

# Uncertain Comparisons: Zionist and Israeli Links to India and Pakistan in the Age of Partition and Decolonization

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From the end of the Second World War to the mid-1950s, Zionist and (after May 1948) Israeli politicians and bureaucrats repeatedly studied the unfolding developments on the Indian subcontinent. The events in South Asia fueled Zionists/Israelis' "analogical imagination": that is, the imagined analogy between the *Yishuv* (the pre-1948 Jewish community in Palestine)/Israel, India, and Pakistan.<sup>1</sup> Some of the many parallels they saw between the tumultuous events in South Asia and the realities unfolding in Mandate Palestine/Israel included the maneuvers of the Indian National Congress and the Muslim League in the years leading up to the end of formal

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1. Arie M. Dubnov, "Notes on the Zionist Passage to India, or: The Analogical Imagination and Its Boundaries," *Journal of Israeli History* 35 (2016): 177–214.

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British colonial rule, the violence and mass population displacements accompanying independence, and the Indian and Pakistani governmental efforts to absorb millions of refugees pouring over their borders.

Overburdened Zionist/Israeli diplomats and technocrats were keenly aware of the differences in the geographic and demographic scale between South Asia and Palestine/Israel, but still, they saw profound similarities. As this article contends, however, the contours of these comparisons were always uncertain. It was never clear which of the two, India or Pakistan, was “*the doppelganger of the Jewish State.*”<sup>2</sup> Indeed, as I argue, there was never a single, unequivocal answer to this question. It was not simply that the comparisons that Zionists/Israelis drew to India and Pakistan vacillated over time. Nor was it that the comparisons were only partial. Rather, the problem was that these comparisons were drawn on different axes and for different ends. On the diplomatic axis, Israelis hoped to counteract their increasing regional isolation and establish full diplomatic relations with India by underscoring their similarities. Comparisons were a way of positioning Israel as an analogue of India. On the technocratic axis, distressed Israeli bureaucrats struggling to absorb the nearly 700,000 Jewish immigrants who arrived in the first 3 years following the establishment of the state of Israel looked to Pakistan as a source of technocratic knowledge. Pakistani officials, who were laboring to absorb the 7,000,000 refugees who had left India, had constructed legal institutions to expropriate the property of the roughly equal number of people who had left for India during partition. Israeli officials, in turn, hastily studied these Pakistani laws to expropriate the property of the 700,000 Palestinians who fled their homes during the 1948 War in the name of economic development and the resettlement of Jewish immigrants.<sup>3</sup> Although these bureaucrats understood that Israel shared similarities with Pakistan, the appeal of Pakistan as a model in Israeli eyes was the result, as they themselves recognized, of one perceived glaring difference: Pakistan was a Muslim state, Israel the Jewish State. Seeing that what the Pakistani state was doing to the property of non-Muslims (mostly Hindus and Sikhs) which was what the Jewish state sought to do to the property of a predominately Muslim population (Palestinian Arabs), the ironic comparison functioned as a way for Israeli decision makers to use Pakistan as a model to “justify”—not least to themselves—their actions.

The irony in these comparisons did not end here. As Zionist/Israeli technocrats observed India and Pakistan, Indian and, to a lesser extent,

2. Eitan Bar-Yosef, “Preface: India/Israel,” *Theory and Criticism* 44 (2015): 354 (emphasis added).

3. Benny Morris, *1948: A History of the First Arab-Israeli War* (New Haven; London: Yale University Press, 2009), 308.

Pakistani experts returned the gaze. Indian technocrats involved in the mass resettlement of their 7,000,000 “displaced persons” found the methods that Israel used to resettle internally displaced Jews and incoming immigrants to be worthy of emulation. When they came to Israel to study these resettlement efforts, they were—unknowingly—often looking at projects that had been built on former Palestinian land that the Israeli government had seized using the transplanted Pakistani law. In other words, Indian technocrats were looking at Israeli models constructed with the aid of Pakistani law—the very same laws that had dispossessed the millions of new Indian citizens, whom the technocrats were seeking to resettle. Irony was itself one of the byproducts of this multidirectional movement of technocratic expertise and legal knowledge.

By studying these multiple links between Mandate Palestine/Israel and the Indian subcontinent, this article recasts the connected history of these two spaces in two ways. First, in contrast to the growing literature on the transnational history of partition that has generally focused on *either* the Israel–India comparison *or* the Israel–Pakistan one, this article uncovers the simultaneous existence of these multiple connections to emphasize the fundamental instability underlying them.<sup>4</sup> What is more, this article goes beyond the movement of ideas and analogies—the emphasis of most of the literature to date—to consider the transmission of legal and economic developmental technologies.<sup>5</sup> Not only did Zionist, Indian, and Pakistani actors simultaneously deploy numerous equivocal comparisons, their fragmentary analogies also acted as conduits through which legal knowledge and expertise were transmitted.

Second, whereas previous scholarship has largely limited itself to restoring the crucial role that “the transnational framework of the British Empire” played in facilitating connections between British territories during the colonial and mandatory period—that is, before and until 1947–48—this article demonstrates that these diplomatic and technocratic connections persisted *after* Israeli, Indian, and Pakistani independence.

4. See Arie M. Dubnov and Laura Robson, eds., *Partitions: A Transnational History of Twentieth-Century Territorial Separatism* (Stanford, CA: Stanford University Press, 2019); Faisal Devji, *Muslim Zion: Pakistan as a Political Idea* (Cambridge, MA: Harvard University Press, 2013); Yael Berda, “Colonial Legacy and Administrative Memory: The Legal Construction of Citizenship in India, Israel and Cyprus” (PhD diss., Princeton University, 2014); and P. R. Kumaraswamy, *India’s Israel Policy* (New York: Columbia University Press, 2010).

5. For an earlier work describing part of the Israeli borrowing of Pakistani legislation, see Alexandre Kedar, “Expanding Legal Geographies: A Call for a Critical Comparative Approach,” in *The Expanding Spaces of Law: A Timely Legal Geography*, ed. Iru Braverman, Nicholas Blomley, David Delaney, and Alexandre Kedar (Stanford, CA: Stanford University Press, 2014), 95–112.

Indeed, the present story unfolded at the exact moment that the formal British Empire receded. Rather than constitute a clear-cut “moment of rupture, disconnecting the two post-imperial spaces [Mandate Palestine/Israel and India/Pakistan],” the end of the formal British Empire and the beginning of independent states forged new links between these former colonial units.<sup>6</sup> This article thus extends the insights of historians of empire into the postcolonial period. These historians have shown how legal and technocratic knowledge moved around the British Empire without necessarily being routed through the metropole. Not only did colonial geographies persist after the formal demise of empire, they also generated novel connections among post-colonies, which transplanted institutions and tools developed in other parts of the former colonial world to construct their own.<sup>7</sup> By telling this story of connectivity among parts of the former British empire in the post-independence period, this article uncovers a broader postcolonial and transnational “derivative” space in which the Israeli, Indian, and Pakistani states all participated.<sup>8</sup> That these connections continued after independence also serves to complicate the dominant historiographic view of Israel as being distinct from the budding postcolonial world. The thrust of Zionist/Israeli political, diplomatic, economic, and cultural activity during the middle of the twentieth century was directed at the United States and the European powers.<sup>9</sup> Still, this article shows that Zionists/Israelis also looked eastward. Not only were they aware that Israel was born into the world alongside other former parts of the British Empire; they also sought to promote these connections.<sup>10</sup> At the very same time that Zionists/Israelis sought to underscore their shared anticolonialism as the glue that bound them to other parts of the dissolving British

6. Dubnov, “Notes on the Zionist Passage to India,” 181. For a recent exception, see Benjamin Siegel, “The Kibbutz and the Ashram: Sarvodaya Agriculture, Israeli Aid, and the Global Imaginaries of Indian Development,” *American Historical Review* 125 (2020): 1175–1204.

7. Thomas R. Metcalf, *Imperial Connections: India in the Indian Ocean Arena, 1860–1920* (Berkeley: University of California Press, 2007).

8. Partha Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?* (London: Zed Books, 1986).

9. See, for example, Mordechai Bar-On, *Mi-kol mamlakhot ha-goyim: yahase Yisra'el u-Britanyah ba-'asor ha-rishon le-ahar tom tekufat ha-mandat 1948–1959* (Jerusalem: Yad Yitshak Ben-Zvi, 2006); Uri Bialer, *Between East and West: Israel's Foreign Policy Orientation, 1948–1956* (Cambridge: Cambridge University Press, 1990); and Miriam Rosman, *Yahase Tsorfat-Yisra'el: mi-kum ha-medinah 'ad le-farashiyat sefnot Sherburg, 1947–1970* (Tel Aviv: Resling, 2014).

10. See, for example, Eitan Bar-Yosef, *Yillah Ba-g'ungel: Afrikah Ba-Tarbut Ha-Yisre'elit* (Jerusalem: Van Leer Institute, 2013); and Derek J. Penslar, “Is Zionism a Colonial Movement?” in *Colonialism and the Jews*, ed. Ethan B. Katz, Lisa Moses Leff, and Maud Mandel (Bloomington: Indiana University Press, 2017), 275–300.

