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Time, Power, and Religion

Comparing the Disputes over Temple Mount and the Ayodhya Sacred Sites

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Abstract

The main argument of this paper is that the sacred time and space of the nation has displaced the meaning of sacredness of the religious sites, and legitimized the national community. By comparing the Temple Mount and Ayodhya disputes, the paper exposes the tensions between two polarities, sacred/profane and religious/political, which helps explain the influence of national identities on the contested sacredness of religious sites. The competition over the Temple Mount is nested within a "thicker" context of conflicting political claims over Jerusalem and national territory between Jewish groups on one hand and between Jews and Muslims on the other. The Ayodhya disagreement is related to the political tensions between the dominant and the minority religions, which have turned the religious dispute over a holy site into a debate on the sacredness of the national community.

Keywords

sacred vs profane – religious vs. political – state – community – nation – genealogy – secularism

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1 Introduction

There are two main ways of analyzing sacred sites.[1] First, the structural and phenomenological one, exemplified by the work of Mircea Eliade,[2] focuses on the religious meaning that makes a place significant to believers across historical periods. The tensions between religious claims on the same space are therefore explained by its ontological features that make it non-negotiable and impossible to share. It is the most common approach to explain the ongoing tensions around the Temple Mount in Jerusalem between Muslims and Jews. The place is sacred for Jews who refer to it as *Har ha-bayit* (Temple Mount), the location of the First and Second Temples. It is where the Holy of Holies stood, the center or navel (*omphalos*) of the world, where the human and Divine worlds meet. In the messianic narrative, the return of all Jews from exile and the reconstruction of the Temple are crucial in the redemption process. For Muslims, *al-Haram al-Sharif* or Noble Sanctuary is the place where the Prophet Muhammad ascended to Heaven to receive the daily order of prayers, from the *sakra*, the same rock Jews consider the cornerstone of the Temple. The escathological status of Jerusalem, where the Last Judgement will take place, is also emphasized.[3] Similarly, for Hindus, Ayodhya is the birthplace of Rama, one of the incarnations of Lord Vishnu, hero of the Ramayana, which is the most fundamental Hindu epic. Rama is said to have spent his youth in Ayodhya. The place of birth was marked with a temple, the Ram Janmabhumi. According to Hindus, while Ram Janmabhumi was lost and recovered several times throughout the centuries, it was only in the 16th century, under the first Moghul emperor, Babur (1526–1530), that it was erased to build the Babri mosque to honor the Emperor.

By contrast, the second approach, dominant in sociology and anthropology, focuses on the social and political contexts that provide power to one group over another.[4] Symbols and meanings are understood primarily as means of political competition. In this category, scholars insist on the changing status of these sacred places across history. They emphasize that although theologically and symbolically significant, Jerusalem lost its political and cultural centrality once Jews went into exile. They argue that in fact only for a short period

1 Roger Friedland and Richard Hecht, "The Bodies of Nations: A Comparative Study of Religious Violence in Jerusalem and Ayodha," 38(2) *History of Religions* (1998), 101–149.

2 Mircea Eliade, *Traite d'Histoire des Religions* (Paris: Payot, 1948); Rudolf Otto, *The Idea of the Holy* (Ravenio Books, 1924), 6–7.

3 Ofer Livne-Kafri, "Jerusalem in Early Islam: The Eschatological Aspect," 53(3) *Arabica* (2006), 382–403.

4 Jonathan Z. Smith, *To Take Place: Toward Theory in Ritual* (Chicago: Chicago University Press, 1987).

of some forty years, was Jerusalem the capital of the ancient Israelite monarchy. They additionally show that, ironically, it was only after the Arab Muslim conquest in 638 that Jews were allowed to come back to Jerusalem. Several documents in the Cairo Geniza record the financial contribution of rich Jews of Egypt and Sicily toward the maintenance of a synagogue next to the Western Wall, which is adjacent to the Muslim holy shrines of al-Haram al-Sharif. When the Crusaders captured Jerusalem, in 1099, the Jewish—together with the Muslim—population was once again thrown out of the city. Only after 1260, under the Mamluke Sultans of Egypt, did Jews begin to return to the city. In 1516, under Ottoman rule, the Jewish settlement in the city was again secure, leading to demographic growth. In the 17th century, the estimated Jewish population was 1000, about 10 percent of the total population of the city. David dei Rossi, a Jewish Italian who visited Jerusalem in the 16th century, commented on Jewish life in the city: "Here we are not in exile as in our own country [Italy]. Here… those appointed over the customs and tolls are Jews. There are no special Jewish taxes."[5] The same optimism was echoed by Solomon ben Hayyim Meinstrel of Ludenburg, a visitor in the Holy Land in 1607: "The Gentiles who dwell on the soil of Israel… hold the graves of our holy masters in great reverence, as well as the synagogues, and they kindle lights at the graves of the saints and vow to supply the synagogues with oil."[6] In the same vein, historian Amnon Cohen, in his study of Jewish life in Jerusalem in the 16th century, based on the registers of the Shari'a court, stressed the positive attitude of the Ottoman authorities toward the Jews.[7] He noted that the fiscal restrictions imposed by the Shari'a were not applied in accordance with the letter of the law, and that not all Jews in Jerusalem who owed the *jizya*[8] tax paid it. He added that the implementation of the religious law was often slanted in favor of the Jews and that the testimony of Jewish litigants and witnesses were valid in Islamic courts in contradiction of the accepted notion that their testimonies were inadmissible.[9]

5 Quoted in Francis. E. Peters, *Jerusalem: The Holy City in the Eyes of Chroniclers, Visitors, Pilgrims, and Prophets from the Days of Abraham to the Beginnings of Modern Times* (Princeton: Princeton University Press, 2017), 484.

6 *Ibid.*

7 Amnon Cohen, *Jewish Life under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984).

8 *Jizya* is the special tax paid by the *dhimmi* (protected religious minorities in the Muslim Empires).

9 See Nur Masalah and Jeffrey Haynes, "Research Notes: A comparative study of Jewish, Christian and Islamic Fundamentalist Perspectives on Jerusalem: Implications for Interfaith Dialogue," 5(1) *Holy Land Studies* (2006), 97–112; Abigail Jacobson Syracuse, *From Empire to Empire: Jerusalem Between Ottoman and British Rule* (New York: Syracuse University Press, 2011); Abram Leon Sachar, *History of the Jews* (New York: McGraw-Hill

Exploring comparable changes in meaning associated with political and historical circumstances, historians[10] have emphasized the shifting status of Ayodhya in Hindu narratives, noting the highly decentralized and localized nature of Hindu practices and rituals. Ayodhya was an important center during the Guptah dynasty in the 5th century CE, but lost its prestige under the Muslim Moghul rule (1526–1857). According to British records, Ayodhya was a place of continuous dispute between Muslims and Hindus throughout the 19th century. Before independence, the latest incident occurred in 1934, when a cow slaughter at the Muslim festival of Bakr Id, in nearby Shahjahanpur, led to riots, in which the mosque was attacked and several Muslims killed. A punitive tax was levied on the Hindus of Ayodhya, and the damage to the mosque was repaired. After Independence, the mosque was protected by a police picket.[11]

These two approaches present opposite, irreconcilable positions. In the interpretative approach, the historical contingency of the site is irrelevant and non-essential. By contrast, according to the social structural approach, the site in itself is not important, only the relationships of power around it count. I argue that to understand contested sacred sites, the truth is, as usual, in the middle. It is crucial to capture how the religious meaning of these sites is affected by the political evolution of the broader context in which they are located. It is the interplay of meaning, power, and time that can explain the current disputed status of sacred spaces.

The main argument of this paper is that the sacred time and space of the nation have displaced the sacredness of the sites toward the political community. Within the nation-state framework, the sacredness is not only religious but also political. That is why holy and sacred are not synonymous. Holy can refer to places of worship, like a mosque or a temple, whereas sacredness involves the religious centrality of a place for the entire religious community, like *Har ha-bayit* for Jews or the *Ka'ba* for Muslims. As a result, a space is not simply a physical location but also the receptacle of the eternity or longevity of the religious significance of the group. This longevity is amplified and takes a political direction when it also confers legitimacy to the nation, which is the case in both the Ayodhya and Temple Mount disputes, albeit with different outcomes. In Ayodhya, the national localization has transformed a contested holy place into a sacred site, whereas the Temple Mount has become the receptacle of national and religious sacredness for both Jews and Muslims.

College, 1982), 221; Gadha Hichem Talhami, "The Modern History of Islamic Jerusalem," 7(2) *Middle East Policy* (2000), 113–129.

