

Debate

**When Victors Claim Victimhood: Majoritarian
Resentment and the Inversion of Reparations Claims**

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ABSTRACT

From the mid-20th century onwards, diverse groups — whether formerly enslaved populations or victims of mass atrocities — have demanded reparations as part of a wider struggle for justice. However, in the current global climate of right-wing resurgence, both the recognition of victimhood and demands for justice are in danger of being subverted and hijacked. These developments create additional obstacles to addressing genuine reparations demands. This manifests in at least three ways. First, there is a selective application of victimhood status and recognition, often along old fault lines of race or religion. In this way, the oppression of some groups is no longer recognized as a legitimate object of reparations; indeed, their claims to justice are seen as unfair demands against dominant groups. Second, we see the blatant continuation of the very practices that the reparations movement has sought to establish as wrongs. Third, not content with negating existing demands for reparations from below, powerful groups are going a step further and, as part of supremacist projects, asserting their own right to reparations. In doing this, they use the language and moral claims of reparations and decolonization that have emerged through the global reparations movement. This article seeks to illustrate these developments through the examples of India and Israel, including the demand for ‘restoration’ of sacred sites to Hindus and Jews.

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INTRODUCTION

(W)hen there is denial that trauma even occurred, when it is asserted that the victim has no cause for complaint, or even that the tormentor is the real victim, then the trauma caused by material and physical hurt is compounded and magnified.

(Khalidi, 2021: 182)

How do we understand a country such as India where the dominant Hindu majority, with the backing of state power, claims victimhood at the hands of a marginalized Muslim minority? How do we make sense of a world in which an entire architecture of international humanitarian law — laws against genocide, conventions against war crimes and an International Criminal Court — can coexist with the decimation of a defenceless population imprisoned in a tiny area like Gaza, while powerful countries justify this as ‘self-defence’? This article shows how the language of reparations, developed through global struggles from below, is being weaponized by those in power as a means to perpetrate further injustice. Even as those other struggles for justice continue — such as reparations claims for slavery or genocide — they now have to contend with the hijacking of their language and even its use against them.

On 26 January 2024 the International Court of Justice (ICJ) ruled that South Africa’s case against Israel for the killing of Palestinians in Gaza — the bombing of hospitals, medical convoys, universities and infrastructure; the denial of food, water, fuel and electricity; and the dehumanization of Palestinians as ‘human animals’, among other incitements to genocide by senior state actors — *prima facie* falls within the scope of the Genocide Convention (ICJ, 2024).¹ Undeterred by this ruling, Israel has continued its military operations. This has been accompanied by increased settler attacks and Israel Defence Forces raids on the West Bank, including targeted assassinations inside civilian hospitals (Kauffman et al., 2024). Through the use of white phosphorous, not just in Gaza but also in Lebanon (Ahmed and Beydoun, 2023), and its plans to flood the tunnels of Gaza with seawater (Government of the Republic of South Africa, 2023: 44), the Israeli state is also intensifying what Hanafi (2013) has described as ‘spatio-cide’ or making these areas uninhabitable.

1. The 1948 Genocide Convention defines genocide as follows: ‘any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part’. On the 2023 genocide in Gaza, see CCR (2023); Government of the Republic of South Africa (2023); ICJ (2024).

People across the world have come out in unprecedented numbers to protest. However, for Israel and its allies, the brutal attack by Hamas on Israel on 7 October 2023 is viewed as the beginning and end of the matter, or rather, as further evidence of the existential threat that Israel faces (Herzog, 2023). Israel, the United States and many other Western governments refuse to accept that the Israeli military has been carrying out war crimes in Gaza since 7 October, calling it instead the ‘cynical exploitation’ of suffering by Hamas (ibid.; see also Frilling et al., 2023). Israel insists that it is Hamas which is using civilians as human shields and stealing aid meant for them; and that they adequately ‘warn’ civilians before bombing and displacing them (ICJ, 2024: 20, para 64). For Israel, it is as if a century of dispossession, settler colonialism and occupation (Khalidi, 2020), ethnic cleansing (Pappe, 2006), periodic ‘mass military attacks’ on civilians (CCR, 2023: 13–14), along with the use of emergency and apartheid laws (Berda, 2017; Weizman, 2017), are not at all germane to the current conflict. Israel’s right to defend itself (as a Jewish ethno-nationalist state with undefined borders) is seen as the ultimate trump card, overriding the right to life of Palestinians and even of Israelis held hostage by Hamas.

While the US government has voiced public concerns about the suffering of Palestinian civilians, funding and arms supplies for Israel from the US, Germany and other countries have actually increased.² Several countries have also stopped funding the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA),³ becoming further complicit in creating a humanitarian crisis in Gaza. Much of the initial ‘conversation’ around this issue in the US and Europe was on the right tone to adopt in condemning both Hamas and Israel, with accusations of anti-Semitism against pro-Palestine protestors escalating into another front in the war on Gaza, but one that is conducted on US and European campuses.⁴

In this article, I argue that in a global climate of right-wing resurgence, the growing worldwide movement for decolonization and reparations is facing three additional obstacles. The first is the selective application of victimhood status and recognition, often along old fault lines of race or religion. The second is the brazen continuation of the very practices which the reparations movement has sought to establish as wrongs. If the aim of reparations as a concept is to ensure non-recurrence, then, as a popular slogan on Palestine evoking Holocaust memorialization goes, ‘never again means never

2. On arms and financial support for Israel in 2023, see Pamuk et al. (2023). US and UK involvement in the massacres of Palestinians has a long history; see for instance, Khalidi (2020: 159–62) on US complicity in the 1982 massacres of the Sabra and Shatila refugee camps in Lebanon.