Empire, shared colonial inheritances—in this story, legal and population settlement technologies—served as a crucial adhesive.<sup>11</sup>

The article is divided into three parts. Part One examines diplomatic efforts by Zionist/Israeli diplomats and politicians to position themselves in partnership with India and in opposition to Pakistan. The limited success of these endeavors both resulted from and revealed the difficulties of categorical comparisons between Palestine and British India. Parts Two and Three move from the binaries of diplomacy to the multidirectional legal and technocratic entanglements underlying the Israeli, Indian, and Pakistani programs to create, rehabilitate, and resettle refugees. Part Two focuses on Israel's transplantation of Pakistani law. Part Three sketches out Indian borrowings of Israeli resettlement methods and technologies.

### I. Diplomatic Binaries

Throughout the late 1940s and early 1950s, the politics of comparability and compatibility determined the fate of Zionist/Israeli diplomatic efforts on the Indian subcontinent. Seeking to establish relations with India, Zionist/Israeli diplomats cast the two nations as partners: with shared heritages, parallel experiences of independence, and complementary interests and aspirations. The political leadership of the Indian National Congress (INC) and, especially, Prime Minister Jawaharlal Nehru were not convinced enough by this argument to establish full diplomatic relations. Seeing the futility of their efforts, Zionist/Israeli diplomats gradually understood that Indian intransigence stemmed from Indian officials' belief in a lack of sufficient congruence between Israel and India. The alternative of seeing Israel and Pakistan as analogous never achieved the same diplomatic purchase. Although it cropped up occasionally, neither Israeli nor Pakistani diplomats displayed a real interest in insisting on this comparison. Although proponents of Pakistan viewed Zionism as a model in their quest for self-determination, religious differences separating Jewish nationalists from their Muslim counterparts obviated all other similarities following the advent of statehood.

The Zionist diplomatic campaign targeting India in the 1940s was part of a longer history of connections between British Mandate Palestine and British India. As was common throughout the British Empire, imperial authorities consolidated their rule in Palestine using borrowed personnel,

11. See Rephael G. Stern, "Legal Liminalities: Conflicting Jurisdictional Claims in the Transition from British Mandate Palestine to the State of Israel," *Comparative Studies in Society and History* 61 (2020): 359–88.

military power, ideas, and institutions from India.<sup>12</sup> Alongside—and often in conflict with—these imperial connections were pan-Islamic and anticolonial nationalist linkages.<sup>13</sup> Among Zionists, various intellectuals from the fringes of the political spectrum of the *Yishuv* had long been fascinated by India.<sup>14</sup> More often than not, however, their overtures had few tangible results. The exchange of Martin Buber with Gandhi was a case in point, as Gandhi refused to lend his support to Jewish aspirations in Palestine, instead identifying Zionism with Western imperialism.<sup>15</sup>

In the 1940s, as the neighboring Arab states became increasingly involved in the escalating conflict in Palestine, the political leadership of the *Yishuv* began to court India. Zionist leaders saw relations with India as integral to their diplomatic fortunes in Asia; in their minds, India was a passageway to “awakening Asia.”<sup>16</sup> When a Zionist delegation from Palestine attended the 1947 Asian Relations Conference in New Delhi, its members repeatedly spoke of the importance of cultivating bilateral relations with India as a way of ensuring the *Yishuv*’s place within the emerging Asian “family of nations.”<sup>17</sup> Thereafter, Zionists claimed a myriad of connections and parallels with India. India and Israel allegedly shared a common “ancient Asian cultural heritage,” which according to one Zionist commentator included a variety of biblical words originating in India, including *kof* (monkey), *tuki* (parrot), and *almog* (coral).<sup>18</sup> In the more recent past, Zionists portrayed Jews and Indians as facing similar

12. See, for example, Bernard Wasserstein, *The British in Palestine: The Mandatory Government and Arab-Jewish Conflict, 1917–1929* (Oxford: B. Blackwell, 1991), 22; and Penny Sinanoglou, “Analogical Thinking and Partition in British Mandate Palestine,” in *Partitions*, 161–66.

13. See Noor-Aiman I. Khan, *Egyptian-Indian Nationalist Collaboration and the British Empire* (New York: Palgrave Macmillan, 2011).

14. See Rephael G. Stern and Arie M. Dubnov, “(A)part from Asia: Zionist Perceptions of Asia, 1947–1956,” in *Unacknowledged Kinships: Postcolonial Studies and the Historiography of Zionism*, ed. Stefan Vogt, Derek J. Penslar, and Arieh Saposnik (Berkeley: University of California Press, forthcoming, 2021).

15. Gideon Shimoni, *Gandhi, Satyagraha, and the Jews: A Formative Factor in India’s Policy towards Israel* (Jerusalem: Hebrew University, 1977).

16. “Ve’idat Nu Delhi,” *al-Hamishmar*, March 24, 1947, 4; Central Zionist Archives (hereafter CZA) S25/3536, November 20, 1945, Pollack to Heyd; Israel State Archive (hereafter ISA) HZ-34-92, January 31, 1946 L. Gelber to Jewish Agency Executive; ISA HZ-34-92, May 16, 1947, Adelson to Robinson. Taraknath Das, a former Indian revolutionary exiled during the Ghadar Revolt, prodded many Zionist activists to reach out to Indian nationalist leaders. See, for example, CZA S25/9029, May 8, 1947, Das to Epstein.

17. *Asian Relations, Being Report of the Proceedings and Documentation of the First Asian Relations Conference, New Delhi, March-April, 1947* (New Delhi: Asian Relations Organization, 1948), 56.

18. Ephraim Broido, “The Destiny of Two Nations,” *India and Israel* 2 (1949): 29–30.

prejudices: European anti-Semitism and South African anti-Indian racism emerged from the same source.<sup>19</sup> Their respective efforts against the British were also supposedly congruent. Juxtaposing the mass arrest of INC leaders on Black Sunday (August 9, 1942) to the detainment of Jewish Agency leaders on Black Sabbath (June 29, 1946), journalist and member of the *Yishuv* delegation to the Asian Relations Conference Bracha Habas cast the Zionist conflict with the British mandatory authorities in the same mold as that of the Indian national movement against the British Raj.<sup>20</sup> Likewise, Joseph Schechtman condoned Jewish “acts of terror” against the British by equating them with “India in the so-called terrorist movement.”<sup>21</sup> This anti-British trope continued following independence, as Israeli coverage of the unfolding conflict in Kashmir compared British involvement in the Pakistani military and in the Jordanian Arab Legion forces.<sup>22</sup> The overlap, claimed Zionists, also extended from their policies in World War II to those in the crystallizing Cold War. Both the *Yishuv* and India, with the thousands of Indian soldiers stationed in wartime Palestine, heroically fought against fascism.<sup>23</sup> As the Israeli government adopted a policy of non-identification in the Cold War in the years before 1952, it presented itself as emulating India’s crystallizing policy of neutralism.<sup>24</sup> “Despite difference in size and in way of life, there is much common ground between India and Israel.”<sup>25</sup>

Zionist diplomatic overtures were also defined by efforts at portraying Israel and India as unwittingly facing recalcitrant Islamic foes. Zionists were careful not to overstate this motif of religious conflict. Not only were they aware of the INC’s commitment to a secular state and integrating the 30,000,000 Muslims who were living within its borders, the Zionist/Israeli leadership had also publicly pledged equal treatment for the Palestinian Arabs who remained in the Jewish state. Still, evoking the attempts of the Muslim League and, later, Pakistan to create pan-Islamic connections with Arab states—and the underlying essentialist notion of a homogenous “Muslim world”—Zionists raised with their (Hindu) Indian

19. Michael Fuss, *Asia, Think Again!: State of Israel Reconsidered* (Bombay: M. Fuss, 1948), 10.

20. Bracha Habas, “Mikhtavim me-hodu,” *Davar*, April 7, 1947, 2.

21. J. Borisov, *Palestine Underground: The Story of the Jewish Resistance* (New York: Judea, 1947), 144.

22. See, for example, “Avira erezisraelit be-‘Shviets ha-Asiyat,” *Ma’ariv*, June 15, 1950, 2.

23. Captain Rajendra Nath, “With 30,000 Indian Soldiers in Palestine,” *India and Israel*, June-July 1950, 28.

24. See Bialer, *Between East and West*, 31; and ISA HZ-2/2441, August 11, 1949, Eytan to R. Shiloah.

25. Broido, “The Destiny of Two Nations,” 30.



colleagues their allegedly common geopolitical alignment vis-à-vis these self-identified Islamic states.<sup>26</sup> As one internal Jewish Agency memo determined, “On the Hindu side equally there is the appreciation that a Zionist Palestine may... be an effective counter-weight to an alliance of Islamic countries in the Middle East and... between Hinduism and Judaism there is a great deal in common, in the matter of culture.”<sup>27</sup> Shared opposition to a spreading pan-Islamic alliance (rather than to Muslims, per se), in other words, was cast as a basis for Zionist–Indian commonality.

In tandem, Zionists sought to dislodge the view among Indian nationalists that Zionism wanted to establish a separatist “Pakistan in Palestine.” After all, similarities were not far from the surface: in the wake of World War II and the failure of the European interwar system of minority protection, both Zionist and Pakistani leaders embraced territorial partition and the creation of (relatively) religiously and ethnically homogenous nation-states as solutions to their problems as minorities.<sup>28</sup> INC leaders, by contrast, rejected this worldview, instead preferring a minority protection system. Indeed, even once they agreed to partition, INC leaders refused a population exchange as a means of bringing about homogenous states. Given the Zionist and Muslim League support for ethnically homogenous states, Zionists stressed the practical and territorial differences between these projects. In conversations with Indian politician K.M. Panikkar in April 1947, economist Alfred Bonn  emphasized that, given “the geographical factor,” partition in Palestine would result in relative ethnic homogeneity whereas that in South Asia would not.<sup>29</sup> Although not discounting the underlying separatist agendas of both proponents of Zionism and Pakistan, the differences in on-the-ground realities—and the possibility for an ensuing stability—were ostensibly pronounced.