10 Hans Bakker, *Ayodhyā* (Egbert Forsten Publishers, 1986).

11 Peter Van Der Veer, "Ayodhya and Somnath: Eternal Shrines, Contested Histories," 59(1) *Social Research* (1992), 85–110, 87.

To explain this overlap of national and religious sacredness, I make one disclaimer and two theoretical claims that underlie the comparison between the Temple Mount and Ayodhya.

First, this paper does not claim to be a historical account of the two disputes. It is instead a genealogy of the political and religious sacredness at stake in the two disputes. Genealogy[12] explores how the present is understandable through specific circumstances from the past, and how these circumstances have changed ideas, emotions, political actions, and repertoires of knowledge. This is why the focus of the article is the rise of contestation about narratives and institutions, i.e., when people fight and compete to impose one particular meaning of the sacred site. Building on historical research, this paper examines the influence of the nation-state as the modern political community that has affected these meanings. To do so, it identifies sequences or phases when events intersect and create new causal chains. The sequences are relevant when *both* ideas, and political institutions change, not simply one or the other.[13] The argument draws on two years of collecting historical and political data about the two sites, as part of a broader project on the influence of the nation-state framework on religious identities and practices.[14] Additionally, the comparative approach does not mean looking for similarities but rather highlighting the differences in the status of these two places in their national context. In other words, the goal is not to demonstrate that Temple Mount and Ayodhya are similar sacred spaces. Far from it. The place of the Temple Mount cannot be understood outside the context of Israel as a sacred community. This is a crucial difference from the Ayodhya site, which does not possess a similar centrality in the Hindu religious narrative or in Muslim traditions. The comparison addresses the shift in the perception of the sacredness associated with the modern context of the nation and the subsequent ideational changes within the Jewish and Hindu traditions. How can these religious and political changes explain the current competition about sacred sites? This is the question the article aims to address. To do so, it makes two theoretical claims.

The first is that the divide between sacred and profane inherent in religious sites, conflicts with the religious vs. political divide, which is foundational of

12 See Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews* (Ithica, NY: Cornell University Press, 1980).

13 Orfeo Fioretos, Tulia Falleti, and Adam Sheingate. "Introduction: Historical Institutionalism in Political Science" in *The Oxford Handbook of Historical Institutionalism* (Oxford: Oxford University Press, 2016), 3–31.

14 Jocelyne Cesari, "Unexpected Convergences: Religious Nationalism in Israel and Turkey," 9(11) *Religions* (2018), 334–354; see also, Jocelyne Cesari, *We God's people: Christianity, Islam and Hinduism in a World of Nations* (Cambridge, UK: Cambridge University Press, forthcoming).

political modernity. The second is that both these divides, sacred/profane and religious/political, are at the foundation of national communities.

2 Sacred versus Profane,Secular versus Religious: What It Means for Sacred Sites

With modernization of social and political life, the religious/secular distinction has taken precedence over the sacred/profane one. In Durkheim's theory of religion, the sacred represents the unity of a religious group through collective symbols, whereas the profane refers to mundane personal matters.[15] Such a divide was central to premodern religious communities, which were also political in the Aristotelian sense of the term. This means that the religious message and symbols were foundational for both the social and political community. No conception of power, sovereignty, and law existed outside the ones given through the gods recognized and worshipped by the group. In premodern times, religious and political communities were aligned. From this perspective, religion was key to justifying the distribution of power and to creating cohesion and collective identification through shared symbols and rituals. This conflation of the religious and political community is evident in the monotheist messages in which the revelation-based community is also a political community. It means that the alignment of the message (there is only one God), the people (unified in their pledge of exclusive allegiance to this one God), and the territory (when land is part of the covenant between God and the people, at least for Judaism). Besides this monotheist specificity, in Durkheim's view, religion was the most fundamental institution for the social cohesion of any group, which became marginalized because of the progress of science and individualism. I would add that the rise of the nation-state has been the third important factor that has precipitated the disconnection of religion from the collective and political identities.

In modern times, the sacred/profane divide has been displaced by the secular/religious one, where the secular nation is the cornerstone of the group unity, whereas religion is supposed to be confined to personal spirituality. At the same time, the nation-state has become the foundational institution of the international order worldwide.[16] As a consequence, the exportation of the modern conception of religion was everywhere part and parcel of nation-state

15 Emile Durkheim, *The Elementary Forms of the Religious Life* (New York: Simon & Schuster Ltd, 1st edn., 1995).

16 Jocelyne Cesari, *What Is Political Islam?* (Lynne Rienner Publishers, 2018); Cesari, *supra* note 14.

building processes. States took over mundane activities and dubbed them "political" to contrast them with the "religious" ones, breaking the premodern alignment between the sacred and political unity of the group. In other words, what is secular is the outcome of a continuous power struggle with what is religious, informed by national and international political contexts. I contend that beyond beliefs and theology, religions are bodies, buildings, imagination, and emotions that have been deeply transformed by their adjustment and recalibration within the modern nation-state framework. These transformations underscore the political relevance of religion in any given context.

A brief history of the secular/religious distinction may clarify this assertion. The "secular" was a category developed within Latin Christendom in the aftermath of the wars of religion. Saeculum, or "profane time," was contrasted with eternal sacred time.[17] In Latin, "saeculum" means a fixed period of time, roughly one hundred years. In Romance languages, it evolved into "century." After the wars of religion, it was used to contrast this temporal age of the world with the divinely eternal realm of God.[18] Anything "secular" has to do with earthly affairs rather than with spiritual ones. As a result, certain places, institutions, persons, and functions were inscribed within one or the other "times." The transfer of certain properties and institutions out of church control to the state was therefore "secularization." For the first time since the establishment of the Catholic Church, the political community could exist outside the divine guidance of the Pope and be defined on its own terms. From this moment on, secularization in Western Europe has never stopped, not simply at the institutional level but most important, at the societal level, leading to the present dominant perception that "this-worldly" is all there is, and that the higher "other-worldly" is the product of the human community.

This shift led to two main changes: first, the concept of good political order and social virtues was disconnected from Christian ethics; second, the division of labor between the immanent (secular) and the transcendent (religious) was theologically acknowledged. Naturally, the immanent and the transcendent are constitutive of Christianity, but until the premodern era, the church was in charge of the two levels, or in Augustine terms, the two cities. After the Wars of Religion, the Church relinquished its guidance of the immanent to the political power. This division of labor was the invention of Latin Christendom, and constituted its contribution to the process of secularization.[19] The Western understanding of the secular builds on this separation. It affirms that the "lower"

17 Eduardo Mendieta and Justin Beaumont, "Reflexive Secularization," in J. Beaumont (ed.), *The Routledge Handbook of Postsecularity* (New York: Routledge, 2019), 423–436.

18 *Ibid*.

19 Charles Taylor, "Western Secularity," in C.Calhoun, M. Juergensmeyer, & J. Van Antwerpen (eds.), *Rethinking Secularism* (Oxford, NY: Oxford University Press, 2011), 31–53.

immanent or secular order is all that there is, and that the "higher" or transcendent order does not exist to regulate the lower. The believers are therefore expected to keep the transcendent to themselves and not let belief influence the political or social practices in which they engage. This separation was accelerated by the Reformation, laying the groundwork for the ascendance of a neutral, self-sufficient secular order, and leading to the contemporary situation where belief in God is considered to be one of several viable spiritual options. Simultaneously, the nation became the superior collective identification, which took precedence over religious allegiances that from then on could be only individual. Religion was moved to the domain of personal spirituality, and all collective allegiances were oriented toward the nation, as a sovereign community of individuals equal in rights.

In sum, in modern times, the sacred/profane divide has been replaced by the secular/religious one, where the secular nation is the cornerstone of the group unity, while religion tends to become more private and personal. Religion still has social and political relevance, but it must contend with the secular political context of the nation. Conversely, the sacred has not disappeared from secular nations. Both political and religious symbols can nowadays be sacred: the flag, the national anthem, memorials, places of worship and shrines, rituals, time. In these circumstances, some secular symbols and sites can be sacred. At the same time, religious sacred sites must be addressed in political, national, and international terms. As a consequence, all non-Western traditions, like Hinduism and Buddhism, have become politicized in modern times.[20]

3 Nation Is More Than Ideology

Most scholars would agree that nationalism refers to a group with a collective identity and aspiration to self-determination. When the territorial borders of this group or nation align with those of the state monopoly on power, we have the ideal type of a nation state. One may wonder how nationalism arises. This is where scholarly disagreements are sharpest. On the one hand, some scholars insist on the preexistence of cohesive social groups, grounded in culture or bloodline, which would explain unification.[21] The basic assumption in this

20 See Jocelyne Cesari, *We God's people: Christianity, Islam and Hinduism in a World of Nations* (Cambridge, UK: Cambridge University Press, forthcoming).

