

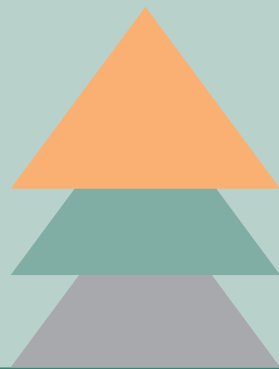
Religions and Development Research Programme

Beyond the Religious Impasse: Mobilizing for Muslim Women's Rights in India

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Religions and Development Research Programme



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Religions and Development

Research Programme

The Religions and Development Research Programme Consortium is an international research partnership that is exploring the relationships between several major world religions, development in low-income countries and poverty reduction. The programme is comprised of a series of comparative research projects that are addressing the following questions:

- How do religious values and beliefs drive the actions and interactions of individuals and faith-based organisations?
- How do religious values and beliefs and religious organisations influence the relationships between states and societies?
- In what ways do faith communities interact with development actors and what are the outcomes with respect to the achievement of development goals?

The research aims to provide knowledge and tools to enable dialogue between development partners and contribute to the achievement of development goals. We believe that our role as researchers is not to make judgements about the truth or desirability of particular values or beliefs, nor is it to urge a greater or lesser role for religion in achieving development objectives. Instead, our aim is to produce systematic and reliable knowledge and better understanding of the social world.

The research focuses on four countries (India, Pakistan, Nigeria and Tanzania), enabling the research team to study most of the major world religions: Christianity, Islam, Hinduism, Sikhism, Buddhism and African traditional belief systems. The research projects will compare two or more of the focus countries, regions within the countries, different religious traditions and selected development activities and policies.

The consortium consists of six research partner organisations, each of which is working with other researchers in the four focus countries:

- University of Birmingham, UK: International Development Department, Department of Theology and Religion, Centre for West African Studies, Centre for the Study of Global Ethics.
- University of Bath, UK: Centre for Development Studies.
- Indian Institute of Dalit Studies, New Delhi.
- Nigerian Institute of Social and Economic Research, Ibadan.
- University of Dar es Salaam, Tanzania.
- Lahore University of Management Sciences, Pakistan.

In addition to the research partners, links have been forged with non-academic and non-government bodies, including Islamic Relief.

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Key words: India, gender, Islam, women, social movement, religion, women's rights

List of Acronyms

AeN	Awaaz-e-Niswan
AIDWA	All India Democratic Women's Association
AIMPLB	All India Muslim Personal Law Board
AIMWPLB	All India Muslim Women's Personal Law Board
BMMA	Bharatiya Muslim Mahila Andolan
CPRMW	Committee for the Protection of the Rights of Muslim Women
MWRN	Muslim Women's Rights Network
OBCs	Other Backward Classes
POW	Progressive Organisation of Women
RSS	Rashtriya Swayamsevak Sangh
SCs/STs	Scheduled Castes/Scheduled Tribes
UCC	Uniform Civil Code
UP	Uttar Pradesh
VHP	Vishwa Hindu Parishad
WRAG	Women's Research Action Group

Glossary

<i>adivasi</i>	tribal person
<i>basti</i>	a poor neighbourhood
<i>Diwali</i>	Hindu festival of lights
<i>Hindutva</i>	literally means 'Hinduness'; used to describe the ideology of Hindu nationalism
<i>jamaat</i>	literally means 'assembly'; used to refer to Muslim councils
<i>mehr</i>	in Islam, an obligatory gift given by a husband to his wife at the time of marriage
<i>mangalsootra</i>	a symbol of Hindu marriage worn by a woman around the neck
<i>maulvi</i>	Muslim religious cleric or teacher
<i>nikah</i>	Muslim marriage
<i>nikahnama</i>	a Muslim marriage contract
<i>parda</i>	the practice of female seclusion or segregation of the sexes
<i>qazi</i>	a person with the authority to make legal decisions amongst Muslims
<i>sati</i>	the practice of widow immolation
<i>sharia</i>	Islamic law
<i>sindoor</i>	a red powder, which is applied the parting of a woman's hair as a sign of marriage amongst Hindus
<i>talaq</i>	the Islamic term for divorce
<i>talaq-e-tafweez</i>	a delegated right of divorce, which can be delegated to a wife by her husband
<i>ulema</i>	Muslim religious scholars
<i>umma</i>	the community of Muslims
<i>yatra</i>	in Sanskrit, a journey or pilgrimage