The INC leadership, however, did not find this Zionist self-fashioning as the Middle Eastern version of India compelling enough to establish full diplomatic relations. Shortly after the Asian Relations Conference, Nehru

26. CZA S46/631, September 27, 1944, Y. Klinov. See Cemil Aydin, *The Idea of the Muslim World: A Global Intellectual History* (Cambridge, MA: Harvard University Press, 2017).

27. CZA S25/9029, March 3, 1948, untitled memorandum.

28. A. Dirk Moses, “Partitions, Hostages, Transfer: Retributive Violence and National Security,” in *Partitions*, 268; and Dmitry Shumsky, *Beyond the Nation-State: The Zionist Political Imagination from Pinsker to Ben-Gurion* (New Haven, CT: Yale University Press, 2018), 231.

29. CZA S90/302, April 30, 1947, Alfred Bonne, “Supplementary notes to the Report of the Delegation on the Inter-Asian Conference in New Delhi.” Likewise, in an internal memorandum written in 1947 (most likely following the June 3 British announcement that it would partition colonial India), Jacob Robinson sought to dispel the parallel between the two proposed partitions. CZA S25/9029, undated, Jacob Robinson, “Partition of India Implication for Palestine.”



assumed an especially prominent role in opposing the United Nations partition plan for Palestine.<sup>30</sup> So too did Indian member of the United Nations Special Committee on Palestine (UNSCOP), Sir Abdur Rahman.<sup>31</sup> Once the 1948 War broke out and effectively rendered the UNSCOP plans obsolete, Nehru refused to recognize Israel. Even when he finally granted Israel *de jure* recognition in September 1950, Nehru had Indian diplomats inform their Israeli counterparts that he did not plan to send a diplomat to Israel.<sup>32</sup> Israeli officials explained Nehru's persistent cold shoulder by alternatively invoking his desire not to alienate the sizable Indian Muslim minority, his fear of alienating the Arab states and tilting the international balance in Pakistan's favor in the conflict in Kashmir, and his long-standing view of Zionism as a form of Western imperialism.<sup>33</sup> Public demands by a number of Indian Jews who had immigrated to Israel that they be allowed to return to India after alleging rampant Israeli discrimination did little to help Israeli efforts at courting India.<sup>34</sup> In mid-1954, Director of the Israeli Foreign Ministry Walter Eytan instructed all Israeli diplomats to refrain from bringing up the issue of diplomatic relations with their Indian counterparts.<sup>35</sup> When one Israeli diplomat reported on an Indian diplomat's assurance that relations would be established soon, Eytan scribbled on the side of the communiqué, "Every time, same story."<sup>36</sup>

Yet, if Israel had little appeal to the Indian political decision makers, there were other Indians who were intrigued by the Jewish state. Already in 1947, Zionist intelligence operative (and a member of the delegation to the 1947 Asian Relations Conference) Ya'akov Shimoni recommended that, rather than focus on "the political top men of India" who "are fixed in their policy and not free to be influenced," Israeli diplomatic efforts should be directed toward "leaders of the second rank, who are free to form, and even to voice, their own unbiased opinion."<sup>37</sup> Indeed, within the INC,

30. Rami Ginat, "India and the Palestine Question: The Emergence of the Asia-Arab Bloc and India's Quest for Hegemony in the Post-Colonial Third World," *Middle Eastern Studies* 40 (2004): 189–218.

31. Rahman initially called for a unitary Arab-majority state, but eventually supported the UNSCOP minority proposal for a federal Palestine. Kumaraswamy, *India's Israel Policy*, 96–97; and CZA S25/8012, August 14, 1947, Abdur Rahman to Judge Sandstrok.

32. ISA HZ-30/2385, December 26, 1950, T. Arazi to E. Sasson.

33. ISA HZ-1/2414, March 25, 1952, E. Eilat to W. Eytan.

34. See Joseph Hodes, *From India to Israel: Identity, Immigration, and the Struggle for Religious Equality* (Montreal: McGill-Queens University Press, 2014), 105–20.

35. ISA HZ-1/2414, July 20, 1954, Eytan to All Israeli Diplomats Abroad.

36. ISA HZ-29/2413, September 27, 1954, Y. Ariel to W. Eytan.

37. CZA S90/303, April 17, 1947, Ya'akov Shimoni, Report on the InterAsian Conference, 12.

Panikkar, K.P.S. Menon, B.S. Rao, B.G. Kher, Vijaya Lakshmi Pandit (Nehru's sister), and Jayaprakash Narayan were sympathetic to Zionism and Israel.<sup>38</sup>

Likewise, a subsection of Bengali nationalists supported Israel. As Bengali leaders felt increasingly marginalized by the INC leadership and exhibited growing animus toward Bengali Muslims after partition, they found Israeli appeals predicated on the notion of a shared Muslim antagonist appealing.<sup>39</sup> The famous Bengali historian Jadunath Sarkar invoked Zionism as a model for Bengali rehabilitation efforts. "When the Jews have fought and won their national state in Palestine, it will have become an advance post of modern progress in the Near-East, a spark of light in the midst of the mess of Muslim misgovernment and stagnation. Eastern Bengal is going the way of Palestine without the Jews. We must make our West Bengal what Palestine under Jewish rule will be, a light in darkness, an oasis of civilization in the desert of medieval ignorance and theocratic bigotry."<sup>40</sup>

Bengali organizations such as the Council for Protection of Rights of Minorities also invoked Israel as a model for an additional partition of East Bengal under international auspices in order to create a "secular East Bengal State."<sup>41</sup> Others, such as the Maha Sabha and its leaders Vinayak Damodar Savarkar and Syama Prasad Mookerji, expressed support for Israel in order to promote a state whose secular character was less clear.<sup>42</sup> Israeli officials carefully avoided developing any relations with this internal Indian opposition. Still, the perception of Israel as having "pricked the pan-Islamic bubble" unified these different Bengali visions, and it is clear that its anti-Islamic discourse found receptive audiences in India outside of the INC leadership.<sup>43</sup>

Lurking behind the Zionist/Israeli comparison of itself with India was the competing comparison between Zionism and Pakistan. In March

38. Kumaraswamy, *India's Israel Policy*, 133; CZA S90/303, September 8, 1953, Eilat to Eytan; ISA HZ-14/71, June 23, 1949, Aide Memoire Conversation between A. Eban and B. N. Rau; ISA HZ-1/2414, August 14, 1951 Vijaya Lakshmi Pandit to A. Eban; ISA HZ-29/2413, December 5, 1952, E. Elath to Israeli Foreign Ministry, Commonwealth Division; ISA HZ-29/2413, March 12, 1953, G. Avner to W. Eytan.

39. Hemonta Kumar Tarafder, *Palestine, India and Pan-Islamism* (New York: n.p., 1948), 8, 10.

40. Quoted in Prafulla K. Chakrabarti, *The Marginal Men: The Refugees and the Left Political Syndrome in West Bengal* (Kalyani, West Bengal: Lumière Books, 1990), 24.

41. ISA HZ-10/38, August 29, 1949, Plight of Minorities in East Bengal: Demand for "Separate Secular" State.

42. Vinayak Damodar Savarkar, *Hindutva: Who Is a Hindu?* 5th ed. (Bombay: S. S. Savarkar, 1969), 136–37.

43. ISA HZ-10-38, July 28, 1949, Council for Protection of Rights of Minorities to Weizman; ISA HZ-29/370, September 16, 1949, Maha Sabha Statement.

1946, Gandhi equated the two, even recommending to one Zionist that he meet with Governor-General Muhammad Ali Jinnah for political and diplomatic support.<sup>44</sup> Jinnah and other proponents of Pakistan, including, notably, Muhammad Iqbal, also compared Indian Muslims' situation as a minority to that of European Jewry.<sup>45</sup> The fundamental concern for both Jews in Palestine and Muslims in India, according to Zionist scholar Uriel Heyd, was that both "fear that the majority will deprive it of its rights and impede its free development."<sup>46</sup> Indeed, after Governor-General Mountbatten announced the plan to partition India in June 1947, Chaim Weizmann implored him to promote a similar scheme in Palestine: "a Palestinian Pakistan would be a rational way-out [*sic*]."<sup>47</sup> Yet, notwithstanding these occasional mentions of congruence, both Muslim League and Zionist officials were quick to distance themselves from one another. Muslim League representatives vociferously denounced plans to partition Palestine and create a Jewish state. As Jinnah curtly remarked in response to a suggestion that calls for the partitioning of India required support for an analogous action in Palestine, "The case is very different."<sup>48</sup> Zafrullah Khan expanded on this supposed incommensurability pointing to the fact that both the Muslim League and the INC had ultimately (although reluctantly) agreed to partition while the Arab majority in Palestine never agreed to the partition plan; the fact that Muslims in British India were "an integral part of the population" whereas the Jews in Palestine were immigrants who arrived despite Arab opposition; and the fact that Muslims in India were majorities in regions slated to become part of Pakistan whereas Jews were a majority in only one of the subdistricts included in the Jewish state.<sup>49</sup> Zionist officials time and again shot down potential relations with Pakistan. Zionists recognized some of the internal tensions resulting from concurrent Arab support for Pakistan and opposition to Zionism. As was stated in one Zionist newspaper, it would be difficult for Arab politicians to "support partition in India [i.e. support the Muslim League] and be against it in the Nile Valley [i.e. Sudan] and Palestine [i.e. oppose

44. E. S. Reddy, "The Jew and the Arab: Discussion with Mr. Silverman and Mr. Honick, March 1946, report by Pyarelal from Louis Fischer papers," in [http://gandhiserve.org/information/writings\\_online/articles/Gandhi\\_jews\\_palestine.html](http://gandhiserve.org/information/writings_online/articles/Gandhi_jews_palestine.html), quoted in Devji, *Muslim Zion*, 13–16.