21 Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell, 2006); Elie Kedourie, *Nationalism* (Oxford: Blackwell, 2002).

approach is that there must be some unifying factor in any given national identity whether it be history, language, religion, or something else. On the other hand, scholars argue that nationalism is the product of social processes that forged solidarity on the basis of shared communication or interests. In this second perspective, nationalism commenced with the expansion of capitalism, which implied shared language and cultural homogenization to foster a collective experience and commonality within the masses.The result has been described by Benedict Anderson as an "imagined community," giving priority to language over blood.[22] Scholars like Ernest Gellner[23] and Eric Hobsbawm[24] forged the new paradigm, soon to be referred to as "modernism" or "constructivism," which became hegemonic among scholars in the last few decades. Whereas the traditional paradigm confidently established nations in the *longue durée* of history and emphasized their continuity and organic, natural qualities, the modernists saw nations as "constructed communities" in which sovereignty is located within the people rather than divinely sanctioned monarchs.

The position adopted in this paper is neither traditionalist nor modernist because it does not consider inherited features or constructed communities to be sufficient in themselves to create a nation. I do not contest that cultural, ethnic, and religious features of groups persist through successive historical periods. Such continuity, however, does not entail *similarity or perpetuation of the meanings* given to symbols, rituals, or practices since the foundation of the group. In the same vein, the imagined community of the constructivist approach is not satisfactory because it operates on a very "thin" conception of organic social cohesion, which is that people are brought together primarily by structural changes in material production and political power.[25] The present article is an attempt to overcome these apparently opposing approaches by turning to Norbert Elias's historical sociology of nations.[26] From this perspective, the nation consists of a collective consciousness and of sets of institutions built on accumulated historical processes, continuously transforming what people see as inherent and essential features that make them say "we."[27]

22 Benedict Anderson, *Imagined Communities, Reflections on the Origin and Spread of Nationalism* (London:Verso1983).

23 *Ibid.*

24 Eric Hobsbawn, *Nations and Nationalism Since 1780* (Cambridge: Cambridge University Press, 1990).

25 Anthony Marx, *Faith in Nation: Exclusionary Origins of Nationalism* (New York: Oxford University Press, 2005), 15.

26 Norbert Elias, *The Civilizing Process* (Oxford: Blackwell, 1994).

27 *Ibid.*

At the first glance, such a position seems similar to the ones adopted by scholars like Azar Gat[28] and Anthony D. Smith,[29] who, in an effort to revive the culturalist perspective, look at the congruence between culture or ethnicity and state across historical periods, from city-states, dynastic monarchies, and empires, which were all characterized by a dominant ethnicity or religion. Although we should bear in mind the relevance of ethnicity and shared culture, as noted by Suny, it is also important to remember that : "amalgamating different cultural or ethno-political communities across millennia can easily lead to facile homogenization of varied phenomena.For many decades (and at no time more than with the advent of the constructivist paradigm) scholars have been dedicated to characterizing what existed in ancient, medieval and pre-modern times and elaborating how it differed from nations in the age of nationalism and nation-states."[30]

That is why I opted for Norbert Elias's approach, which differs from Smith's and Gat's positions and avoids the trap of neo-evolutionism, because it recognizes that the nation is the modern political community characterized by *self-consciousness* and *self-determination*. This means that equal rights of all individuals are foundational to the modern nation and cannot operate without the political sovereignty of all the people. Nation is the modern political community founded on equality and popular sovereignty. But Elias's position is not modernist, because he argues that modern nations are not simply the outcome of material processes or constructed from scratch, but build on inherited features that are refashioned to make the principles of equality and sovereignty meaningful. This modern meaning of nation is obscured by the fact that the term "nation" is loosely used to refer to perennial ethnic-religious groups. Judaism is a case in point, because it is common to refer to the outcome of the covenant with God as the Jewish nation or Zion. This Jewish nation, however, does not have the features of the modern nation. The former is based on God's sovereignty and hierarchical divisions of the people, not on equality and people power. At the same time, the modern Jewish nation, founded on equality and people sovereignty, is viable because it also draws on symbols, concepts, and rituals inherited from the past. Nonetheless, these symbols and rituals do not carry the semantic connotations of the past for all groups.

28 Azar Gat, *Nations: The Long History and Deep Roots of Political Ethnicity and Nationalism* (Cambridge: Cambridge University Press, 2012).

29 Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Basil Blackwell, 1986).

30 Ronald Grigor Suny, "Nations: The Long History and Deep Roots of Political Ethnicity and Nationalism," 39(1) *Social History* (2014), 106–110, 110.

Jobani and Perez's[31] definition of sacred sites as "thick sites" is helpful for capturing this multilayered complexity. A thick site holds different and at times incompatible meanings that are assigned to it by different agents who view these meanings as significant and irreplaceable. The significance of sites must be understood with reference to these varied cultural and religious meanings. In this paper I argue that these meanings are conflictual because the modern nation and the religious ethnic nation do not systematically overlap. Therefore, the thickness is not simply the result of synchronic disputes but also of diachronic changes of meaning.

If "nation" is the modern frame for understanding societal and political situations, the "nation-state" that we usually consider as the two sides of the same coin is not a given. Nation as a political community is a far broader concept than state power, and cannot be limited to the politicians' actions. Politicians and religious leaders alike are influenced by the national cultural mindset. For example, Liah Greenfeld has demonstrated how the national frame has reshaped not only culture but also the mentality of individuals, and even illness.[32] This consciousness is at the foundation of our understanding of modern society. Sociologists have known for a long time that even suicide, the most individual and solitary choice a human being can make, varies greatly across countries. Happiness, too, follows national patterns. Nationality even impinges upon our bodies; obesity levels vary greatly across countries.[33] As expressed by Roger Friedland: "Nationalism is not simply an ideology; it is also a set of discursive practices by which the territorial identity of the political power and the cultural identity of the people whose collective representation it claims are constituted in a singular fact."[34] Although nationalism offers a form of representation, it does not determine the context of the representation itself or the identity of the represented population, whether it be civic, liberal, ethnic, or religious.[35] Consequently the nation-state is more than the sum of its policies. State policies and institutions are indeed crucial for the analysis of politics and

31 Yuval Jobani and Nahshon Perez, "Governing the Sacred: A Critical Typology of Models of Political Toleration in Contested Sacred Sites," 7 *Oxford Journal of Law and Religion* (2018), 250–273.

32 Liah Greenfeld, *Mind, Modernity, Madness: the Impact of Culture on Human Experience* (Cambridge, MA: Harvard University Press, 2013), 2.

33 For more information, see Ruut Veenhoven, "Is Happiness Relative?" 24(1) *Social Indicators Researc*h (Berlin: Springer Netherlands, 1991), 1–34.

34 Roger Friedland, "Money, Sex, God: The Erotic Logic of Religious Nationalism," 20(3) *Sociological Theory*, 381–425, 386.

35 Andreas Pickel, "Homo Nationis: The Psycho-social Infrastructure of the Nation-state Order," 18(4) *Global Society*, 325–346.

religion, but they do not account for the entire spectrum of their interactions. For this reason, I give a strong preference to the Foucauldian concept of "governmentality," which emphasizes the connection between techniques of individual socialization (governing of the self) and techniques of domination (governing others).[36] Governmentality refers to different procedures for regulating human behaviors, which is not in any way limited to state actions or policies. State actions are not decipherable outside the ingrained acceptance of these techniques by citizens. Therefore, policies cannot be explained without analyzing the sets of acquired ideas, emotions, codes of behavior, and social etiquette that people in a given territory associate with political power and community. Under these conditions, religion becomes a significant mode of power. It is therefore crucial to analyze the politicization of religion by paying attention not only to specific governmental apparatuses but also to bodies of knowledge, including religion itself. In sum, how we say "we" today is the result of different layers of education and socialization within this particular space called "the nation," which has changed all identities, including religious ones. The nation-state is, by definition, a secular political project that has transformed all religious debates and values for individuals and for society.

