breadth of the issue at hand, symbolized by an oceanic expanse of unchartered research awaiting scholarly engagement. This thesis delves into British colonial historiography, revealing its shortcomings in representing the intertwined histories of the region's diverse faiths. The pervasive dystopia of communal animosity and violence that we witness today is rooted in this particular and oft-misused interpretation of history. To disrupt its increasing normality, we must contend with it on the very grounds of historical understanding.

The outlook for the Muslim community in India is distressingly pessimistic, given the current sociopolitical climate. The entrenchment of Hindutva forces within the machinery and apparatus of the state is far from a benign ideological shift. It is a worrying manifestation that amplifies the existing adversities faced by India's Muslim populace. The numerous and escalating instances of violence towards this community could amply fill an extensive compendium, each entry a chilling testament to the gravity of the situation.

In the face of the sweeping tide of communalism, the efforts documented in this thesis represent an attempt to erode the monolithic structure of hatred and violence through historical examination. The task is daunting, but the exigency for it is palpable.

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