45. *Ibid.*, 18; Faisal Devji, "From Minority to Nation" in *Partitions*.

46. CZA S90/695, March 1944, Uriel Heyd, "Pakistan the Muslim-Hindu Problem in India."

47. Quoted in Lucy Chester, "'Close Parallels'? Interrelated Discussions of Partition in South Asia and the Palestine Mandate (1936–1948)" in *Partitions*, 146.

48. Quoted in *ibid.*, 144.

49. P.R. Kumaraswamy, "Beyond the Veil: Israel-Pakistan Relations," Memorandum no. 55 (Tel Aviv: Jaffee Center for Strategic Studies, Tel Aviv University, March 2000), 23.

Zionist support for partition].”<sup>50</sup> At the end of the day, notwithstanding these ostensible contradictions, Zionists were discouraged from pursuing diplomatic relations. Central to this was the belief that “the sole foundation for its [Pakistan’s] claim to separate political existence” was the Islamic/non-Islamic religious divide and the “Islamic identification” of the Muslim League.<sup>51</sup>

## II. Entangled Expertise I: The Israeli–Pakistan Dimension

Zionist and Israeli diplomatic fortunes benefited little from the comparisons to India and Pakistan. Yet, these very same comparisons facilitated the movement of knowledge between Mandate Palestine/Israel and South Asia. Whereas cultural similarities and aligning political interests were key in what seemed to be a zero-sum diplomatic arena, legal and technocratic experts in all three states sought to borrow from one another specifically because of their perceived differences and partial similarities. This part charts out the multidirectional and triangular movement of expertise and knowledge among Israel, India, and Pakistan.

In the months following the partition of British India in August 1947, India and Pakistan gradually—and haphazardly—enshrined the initial bifurcation through mirroring regimes of dispossession and rehabilitation. Ironically, the Indian and Pakistani Custodians of Refugees’ Property, which were created by mutual agreement for *protecting* the property of individuals who left their homes during the course of partition, were key to cementing partition.<sup>52</sup> The nascent states almost immediately found themselves ill-equipped to absorb incoming refugees. Despite the initial intention that the custodians facilitate the restoration of property to their rightful owners, to both Pakistan and Indian officials the reservoir of property left behind seemed to be the obvious solution to meeting their immediate material needs. At the very time as the custodians came into existence, the newly assigned Ministers of Relief and Rehabilitation in both India and Pakistan began to unilaterally allocate property under the protection of their custodians to the hundreds of thousands of refugees in dire economic conditions.

50. “Tkhakhim le-hakhshalat ha-ve’ida ha-kol-Asiyatit,” *al-Hamishmar*, March 24, 1947, 2.

51. CZA S90/695, March 1944, Uriel Heyd, “Pakistan the Muslim-Hindu Problem in India.”

52. Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (New York: Columbia University Press, 2007), 123.

In terms of issuing formal legislation, the Pakistani government was the first to contravene the original intent of the custodian law. This was not surprising, given that, in the wake of partition, Pakistan was far more cash- and resource-strapped than India.<sup>53</sup> On the very same day that Pakistani authorities in West Punjab established a custodian by slightly modifying World War Two-era British colonial legislation for the custodian of enemy property, they passed the West Punjab Economic Rehabilitation Ordinance “to provide for economic rehabilitation of West Punjab.”<sup>54</sup> The West Punjab Rehabilitation Authority was empowered to “assume possession and control of any property under the control of the Custodian of Evacuee Property” in West Punjab and allot this property to refugees. The initial legislation mandated that this allotment would be valid for a 1-year period.<sup>55</sup> The Indian government promulgated a similar set of legislation shortly thereafter.<sup>56</sup> This pattern recurred numerous times over the following months. After one government unilaterally introduced legislation, the other quickly enacted a mirroring ordinance lest it be outmaneuvered. As this tit-for-tat war proceeded, the corresponding retaliatory measures that each government took escalated. While the custodians were initially limited to the areas of Punjab directly affected by partition, both governments gradually expanded the jurisdictional areas in which property was placed under the custodians. Simultaneously, the two governments solidified the link between the custodians and the rehabilitation authorities.

The legislative buildup simultaneously blurred the legal categories classifying displaced individuals. Whereas the custodians were initially entitled “Custodians of *Refugees*’ Property,” both governments soon changed it to the “Custodian of *Evacuee* Property.”<sup>57</sup> India and Pakistan’s initial use of

53. Ayesha Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective* (Cambridge: Cambridge University Press, 1995), 22–23.

54. West Punjab Economic Rehabilitation Ordinance (West Punjab Act IV of 1947), *West Punjab Gazette*, September 10, 1947. See also West Punjab Evacuee Property (Preservation) Ordinance, 1947, *West Punjab Gazette Extraordinary*, September 11, 1947; Amtul Hassan, *Impact of Partition: Refugees in Pakistan: Struggle for Empowerment and State’s Response* (Colombo: Regional Centre for Strategic Studies; New Delhi: Manohar Publishers & Distributors, 2006), 30; and Saleem Ullah Khan, *The Journey to Pakistan: Documentation on Refugees of 1947* (Islamabad: National Documentation Centre, 1993), 323.

55. See similar regulations passed in Baluchistan. Baluchistan Economic Rehabilitation Regulation, 1948 (Regulation II of 1948), *Gazette of Pakistan Extraordinary*, March 3, 1948, 115–18.

56. East Punjab Evacuees’ (Administration of Property) Act, 1947 (East Punjab Act XIV of 1947). See also India Ministry of Rehabilitation, *Concerning Evacuee Property*, 1–10, 18; Zamindar, *The Long Partition*, 123.

57. On parallels to postwar Europe, see Gerard Daniel Cohen, *In War’s Wake: Europe’s Displaced Persons in the Postwar Order* (Oxford: Oxford University Press, 2011), ch. 2.

the term “evacuees” to describe those who had left India and Pakistan, respectively, reflected the early shared perception that these individuals had only been *temporarily* evacuated and would return to their homes once the violence subsided.<sup>58</sup> Yet, despite this implied transience of displacement, the Pakistani Rehabilitation Authority simultaneously termed “persons who have taken refuge” in Pakistan as “refugees,” connoting the ostensible danger that they faced if they were to return to India. By contrast, the Indian Rehabilitation Authority defined persons coming into India as “displaced persons”: a more ambiguous legal category than the term “refugee,” which was suffused in India with shame.<sup>59</sup> Moreover, if this terminology was initially predicated on the movement of individuals during the course of partitions, these terms eventually fused with minoritarian and majoritarian politics. In Pakistan, all Hindus and Sikhs were gradually transformed into “evacuees.” Muslims from India coming to Pakistan became “refugees.” In Indian legal parlance, “evacuees” referred to Muslims leaving for Pakistan; “displaced persons” referred to incoming Hindus and Sikhs. These classifications became especially pernicious once India and, subsequently, Pakistan created legislation allowing the custodian to seize and “protect” the property of “intending evacuees.”<sup>60</sup> An “intending evacuee” was defined as “someone seen as making a preparation for his migration,” a vague definition that “allow[ed] it to be used to encompass virtually all Muslims who owned property in India, and similarly all Hindus in West Pakistan.”<sup>61</sup> In fusing religious identity, national identity, and classification of refugees, the custodians were transformed from authorities intended to ensure that property of religious minorities remain under its original owners to a body to facilitate the transfer of this property to new owners who were the members of the religious majority under the umbrella of rehabilitation and resettlement.

Whereas both states responded with increased measures, their different capabilities were also revealed. Although predicated on the claim that it was a state for all Muslims, Pakistan lacked the ability to provide for the incoming refugees, let alone for the millions of potential *muhajirs*. In addition to acting to halt the possibility of continued unlimited immigration,

58. Rohit De, “Evacuee Property and the Management of Economic Life in Postcolonial India,” in *The Postcolonial Moment in South and Southeast Asia*, ed. Gyan Prakash, Michael Laffan, and Nikhil Menon (London: Bloomsbury Academic, 2018), 91.

59. Yasmin Khan, *The Great Partition: The Making of India and Pakistan* (New Haven, CT: Yale University Press, 2017), 187. I thank the anonymous reviewer for pointing this out.

60. The Administration of Evacuee Property Act, 1950, §19 (3) (XXXI of 1950), *India Code*, April 17, 1950, 1121; Pakistan Administration of Evacuee Property (Amendment) Act, 1951, §(2)(a)(3A) (VI of 1951), *The Gazette of Pakistan Extraordinary*, April 21, 1951, 252.