4 Nation and Religious Community

As noted by Peter Van Der Veer, "[s]acred sites are not only contested as markers of space but also as markers of time. They are the physical evidence of the perennial existence of the religious community and, by nationalist extension, of the nation."[37] By combining the time and space variables, this article sheds light on the differences between the national status of the Temple Mount and Ayodhya. The former is nested within a "thicker" context of conflicting political claims over Jerusalem and national territory. The latter is situated in the political tensions between the dominant and the minority religions, which has turned the religious dispute over a holy site into a debate on the sacredness of the national community. The examination below is a meta-analysis of existing data coming from two different origins. First, the conceptual history of modern meanings of Zion, state, nation, sovereignty in Jewish thinking, and historical survey of the building of state institutions.[38] Second, the archival sources and research on the concepts of Hinduism, secularism, and nation in India.

36 Michael Foucault, *The Government of Self and Others: Lectures at the Collège de France 1982–1983*, A. I. Davidson (ed.), G. Burchell (transl.) (Houndmills, Basingstoke: Palgrave Macmillan, 2010).

37 Peter Van Der Veer, *supra* note 11 at 87.

38 Cesari, *supra* note 16.

Meta-analysis or "analysis of analyses" works on findings from previous studies, rather than the raw data upon which they are based. The intention is to be synergistic, i.e., to offer insights that add to the existing research in order to provide "some degree of conceptual innovation, or employment of concepts not found in the characterization of the different parts."[39]

4.1 *The Sacred Character of Jerusalem and the Israeli-Palestinian Conflict*

Despite the diasporic conditions in which the Jews found themselves after the destruction of the Second Temple (70 CE), the alignment between the message, the people, and the territory remained engrained in the Jewish narrative and consciousness, in part because of their segregation within European premodern societies as well as in Muslim empires. The rise of nation-states, however, created a tension between belonging to the Jewish people and to the territory given by God. As noted by Leora Batnitzky, from the 18th century onward, to fit Judaism into the modern Western concept of politics (equality and sovereignty), the theological work of leading religious and intellectual figures was to depoliticize the Jewish tradition and to focus on privatization.[40] Therefore, Judaism as a modern religion became less about the survival and resilience of a religious community and much more about individual practices and conformity to religious law (*halakha*).[41] With the exile from their homeland, the Jewish people lost faith in their capacity to engineer their redemption. This change could come only as a result of divine and miraculous intervention.

Moses Mendelsohn (1729–1786), as the founder of the *Haskala* (Enlightenment), was a key religious figure in the depoliticization of Judaism. He observed the diversification of Jews in different denominations of practice; some were Liberal, some Reform, and some Orthodox. In this view, each of these groups, including Orthodoxy, is predicated on the basis that Judaism and politics are kept separate. He claimed that his understanding of Judaism is rational, not coercive, because it is driven by the heart and mind rather than by external pressures.[42] This depoliticization was meant to downplay the notions of collective belonging to a people and allegiance to a land outside the nation of residence, hence ushering Judaism into modernity. As a result of these efforts, Jews began to disassociate their sense of collective belonging from the

39 Mike Weed, "'Meta Interpretation': A Method for Interpretive Synthesis of Qualitative Research", 6(1) *Forum: Qualitative Social Research* (2005), 1–21, 18.

40 Leora Batnitzki, *How Judaism Became a Modern Religion: An Introduction to Modern Jewish Thought* (Princeton, NJ: Princeton University Press, 2011).

41 See also: Jacob Katz, *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770–1870* (Cambridge: Harvard University Press, 1973).

42 Leora Batnitzki, *supra* note 42.

exilic consciousness, and to identify instead with secular national communities. The longing for Zion is central to the Jewish faith, but it was presented by religious elites as a personal rather than a collective aspiration in order to legitimize the entry of Jews as individuals into European national communities. One may recall the claim of Clermont-Tonnerre, the President of the first National Constituent Assembly in Paris, "Jews should be denied everything as a nation, but granted everything as individuals."[43]

The national project of Theodore Herzl (1860–1904), based on the secular concept of nation, complicated the perceived divide between the Jewish religion and politics because it explicitly contradicted the depoliticization trend. Zion, traditionally associated with the rebuilding of the revelation-based community on God-given land, came to define the modern Jewish nation based on political secular sovereignty and equality. The Zionist concept of the "nation" is similar to the Western one, the emergence of which caused the need for a depoliticization of Judaism in the first place. Like Mendelsohn, Theodore Herzl, the father of modern Zionism, accepted the distinction between religion and politics; but unlike Mendelsohn, he emphasized the latter over the former. He envisioned a Jewish nation-state that would provide political independence and sovereignty to the Jewish people but did not have to embody "religious" ideas and values.

The Zionist movement was divided on the status of the "Jewish religion" in the new nation-state. One group, led by Ahad Ha'am (1856–1927) saw Judaism as culture. Ahad Ha'am internalized the idea that the religious tradition is obsolete and that Judaism had to undergo modernization through reform. At the same time, these religious traditions had to be maintained, not for personal salvation or spirituality, but as the "cultural" features of the nation. In his view, a "national theology" was needed, which means that the moral and ethical mission of the Jews inscribed in the covenant with God are transferred to the mundane nation. As a result, personal belief in God is somewhat irrelevant, and religious practices become the rituals of the new political community in order to build a nation, establishing Judaism as a political culture.

By contrast, the second group of Zionist ideologues, represented by intellectual figures like Micha Josef Berdyczweski (1865–1921), rejected religious practices altogether to focus only on the Jewish historical identity built by oppression.[44] In this view, there is no place for Judaism even as political culture.

43 Michael P. Fitzsimmons, *The Night the Old Regime Ended* (State College, Pennsylvania: The Pennsylvania State University Press, 2003), 10–11.

44 Jean Paul Sarte, *Anti-Semite and Jew*, G. J. Becker (transl.) (New York: Shocken Books, 1948).

Consistent with the Western conception of citizenship, the cornerstone of the modern nation is the individual, not the religious community. In similar and more radical ways, Socialist-Zionists like Nachman Syrkin (1868–1924), Itshak El Azari Volcani (1880–1955), or Yosef Haim Brenner (1881–1921) proposed to replace the religious tradition with the socialist and Zionist ideology as a new religion in order to transform disparate groups of immigrants into a new nation. This confrontational model in relation to the religious tradition was emblematic of the political leaders who came from Eastern Europe to Palestine in the beginning of the 20th century and founded the State of Israel in 1948.

The new state was built on the impossible synthesis of these two conflicting conceptions. The Jewish identity of the state was the only feature these two groups could agree on, as determined by the United Nations Partition Plan[45] (Knesset 1947) as well as by the Declaration of the Establishment of the State of Israel (1948), and by two Basic Laws dealing with human rights—Section 1 of *Hok Yesod: Kevod Ha-Adam Ve-Heruto* [Basic Law: Human Dignity and Liberty] and Section 2 of *Hok Yesod: Hofesh Ha-Issuk* [Basic Law: Freedom of Occupation].

Because of the unstable balance between secular nation and religious ideal, there has been no consensus on what "Jewish" means, fueling ongoing political disputes. Generally speaking, since independence, the tensions between Orthodox religious groups and the secular elite were prevented from escalating politically by the implicit agreement on what is known in Israeli politics as "the *status quo*." This refers to the agreement between Ben Gurion (1886–1973) and the representatives of the *Haredi* (i.e., ultra-Orthodox) community, in 1947. The agreement preserved the arrangements existing under the British Mandate and inherited from the Ottoman Empire, which allowed the different religious communities to operate their own legal systems in the sphere of personal status law.[46] The agreement went further than the law, and it exempted Torah students from military service and assured that they would receive a small stipend to study the Torah full time, even after marriage, until the age of 40. It was a deal struck by the leadership of a largely secularized Ashkenazi pioneering elite steeped in European ideas, who were convinced that the development of the modern Jewish nation would soon render Orthodox groups irrelevant.

45 The UN General Assemly, *UN Partition Plan – Resolution 181* (1947).

46 Daphne Barak-Erez, "Law and Religion Under the Status Quo Model: Between Past Compromises and Constant Change", 30(6) *Cardozo Law Review* (2008), 2495; Guy Ben-Porat, *Between State and Synagogue: the Secularization of Contemporary Israel* (Cambridge: Cambridge University Press, 2013).