Summary

In India in recent years, Muslim women's rights have come increasingly under the spotlight and Muslim women themselves have started to organize collectively in order to demand their rights both within and outside the mainstream women's movement. This research examines how women's rights activists working in Muslim communities have engaged with the question of religion, either within the women's movement or by creating a separate space for themselves.

Often religion is seen as a hindrance to the progressive social change needed to realize development objectives such as greater gender equality. However, there is little research that assesses the views of those involved on religion or examines the role of religion in social mobilization and activism. One of a series of studies of the role of religion in movements for social change, this research started from the assumption that progressive social change is more likely to occur as a result of active mobilization and the construction of a broad base of social and political support than through specific 'women's programmes' or external intervention. It set out to assess the extent to which mobilization has occurred and a broad support base constructed around the issue of Muslim women's rights in India.

The contemporary Indian women's movement has historically had an ambivalent relationship with religion, demonstrated most clearly during the debates around the question of personal laws during the 1980s and 1990s. Although these debates centred on Muslim women's rights, limited numbers of Muslim women actually participated in the discussions – a situation that has changed more recently. The research describes the emergence of two networks organized around the question of Muslim women's rights: the Muslim Women's Rights Network (MWRN) and the Bharatiya Muslim Mahila Andolan (BMMA). Based on extensive interviews with members of the networks, the All India Muslim Personal Law Board (AIMPLB) and other women's organizations in Mumbai, New Delhi, Lucknow and Kolkata, the study focused particularly on whether and how the MWRN and the BMMA engage with religion as part of a process of collective identity formation and within the debates that they foster and in which they participate.

The key findings of the analysis are:

- Muslim women are increasingly organizing for social change, both independently and as part of the wider women's movement.
- The MWRN and the BMMA are re-shaping the category 'Muslim women' as a means of expressing their political agency, rather than allowing this category to be defined by other political interest groups.
- Both networks are challenging the authority of the male religious elite to represent the entire 'Muslim community'.
- Both draw attention to the multiple forms of disadvantage faced by women in minority communities, including Muslim women.
- Both have attempted to engage with members of the All India Muslim Personal Law Board in the past, but have largely abandoned this strategy because of a perceived lack of progress.
- Within an Islamic framework, both networks have advocated greater use of the *nikahnama* (marriage contract) as a means of overcoming the limitations of Muslim Personal Laws, but with limited success.
- The women's movement is increasingly becoming diversified as members of minority groups, including Muslim and dalit women, organize collectively both within and outside the movement.

The study concluded that:

- Members of the women's movement should make more of an effort to positively engage with and create space for women from marginalized communities, including Muslim and dalit women.
- The membership and leadership of the All India Muslim Personal Law Board should have a better gender balance, as well as holding constructive and respectful dialogues with members of women's groups.
- The Board should reformulate its model *nikahnama* to safeguard women's rights, including a provision that protects women from arbitrary divorce and allows them the right to seek a divorce themselves.
- The national and State governments should include members of Muslim women's networks in discussions relating to the rights of religious minorities, including those related to the implementation of the Sachar Committee recommendations.
- Policy makers, the media and donors should recognize the diversity amongst Muslims in India, and ensure that women's voices are heard in discussions of Muslim identity, rather than allowing the male-dominated religious elite to define the interests of 'the community'.