61. Zamindar, *The Long Partition*, 126.

Pakistani leaders desperately sought ways to provide for those who had already crossed its borders. To this end, the Pakistani government promulgated the 1948 Pakistan (Protection of Evacuee Property) Ordinance and the 1948 Pakistan (Economic Rehabilitation) Ordinance on October 18, 1948.<sup>62</sup> The severity of Pakistan's conditions and the extraordinary nature of its response were evident in contrast to India, which, although also under severe stress, only adopted certain aspects of these two laws in response. As a result, parts of these novel Pakistani laws were left without Indian counterparts.

The two ordinances extended the jurisdictional reach of Pakistani authorities in both spatial and temporal terms. First, they superseded the previous patchwork of regional legislation with jurisdiction over the entirety of Pakistan.<sup>63</sup> The Pakistani Custodian thereby acquired legal title to immovable property of any "evacuee" throughout Pakistan, whereas the rehabilitation authority could allot any of this property to "persons, whether refugees or not."<sup>64</sup> Together with the delineation of "evacuees" and the "refugees" along religious lines, the custodian and rehabilitation authority's expanded territorial reach led to a "refugee category that began to encompass entire religious communities and not just those who had been displaced by violence."<sup>65</sup> Although the Indian state also widened the reach of its jurisdiction, it never expanded it to encompass all of India.<sup>66</sup> In temporal terms, the ordinances mandated that their application "shall come into force in such areas and on such dates as may be notified in the official Gazette."<sup>67</sup> In so doing, they earmarked evacuee property anywhere within the territory of Pakistan for the custodian and rehabilitation authority, while simultaneously allowing these bodies to defer actually taking hold of this property. The state thereby stripped owners of the right to

62. Pakistan (Protection of Evacuee Property) Ordinance, 1948 (XVIII of 1948), *The Gazette of Pakistan Extraordinary*, October 18, 1948, 487–98; and Pakistan (Economic Rehabilitation) Ordinance, 1948 (XIX of 1948), *The Gazette of Pakistan Extraordinary*, October 18, 1948, 499–507.

63. Pakistan (Protection of Evacuee Property) Ordinance, 1948, §1(2); and Pakistan (Economic Rehabilitation) Ordinance, 1948, §1(2).

64. Pakistan (Economic Rehabilitation) Ordinance, 1948, §7

65. Zamindar, *The Long Partition*, 121.

66. It seems that the Indian government considered enacting a central law to this effect, but ultimately found that it could not. See India Ministry of Rehabilitation, *Concerning Evacuee Property*, 51. India eventually extended the legislation to the entirety of its territory, except for the eastern provinces of Assam, West Bengal, Tripura, Manipur, and Jammu and Kashmir. The Administration of Evacuee Property Act, 1950, §1(2), (XXXI of 1950), *India Code* (1950).

67. Pakistan (Protection of Evacuee Property) Ordinance, 1948, §1(3); and Pakistan (Economic Rehabilitation) Ordinance 1948, §1(3).



sell their land, while also ensuring that the land remained unutilized. Combined with the explicit exclusion of judicial review of decisions of the custodian and rehabilitation authority, these ordinances froze all refugee property in a state of limbo subject to the whim of the government.<sup>68</sup>

Indeed, the extraordinary powers of these ordinances reverberated wide and far. For one, the draconian characters of these ordinances elicited harsh Indian criticism at the Inter-Dominion Conference, held in New Delhi from December 6 to 9, 1948.<sup>69</sup> Significantly for this story, the tremors of these Pakistani laws did not remain exclusively within the confines of the sub-continent. They reached Israel.

Like India and Pakistan, the nascent Israeli state utilized its inherited British legal system to create, dispossess, resettle, and rehabilitate refugees. The Israeli government's first piece of legislation, the 1948 Law and Administration Ordinance, extended British mandatory legislation (a few exceptions aside), including laws pertaining to enemy property. As part of efforts to quell ongoing looting of Palestinian property by Israeli Jews and, especially, soldiers, the government enacted a series of short-lived ordinances and emergency regulations that prohibited the possession of "abandoned property."<sup>70</sup> These were insufficient, however. On July 21, 1948, the Israeli government appointed a centralized custodian for abandoned property.<sup>71</sup> Similar to the custodians in India and Pakistan, the Israeli custodian was charged with *protecting* the property. In October, the government instituted the Emergency Regulations for the Cultivation of Fallow Lands [*adamot muvarot*], which empowered the Minister of Agriculture to *temporarily* lease out uncultivated land, the majority of

68. Pakistan (Protection of Evacuee Property) Ordinance, 1948, §13–14, 23; and Pakistan (Economic Rehabilitation) Ordinance, 1948, §13, 15–16.

69. India Ministry of External Affairs and Commonwealth Relations, *Agreements between India and Pakistan Reached at Inter-Dominion Conferences Held at New Delhi in Dec. 1948, Calcutta in April 1948, and Karachi in May 1948, and Some Related Documents* ([New Delhi?]: Government of India, Ministry of External Affairs and Commonwealth Relations, 1949), 43.

70. These included Emergency Regulations (Abandoned Property), 5708-1948, *Official Gazette of the Provisional Government of the State of Israel* 6 supp. B, June 23, 1948, 11–12; and Abandoned Areas Ordinance, No. 12, 5708-1948, *Official Gazette of the Provisional Government of the State of Israel* 7 supp. A, June 30, 1948, 19. See Arnon Golan, "The Transfer to Jewish Control of Abandoned Arab Lands during the War of Independence," in *Israel: The First Decade of Independence*, eds. S. Ilan Troen and Noah Lucas (Albany: State University of New York Press, 1995), 403–40.

71. See Announcement Regarding Replacements of Members of the Provisional State Council, *Official Gazette of the Provisional Government of the State of Israel* 10, July 21, 1948, 56. Dov Shafir was announced to be the custodian for abandoned property in accordance with the Abandoned Areas Ordinance (even though there was no provision or existing regulation providing for the creation of a custodian).

which was categorized as Abandoned Property.<sup>72</sup> Yet, as the Israeli government decided to increasingly curb the return of Palestinian refugees, this legislation no longer fit the changing—although not without its internal critics—Israeli agenda.<sup>73</sup>

Against this backdrop, Israeli technocrats set in motion the transplantation of aspects of Pakistani legislation to Israel. Crucial here was the semi-official Israeli Transfer Committee. The committee was the successor to an earlier informal committee formed in late May 1948 by Yosef Weitz, the director of the Lands Division in the Jewish National Fund (JNF).<sup>74</sup> Given that this iteration of the committee was formally established on August 29, 1948—that is, after the majority of Palestinian Arabs had been expelled or fled from their homes—it was largely concerned with enshrining this new reality and, as the members of the committee called it, the “ex-post facto transfer.”<sup>75</sup> It also served as an expert “pressure group” to convince the leadership of the Israeli Defense Forces to continue expelling the remaining Palestinians.<sup>76</sup> Among its objectives was the “collection of information about ‘the wandering, flight or expulsion’ of other populations around the world such as ‘Greece-Turkey . . . Pakistan-Hindustan. . .’; formulating plans for the resettlement of the refugees in the Arab states; and the appointment of a ‘team of workers’ to carry out ‘the aforementioned work.’”<sup>77</sup> The committee’s second incarnation included Weitz, Zalman Lifshitz, a land and border advisor to David Ben-Gurion, and Ezra Danin, a *mukhtar* (a notable) who went on to serve in the Arab intelligence division of the *Haganah*. Eliahu Epstein, who was at the time the first Israeli diplomat to Washington, and New York-based Joseph Schechtman were also intimately involved in the workings of the Transfer Committee. As Benny Morris and others have written extensively on the Transfer Committee, I will focus on the Indian and Pakistani dimensions of the story.<sup>78</sup>

Schechtman played a crucial role in the transplantation of Pakistani legislation. By 1949, the Odessa-born Revisionist Zionist was a widely cited authority on wartime population displacements and a proponent of

72. Emergency Regulations for the Cultivation of Fallow Lands and for the Use of Unused Water Sources, 5708-1948, *Official Gazette of the Provisional Government of the State of Israel* 27 supp. B, October 15, 1948, 3–8.