By shaping Judaism as national culture, the *status quo*, however, challenges the traditional theories of secularization. It outlines the contour of Judaism as civil religion independently of the level of practice or belief, not to mention that this civil religion is made up of several historical layers that do not cancel each other but add up.[47] Religious holidays (Passover, Yom Kippur, New Year, Sukkot) are national holidays but do not require religious practices or beliefs from citizens, leading to a distinction between Orthodox Jews (or in Hebrew, "religious Jews") and secular ones. The national allegiance to Israel is what connects and unifies these disparate categories of citizens.[48]

Additionally, since the Six Day War, in 1967, religious messianism, as expressed by Rabbi Abraham Yitzhak Kook (Rav Kook) (1865–1935) has risen as a significant movement. Its particularity lies in placing messianic claims within the boundaries of the secular nation state. Often referred to as "religious Zionism," the movement combines allegiance to the Holy Land and the State. It therefore breaks the delicate synthesis attempted by the "founding fathers" by emphasizing not only orthopraxis but also religious sanctity of the land. In this perspective, the State (and not only individual Jews) must abide by this sanctity. If it does not, its politics are considered heretical and delaying messianic times.[49] Ravitzky observed that "the state is held up to absolute, metaphysical standards," and there emerges a gap between this "anticipated perfection and actual implementation."[50]

This new religious vision translated into the now-defunct political movement, *Gush Emunim*, created by the son of Rav Kook, Rabbi Zvi Yehuda Hacohen Kook, in 1979. Although neither Rav Kook nor his son made the Temple Mount a central element of their religious Zionism, some of the current proponents of the return of the Temple Mount to Jews, emanate from different trends within their movement.

The Temple Mount dispute is therefore part of a broader dispute—between Jewish citizens, between Jews and Muslims, and between Israelis and Palestinians.[51] In 1967, after regaining sovereignty over Jerusalem, the Israeli government erased the legal restrictions that were placed upon Jewish ritual rights

47 Charles S. Liebman and Eliezer Don-Yehiya, "The Dilemma of Reconciling Traditional Culture and Political Needs: Civil Religion in Israel," 16(1) *Comparative Politics* (1983), 53–66.

48 Amnon Rubinstein, "State and Religion in Irael," 2(4) *Journal of Contemporary History* (1967), 107–121.

49 Yaacov Yadgar, *Sovereign Jews: Israel, Zionism, and Judaism* (SUNY Press, 2017), 152.

50 Aviezer Ravitzky, *Messianism, Zionism and Jewish Religious Radicalism* (Chicago: University of Chicago Press, 1996), 139.

51 For the gendered meaning of these conflicts across the religious divide, see Lihi Ben Shitrit, "Gender and the (In)divisibility of Contested Sacred Places: The Case of Women for the Temple," 10(4) *Politics and Religion* (2017), 812–839.

through the Protection of Holy Places Law, and at the same time gave Muslims exclusive ritual access of the *haram*. The state cleared the Mughrabian quarter of the *waqf*, or Islamic trust, to provide access to the Western Wall for Jews, in what was a political act as well as a religious one. Independently of the status of the Temple Mount within Israeli law, access to it has been subject to debate within religious circles, on whether religious law permitted a Jew to enter the territory of theTemple.[52]

Even after the destruction of the First and Second Temples that stood upon it, the Temple Mount remains the holiest spot on earth for Jews, and most Orthodox rabbis maintain that Jews are prohibited from setting foot there, lest that sanctity is defiled.[53] Those opposed to this majority opinion have continually led efforts to permit Jews to visit the Temple Mount, the most visible of them being Rabbi Shlomo Goren. In 1967, after measuring the areas of the Temple Mount using historical descriptions against accumulated archaeological evidence, he presented the result of his investigation to the army rabbis and claimed that some parts of the *haram* were not part of the Temple Mount, and therefore religious restrictions did not apply to these areas. After the election of Prime Minister Menachem Begin, in 1977, whose agenda aligned with the territorial goals of the religious Zionist movement, a possible change in policy was nevertheless hampered by Defense Minister Moshe Dayan, who ordered that the Temple Mount remain under the control of the Islamic *Waqf*. It is not surprising, therefore, that in the absence of political or rabbinic backing, Goren himself failed to issue a public *heter* (*halakhic* permission) giving access to the Temple Mount (although he replied to individual Jews who turned to him that they could enter the Mount in these areas if they were not wearing shoes and after *mikve* immersion).[54] The 1967 decision was confirmed in January 2005, with a declaration signed by most of the leading rabbis in the country.

The tensions around the Temple Mount escalated in the 1980s, when it became a central issue for some dissidents of the Gush Emunim who created the Jewish Underground movement, *HaMaktheret Ha Yehudit* (1979–1984), a radical movement considered terrorist by Israeli law. It perpetrated attacks against

52 Dr. Shimon Lev, Curator, "The Mount", 2019, *Tower of David Museum*, https://www.tod.org.il/en/exhibition/the-mount/; O. Grabar & B. Z. Kedar (eds.), *Where Heaven and Earth Meet: Jerusalem's Sacred Esplanade* (Jerusalem: Yad Ben-Zvi Press; Austin: University of Texas Press, 2009); Sarina Chen, "Visiting the Temple Mount – Taboo or Mitzvah", 34(1) *Modern Judaism – A Journal of Jewish Ideas and Experience* (2014), 27–41.

53 Shmuel Berkovitz, *The Temple Mount and the Western Wall in Israeli Law* (Jerusalem: Jerusalem Institute for Israel Studies, Teddy Kollek Center for Jerusalem Studies, 2001); Nadav Shragai, *The 'Status Quo' on the Temple Mount* (Jerusalem: Jerusalem Center for Public Affairs, 2014).

54 Mikve is a bath used for ritual immersion. Motti Inbari, *Jewish Fundamentalism and the Temple Mount* (New York: State University of New York Press, 2009).

Palestinians and planned to bomb the Dome of the Rock. Its members saw the failure to restore ritual access to the site as yet another example of Israel acting as a secular state, rather than a religious community with a messianic mission. Another movement was "The Faithful of the Temple Mount," founded in Jerusalem in 1981, with the explicit purpose of forcing the issue of Jewish prayer on the Temple Mount and restoring it to Israeli sovereignty. They consistently attempted to enter the *haram* and pray, and in more recent years, to lay the foundation stone of the Third Temple. Political parties were also involved. For example, members of the far-right *Kach* party regularly participated in prayer demonstrations and made the Temple Mount a central issue of their agenda. On Jerusalem Day, in June 1986, over 12,000 Temple Mount activists marched to the Mount of Olives, and about 100 attempted to force their way onto the Temple Mount. The following year, for the festival of *Sukkot*, they attempted to pray at the Mughrabian Gate, provoking a serious riot, in which an estimated 2,000 Muslims were involved in violent clashes with the police and border troops for more than three hours, with 50 Palestinians injured.

A new justification for ascension to the Mount has arisen recently, with some rabbinic authorities believing that it is now a duty for Jews to do so in order to prevent what they see as the "Islamization of the Temple Mount," relying on Maimonides' Laws of the Chosen House, Ch. 7, Law 15, which suggests that those who are ritually impure are allowed to enter the lower sanctified areas of the Temple Mount but cannot walk into the higher sanctified areas.[55] At present, however, observant Jews must follow a peripheral route, that has become the unofficial way to access the Mount. Further reiteration of the ban came in December 2013, when the two Chief Rabbis of Israel, David Lau and Yitzhak Yosef, declared that "nothing has changed" with regard to the strict prohibition for the entire area of the Temple Mount, after an increasing number of religious Jews contravened the current rulings.[56] In November 2014, Rabbi Yitzhak Yosef further called on Jews to obey religious law forbidding entrance to the Temple Mount, after weeks of violence and religious clashes around the holy site due to Jewish attempts to visit the Mount.[57] With

55 Maimonides' *Laws of the Chosen House ch 7 Law 15*, which suggests that those who are ritually impure are allowed to enter the lower sanctified areas of the Temple Mount but cannot walk in the higher ones.

56 Jeremy Sharon, "Chief Rabbis Reimpose Ban on Jews Visiting Temple Mount," 2013, *The Jerusalem Post*, 2 Dec. Retrieved 1 Sep. 2019, https://www.jpost.com/Jewish-World/Jewish-News/Chief-Rabbis-reimpose-ban-on-Jews-visiting-Temple-Mount-333741.

57 Itamar Sharon, "Jews Must Stop Temple Mount Visits, Sephardi Chief Rabbi Says," 2014, *The Times of Israe*l, 7 Nov. Retrieved 1 Sep. 2019, https://www.timesofisrael.com/jews-must-stop-going-to-temple-mount-sephardic-chief-rabbi-says/.