3. This was on the basis of Israel’s (as yet unsubstantiated) claim that some of UNRWA’s staff had been involved in the Hamas attack of 7 October 2023 (Borger, 2024).

4. See, for example, Butler (2023a), and Butler (2023b) for her subsequent apology and defence of academic freedom. The European response to pro-Palestinian protests is discussed later in the article.

again for anyone'. The third, and perhaps most novel feature of the 21st century, is the hijacking of the language and moral claims of reparations and decolonization by dominant Western powers and authoritarian governments.⁵ Morality is, of course, a complex concept (see Fassin and Leze, 2014) and, as will be discussed below, there are several competing moralities involved when it comes to practical applications. But to the extent that the reparations movement has been successful, the idea of reparations carries a positive value.

According to the Office of the High Commissioner for Human Rights (OHCHR, 2005), the fundamental principles guiding reparations include: 'restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition'. Historically exploited and expropriated groups have pressed their legitimate claims to reparation through the form of symbolic apologies, financial restitutions, repatriation of cultural property including human remains, building of memorial museums or other monuments, and commissions for transitional justice.⁶ Going further, groups have sought to put decoloniality on the global agenda in a variety of ways, whether through epistemic means (Bhambra, 2022; Mignolo, 2017), the pulling down of statues or other monuments (Park et al., 2022), or through the assertion that 'Black Lives Matter'. Today, however, they are up against not just indifference and non-recognition but also the appropriation of their discourse in the service of a naked reassertion of (mostly colonial and white) superiority. The battle is moving from the non-recognition of claims to contra-claims by those with power.

If the first wave of reparations in the 19th century involved compensation to slave owners, and the second wave in the 20th century was reparations to victorious countries (Allied claims against Germany in WWI), the third wave marked a reversal. It was manifested in demands (albeit differentially successful) by historically victimized groups (Jewish survivors of the Holocaust, enslaved African Americans, Japanese Americans interned in WWII); victims of colonial atrocities and genocides (Mau Mau victims of the British in Kenya, the Herero and Nama people of Namibia); victims of mass atrocities by states (Colombia, Guatemala, South Africa). Now, however, we see some dominant communities using the moral legitimacy and language of this third wave to make their own counterclaims of victimization and demands for redress.

In the sections that follow, I examine this trend with reference to two instances of the active inversion of reparations claims, from Israel and India. Both illustrate powerful groups directing demands for reparations at

5. For an older lineage of hijacking, see Herman and Peterson (2010) and Moses (2021) on how the label of genocide has been used as a political tool by the US. In some ways, this new development echoes earlier discourses of victors' justice.

6. For specific examples of such claims, see Bhabha et al. (2021); Grieff (2006); Torpey (2003).

historically marginalized communities or vulnerable and voiceless minorities under their control, rather than the other way around. In both cases, the claim to reparations rests on a claimed victimhood by those in power, a portrayal of an embattled innocence. Before engaging with these specific cases, I point to some general concerns around reparations claims, both moral and logistical.

THE DOUBLE STANDARDS IN REPARATIONS CLAIMS

Reparations claims are important steps in the battle for equality and universal human dignity. However, they have historically suffered from a number of conceptual problems. For instance, what should count as the appropriate unit of reparations — countries, social collectives, or individuals? There are concerns about memory and representation and the privileging of certain moments in history over others, especially when it comes to celebrating holidays or national days or commemorating certain incidents or people through statues and monuments. There are worries that apologies for particularly egregious acts of colonialism like massacres or famines might falsely suggest that such acts were aberrations in an otherwise humane system. They also paper over the ongoing nature of similar abuse and violence by suggesting that these actions belonged in the past (Sundar, 2004).⁷

As I have previously argued, while each claim to restitution by historically oppressed groups is an important advance for a global understanding of human rights, the idea that they add up to a change in international morality is questionable; instead, the reparations agenda runs the risk of being usurped by a Western liberal triumphalism (Sundar, 2004). The silence on some issues (for example, the atomic bombing of Hiroshima and Nagasaki or the Nakba of 1948) and the acknowledgment of others as crimes compounds inequality. You have to be powerful or matter in some way to get your claims recognized, rather than being empowered *through* acknowledgment.

While on Ukraine the European Union asserts that, ‘We Europeans must be among the keepers of international and humanitarian law’ (Borrell, 2023), there are visibly double standards when it comes to Gaza.⁸ What the South African challenge on Gaza in the ICJ reveals, moreover, is that the

7. The techniques employed by illiberal regimes today, whether in the Global North or South, draw heavily on the procedures perfected by Western states in their colonies, such as identification practices, emergency laws, detention camps and brute force, intrinsically connecting the present to the colonial past.

8. On double standards, see Wintour (2023); see also the letter by EU staff to President of the European Union President, Ursula von der Leyen (Shankar, 2023). Hamid Dabashi (2024) also points to the double standards of some Western philosophers like Habermas, revealing their entire philosophy to be intrinsically parochial and Eurocentric.

international human rights project has wide roots, beyond simplistic ideas of West and non-West.

The problem I am trying to highlight, however, goes beyond double standards in reparations to seeing how reparations language is being used *against* vulnerable groups today. Across the world, radicalized right-wing populations have voted into power authoritarian regimes.⁹ The current mood across these countries is an unabashed and unapologetic dominant backlash or resentment towards claims of reparations by subaltern groups.