73. ISA GL-9/17116, March 17, 1949, M. Comay to P. Azcarate.

74. Benny Morris, “Yosef Weitz and the Transfer Committees, 1948–49,” *Middle Eastern Studies* 22 (1986): 531.

75. Golan, “The Transfer to Jewish Control,” 410.

76. Morris, “Yosef Weitz and the Transfer Committees,” 549.

77. Quoted from *ibid.*, 546.

78. Morris does not mention Schechtman’s involvement in the second iteration.

population transfers.<sup>79</sup> At the time of the establishment of the state of Israel, Epstein and Schechtman were already in contact. On May 18, Epstein praised Schechtman's manuscript of *Population Transfers in Asia* (which would be published in early 1949). The book, which argued that India and Pakistan should formally extend their "population exchange" agreement in Punjab to the entirety of the subcontinent, also called for organized population exchanges involving Palestinian Arabs and Jews in Arab countries as a means of solving the Arab–Zionist conflict. Despite public Zionist opposition to the transfer of Jews from Arab countries to Palestine, Epstein found this point to be especially prescient.<sup>80</sup> In early December 1948, Schechtman began to send material on population transfers to Danin.<sup>81</sup> These included a collection of studies on the Bulgarian–Romanian and Czechoslovak–Hungarian exchanges of population, the transfer of Germans from Lithuania and the Sudetenland, news details regarding the expulsion of *Volksdeutsche*, and Edward Norman's previous plans regarding a transfer of Palestinians to Iraq.<sup>82</sup>

The bulk of the legislative materials that Schechtman sent, however, dealt with "the Hindu–Moslem exchange of population." There were several reasons for this interest in South Asia. First, the European precedents seem to have been rather unattractive. Although the members of the Transfer Committee acknowledged the similarities between the realities in Palestine/Israel and Eastern Europe—one of Schechtman's memos mentioned the similarities between German refugees returning to their former homes in Poland and Palestinian refugees returning to theirs in Israel—no one in the Transfer Committee wanted to openly compare, let alone identify, the situation of Palestinians with that of World War II and postwar refugees.<sup>83</sup> Instead, Schechtman argued that population transfer has a "much nobler lineage" that precedes Nazi German population transfers. In constructing this alternative lineage, India and Pakistan were deemed

79. For more on Schechtman's biography see, for example, Gil Rubin, "Vladimir Jabotinsky and Population Transfers Between Eastern Europe and Palestine," *The Historical Journal* 62 (2019): 495–517.

80. Jabotinsky Institute Archives (hereafter JAB) P227-10/2, May 18, 1948, Epstein to Schechtman. It should be noted that the two had already corresponded as early as 1946. See CZA L35/99, May 1946, Schechtman to Epstein.

81. ISA GL-9/17116, February 25, 1949, Aide Memoirs summarizing information conveyed to Mr. McDonald by Mr. Ezra Danin during a conversation on the question of Arab refugees.

82. JAB P227-10/2, December 6, 1948, Schechtman to Danin.

83. ISA GL-1/17116, undated, Flight, Return and Evacuation of Germans from the Recovered Territories.

more suitable predecessors.<sup>84</sup> Second, and as Alexandre Kedar has stressed, legal transplantation was far easier between India, Pakistan, and Israel, because they all possessed British colonial legal systems as well as World War One Trading with the Enemy legislation and its modified form in the World War II Defence Regulations.<sup>85</sup> In a similar vein, British law and its derivatives were seen as legitimate sources worthy of emulation. As Aaron Ben-Shemesh, the JNF's legal advisor with whom the Transfer Committee consulted, remarked, these laws constituted "a first-rate international precedent that we must hurry and use with no hesitation."<sup>86</sup>

What is more, the Transfer Committee found the expansive Pakistani legislation to be an especially attractive model. Because the Israeli custodian derived his power from wartime legislation, which was only valid for the duration of the war, he was only able to *temporarily* expropriate property. In other words, these laws hindered *permanent* expropriation. Emulating the Pakistani ordinances would therefore not only "give a stamp [*kisui v-gushpanka*] of legal authority to actions that have already been taken by the government," they would also permanently enshrine these actions.<sup>87</sup> Moreover, although Lifshitz and Ben Shemesh appreciated the fact that the ordinances applied to all of Pakistan—"One of the benefits is the statement that it applies *to all of Pakistan*"—they understood that enacting ordinances on this scale in Israel would be potentially problematic.<sup>88</sup> As Lifshitz noted, because the Israeli government was faced with a dire shortage in manpower, it was extremely difficult to justify transferring 400,000,000 dunams of Palestinian absentee property from the custodian to the development authorities all at once. Doing so would put Israel in a situation in which not only would "our obligation to pay the value [for these lands] begin on the day of the publication of this legislation [in accordance with the mandated compensation for property used by the rehabilitation authorities], but also we would be putting ourselves in the uncomfortable position vis-à-vis the world of confiscating property under the pretenses of rehabilitation while neglecting it due to the lack of means and manpower." The Pakistani legislation appealed for this specific reason. Although the Israeli state would be able to vest all of the absentee

84. ISA GL-1/17116, undated, Pro and Contra Population Transfer. Although the memorandum does not state the name of the author, it is clear that it is Schechtman. On page 6, Eugene Kulischer is referred to as the colleague of the author. Schechtman and Kulischer were indeed colleagues at the Office of Strategic Services.

85. Kedar, "Expanding Legal Geographies."

86. ISA GL-8/17116, July 13, 1949, Ben Shemesh to Lifshitz.

87. ISA G-23/5423, March 18, 1949, Memo on Legislation of Absentee Property, 4.

88. ISA GL-8/17116, July 13, 1949, Ben Shemesh to Lifshitz.

property under the custodian, it would retain the power to gradually transfer the property to the rehabilitation authorities. The Israeli state would thereby gain the ability to “compel even the strongest” Palestinian landowner “to agree to our conditions and to accept the price we offer, at the time we offer it.”<sup>89</sup>

The Transfer Committee also looked to Pakistan as a model precisely because it was a Muslim country. Emulating the Pakistani legislation was apt, said Ben Shemesh, because “the ordinance relates to problems that are similar to the birth pangs of Israel just in a *Muslim* country.”<sup>90</sup> As historians would later recognize, Ben Shemesh identified Israel and Pakistan as sharing “birth pangs” in rendering previous minority populations into territorially based majorities. Although religious difference ostensibly precluded Israeli–Pakistani diplomatic connections, Ben Shemesh and the members of the Transfer Committee saw this as an opening for legislative borrowing. Because Israel was inherently different from Pakistan given their religious identities, it was all the more appropriate to take a page from its legislative playbook. Finance Minister Eliezer Kaplan spelled this out clearly in a meeting of the Knesset’s Finance Committee, asserting that the proposed Israeli law is drawn from the precedent of Pakistan which is “valid [*kasher*] in the eyes of the Arabs.”<sup>91</sup> Ultimately, it was the braided similarities and differences that linked Israel and Pakistan.

Indeed, that the equivalences between Israel and Pakistan were only partial seems to have always been clear to the Israeli officials involved in transplanting the legislation. To this end, Israeli officials quickly began to blur its Pakistani origins. When Finance Minister Kaplan initially introduced the legislation to the Knesset he cited its Indian and Pakistani precedents. As the legislation stalled, however, he re-cast it as originating in India. “The idea comes to the heart of the reader of the Indian law that after all we have nothing to be ashamed of in our law even though it is far from being the paragon of perfection [*klil ha-shleimut*].”<sup>92</sup> That Kaplan sought to obscure the Pakistani origins of these laws is reminiscent of what Elie Podedh has termed an Israeli “mistress syndrome” in his study of Israeli relations with Western powers in the 1950s. The crucial difference is that, whereas Israeli diplomats became indignant as Britain, France, and the United States treated the Arab states as “the legal ‘wife’” and relegated Israel to the role of a “desirable, but hidden, ally,”

89. *Ibid.*

90. *Ibid.*

91. ISA K-8/22, April 5, 1949, Session No. 2 of Finance Committee, 3.

92. *Divre Ha-Keneset* Meeting 88, November 22, 1949, 139.

in the present case Israeli politicians were the ones concealing the Pakistani parentage of their legislation.<sup>93</sup> The importance of doing so became increasingly evident over time. Several Knesset members mentioned the law's Pakistani provenance as compromising the transparency of the Israeli legislative process.<sup>94</sup> Kaplan's assurance that the proposed Israeli legislation gave the custodian powers that were significantly weaker than those given in the Indian and Pakistani laws was not true.<sup>95</sup>

Even those involved in the transplantation viewed the Pakistani model in rather pragmatic terms. This was apparent as the Israeli 1950 Absentees' Property Law, which was passed on March 14, 1950, was significantly more detailed than the Pakistani law, a fact that is perhaps unsurprising given that the Israeli legislators had considerably more time to develop their legislation.<sup>96</sup> In addition to emulating the Pakistani provision that separated the vesting of property in the custodian from its actual takeover, the Israeli law provided more power in several regards to the Israeli executive than its Pakistani relative did to the Pakistani government.<sup>97</sup> The Israeli definition of an "absentee" was much broader than that of the Pakistani "evacuee." In Pakistan, this was limited to persons who "by reason of the disturbances arising out of the setting up of the Dominions of Pakistan and India, had been or is absenting himself from Pakistan."<sup>98</sup> In Israel, by contrast, "absentees"—a term that did not evoke the temporariness of "evacuee"—extended to persons who owned property between November 29, 1947 and May 19, 1948 in Mandate Palestine/Israel and were either (1) nationals or citizens of Lebanon, Egypt, Syria, Saudi Arabia, Transjordan, Iraq, or Yemen; (2) located "in one of these countries or in any part of Palestine outside the area of Israel"; or (3) were Palestinian citizens who had left their "ordinary place of residence in Palestine" "(a) for a place outside Palestine before the... 1st September, 1948... or (b) for a place in Palestine held at the time by forces which sought to prevent the establishment of the State of Israel or which fought against it after its establishment."<sup>99</sup> Moreover, whereas the Pakistani law did not apply to

93. Elie Podeh, "The Desire to Belong Syndrome: Israel and Middle-Eastern Defense, 1948–1954," *Israel Studies* 4 (1999), 122.

94. See *Divre Ha-Keneset* Meeting 88, November. 22, 1949; *ibid.*, Meeting 89, November 23, 1949, 150.

95. *Ibid.*, Meeting 89, November. 23, 1949, 164.