Palestinian fears that the increase in the number of Jews attempting to enter the Temple Mount was part of an official policy on the part of Israel, *Mishpacha*, a Haredi Newspaper, appealed to potential Palestinian attackers," strongly distancing themselves from those ascending the Mount, which they considered religiously forbidden.[58] On the ninth day of Av (on which Jews mourn for the destruction of both the First and the Second Temples), Knesset and *Likud* party member Danny Danon visited the Temple Mount to decry what he saw as restrictions imposed by Muslims, stating that "the Mount does not belong to the *Waqf*, but to the people of Israel," vowing to address the issue.[59]

For Muslims, the reordering of Islam within the nation-states happened after the collapse of the Ottoman Empire. The emergence of the state as the central political institution went hand-in-hand with the homogenization of the populations inhabiting the territory of the nation. This is why nation building systematically omitted and at times eradicated particular ethnic, religious, and linguistic groups in order to create one nation defined by one religion and one language. This homogenization process also led to a politicized narrative of religion, i.e., political Islam.[60]

For Palestinian Muslims, left without a nation and a territory, the sacred status of the Temple Mount has now expanded to the whole city of Jerusalem. In the 1960s, however, the Hashemite royal dynasty of Jordan sought to reduce the political importance of Jerusalem. To enhance the Islamic religious significance of Jerusalem, as opposed to its national significance for Palestinians, it moved the nationalists out of the Islamic institutions in Jerusalem and gave the Muslim Brotherhood control over the Jerusalem *Waqf*, and with this, the *haram*, as at the time, Islamists were not engaged in the national movement.[61] The situation changed with the first intifada in 1987. From that time onward, the distinction between the religious and the political no longer held. With the political rise of Hamas, the national movement became Islamicized. Hamas considers all of historic Palestine an *amanah*, a trust, entrusted to Muslims by God, meaning that it cannot not be negotiated or compromised, but should be preserved for all generations of Muslims. The political decision of the Knesset to pass the Jerusalem Law, which in 1980 declared Jerusalem the unified capital of Israel and which was added to the Basic Laws of the country, exacerbated

58 The Times of Israel: "The Irony of a Haredi Paper: Please do not kill us," October 29, 2015. Retrieved 30 Aug. 2020, https://www.timesofisrael.com/please-dont-kill-us-haredi-paper-begs-ironically/.

59 Abe Selig, "Danon visits Temple Mount," 21 July 2010, *The Jerusalem Post*. Retrieved 1 Sep. 2019, https://www.jpost.com/israel/danon-visits-temple-mount.

60 See Cesari, *What Is Political Islam?* (2018), *supra* note 16.

61 Friedland and Hecht, *supra* note 1.

claims on both sides. The decision has not been recognized by the United Nations, and the battle for the status of Jerusalem is ongoing, including the decision of the Trump administration to move its embassy from Tel-Aviv to Jerusalem in 2018.

In April 1989, at the beginning of Ramadan, there was massive unrest, thought to have been organized by Hamas, resulting in the Ministry of the Interior restricting entrance to the *haram* the following Friday to Muslims who were from Jerusalem. In 1990, the Palestinians confronted attempts by the Temple Mount Faithful to assemble or pray on the *haram*, with both the Palestine Liberation Organization (PLO) and Hamas demonstrating resistance against the intrusion. On 8 October 1990, the al-Aqsa Massacre took place after a cornerstone was laid for the Third Temple by The Temple Mount Faithful. Riots by the Palestinians ensued, and twenty Palestinians were killed, with more than 150 injured. The violence was demounced by the UN in Security Council Resolutions 672 and 673, which "[c]ondemns especially the acts of violence committed by the Israeli forces resulting in injuries and loss of human life."[62] In July 2017, two Israeli Druze policemen were killed after three men from the Israeli-Arab city of Umm al-Fahm opened fire at the Lions Gate.[63] The attack led to new checkpoints being set up, and calls for protest by Muslim leaders.

In addition to the Temple Mount, the whole city of Jerusalem is now a national sacred site for both Jews and Muslims. In the PLO's Palestinian Declaration of Independence of 1988, Jerusalem is defined as the capital of the state of Palestine. In 2000, the Palestinian Authority passed a law designating the city as such, and in 2002 the law was ratified by Yasser Arafat. The Palestinian National Authority (PNA) considers East Jerusalem occupied Palestinian territory, in line with decision 242 of the United Nations Security Council. The PNA claims all of East Jerusalem, including the Temple Mount, as the capital of the Palestinian state. The official position of the PNA is to grant Jerusalem the status of open city with no East and West divide, where freedom of worship and access to religious sites would be protected by the Palestinian power.

What makes the status of the sacred site so problematic is not simply the dual Jewish and Muslim demands, but also the claims over it by two competing national communities with unequal distribution of political power. The physical, political, and eternal status of the Temple Mount have merged for both

62 UN Security Council, *Resolution 672*, 12 Oct. 1990. Retrieved 1 Sep. 2019, http://unscr.com/en/resolutions/doc/672.

63 Omri Ariel, "Temple Mount Terrorists named, Identified as 3 Israeli Arabs From Umm Al-Fahm," 2017, *Jersualem Online*, 14 July. Retrieved 1 Sep. 2019, https://www.jerusalemonline.com/3-temple-mount-terrorists-identified-as-israeli-arabs-29717/.

Jews and Muslims. An illustration of this fusion between national and religious sacredness is the public opinion poll undertaken in July 2010 in which 49% of Israeli respondents want the Temple to be rebuilt, with 27% saying that the government should take active steps in this direction.[64]

The Temple Mount governance combines what Jobani and Perez call the preference and the *status quo* approaches. The former adheres to the "dominant culture" approach in religion-state relations by recognizing that some states have substantial religious majorities with shared, long-standing traditions. Under the preference model, these majority groups can use governmental actions and institutions to maintain favorable treatment at sites, as long as it does not violate the core rights or liberties of minority groups. The obvious disadvantage of this approach is the creation of religious hierarchies and inequalities between groups. The *status quo* model involves an attempt by the government to preserve the "existing state of affairs" at contested sacred sites. This approach unburdens the state from trying to resolve disputes between groups about site usage rights, and it imposes stability as the decisiveness of the government reduces violent struggle over the site by "freezing" site ownership rights in their current state. Yet, this emphasis on preserving law and order comes at the cost of infringement on religious equality and liberty. Additionally, the *status quo* model often ignores individuals outside of recognized religious groups. The irreversibility and unfairness of this model, will likely lead to greater resentment in the disadvantaged groups, which may undermine its ability to maintain order and stability in the long term. Because the disputed site is nested within the unresolved national conflict between Israel and the Palestinians, there is no incentive on the part of the dominant political actor to move toward the non-interference type of regulation (discussed in the next section).

4.2 *From Contested Holy Place to Sacred Site*

The Ayodhya dispute is a case of local communal tensions fueling national politics and turning a local competition between religious groups into a contestation of sacred sites that has resonance for the whole national community. It means that a religious site has become sacred because it expresses the collective identity of a religious group in the national context of unequal distribution of power between Muslims and Hindus.

The Indian national "we-feeling" or national identity was conceived *both* as Hindu and secular, therefore clashing with the identifications of individuals at

64 Hillel Fendel, "49% Want Holy Temple Rebuilt", 18 July 2010, *Arutz Sheva 7*. Retrieved 1 Sep. 2019, http://www.israelnationalnews.com/News/News.aspx/138655.

the local level, where class, cultural, and religious loyalties were at play. The succinct presentation of the historical sequences below intends to show how this divide between local and national allegiances occurred. The adjustment of multiple Indian local traditions to the national frame provided the language for politics shared by all protagonists, even the non-Hindu ones, creating the latent conditions for claims to Hinduist supremacy. It therefore set the stage for local competitions between religious groups because *for the first time, the religious boundaries prevailed over local identification* instead of being embedded in it.[65] The sedimentation of this collective identity can be captured through a cluster of meanings about Hinduism, nation, state, and secularism that goes back to the imperial encounter with the British. The critical juncture for these transformations is the colonial monopoly granted to the British East India Company in the 18th century. From that moment onward, several critical periods have operated like cumulative sequences in the formation of the national collective identity which will be synthezised below: most significantly the Swadeshi and the New Patriotism in Maharaja (1905–1910), the debate around constitutional reform and the status of Islam (1906–1909), the Untouchable Reform (1932), and the debate on religion at the Constituent Assembly (1946–1949).