1 Introduction

Social movements can take various forms and are organized around diverse issues, with some movements calling for progressive social change and an expansion of the democratic space and others organized around protecting the interests of particular groups against perceived external threats (Castells, 1997). However, what binds social movements is their call for a radical restructuring of society (Zirakzadeh, 2006, p. 4). Most often, this represents a challenge to institutions and structures of power, which movements confront through different channels ranging from nonviolent forms of protest to violent revolutions. Social movements are heterogeneous, dynamic and constantly in the process of formation. Progressive social movements — that is those social movements that are concerned with empowering marginalized sections of society by challenging dominant structures of power — are also often key players in development processes.¹ Of these, women's movements have emerged as some of the most powerful and sustained social movements calling for progressive social change. They are in many cases important actors in development, challenging gendered structures of power in all spheres of life and at the local, national and international levels. Religion, in the form of discourses, symbols, actors and institutions, often has an important role to play in social movement processes, including in the operation of women's movements. It may be either a resource utilized in promoting a particular vision of social change or a potential hindrance to the achievement of such a vision. However, little is known about the effects of religion on social movements, including women's movements, or the role it plays in movements' ability to achieve progressive social change.

The study of social movements has been approached from a variety of theoretical perspectives, including theories related to resource mobilization, 'new social movements', and political opportunity structures (see Edelman, 2001; Della Porta and Diani, 2006; Kirmani, 2008a). These theories have helped to shed light on the factors that contribute to the formation, operation and impact of social movements. Resource mobilization theories are mainly concerned with looking at the operational and organizational aspects of movements, while theorists of the new social movements school focus more on the symbolic and discursive practices of 'meaning-making' in which social movements engage. Theories concerned with political opportunity structures focus on the relationships between the political context and the formation and impact of social movements. This report draws on a range of social movement theories, but as it is focused on questions related to religious and gender-based identities, relies most heavily on the new social movements school.

New social movements theorists point to the importance of identity in the framing processes of contemporary social movements, identifying a tendency for such movements to shift their emphasis to questions of meaning and representation rather than solely being focused on class-related struggles (Benford and Snow, 2000; Castells, 1997; Touraine, 1981; 1988).² Diani and Bison (2004, p. 284) highlight the importance of the development of a 'collective identity' as a marker that distinguishes a social movement from a specific campaign or initiative:

Collective identity is a process strongly associated with recognition and the creation of connectedness. It brings with it a sense of common purpose and shared commitment to a cause, which enables single activists and organizations to regard themselves as inextricably linked to other actors not necessarily identical but surely compatible, in a broader mobilization.

Schlesinger similarly emphasizes the processual nature of collective identity construction undertaken by social movements, seeing collective identity as 'emergent' rather than a 'given' (1987, p. 237). The process of identity construction engaged in by social movement actors is, however, inherently unstable; it is often contested and shifting, depending on the context (Laclau, 1983). Often, a host of identities, including those related to religion and gender, are involved in such complex, contradictory and contested processes of collective identity construction. Understanding the dynamics of identity construction is key to understanding the way social movements emerge, operate and evolve in relation to wider social and political processes.

Apart from the general theories related to social movements, there is a rich body of theory dedicated to understanding women's movements, both in their national contexts and internationally. Ray and Korteweg (1999, p. 48) focus on 'third world women's movements'³ in particular, defining women's movements broadly as "the range of activities in which women engage to better the circumstances of their lives." Molyneux (1985) makes a further distinction, arguing that women's movements form around either 'practical' or 'strategic' gender interests. Practical interests are those that are related to women's roles in the sexual division of labour and tied to their ability to fulfil their roles as wives and mothers, while strategic interests seek to fundamentally transform society. Margolis (1993, p. 389) makes a further distinction between 'reformist' and 'radical' women movements, the former preferring to work through established political structures and the latter organized more loosely into small, autonomous groups. Although it is beyond the scope of this report to go into detail, it is worth nothing

that these terms continue to be discussed and debated amongst feminist scholars struggling to capture the diversity of women's activism.

In her comprehensive account of movements for women's rights in India, *The History of Doing*, Kumar (1993) includes all the movements that have displayed 'anti-patriarchal elements', including liberation movements in which women have been involved in significant numbers. She includes those movements that focused on issues that were seen as 'women's concerns', such as the anti-alcohol and anti-price-rise movements of the 1970s, as well as nationalist and peasant movements, which were dominated by men, but in which women raised the issue of male domination. Hence, Kumar includes movements that have dealt with both practical and strategic gender interests.