SUPREMACISM AND REPARATIONS: HINDUTVA AND ZIONISM

In India, the turn to majoritarian authoritarianism is exemplified by the Bharatiya Janata Party (BJP), in power in India since 2014. The BJP is the political wing of the Rashtriya Swayamsevak Sangh (RSS), founded in 1925. On its website, the RSS describes itself as a ‘movement for the assertion of Bharat’s national identity’ which it equates with Hindu identity. Its main goal has been to ‘organize Hindus’, ‘to restore the Hindu psyche to its pristine form’ after centuries of ‘alien rule’.¹⁰ The RSS sees Muslims and Christians as ‘outsiders’ who must be taught to accept their place in a Hindu nation; they yearn for the recognition of the glories of ancient (‘Hindu’) India and organize citizens on militaristic lines to achieve these goals. While the core of the RSS cadre is drawn from its *shakhas* or cells which hold daily meetings,¹¹ it has now proliferated into hundreds of fronts working with different sections like students, soldiers, women, workers, peasants, or lawyers. More critically, it has become hegemonic in the media, and most leading institutional figures are members of the RSS, including the President, Prime Minister, the Governors of States, many Vice Chancellors of universities, and even several judges.

Modern political Zionism dates to the late 19th century, with founder Theodor Herzl convening the first Zionist Congress in 1897 (Lacquer, 2003). Palestine was a settler colonial project, which saw the land as terra nullius and aimed at Jewish settlement and sovereignty over the land. Significant Western support for and assistance to this project came from the Balfour Declaration of 1917 and the League of Nations’ Mandate for the British administration of Palestine of 1923. Both refused to recognize the legitimate national rights of the Palestinians while supporting a Jewish homeland (Khalidi, 2020). The latest legal stamp on the Zionist project is the 2018 ‘Basic Law: Israel as the Nation-state of the Jewish People’ which recognizes ‘the right to self-determination in the state of Israel as

9. On exclusionary, illiberal, neoliberal populist, and new fascist regimes, see Evans (2020); Fischer (2020); Stanley (2018); Sundar (2020); Weinman and Vormann (2020).

10. See www.rss.org/

11. Ibid.

exclusive to Jews'.¹² All the national symbols of Israel are exclusively Jewish, Hebrew is the sole official language, the whole of Jerusalem is claimed as the capital and settlement is promoted as a national value. Eretz Israel or the Land of Israel includes the West Bank.¹³

The links between Hindu supremacist ideology (*Hindutva*) and Zionism have a long history.¹⁴ As Satadru Sen argues (2015: 690), 'Indian nationalists cultivated a fascination with Jews and Zionism as part of their understanding of a race constituted by historical damage and the imperative of repair'. The founding ideologues of *Hindutva* and the RSS, V.D. Savarkar and M.S. Golwalkar, both emphasized the Zionist claim to an ancient right of return, as a model for Hindu claims to original and sole ownership of the land comprising the current state of India, with the sole difference that Hindus remained in possession of the land. The point, however, was to exclude the claims of people of other religions, especially Muslims. According to Savarkar (2003/1923: 90), 'no people in the world can more justly claim to get recognized as a racial unit than the Hindus and perhaps the Jew'. For Golwalkar (1939: 62), Hindus and Jews had common cause against marauding Muslims:

Later, the engines of destruction loose under the name of Islam, completely destroyed their power and the Jews, in order to save what was most dear to them — their religion and culture, fled from the country and scattered The recent attempts at rehabilitating Palestine with its ancient population of the Jews is nothing more than an effort to reconstruct the broken edifice and revitalize the practically dead Hebrew National Life.

The key for Golwalkar and the RSS is the idea that only one race/religion/culture could legitimately own one territory, with everyone else being a second-class citizen. There is no room for diversity and multiculturalism: 'The Jews had maintained their race, religion, culture and language: all they wanted was their natural territory to complete their Nationality. The reconstruction of the Hebrew Nation in Palestine is just an affirmation of the fact that Country, Race, Religion, Culture and Language must exist unavoidably together to form a full Nation idea' (*ibid.*: 79). For the same reason, Golwalkar saw no contradiction in praising the Final Solution:

To keep up the purity of the Race and its culture, Germany shocked the world by her purging of the country of ... the Jews. Race pride at its highest has been manifested here. Germany has also shown how well-nigh impossible it is for Races and cultures, having differences going to the root, to be assimilated into one unified whole, a good lesson for us in Hindustan to learn and profit by. (*ibid.*: 88)

12. See Basic Law § 1(c); <https://main.knesset.gov.il/EN/activity/documents/BasicLawsPDF/BasicLawNationState.pdf>

13. See <https://main.knesset.gov.il/EN/activity/documents/BasicLawsPDF/BasicLawNationState.pdf>

14. For an insider's account, see Quraiza (2004).

India under the RSS yearns to replicate Israeli ethnocracy (Jaffrelot, 2021), in which certain populations within the state would have greater claim to nationhood and citizenship than others. The Citizenship Amendment Act of 2019, which aims to fast-track the citizenship claims of non-Muslim refugees from three predominantly Muslim neighbouring states, draws on Israel's 1950 Law of Return and the Knesset's 2018 Basic Law (Essa, 2023: 99). Going further back, the Israeli Absentees Property Act of 1950, which allowed for the 'legal' expropriation and sale of Palestinian refugee property, was modelled on the Indian and Pakistani evacuee property laws following partition in 1947 (Fischbach, 2021: 186). In recent years, the ideological affinities between the BJP and the Israeli state have been strengthened by purchases of military and surveillance technology on both sides.¹⁵ In the US, Hindutva fronts have partnered with the American Jewish Committee and the American Israel Public Affairs Committee to promote the idea of Hinduphobia along the lines of anti-Semitism whenever Hindutva or Zionist politics are criticized (Gopalan, 2023).