96. See Absentees' Property Law, 5710-1950, §4 (1950) (Isr.).

97. Shalom Yifrah, "Nikhse nifkadim," *Ha-Praklit* 6 (1949): 92–93; and Haim Bental, "le-Havharat demut ha-takanot bi-dvar nikhse nifkadim," *Ha-Praklit* 6 (1949): 150–52.

98. Pakistan (Protection of Evacuee Property) Ordinance, 1948, §2(b).

99. Absentees' Property Law, 5710-1950, §1(b) (1950) (Isr.).

movable property and money, the Israeli law did.<sup>100</sup> This Israeli innovation made it significantly more difficult for Palestinians to recoup assets from their bank accounts.<sup>101</sup> At the same time, however, the Israeli legislation was more lenient in other respects. For example, whereas the Pakistani legislation precluded judicial review, the Israeli law allowed it in a number of instances.<sup>102</sup>

The 1950 Development Authority (Transfer of Property) Law, which was passed on July 31, 1950, also departed from the Pakistani Economic Rehabilitation Ordinance in several ways.<sup>103</sup> Whereas the Pakistani law provided the Rehabilitation Authority the power to own property and allot it to individuals, the Israeli law granted the Development Authority the power to sell immovable property. This power differed based on whether the land in question was “land passing into public ownership,” which generally referred to rural lands, or urban land, another distinction that was not present in the Pakistani law.<sup>104</sup> In respect to the former, the law restricted sales to the Israeli state, the JNF, an institution approved by the government for the “settlement of landless Arabs,” or a local authority.<sup>105</sup> Urban land, by contrast, could only be sold if it was less than 100,000 dunams, and it first had to be offered to the JNF for purchase; only if the JNF declined to purchase the land could the Development Authority sell it to private entities.<sup>106</sup> This ability to transfer land from the Development Authority to the JNF, was crucial on two accounts. First, because the JNF was a separate non-state entity, the transfer of lands from the Development Authority to the JNF put former Palestinian land outside of state hands. Second, given that the express purpose of the JNF since its creation in 1903 was to purchase land in Palestine in order to settle Jews, the legal provision completed the fusion of legal and minoritarian/majoritarian categories begun by India and Pakistan. If the custodian legislation was initially intended to protect property of Palestinians and leave open the possibility for the owners to recoup the land even once it was located in the state of Israel, its subsequent iterations

100. 1948 Pakistan (Protection of Evacuee Property) Ordinance §2(e); and Absentees’ Property Law, 5710-1950, §1(a) (Isr.).

101. Sreemati Mitter, “A History of Money in Palestine: From the 1900s to the Present” (PhD diss., Harvard University, 2014), ch. 3–4.

102. Pakistan (Protection of Evacuee Property) Ordinance, 1948, §§13-14, 23; and Absentees’ Property Law, 5710-1950, §§10(c), 11(d), 12(d), 12(e)(3), 18(a) (Isr.).

103. Development Authority (Transfer of Property) Law, 5710-1950 (Isr.).

104. *Ibid.*, §1.

105. *Ibid.*, §3(4)(a).

106. *Ibid.*, §3(4)(b)-(c).



transformed these laws into mechanisms through which ownership of property passed into the new Jewish majority's hands for eternity.

After adopting and adapting the Pakistani legislation, Israeli officials saw little reason to not amend them as needed. At least once, they sought to do so by looking to India, further illustrating their underlying functional view of the legislation's origins. In August 1951, Ya'akov Shimoni, who was currently the head of the Asian Division of the Foreign Ministry, asked F.W. Pollack (who had served as an Israeli trade representative in India) to look into Indian legislation. "It turns out that our legislation regarding evacuee property seems to be very deficient." Not only was much of the legislation enacted belatedly, it also often did not address the realities of property ownership that the state encountered. "My friends would like to have some guidance as to how the Indian Government deals with very similar situations existing in India."<sup>107</sup> Unfortunately, the archive does not provide details on Pollack's findings. That Israeli actors looked to India—rather than tracking Pakistani developments—is not surprising. After all, Israel had contacts in India. This was not the case in Pakistan. Moreover, the Israeli interest in Indian legislation attests to the instrumental emulation of technocratic knowledge. Indeed, this instrumental rationality drew upon a longer Zionist technocratic tradition. As Derek Penslar has shown, starting with the inception of settlement in Palestine, Zionist technocrats instrumentally imported knowledge. Central European Zionist technocrats emulated German models developed in the colonization of Posen and, when deemed necessary, they adopted techniques used by Poles, who opposed the German colonization.<sup>108</sup> In the present case, Israelis involved in cementing the absentee property regime saw no problem in having the best of both worlds: borrowing the body of Pakistani law and, at the same time, seeing how the Indians adapted theirs to the changing realities.

### III. Entangled Expertise II: The Indian-Israeli Dimension

If Israeli technocrats saw Pakistan and India as sources of knowledge, the converse was also true. Although the archival record is sketchy, on a few occasions Pakistani officials expressed interest in Israeli expertise. In early February 1948, Nasir-ul-Hassan, the Assistant Secretary to the Government of Pakistan, requested information regarding Jewish social

107. ISA HZ-2/309, August 26, 1951, Shimoni to Pollack.

108. Derek J. Penslar, *Zionism and Technocracy: The Engineering of Jewish Settlement in Palestine, 1870–1918* (Bloomington: Indiana University Press, 1991), 94–98.

services in Palestine from Jewish Agency member Abe Herman.<sup>109</sup> In late 1950, Israeli Foreign Ministry officials exchanged communiqués regarding a speech by Pakistani Finance Minister Malik Ghulam Muhammad at the Islamic Economic Conference in Tehran, in which he allegedly called on Muslim economists to study Israeli farming methods.<sup>110</sup> And, in January 1954, under the aegis of the United Nations, a member of the Pakistani Ministry of Relief and Rehabilitation spent 2 months in Israel to “learn the methods of rehabilitation practiced in Israel and other issues of relief.”<sup>111</sup> More significantly, in a 1949 publication for the Pakistan Institute of International Affairs, which was sent to the Transfer Committee, Mirza Hassan Habib spoke of emulating Zionist/Israeli immigration and refugee resettlement practices. Noting that “[w]e are not concerned here with the justice or injustice of the process which had led to organized settlement of alien Jews in Palestine, a country essentially and predominately Arab,” Habib praised the Zionist immigration process.<sup>112</sup> “The selection and training of immigrants to Palestine deserves special mention. The immigrants were not chosen haphazardly. It was recognized that an essential step in the settlement of refugees was preliminary training in manual occupations.”<sup>113</sup> Although the validity of this depiction is questionable—it does not attend to the changing Zionist attitudes toward unrestricted Jewish immigration over time—Habib used (his understanding of) Zionist policies to call for a policy of increasingly selective immigration in Pakistan.<sup>114</sup> Indeed, Habib recommended that Pakistan set its immigration policies in accordance with its “absorptive capacity,” a term invoked globally but especially prominent in debates revolving around Jewish immigration in Mandate Palestine.<sup>115</sup>

Indian technocrats also turned to Israel to see how it was resettling incoming Jews. As Director of the Israeli Foreign Ministry Walter Eytan noted in his 1952 visit to India, “Indians show great interest in...the Israeli experience with ‘rehabilitation of refugees’ (in other words what we call the absorption of *aliyah*).” What is more, according to Eytan,

109. CZA S25/9029, April 2, 1948, Nasir-ul-Hassan to Herman.

110. ISA HZ-4/309, October 19, 1950, Pollack to Shimoni.

111. ISA HZ-226/1, January 19, 1954, V. Fischel to E. Doron.

112. ISA GL-8/17114, January 1949, The Resettlement of Refugees, 13.

113. *Ibid.*, 14.

114. Regarding fluctuating Zionist attitudes to immigration in the late 1940s and early 1950s, see Devorah Hakohen, *Immigrants in Turmoil: Mass Immigration to Israel and Its Repercussions in the 1950s and After* (Syracuse: Syracuse University Press, 2003). Regarding Pakistani attempts to limit immigration see Zamindar, *The Long Partition*, 99–103.

115. S. Ilan Troen, “Calculating the ‘Economic Absorptive Capacity’ of Palestine: A Study of the Political Uses of Scientific Research,” *Contemporary Jewry* 10 (1989): 19–38.

both Israelis and Indians saw their roles as turning these immigrants into “productive workers” and citizens.<sup>116</sup> Indeed, Indians took particular interest in the Israeli decision to settle a substantial number of the nearly 700,000 incoming Jewish immigrants who arrived between 1948 and 1951 in cooperative settlements (*moshavim*). This Indian interest in Zionist cooperatives dated back to at least the Second World War when Indian soldiers stationed in Palestine were enlisted in courses on Zionist collective and cooperative agricultural settlements.<sup>117</sup> This is not to say that cooperative settlement was foreign to British India: there was a long transnational history of cooperative enterprise in India.<sup>118</sup> In fact, the 1920 and 1933 Palestine Co-operative Societies Ordinances were largely based on the 1912 Indian Co-operative Societies Act, and British officials involved in Indian cooperative societies had been dispatched to Palestine to provide technical advice.<sup>119</sup> Still, the perceived success of Zionist cooperatives elicited Indian interest. In 1946, after spending a month in Palestine studying cooperative settlements, an Indian delegation reported that “Arab villages are very similar to villages in India” and “like the Indian villagers, Arabs lack unity and every village has its own factions.” Specifically because of these perceptions that Indians shared a similar negative backwardness with Palestinian Arabs, the delegation looked primarily at Jewish farming and settlement methods. “The Jews, on the other hand, are very highly organized, socially, economically, and politically.”<sup>120</sup> Driving the Indian interest in the *Yishuv* was a notion of difference and the desire to emulate the Zionist enterprise.