This report focuses particularly on mobilization for Muslim women's rights within what is often referred to as the contemporary autonomous women's movement, which can be described both as being radical⁴ in its organization and also as having historically taken up practical as well as strategic gender interests. Like all social movements, the Indian women's movement is fluid, fragmented and dynamic; it must be viewed as a heterogeneous set of social processes rather than a monolithic entity.

According to Butalia (2002, p. 207):

The 'women's movement' and 'feminism' are deeply contested and problematic concepts in India today. There is no real agreement — indeed there are considerable differences — about whether India is home to one, large, comprehensive movement or whether what exists is a proliferation of different movements and campaigns which may come together from time to time.

The contested and dynamic nature of the women's movement is a major focus of this study, which looks at the way the women's movement is evolving with respect to the representation of women members of religious minorities. Specifically, the study looks at competing approaches to advocacy around Muslim women's rights by groups and individuals that locate themselves within the wider women's movement, as well as by those that see themselves as being outside the women's movement.

Although relatively little attention has been paid to the role of religion in social movements (see Smith, 1996; Hannigan, 1991), there is a growing awareness of its importance as a factor in processes of mobilization. Apart from those movements that are explicitly religious in orientation,⁵ at times social

movements that are not religiously identified, including 'secular' women's movements, choose to or are compelled to align with religious actors or to use religiously-inspired discourse as part of their mobilizing strategies. Smith (1996) points to the various ways in which religion can influence the operation of social movements, including providing leadership and organizational resources, providing moral justification for their goals, and providing a sense of collective identity around which to mobilize. Tarrow (1998) has also pointed to the symbolic and emotional resources provided by religious discourses in mobilization of support. Furthermore, social movements often ally with religious groups or institutions, utilizing the ready-made social networks associated with religion as part of their mobilizing strategies (Beckford, 2001). At the same time, many social movements are met with religious-based opposition and counter-movements.⁶ There are, therefore, a variety of ways in which religious ideologies and institutions can contribute both positively and negatively to the operation of social movements.

Women's movements⁷ in particular often question religious traditions, beliefs and institutions as part of their struggles for gender equality. In many cases women's movements challenge religious precepts that they see as undermining gender equality and thus face opposition by religious groups. Much has been written about the 'challenge of fundamentalism'⁸ for women's movements globally (Ray and Korteweg, 1999) and especially in Muslim-majority countries that have witnessed a burgeoning of Islamist political movements since the 1970s, many of which have attempted to impose new forms of control on women (see Moghissi, 1999; Moghadam, 1994, 2002, 2004).⁹ In the Indian context, feminists have had to deal with various forms of religious 'fundamentalism', from Hindu nationalists, who argue that India is essentially a Hindu nation, as well as from Muslim conservative groups, who aim to protect the Muslim community from 'outside' interference from the state as a means of asserting a minority identity (see Kumar, 1999). Women are often instrumental in the discourse of both of these groups, as symbols of the community's identity. Hence, most secular women's movements have had an antagonistic relationship with religious discourses and actors, and have viewed religion as a source of oppression rather than a source of liberation (see Phillips, 2009).

At the same time, many women's movements, even those that are expressly secular in orientation, have periodically allied with religious groups or utilized religious discourse in order to promote gender equality, either as a proactive or a reactive strategy. Women's movements have also at times had a symbiotic relationship with religious feminists engaged in projects of reinterpretation and reclamation within their respective faith traditions. This has been the case amongst members of various religious

groups, including Jewish, Christian, Muslim, Taoist, Buddhist and Hindu feminists, who have argued for reforms from *within* their respective faith traditions and have developed nuanced readings of texts and practices (see Sharma and Young, 1998; Donaldson and Pui-Lan, 2002). Processes of globalization, especially the UN-organized conferences in Beijing, Cairo and Vienna, have facilitated dialogue and the creation of networks amongst religious and non-religious feminists dealing with similar types of constraints across faith traditions (Bayes and Tohidi, 2001). Reformist feminist traditions have made great strides in reconciling feminism with faith in a variety of ways and are challenging long-held assumptions about the relationship between the struggle for gender equality and religion within conservative and orthodox circles as well as amongst secular feminists.