Comparative Victimhood

Both the Hindutva and Zionist projects draw their strength from a straightforward assertion of majoritarianism and power. However, even though a general sense prevails that Palestinians and Indian Muslims must quietly accept their defeat, the desire to legitimate dominance manifests through claims of victimhood and existential fears.

In the case of Palestine, what we see is not just straightforward victors' justice by Zionists in the land of Israel-Palestine, but also the repeated assertion of being under threat. Coupled with this is a form of displacement and projection whereby European governments displace their own culpability for anti-Semitism — the reluctance to take in Jews during the inter-war period (Gessen, 2023; Khalidi, 2020: 25, 40), and ultimately the Holocaust — onto Palestinians. The 'philosemitism' (see Mishra, 2023) resulting in accusations of anti-Semitism whenever anyone raises the question of Palestine is, in fact, itself a form of anti-Semitism, in that it involves taking Israelis and Jews more generally as less than moral beings, incapable of reason and an ability to recognize their own ill-treatment of Palestinians.

In India, victors' justice today rests on the idea of an internal war — Muslims are the vanquished populations within a nation state. But to legitimize this, the Hindu majority has been radicalized with a false sense of historical victimhood, in which the primary culprits are seen to be Muslims. Muslims in India are expected to atone not just for what some Muslim invaders did in the 12th century, but for all the alleged sins of Muslim rulers since. Aurangzeb, the last of the powerful Mughals, is a particular object

15. For a fuller account of Indo-Israeli ties under the BJP, see Essa (2023).

of vilification as an anti-Hindu temple destroyer.¹⁶ If this were not enough, they are also blamed for Partition and the formation of Pakistan or what is portrayed as the ‘vivisection’ of the ancient undivided Hindu homeland, Akhand Bharat. In fact, the majority of Indian Muslims are lower caste converts who were treated badly within Hinduism; they also chose not to leave the country at the time of Partition.

Reparations take the form of invisibilization, erasure and even physical destruction of any visible symbols of Muslim presence (mosques, other forms of architecture, names of cities, language) and their replacement by Hindu symbols, much like the sweeping official de-Arabization of Palestine-Israel (Baroud and Rubeo, 2019). Azaryahu and Golan (2001: 192) show how the official renaming and map making in Israel are seen as restorative by one side, and destructive by the other: ‘From a Zionist perspective, the Hebraicization of the landscape may be praised as a restoration of the Jewish past of the land and as an aspect of Jewish national revival. From an anti-Zionist perspective, it may be condemned as symbolic erasure of the Arab past’. In the current war on Gaza, several important ancient historical and archaeological sites have been destroyed (Abu Eisha, 2023).

In India, Muslims are being required to give up their places of worship, their distinct religious practices (*hijab* and *halal*) and their language (Urdu, in north India). This is officially justified in the name of equality (understood merely as uniformity to the dominant code), but really occurs because their existence is an affront to the idea of a Hindu nation. The concept of restitution is thus weaponized to both physically expropriate Muslims in the present and annihilate their historical past. Not only this: the victims of centuries of caste discrimination, the Dalits or Scheduled Castes, and of internal colonization, the Adivasis or Scheduled Tribes, are being mobilized as part of a wider Hindu fold and used as foot soldiers in riots against Muslims (Devy, 2002), thus successfully annihilating *their* history of oppression and resistance as well.

Demographic anxieties, real and imagined, are key to both cases. In India, this takes the form of the common statement ‘*Hindu khatre mein hain*’ (‘Hindus are in danger’), while invoking an imaginary demographic takeover by Muslims. According to the 2011 census, Hindus constitute 80 per cent of the population, but differential fertility rates between Muslims and Hindus in North India (where Muslims are poorer and have lower literacy levels) are periodically amplified by the Hindu Right to project the idea of a ‘Muslim rate of growth’ which will result in Hindus being reduced to a minority.¹⁷

In Israel, the very existence of Palestine as a national entity is seen as posing a danger to the idea of a Jewish homeland, founded on the idea of a ‘land without people for a people without land’. Former Israeli Prime

16. For a nuanced depiction of Aurangzeb, however, see Truschke (2018).

17. For a critique of this demographic myth making, see Quraishi (2021).

Minister Golda Meir famously stated in an interview with Frank Giles for *The Sunday Times*, ‘There was no such thing as Palestinians It was not as though there was a Palestinian people in Palestine considering itself as a Palestinian people and we came and threw them out and took their country from them. They did not exist’ (Meir, 1969, cited in Khalidi, 2020: 106). As of 2020, Palestinians in Israel, the West Bank and Gaza are estimated to number 6.5 million, while ‘Jews and others’ are estimated at 7.4 million (Even, 2021: 45).¹⁸ Israelis point to this relatively even balance to issue dire warnings of demographic swamping in the future: ‘This place will deteriorate into a Middle Eastern state with an Arab majority The Jews will remain as a small minority in a large Arab sea of Palestinians’.¹⁹ The only way a Jewish state as envisaged by the Basic Law can be ensured is through an apartheid system, with people of other faiths facing legal disabilities and enjoying inferior citizenship rights.