This Indian technocratic interest in the *Yishuv* and the Israeli state continued thereafter. Reporting on contacts he had made during his 1947 trip to India for the Asian Relations Conference, Shimoni remarked that Indian economists “cherish great—in our opinion *too* great and exaggerated—hopes and expectations in connection with the lessons to be drawn from our work in Palestine.”<sup>121</sup> This cautionary remark aside, Zionists/Israelis

116. ISA HZ-1/2414, July 1952, Eytan.

117. Captain Rajendra Nath, “With 30,000 Indian Soldiers in Palestine,” *India and Israel* June–July 1950, 28.

118. See for example, Subir Sinha, “Lineages of the Developmentalist State: Transnationality and Village India, 1900–1965,” *Comparative Studies in Society and History* 50 (2008): 57–90.

119. Government of Palestine, *Report by Mr. C.F. Strickland of the Indian Civil Service on the Possibility of Introducing a System of Agricultural Co-Operation in Palestine* (Jerusalem: Government of Palestine Press 1930); Radharaman Goswami, *Studies in Co-Operative Farming in Israel* (Calcutta: West Bengal Government Press, 1954), 63.

120. Introduction, in Indian Delegation on Co-operative Farming in Palestine, *Report of the Indian Delegation on Co-Operative Farming in Palestine* (Unknown, 1946).

121. CZA S90/303, April 14, 1947, Ya’akov Shimoni, Report on the Interasian Conference, 5.

promoted their technical expertise as they sought to convince their Indian counterparts of the wisdom of establishing diplomatic relations.<sup>122</sup> Shimoni and economist Alfred Bonn  established contacts with Tarlok Singh, who would go on to serve as the first director of rehabilitation of Punjab and play a crucial role in settling displaced Punjabis on evacuee land.<sup>123</sup> After meeting with Walter Eytan in 1952, Indian Rehabilitation Minister Ajit Prasad Jain sent Pitambar Pant, an important figure in the Indian planning regime and a colleague of P.C. Mahalanobis at the Indian Statistical Institute, to observe Israeli “relief and rehabilitation” measures.<sup>124</sup> Meanwhile, the second Director of Rehabilitation of Punjab, M.S. Randhawa, requested materials on cooperative settlements and garden colonies from Israeli officials as he embarked on establishing “co-operative colonies” for refugees in Punjab.<sup>125</sup> Randhawa singled out “the Small-holders Co-operative Village ‘The Moshav Ovdim’ [sic] of the Zionists in Israel” in his classic and celebratory book on Indian rehabilitation efforts.<sup>126</sup> In 1954, after visiting Israeli cooperative settlements, the inspector of co-operative societies in West Bengal determined, “The cohesion and integrity that are dominant features of a co-operative village in Israel are wanting in a society of co-operative farming in India.”<sup>127</sup> Indeed, as Benjamin Siegel has recently shown, this Indian fascination with Israeli agriculture continued—even flourished—into the late 1950s and early 1960s.<sup>128</sup>

Although Israeli and Indian officials operated in markedly different contexts, their respective attraction to cooperative settlement stemmed from

122. See ISA HZ-14/71, June 24, 1949, Eban to B.N. Rau; *ibid.*, August 29, 1949, Pollack to Shimoni; ISA HZ-7/345, June 20, 1951, Eban to V. Pandit; and ISA HZ-29/2413, December 5, 1952, Elath to MABAR.

123. CZA S90/303, April 17, 1947, Hugo Bergmann and Ya’akov Shimoni, Report on the Inter-Asian Conference; CZA S90/302, April 30, 1947, Alfred Bonne, Supplementary notes to the Report of the Delegation on the Inter-Asian Conference in New Delhi; and ISA HZ-9/309, November 23, 1951, Shimoni to Pollack. Regarding Singh, see Gyanesh Kudaisya, “The Demographic Upheaval of Partition: Refugees and Agricultural Resettlement in India, 1947–67,” *South Asia: Journal of South Asian Studies* 18 (1995): 73–94.

124. ISA HZ-1/2414, April 18, 1952, Eytan to Agit [sic] Prasad Jain. Apparently, Pant was already interested in Israeli rehabilitation efforts in 1951. ISA HZ-2/309, April 13, 1951, Shimoni to Pollack.

125. ISA HZ-2/309, May 9, 1951, Shimoni to Pollack; and *ibid.*, August 5, 1951, Shimoni to Pollack.

126. M. S Randhawa, *Out of the Ashes; an Account of the Rehabilitation of Refugees from West Pakistan in Rural Areas of East Punjab* ([Chandigarh?]: n.p., 1954), 146.

127. Goswami, *Studies in Co-Operative Farming in Israel*, 144. See also ISA HZ-2/292, December 3, 1954, D.P. Joshi to E. Doron; ISA HZ-2-/292, January 28, 1955, Nigam to Doron.

128. Siegel, “The Kibbutz and the Ashram.”

similar underlying needs and interests. As one Indian official noted, notwithstanding the European influences on Zionist settlement policies prior to 1948, in the aftermath of the post-1948 mass Jewish immigration, Israel faced “the same problems as exist in other Asian and Middle East countries—e.g. developing the civic and community spirit among the poorer classes, feudal tribes and clans” and training them in agriculture.<sup>129</sup> Cooperative settlements had special appeal for both Israeli and Indian officials. Although casting the requirement that immigrants work in order to sustain themselves as an act of empowerment and educational effort to make them “economically and socially stable,” in practice, these cooperative settlements enabled both states to relieve themselves from having to provide free services to immigrants.<sup>130</sup> The fact that both states often carried out these settlement projects in a heavy-handed and discriminatory fashion is of little surprise.<sup>131</sup> Beyond this, the expansion of existing cooperative settlements and the establishment of new ones also served as a way of populating the territory and, particularly, the borderlands of the newly established states. In India, and especially in Punjab, settling previously mobile populations along the border brought “the border into effect” and justified the “extension of state development to its peripheral reaches.”<sup>132</sup> In Israel, settling Jewish immigrants in the periphery was a means of bolstering the border regions.<sup>133</sup> In fact, many of Israel’s resettlement schemes were built on lands confiscated from Palestinians: more than one third of the 341,000 Jewish immigrants to Israel between May 1948 and December 1949 were settled in abandoned Arab villages and homes.<sup>134</sup> By the end of 1953, 345 new settlements had been constructed on more than 1,000,000 dunums of abandoned Palestinian land.<sup>135</sup> Ultimately, that Indian officials were interested in Israel as a model for the resettlement of refugees coming from Pakistan is nothing less than ironic. After all, these lands on which many of the Israeli settlements were constructed

129. K.G. Sivaswamy, “Community Development in Israel,” *The India Quarterly* 11 (1955): 170; and ISA HZ -2/292, July 2, 1953, Doron to Harman.

130. Sivaswamy, “Community Development in Israel,” 172.

131. Sarah Gandee, “Criminalizing the Criminal Tribe: Partition, Borders, and the State in India’s Punjab, 1947-55,” *Comparative Studies of South Asia, Africa and the Middle East* 38 (2018): 557–72; and Orit Bashkin, *Impossible Exodus: Iraqi Jews in Israel* (Stanford: Stanford University Press, 2017).

132. Gandee, “Criminalizing the Criminal Tribe,” 566, 568.

133. Hakohen, *Immigrants in Turmoil*; and Esther Meir-Glitzenstein, *Ben Bagdad le-Ramat Gan Yots ‘ey ‘iraq be-yisra’el* (Jerusalem: Yad Yitshak Ben-Zvi, 2008), 113–28.

134. Moshe Lissak, *ha-‘Aliyah ha-gedolah bi-shenot ha-hamishim: kishlono shel kur ha-hitukh* (Jerusalem: Bialik, 1999), 24.

135. Michael R. Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict* (New York: Columbia University Press, 2003), 72.

had themselves been former Palestinian land that was transferred from the custodian for absentee property to the Development Authority using legislation based on Pakistani law. Thus, when Indian technocrats observed and studied Israeli models, they were standing unknowingly on land that had been expropriated using the very same Pakistani laws that had been used to dispossess those refugees whom India sought to resettle.

#### **IV. Conclusion**

In the aftermath of the partition of British India and the (failed) partition of Palestine, Zionist/Israeli political leaders and technocrats drew on a shifting set of parallels and comparisons with both India and Pakistan. Departing from previous scholarship, which has largely limited its examination up until 1947–48, and which emphasized congruences between either Israel and India or Israel and Pakistan, this article has demonstrated that the multiple, partial, and reciprocal nature of these comparisons simultaneously precluded and created linkages among Israel, India, and Pakistan.

Although the perceived differences between Israel/Palestine and India/Pakistan served as a barrier to full-fledged diplomatic relations, it was specifically the partial nature of the equivalences between the states that facilitated the movement and borrowing of technocratic knowledge, expertise, and technologies. Attending not only to the diplomatic interactions between former parts of the British Empire but also to the technocratic and legal ones offers a historical opportunity to recover the connected and international contexts in which these nascent states constructed their legal and infrastructural apparatuses.