Before the encounter with British imperialism, the loyalty of people was invested primarily in the local territory inhabited *by groups of diverse faiths*. It meant that people from different religious traditions shared a local collective identity.[66] The rise of the *Swadeshi* movement (1905–1910) was the first significant indicator of the shift of local plural identities to homogenous religious communities and the religious expression of nascent patriotism. Through boycott and passive resistance, the movement hoped to dry up the supply of foreign imports from Britain and to encourage the purchase of Indian-made goods. Locals were also asked to resign from official posts and end all other cooperation with colonial rule. Widespread calls for boycott became broader and more militant with a political program that included patriotic literature and poetry. Although Muslims, lower-caste communities, and the rural population remained largely apathetic toward the movement, it captured the attention of a generation of upper-caste, urban male youth. Patriotism was therefore given a new meaning.[67]

65 Christophe Jaffrelot, *The Hindu Nationalist Movement and Indian Politics* (New Delhi: Penguin Books India, 1996).

66 Ariel Glucklich, *The Strides of Vishnu: Hindu Culture in Historical Perspective* (Oxford: Oxford University Press, 2008).

67 Shabnum Tejani, *Indian Secularism: A Social and Intellectual History, 1890–1950* (Bloomington, IN: Indiana University Press, 2008), 78; David Kopf, *The Brahmo Samaj and the*

These historical sequences reshaped Hindu practices and visions in two ways. First, the encounter with Christian missionaries initiated a discussion on the status of gods and scriptures in an unprecedented way, leading to a decisive shift toward monism, hence contributing to the influence of the monistic components of the Hindu traditions during the building of the new national community.[68] A flurry of reformist movements across all religions adopted rationalization and the fight against decadence, two tropes of nascent orientalist scholarship, with the aim of purifying their traditions from "superstitions" and "irrational customs." It was also around this time that orientalists such as Monier Williams used the term "Hinduism" in a systematic manner,[69] after its first usage by Baptist missionaries, and later by Ram Mohan Roy.[70]

Second, the identifications to local and religious communities started to overlap, which gave rise to sectarian identifications across ethnicities and localities. For example, historical accounts show that there was not a clear and generalized Hindu vs. Muslim divide until the British rule on the subcontinent. The Lucknow Pact of 1916 was a turning point in the communal identity of Muslims in India, which would later lead to the secession of Pakistan in 1947. It is at this time that "communal" started to refer to the political organization

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Shaping of the Modern Indian Mind (Princeton: Princeton University Press, 1979); Ian Copland, *A History of State and Religion in India* (London: Routledge, 2012), 176; T. B. Macaulay, *Minute by the Hon'ble T. B. Macaulay, dated 2nd February 1835*, Columbia University, http://www.columbia.edu/itc/mealac/pritchett/oogenerallinks/macaulay/txt_minute_education_1835.html; Esther Bloch et al., *Rethinking Religion in India: The Colonial Construction of Hinduism* (London: Routledge, 2012), 114–134.

68 Ian Copland, *supra* note 70; Wendy Doniger, *On Hinduism* (New Delhi, India: Aleph Book Company, 2013).

69 Monier Monier-Williams, *Hinduism* (first printed by the Society for Promoting Christian Knowledge in 1877), (New Delhi: Munshiram Manoharlal, 2003).

70 Geoffrey Oddie, "Hindu religious identity with special reference to the origin and significance of the term 'Hinduism'" in Ester Bloch et al. (eds.) *Rethinking Religion In India* (London: Routledge, 2012), 114–134; Donald Eugene Smith, *India as a Secular State* (Princeton: Princeton University Press, 1967), 498; Vasudha Dalmia, *Orienting India: European Knowledge Formation in the Eighteenth and Nineteenth Centuries* (New Delhi: Three Essays Collective, 2003); Robert E. Frykenberg, "Constructions of Hinduism at the Nexus of History and Religion", 23(3) *Journal of Interdisciplinary History* (1993), 523–550, 523; Vasudha Dalmia and Heinrich Von Stientencron, *Representing Hinduism: The Construction of Religious Traditions and National Identity* (New Delhi U.a.: Sage, 1995); Jayne Laine, "The Notion of 'Scripture' in Modern Indian Thought," *Annals of the Bhandarkar Oriental Research Institute 64(1/4)*, (Poona City: Bhandarkar Oriental Research Institute, 1983), 165–179; David N. Lorenzen, "Who Invented Hinduism?", 41(4) *Comparative Studies in Society and History* (1999), 630–659; Diana L. Eck, *India: A sacred geography*, (1st edition, New York: Harmony Books, 2012); Wendy Doniger, *On Hinduism*. (Oxford: Oxford University Press, 2014), 128.

of a religious community for the furtherance of its own ends. Consequently, communalism entered Indian political parlance, with the negative connotation of premodern irrationality and violence, associated with the "perceived subnational and separatist" ambitions of Muslims or any other religious and ethnic "minority."

In sum, on the brink of the Indian nationalist movement, the concepts of religion and nation had been endorsed by local elites, leading to the rise of religious identities over local and communal ones. It also crystallized identification with a unified Hinduism associated with the idea of nation. When the term "communal" was generalized to refer to separate religious groups within local sites and at the national level, it prefigured the "Hindu vs. Muslim" trope that would one day become key to the independence of India and its partition. In this process of identifying religious communities across territories, the homogenization of Hinduism, Islam, and Sikhism started to prevail over their respective local diversity. It also meant that this homogenized Hinduism was associated with national identity for all groups, irrespective of their religious affiliation.[71]

The national identity of India, simultaneously Hindu and secular, therefore clashes with local communities where religion was for centuries embedded in complex ethnic, linguistic, and class groups. The building of a centralized political power and a unified nation started a self-reinforcing process transforming the multiple Hindu traditions into Hinduism as a text-centered religion associated with the construction of the nation and the state. In other words, the multiple meanings associated with Hinduism have been conflated with the conception of the national identity and of secularism, instead of being relegated to the private sphere. The adjustment of multiple Indian traditions to the national frame provided the language for politics shared by all protagonists, even the non-Hindu ones, creating the latent conditions for claims to Hinduist supremacy. It therefore set the stage for local competition between religious groups because, for the first time, the religious boundaries prevailed over local identification instead of being embedded in it.[72]

As part of its secular mission, the Indian state is committed to the support of religious education, while avoiding materially favoring one religion over

71 Kiren A. Chaudhry, *Role of Religion in Indian Politics, 1900–1925* (Delhi: Sundeep Prakashan, 1978), 243; Partha Chatterjee, *Nationalist thought and the colonial world: A derivative discourse?* (London: Zed for the United Nations University, 1986), 155; William Gould, *Hindu Nationalism and the Language of Politics in Late Colonial India* (Cambridge: Cambridge University Press, 2004), 265–275.

72 See Cesari, *supra* note 20.

another. The state constructs nationalism as the coexistence of pluralities (religious, ethnic, linguistics, class), with the ambitious goal of eradicating social inequalities within religious communities. In this way, secularism, as a state responsibility vis-à-vis all religious communities, has been established as the central feature of the national identity. The principles of neutrality and fairness inherent in Indian secularism are not easy to translate into policies because they are grounded in the implicit priority of inter-religious over intra-religious diversity, with the consequence of pitching one homogenous religious group against the other. As a result of this homogeneization, Hinduism has been established as a significant feature of the national culture.

Because Hinduism is a symbolic component of the national narrative, ongoing local religious rivalries over shrines and temples have the potential to erupt into national political competition between religious groups. The Ayodhya temple/mosque quarrel is illustrative of such an amplification associated with the shaping of the Indian nation. This has been an object of local tensions between Muslims and Hindus since before national independence, as attested to by numerous reports of the British rulers.[73] After independence, there were notable incidents, for example in 1949, when a Hindu crowd forced entry into the mosque and installed an idol of Rama. The local administrators refused to remove the idol, allowing only some Hindu notables to enter the site every year on December 22 (the birthday of Rama) for worship, while the site remained closed to the general public. This solution highlights the political ambiguity at the time: the local political forces stopped the Hindu crowd from turning the mosque into a temple and closed its access to the general public. At the same time, the fact that they did not stop Hindu worship completely meant that the mosque had *de facto* been turned into a temple.[74]

At the time, no further local action was taken. It was the action of the *Vishva Hindu Parishad* (VHP), which began a campaign to liberate Rama's birthplace in 1984, that at the time turned these local tensions into a divisive nationwide issue.[75] As a result of the VHP mobilization, on February 14, 1986, the judge of the Faizabad district decided to open these sites to the public. Communal violence erupted all over North India, and on March 30, 1987, Muslims launched

73 Van Der Veer, *supra note* 11, at 97.

74 Van Der Veer, *supra* note 11, at 99.

75 *Vishwa Hindu Parishad* (VHP) is a right-wing Hindu nationalist organization based on the ideology of Hindutva and founded in Bombay in 1964. It is part of the *Sangh Parivar* group, an umbrella of Hindu nationalist organizations led by the Rashtriya Swayamsevak Sangh (RSS), which forms the basis of the followers of the BJP.