MATERIAL REPARATIONS IN PALESTINE-ISRAEL

In the popular Western imagination as well as in material terms, reparations are key to the history of Israel. Despite the documented history of the Zionist project going back to the late 19th century, the dominant official position in Europe and the US has been to see the issue solely through the prism of the Holocaust and reparations for Jews, rather than seeing the struggle for Palestine as an anti-colonial struggle. For Germany, its reparations to Israel and the Jewish diaspora are foundational to its ‘self-image as the only country that makes public remembrance of its criminal past the foundation of its collective identity’ (Mishra, 2023; see also Gessen, 2023). The people who have borne the major burden of German guilt and reparations, however, are not German taxpayers, but the indigenous Palestinian population which has been made to sacrifice their lives and their land for a crime they did not commit.

Financially, German reparations to the state of Israel and individual Jewish victims in the diaspora are seen as a landmark in reparations claims (Colonomos and Armstrong, 2006). The reparations, amounting to approximately US\$ 61.5 billion as of December 2001 (ibid.: 408), enabled the state of Israel to build up its basic infrastructure and benefited both countries in terms of trade and arms deals (ibid.: 400–01, 409). As Mishra shows, German support for Israel was not motivated entirely by remorse, but by a desire to use its reparations programme as a way to regain international standing, and to co-opt the Israeli state into the suppression of

18. The label ‘Jews and others’ is used mostly for Jews who are not counted as properly Jewish because their mother is not Jewish.

19. Israeli historian Benny Morris, cited in Baroud and Rubeo (2019); see also Lustick (2019) for an analysis of Israel’s demographic problem.

uncomfortable truths about the past of German politicians and other powerful figures (Mishra, 2023).

By 2023, this support for the Israeli state has ratcheted into a war on the idea of Palestine, with the German government cracking down on any support for Palestine whatsoever, even the commemoration of the Nakba and the wearing of the Keffiyeh, the Palestinian scarf (Sharma, 2023). The silencing extends even to dissident Jews, as shown by the Heinrich Boll Foundation's withdrawal of support for the Hannah Arendt award to the Jewish writer Masha Gessen, after they compared Gaza to a European Jewish Ghetto (see Gessen, 2023; Hill, 2023). The further irony is of far-right parties in Europe, with known Nazi links, accusing Palestine supporters of anti-Semitism (Birchird, 2023). This reveals that currently Islamophobia and anti-immigration sentiments are their main priority, not the lives of Jews or Arabs in Palestine-Israel. Dabashi (2024) argues that Germany's policy on Zionism is actually consistent with its Nazism: 'We must be forgiven if we thought what Germany had today was not Holocaust guilt, but genocide nostalgia, as it has vicariously indulged in Israel's slaughter of Palestinians over the past century'.

Reparations are also key to Palestinian solutions to the Palestine-Israel problem.²⁰ In 2017, Mahmoud Abbas, the President of the Palestinian National Authority, asked the United Kingdom to make amends for the 1917 Balfour Declaration which promised a Jewish homeland on Palestinian land (Abbas, 2017); in 2020, Palestinian lawyers filed a suit against Britain for this in a West Bank court (New Arab Staff, 2020). However, Wilde (2022) argues that it was the 1923 League of Nations Mandate for Palestine which was the legal — not just the political — root of the problem. As the mandatory authority or trustee, Britain was bound to protect the rights, including political rights, of Palestine's inhabitants, the majority of whom were Arabs. Having neglected to fulfil these mandatory requirements of securing Palestine's right to self-determination by the time of its withdrawal in 1948, Britain must provide for reparations. One way of doing this would be to recognize Palestinian statehood. According to Wilde (*ibid.*: 387), 'The special clause of the League Covenant applicable to Palestine, providing for provisional independence, could not be lawfully bypassed. The UK's failure to comply with this was a violation of international law with ongoing consequences, thereby serving as a basis for contemporary accountability'.

However, since the Oslo Accords of 1993, it is the demand for reparations for the Nakba, or what Ilan Pappé (2006) has documented as the ethnic cleansing of Palestine in 1948, which has achieved greater prominence. In 1948, approximately 750,000 Palestinians were driven out of their country, and Israel took over 77 per cent of the historical land of

20. On reparations for Palestine, see Fischbach (2021) and Wilde (2022).

Palestine. The amount of land lost by Palestinians during the Nakba is estimated as anywhere between 6 million to 19 million *dunums* worth US\$ 824 million to US\$ 2.131 billion. These figures are also acknowledged as understatements (Fischbach, 2021: 187–88). While the 1948 UN General Assembly Resolution 194 (III) directs the Israeli government to recognize the Palestinian right to return, and to pay compensation to those refugees who did not wish to return, the Israeli government has refused to do so. As Michael Fishbach (*ibid.*: 184, 190) points out, the fundamental hurdle here is Israeli Nakba denial: ‘Nakba Denial stems from two political imperatives: to resist reparations and shore up Israel’s foundation myths’. Despite having been forced to accept the principle, Israel has refused to recognize collective/common lands and movable property, and has systematically underestimated the losses. Israel has also tried to portray the reparations as merely retrospective purchase of property to evade any moral responsibility (*ibid.*: 190). Claims for reparations for Jews forced to leave Arab states and settle in Israel, which should have been directed at those governments, have instead been used to counter the legitimate right of return and demand for reparations by displaced Palestinians (Fischbach, 2021; Hilal, 2012). It is ironic that the Israeli refusal to apologize or accept any responsibility for the Nakba ran parallel to Israel’s pursuit of Jewish claims against the German state in 1953–66. It is equally ironic that while the legal obligations of an occupying power preclude usurping land, state-supported Israeli settler violence continues in the West Bank.