India has a rich history of movements for social change, many of which have been explicitly religious in nature and most of which have dealt with the issue of religion in some way, by using religion to promote a particular vision of society, by openly rejecting ideas based on religious ideologies, by confronting certain religious groups or by allying with others in their struggles for social change (see Omvedt, 1993; Jodhka and Kumar, forthcoming). The women's movement in particular has dealt with questions related to religion since its inception, either using religious discourse as part of its campaigns for women's rights in the context of 19th and early 20th century social reform movements, or challenging religious traditions that it perceives as being harmful to women, as a result facing opposition from religious-based groups in the contemporary period. Questions related to religious identity and representation have also become increasingly important as the nation as a whole has witnessed the growth of *Hindutva*¹⁰ forces and repeated incidents of religious-based violence targeting religious minorities.

This research reported on here is part of a wider study that aims to explore the relationships between social movements and religion in India, Nigeria and Tanzania. The research explores the engagement of marginalized groups with religion in their efforts to achieve social change for development. In all three countries, research is focused on women's movements, supplemented in by a study of movements for dalit¹¹ rights. The studies look at the relationships between various religious actors — individuals, institutions, congregations and faith communities — and movements for social change. By looking at these relationships and engagements, the research aims to understand the ways in which religion can act as a barrier as well as a positive force in the achievement of development-related social change in particular contexts. It also examines the circumstances in which religious

discourses become relevant in social movement strategies and to what extent movements choose to utilize religious discourses or engage with religious actors as part of their efforts. Finally, the research aims to explore the outcomes of such interactions in the achievement of social change.

The findings presented in this report deal mainly with the women's movement in India,¹² looking at how the movement has grappled with questions related to religion since its inception. The study focuses on advocacy around Muslim women's rights, as this is the area in which the relationship between religion and gender has been most contentious in the Indian context. This was demonstrated most clearly during the case of Shah Bano during the 1980s (see Section 2.2.1), when the women's movement was forced to rethink its strategy vis-à-vis religion in the face of growing support for Hindu nationalism and increasing bouts of violence targeting religious minorities. Since this time, groups have emerged in various parts of the country that focus their efforts on advocating Muslim women's rights. Some of these groups have joined together to form networks. However, with the exception of Vatuk's recent work on Islamic feminism in India (2007), little systematic research has been conducted about the emergence of such groups and networks and their relationships with the wider women's movement.

This study aims to further develop understanding of religion and women's rights in India by exploring the discourse of two networks in particular, the Muslim Women's Rights Network (MWRN) and the Bharatiya Muslim Mahila Andolan (BMMA), as well as individuals who are not part of these networks but who advocate for Muslim women's rights. It looks particularly at how or whether these networks engage with religion as part of the process of collective identity formation and within their discursive strategies, in a context of growing feelings of exclusion and marginalization amongst Muslims as a threatened minority.¹³ It also looks at the relationships these networks and individuals have had with religious institutions, especially the All India Muslim Personal Law Board (AIMPLB), as well as with the wider women's movement. The aim of the study is to understand how advocates for Muslim women's rights negotiate their multiple identities in the context of complex matrices of power based on gender, class, caste and religion in ways that both challenge the categorization of 'Muslim women' as a victimized group and recreate the category 'Muslim women' as one that asserts political agency. It also explores the impact these networks have had on the evolution of the wider women's movement and more generally on the achievement of social change.

Following the introduction in Section 1, Section 2 traces the historical relationships between discourses related to gender equality and religion from the pre-independence period to the present, looking at the ways in which advocates for women's rights have engaged with religious ideologies and actors either in a positive manner, as part of their strategies for achieving gender equality, or negatively, in the form of opposition to certain religious-based practices and groups. This section looks broadly at the social reform movements, the early women's movement and the contemporary women's movement. Section 3 then analyses the consolidation of Muslim minority identities in the post-independence period. This section highlights the growing political, cultural, economic and physical insecurity Muslims in India have experienced and how the category 'Muslim women' has been implicated in these trends.