in New Delhi their biggest protest since independence.[76] From that date onward, the local dispute became a national political issue, taken on by all main political parties and made central in the agenda of the BJP, contributing to its national electoral influence. The site was attacked by Hindu crowds, and the mosque was destroyed during a political rally that turned into a riot on December 6, 1992. Instead of claiming as a matter of religious belief that the mosque occupies the spot on which Rama has been born, the VHP goes further, claiming that a temple on the birthplace has been demolished by Muslims and replaced by a mosque. In other words, what is politically contested is the claim by Hindu groups that the Babri mosque destroyed a preexisting Rama temple. For this further claim, evidence has to be provided in the form of historical and archaeological "facts."[77]

A land title case was lodged by the local Muslim groups in the Allahabad High Court. In the landmark verdict of September 30, 2012, the three judges ruled that the 2.77 acres (1.12 ha) of Ayodhya land be divided into 3 parts, with 1/3 going to the Ram Lalla or Infant Rama represented by the Hindu *Maha Sabha* for the construction of the Ram temple, 1/3 to the Islamic Sunni *Waqf* Board, and the remaining 1/3 to the Hindu religious denomination *Nirmohi Akhara*. The three-judge bench agreed that a temple predated the mosque at the site, although they were not unanimous that the mosque was constructed after destruction of the temple. The excavations by the Archaeological Survey of India were heavily used as evidence by the court that the predating structure was a massive Hindu religious building. The Muslim community challenged the verdict, asking the Supreme Court to hear the case with a larger bench of seven judges as it concerns a land belonging to a mosque and has implications for the constitutionally guaranteed freedom of religion. On Thursday September 27, 2018, the Supreme court rejected the setting up of a larger bench and decided not to adjust the previous court ruling.[78]

The ongoing quarrel continues to fuel the activism and mobilization of local religious organizations, which have gained nationwide influence. For example, *Bajrang Dal* is the youth wing of the VHP. Founded on October 1, 1984, in Uttar Pradesh, it has since spread throughout India, although its most significant bases remain the northern and central portions of the country. The group operates about 2,500 *akhadas*, similar to the *shakha*s (branches) of the *Rashtriya*

76 Van Der Veer, *supra* note 11, at 101.

77 Van Der Veer, *supra* note 11, at 104.

78 *The Sunni Central Board of Waqfs U.P.& Others* V. *Gopal Singh Visharad* (*Now Dead*) *& Others.* OOS No. 4 of 1989/Reg. Suit No.12–61 (1989). Retrieved 21 August 2019, https://web.archive.org/web/20140827003623/http://elegalix.allahabadhighcourt.in/elegalix/DisplayAyodhyaBenchLandingPage.do.

Swayamsevak Sangh.[79] The name "*Bajrang*" is a reference to the Hindu deity *Hanuman*. The *Bajrang Dal*'s slogan is "*Sevā Surakṣā Sanskṛti*" or "service, safety, and culture." One of the main goals of the *Dal* is to build the *Ramjanmabhoomi* temple in Ayodhya, the *Krishnajanmabhoomi* temple in Mathura, and the *Kashi Vishwanath* temple in Varanasi, which are all disputed places of worship. Other goals include protecting India's "Hindu" identity from the perceived dangers of communism, Muslim demographic growth, and Christian conversion, as well as the prevention of cow slaughter.[80]

The final judgement of the Supreme Court, in November 2019, validates the Hindu-secular nation connection by ordering the land to be handed over to a trust to build the Ram temple and also providing 5 acres of land inside the Ayodhya city limits to the Sunni *Waqf* Board for the purpose of building a mosque. In the unanimous verdict, the Court stated that a report by the Archaeological Survey of India (ASI) provided evidence that the remains of a building "that was not Islamic" was beneath the structure of the demolished Babri mosque. The court said that, given all the evidence presented, it had determined that the disputed land should be given to Hindus for a temple to Lord Ram, while Muslims would be given land elsewhere to construct a mosque. It then directed the federal government to set up a trust to manage and oversee the construction of the temple. The court added, however, that the demolition of the Babri mosque was against the rule of law.[81] The verdict exemplifies the use of archeology and time in favor of one religious community over the other; it also illustrates the attempt of state equidistance vis-à-vis all religions, which characterizes Indian secularism.

At some critical moments, as for example, in 1949, the Ayodhya site was closed to prevent violence between competing groups. In this respect, the Indian case validates the analysis of Jobani and Perez that the status quo policy cannot be maintained for long because it is at odds with secular democratic governance, not to mention that it aggravates religious frustration and incites to violence.[82] For these reasons, the non-interference type of governance is the

79 *Rashtriya Swayamsevak Sangh* (RSS) is a right-wing, Hindu nationalist, paramilitary volunteer organization that is widely regarded as the parent structure of the BJP. Founded on September 27, 1925, it propagates the ideology of Hindutva, which claims [to represent the inherent Hindu features of modern India.

80 *Vishva Hindu Parishad*, "Bajrang Dal." Retrieved 24 July 2019, http://vhp.org/vhp-glance/youth/dim1-bajrang-dal/.

81 Soutik Biswas, "Ayodhya verdict: Indian top court gives holy site to Hindus," 9 Nov 2019, *BBC News*. Accessed 30 May 2020, https://www.bbc.com/news/world-asia-india-50355775.

82 Jobani and Perez, *supra* note 30.

most relevant to the Ayodhya site. In accordance with Indian secular culture, it seeks to delegate the management of the site to religious institutions. Ideally, the government does not restrain the access to any group, offer assistance (or hindrance) to any group, or identify with a particular group. The role of the government is limited to maintaining law and order. Naturally, it has been difficult for the state to consistently maintain this policy. This is not only because, as governments are wont to do, it prefers a certain level of control, but also because under the BJP rule, the policy has tilted toward the preference model, which means that the state is incapable of fairly recognizing all religious groups.

5 Conclusion: the Conflation of Nation, State, and Religious Belonging

The particularity of the Temple Mount and Ayodhya is not that the nation-state redefined the rules of engagement between religion and politics, which happened everywhere, including in secular European countries. What is specific to both Israel and India (and most Muslim states, for that matter) is the construction of Judaism and Hinduism as national cultures. It does not simply mean that religious rituals are part of the national calendar, which again is true for most countries. More important, it is that civic and national belonging are tied to religious belonging and hence enforceable by law. This undermines the religious and ethnic plurality of society, not because religious groups or ideas are resistant to modernity. It is quite the opposite, in the sense that modernization of religion and the building of the nation-state became intertwined. The emergence of new political norms tied to nationalism resulted in state narratives that either referenced religious terminology or were diversely articulated within a religious framework. Religious references and norms were used to "localize" the nation-building process and legitimize state actors and policies. The outcome of such localization was the redefinition of Judaism and Hinduism within the new state institutions. This redefinition of religion by the nation-state also happened in Europe and the US, but the outcome has been the rise of religious pluralism, whereas what I describe in this article is a religious homogenization, which impinges on intra- and inter-religious diversity.

For this reason, it would be misleading to read such a situation as the public return of religion or the end of secular revolutions, as some scholars have claimed.[83] To apprehend the ongoing contestation of sacred sites, we want to

83 Michael Walzer, *The Paradox of Liberation: Secular Revolutions and Religious Counterrevolutions* (New Haven, Connecticut: Yale University Press, 2015).

go back to Durkheim, the founding father of sociology, who, as noted above, argued that the symbolic presence of the divine is integral to the construction of the social. This insight was somewhat lost in the modernization of Europe but has much relevance for the dispute over sacred spaces. Durkheim's insight sheds light on the fact that Jewish and Hindu symbols, concepts, and institutions have been integral to the constitution of a modern political order. From this perspective, political institutions do not merely appropriate, cooperate, or instrumentalize religion; they redefine it as part of the new social and political order. Religious nationalism becomes the collective identity that also shapes individual psyche. This is why it also transforms the meaning and emotions attached to religious symbols and to their "eternity." From this perspective, disputes over sacred sites reveal the traits of the citizens mentality under the new political order, embodied in automatic behaviors inculcated since childhood. Otherwise, how do we explain the fact that the sacred status of Jerusalem as capital of the future independent Palestine is non-negotiable for both secular and religious nationalists, or the fact that the local religious dispute of Ayodhya has become a national political affair? I hope that this article can offer a theoretical and methodological alternative that would allow us to overcome the existing polarity between the primordialist and instrumentalist approaches in order to better understand the political reality of the sacred.