However, it is the Palestinians who are now being described as the primary aggressors and called on to make further reparations, including with their lives (as atonement for Hamas attacks). As Khalidi (2021) notes, writing of the unresolved historical wounds of the Palestinians, Kurds and Armenians, the biggest problem is non-recognition of the harm caused, and indeed of the very existence and legitimacy of those harmed:

In these three cases it is the victims who have been blamed, and the losers who have been scapegoated by the victors. The victors have done this partly by successfully deploying the broad brush of ‘terrorism’. By some legitimating sleight of hand made possible by sovereignty, states are never described as engaged in terrorism, whether they are killing innocent civilians by using phosphorus, poison gas, nuclear weapons, or any other means of mass destruction. Meanwhile, entire peoples can be condemned and treated as pariahs, effectively excluded from the human community, and subjected to any form of inhuman treatment if this label can be successfully attached to some of them. (*ibid.*: 181)

Monumental Reparations Claims in Palestine-Israel

Like many other ancient cities, Jerusalem has historically been home to multiple coexisting faiths, with political interventions periodically trying to change the coexistence into conflict (Burgess, 2004; Dumper, 2019). For the

purposes of comparison in this article, there is a striking parallel between the temple restoration movements in India and the right-wing Temple Mount movements in Israel. The latter seek to displace the Al Aqsa Mosque which is central to Palestinian identity and build a third temple at the site. As Khalidi (2020: 212) writes, the Haram al-Sharif/Temple Mount has been a site of conflict since 1929, with an entire neighbourhood, the Maghribi quarter, being destroyed in 1967 in order to make way for the esplanade adjoining the Western Wall. In 2000, Sharon's visit to the Temple Mount, during which he declared it Israeli property, sparked the second Intifada, while Israeli moves to restrict Muslim worshippers at the mosque, and the invasion of the Al-Aqsa Mosque compound by Israeli settlers on 4 October 2023, serve as the immediate precursors to the Hamas Operation Al-Aqsa Flood of 7 October 2023 (Hawaleshka, 2023). The Temple movements comprise several groups with somewhat differing goals, but from the early 2000s they have found greater space to operate within the Israeli state (Ir-Amim, 2017).

Unlike other settler colonial projects, as in the Americas or Australia, where Europeans clearly came after and decimated the First Nations, Indigenous Peoples or Aboriginals, the Zionist project relies heavily on the narrative of ancient displacement from their Holy Land and the idea of return. This has come to stand in as a reparations claim against the Palestinians, whose existence on this land breaks the narrative of Jews as the sole legitimate occupiers of the land. Israelis accuse Palestinians of not recognizing their claims and harking back to a Palestinian golden age. As Khalidi argues, both sides need to recognize the 'national claims' of the other (Khalidi, 2020: 241, 246).

In the face of criticism, Hamas amended some of the language of its 2017 charter to note that its fight is not with the Jewish people but with the Zionist settler colonial project. Analysts saw this as the organization's willingness to accept a two-state solution, based on borders as they existed before the 1967 Six-day War (MEE Staff, 2017). While the current relentless Israeli assault on Gaza has at least brought the dormant two-state solution back onto the table, increasingly people are also pointing out that a 'one-state solution' of equal rights for all peoples in a unified state covering the whole of Mandate Palestine (perhaps with some form of bi-nationalism) is the only just alternative (see Karmi, 2023).

REPARATIONS CLAIMS IN INDIA

Under India's caste system, Dalits were denied access to education and common places like temples and water bodies, and faced several other humiliations. India's 1950 Constitution ensured that these restrictions were outlawed and also introduced specific provisions for Dalits and Adivasis,

such as affirmative action (quotas) in the legislature, in administration and public education. Indigenous land was protected by making sale to non-indigenous people legally difficult.²¹

Affirmative action is a weak version of reparations since it can also stem from well-meaning liberal and charitable desires for inclusivity rather than a recognition of past injustice thus creating an inherent right.²² Actual monetary or even symbolic reparations for centuries of untouchability or for the theft of indigenous lands and resources would, of course, involve much more than just affirmative action, and discussion on this has barely begun (Thorat and Aquil, 2021). However, even this watered-down acknowledgement of historically produced inequality is under threat. Affirmative action is portrayed by dominant ethnic, caste or class groups as usurping their ‘natural’ prerogatives since they assume they are intrinsically more meritorious.²³ In India, the Hindu upper castes, who formed the initial mainstay of the RSS, have long been against reservation as historical redress.²⁴ They have now managed to reduce the idea to simply one of current economic inequality, through reservation for ‘economically weaker sections’ among the upper castes, upheld by the Supreme Court in the case *Janhit Abhiyan v Union of India 2022*.²⁵ This reflects a global trend: in the US, in June 2023, the conservative-dominated Supreme Court voted to ban race-based college admissions, overturning decades of affirmative action policies (Debusmann, 2023), while a poll of Trump voters showed they believed whites suffered more racism than blacks (Bump, 2023). In Brazil, Bolsanaro undermined Indigenous land rights in the Amazon (Verdum, 2022). Australia rejected the constitutional recognition of Indigenous people through the Voice referendum, even though that was a far cry from any serious reparations (Zhou, 2023). In this article, however, my focus is not on the ongoing struggle by Adivasis and Dalits for justice and recognition, but on how the language of reparations has been weaponized against Muslims.

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21. Perhaps the first official mention of ‘historic injustice’ in Indian law can be found in the statement of objectives of The Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006, which recognizes the historic rights of indigenous people in forest lands, from which many were unfairly evicted. See <https://forestrights.nic.in/doc/Act.pdf>
 22. However, the Constitutional Assembly debates around Articles 14–16, which deal with equality and non-discrimination, show that the framers recognized that Dalits and Adivasis occupied a unique position due to historical discrimination.
 23. On ‘racial resentment’, see Wilson and Davis (2011).
 24. On RSS ideology, see Anderson and Damle (2018) and Noorani (2019).
 25. For a review of the case, see www.scobserver.in/cases/janhit-abhiyan-union-of-india-ews-reservation-case-background/#:~:text=On%20December%206th%2C%202022%2C%20the,grounds%20to%20review%20the%20Judgement

Temple Restorations as Reparations

In its quest to establish Hindus as the original indigenous population and a victim of colonization by others, the RSS has smartly adopted recent discourses on ‘decolonization’.²⁶ For the RSS, real decolonization would mean converting India into a Hindu state, not the independence India won in 1947. The RSS and Prime Minister Modi speak of 800 years of colonization and ‘slavery’ (dating from 12th-century Muslim incursions, or 1192 to be precise) as compared to the 200 years of British rule.²⁷ This was very effectively entrenched in the public consciousness at the inaugural ceremony of the Ram Mandir temple, built on the site of the demolished Babri Masjid (mosque) at Ayodhya, on 22 January 2024, where Modi spoke of ‘breaking the shackles of slavery of 500 years’ and ‘the dawn of a new era’.²⁸ The RSS periodization effectively portrays Muslims, Christians and, indeed, the secular constitution, as alien to the ‘real’ historical nation. The General Secretary of the Ram Mandir Trust was widely reported as saying that 22 January 2024 was as important a date as 15 August 1947, the day India gained independence (*Economic Times*, 2023). Accordingly, 22 January was marked by an official public holiday. Ironically, Modi’s performing the consecration rituals in the temple himself amounted to an enactment of traditional divine kingship, which had supposedly been ended by the establishment of India as a republic.

In material terms, ‘decolonization’ under Modi has taken various forms, including renaming various cities which have Muslim names (e.g. Allahabad to Prayagraj), using Hindi in the formal title of redrafted criminal laws instead of English and performing Hindu ceremonies while inaugurating a new parliament building. The RSS has spent the last 100 years rewriting history and disseminating it through its own organizations, publications, schools, social media platforms and, now, through official channels like school textbooks and university courses (Sarkar, 2019), as well as through a compliant media. Under the Modi government, the RSS narrative has taken deep root in popular culture and the national imagination.

While there was a long history of Muslim rule in North India, contemporary Muslim populations, especially after the Partition of 1947, are among the most under-represented and marginal communities in India today. They have negligible political representation, experience difficulties in finding employment and housing and are over-represented in the country’s prisons and as victims of communal riots (Maizland, 2022; Sachar, 2006). In many cases they have faced wholesale pogroms, such as the 2002 Gujarat killings under then Chief Minister of Gujarat, Narendra Modi. Any suggestion

26. See Hindutva writer Deepak (2021) for the references to decolonial scholars; for a critique of Deepak, see Sen (2023).

27. For a critique of this position, see Bhattacharya (2023).

28. See www.youtube.com/watch?v=EO8cXoLeNyA

of affirmative action or protection for Muslims is met with the charge of ‘appeasement’ (see, for example, BJP, 2006).

One form taken by the Hindutva demand for reparations is public action and litigation to have mosques ‘converted back’ into temples, based on the assertion that the mosques were originally temples that were destroyed by Muslim ‘barbarian invaders’.²⁹ The notion of historical injustice is invoked and the need for compensation declared. A 2022 Supreme Court order records the submission of the Hindutva side:

Destruction of temples was a historical injustice on generations of Hindus perpetrated by then ruling elite such as Aurangzeb and Places of Worship Act, 1991 even forecloses the possibility of remedying this injustice which is contrary to our constitutional scheme which recognizes the need to remedy this generation injustice. Affirmative action to historically disadvantaged is a basic thread which runs through the constitution and is evident in affirmative action to historically oppressed and disadvantaged groups such as SC/ST/Women as reflected in Articles 15, 16, 17 and Article 243 d of the Constitution of India.³⁰

The demand for temple restoration was part of the rise of Hindu nationalism even prior to Independence. The first major success was the rebuilding in 1951 of the Somnath temple in Gujarat. It had been destroyed by Mahmud of Ghazni in 1026 BC. However, despite the participation of leading Congress figures such as Vallabhbhai Patel, K.M. Munshi and Rajendra Prasad, it was a private undertaking that did not receive state patronage.

This was followed by the Ramjanmabhoomi movement, led by the RSS and its various fronts such as the Vishwa Hindu Parishad, set on taking over the Babri mosque in Ayodhya. In 1949 a Hindu idol was illegally inserted inside the mosque with official connivance. In 1986 a supposedly secular government then allowed the worship of that idol by Hindus. Finally, in 1992 the mosque was demolished by BJP politicians and their cadres. This sparked riots across the country. The four decades of the Ramjanmabhoomi movement have seen attritional as well as exponential violence against India’s Muslims (Noorani, 2020; Singh, 2018). The unlawful appropriation of the site was cemented by a judicial victory in 2019 under Modi’s BJP government. In this ruling, a five-judge bench of the Supreme Court ordered the disputed land to be given over to a Hindu temple trust, while the Muslims were given five acres of land about 15 miles away to build another mosque (see Sundar, 2019).

In 1991, when the Ramjanmabhoomi movement was first peaking, and a year before the demolition of the Babri Masjid, the then Congress government enacted the Places of Worship Act. The Minister of Home Affairs, S.B. Chavan, explained the rationale in terms of ‘future peace and harmony

29. This section on temple restorations draws on Sundar (2023).

30. See ‘Court Order: Ashwini Kumar Upadhyay v Union of India on 12 October 2022’; <https://indiankanoon.org/doc/73177160/>

as the most important form of reparations for the wounds of the past'.³¹ The Act prohibits the conversion of any existing place of worship into a place of worship of a different section of the same religious denomination or of a different religion. It also declares that the religious character of places of worship existing on 15 August 1947, when India got independence, shall continue to be the same as then. It is a future-oriented Act which rests on the principle that demands for reparations in a complicated historical context with citizens belonging to multiple faiths are retrogressive rather than remedial, and that closure is the way forward. When faiths and places of worship coincide and are layered upon each other, seeking to uncover an 'original' character, rather than bringing healing, is more likely to inflame passions further.

Despite handing over the Ayodhya site to Hindus in its judgment of 2019, the Supreme Court declared its firm commitment to the Places of Worship Act, stating that it was part of the 'basic structure' or the immutable bedrock of the Indian Constitution. Yet barely two years later, in 2021, Chief Justice D.Y. Chandrachud, who had been part of that bench, agreed to hear a challenge to the Act, filed by BJP MP Ashwini Upadhyaya. The legal challenge to the Places of Worship Act proceeded in parallel to judges allowing Hindus to pray in the cellar of the Gyanvapi mosque in Varanasi, on the grounds that an archaeological survey had proved that it was originally a temple. The Shahi Idgah mosque in Mathura is under similar threat, as are Muslim places of worship in Madhya Pradesh, Karnataka and Maharashtra, and some Christian churches in Goa. The terrain of reparations may have moved to the courts, but the interpretive tools being employed by the judges in their attempts to read history draw firmly from the Hindutva school of historical thought (see Sundar, 2019, 2023).

Professional historians dispute the Hindu supremacist version of history, pointing to the syncretic nature of the Mughal Empire, the fact that Muslim rulers patronized Hindu temples, that both Hindu and Muslim rulers destroyed temples or stole idols primarily as part of a political campaign for conquest and not in the normal course of rule (see Kumar, 2008). In contrast to this act of destruction directed by kings against their rivals in the past, every Hindutva ideologue today feels entitled to punish ordinary Muslim Indians. During the Gujarat pogrom of 2002, several mosques and *dargahs* (tombs of Muslim saints) were destroyed as part of the attack on the state's Muslims. Religious desecration as conquest was not the only reason why religious places changed character: migration and reuse of existing buildings and materials also played a part. There are many instances of the government demolishing, flooding or damaging religious shrines in the name of development, road widening, or removing illegal

31. Lok Sabha Debates, 10 September 1991. See Vol. 5 No. 41–49, p. 448; https://eparlib.nic.in/handle/123456789/3481?view_type=search

constructions. There are also dozens of examples of syncretism where people of diverse faiths worship together such as in the Sufi dargahs of Delhi.

But perhaps all is not lost in terms of reparations and the basic principle it enshrines. In the last few years, the Sikhs of Punjab have restored mosques which were abandoned after Muslims migrated to Pakistan (Sandhu, 2023). It is this attempt to repair and heal — to promote communal harmony in the present rather than make revanchist claims in the name of past injustices, real or imagined — that embodies the true spirit behind the idea of reparations. Perhaps it also shows that reparations claims should first be presented to civil society for discussion rather than directed primarily at states. Dignity comes as much from recognition by the other in society, and harmonious coexistence, as from the state, even though it is the state which is ultimately responsible for implementing rights.

TOWARDS A CONCLUSION

In this article, the term reparations includes not just financial reparations but demands for restitution more broadly, including forms of symbolic atonement and recognition of moral claims. While the demand for reparations is an opportunity to raise several issues which are part of a movement towards equality and justice (Taiwo, 2022), there is also the danger that a focus on particular claims and particular readings of history can distract from a more sweeping transformation of the global order, and more universalist, non-identity-based attempts at introducing equality. Like affirmative action, reparations are necessary but not sufficient.

Moreover, it is the dominant groups in increasingly majoritarian-driven polities that are claiming victimization and demanding the abolishment of existing reparations (even weak versions like affirmative action) or the handing over of land and monuments, or other forms of special treatment for themselves. What the two cases of Israel and India illustrate is the way in which hegemonic cohorts are able to deploy historical narratives to justify their own reparations claims; the fragility of reparation claims in the face of appeals to differential starting points for redress; and the vulnerability of the language of restitution, reparation and decolonization which can be made to stand in for things it was never intended to represent. Ultimately, reparations claims must treat sustained injustices and disadvantage in the present as starting points. In establishing how these should be addressed, the past is one important element to consider but not the only one. In situations involving complicated histories of violence between groups, and layered historical occupation, the appropriate locus for reparation demands, in terms of recognition and implementation, may not be the state, nor may the appropriate form of reparation be restoration to some supposedly prior

situation. Sometimes, it is through closure (as promised by the Places of Worship Act) and in conversations with others in civil society, rather than the state, that one can find more healing and reparation. It is the present and future and not history alone to which we must look for the formulation of remediation claims. This must, above all, promise non-repetition of violence or abuse, not just for one community but for all.

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