The second half of the report contains the findings of new empirical research on advocacy related to Muslim women's rights in India. Section 4 provides details of the research questions addressed, the aims of the study and a discussion of the methodology. The findings are presented in Section 5, which begins by describing the two Muslim women-led networks that have emerged since the Shah Bano case, the Muslim Women's Rights Network and the Bharatiya Muslim Mahila Andolan. This section describes when these networks were formed, why and by whom, as well as looking at their underlying principles and main areas of focus (5.1). The report then examines the positions that activists involved in the networks take towards religion (5.2), as well as looking in detail at the campaign to protect women's marital rights through the *nikahnama* (Muslim marriage contract). The discussion of the *nikahnama* campaign also considers the interactions between these networks and the AIMPLB and the increasing fragmentation of religious authority amongst Indian Muslims in general. The final part of this section (5.3) steps back to look at the relationships between these networks and the wider women's movement, which is said to be becoming increasingly fragmented or diversified. Finally, Section 6 draws conclusions about the changes that have occurred within the women's movement and more broadly in the Indian political sphere as a result of the articulation of Muslim women's rights since the Shah Bano case.

2 The Indian women's movement and religion in historical context

Calls for greater gender equality and rights for women began to be made in public debates during the pre-independence period and have been carried on by the contemporary women's movement. While the social reform movements and the early women's movement often used religious discourse and symbolism in order to argue for greater rights for women, the contemporary women's movement has either avoided religious language or challenged religious traditions and precepts. The strategies of reformers and activists in both periods must be understood in their respective political and historical contexts. This section provides a broad overview of how the strategies of both pre-independence social reformers and women's rights advocates and the contemporary women's movement have dealt with questions related to religion, in order to highlight the shifting nature of the relationships between gender and religion in public discourses. This discussion contextualizes the current debates around Muslim women's rights in India by looking at how gender and religion has been framed in public discourses historically.

2.1 'The woman question' and the early women's movement

Although an organized 'women's movement' did not emerge in India until the early twentieth century, 'the woman's question' began to be raised in public debates, largely by social reformers, during the colonial period. This was organized around a series of campaigns in which the emerging indigenous elite engaged with the colonial state in a project of defining and regulating 'tradition', which was often called upon when defining the relationships between gender and religion. This was not a single movement: instead various issues and campaigns were taken up at different times in different regions across the subcontinent (Kumar, 1993). Prominent social reform campaigns included the movement to abolish *sati*¹⁴ and child marriage, as well as efforts to extend education to girls and women (Kumar, 1993; Patel, 1998). The debates around these issues and the resultant legislative changes demonstrated the centrality of gender in the process of religious identity construction by the indigenous elite and in the ruling strategies of the colonial administration.

The social reform movements were led largely by men belonging to prominent sections of the bourgeoisie, who attempted to reform those aspects of society that were depicted as 'primitive' in the discourse of colonial administrators, who saw it as their 'civilizing mission' to reform indigenous practices (see Sen, 2002, p. 465; Mani, 1998; Chatterjee, 1993).¹⁵ Many of the issues raised by social reformers related to the regulation of gender roles and the involvement of women in the public sphere. During this time, Hindu reformist groups such as the Arya Samaj emerged in various parts of the

country, working within a religious framework to advocate legislative reform and broader social change (Sen, 2000, p. 7). Muslim social reformers such as Sir Syed Ahmed Khan were also active during this period, engaging in similar debates amongst the Muslim elite (Kazi, 1999, p. 7). These reformers were drawn from the indigenous elite and therefore represented upper caste/class interests and concerns (Menon, 1999, p. 5). However, the outcomes of their campaigns had a profound and wide impact, in terms of expanding the state's regulation of social relations, as well as formalizing and codifying practices that were otherwise varied and fluid amongst religious and caste groups. Part of this formalization included the formation of separate systems of personal laws based on religious identification — an issue which has been an ongoing site of struggle for members of the contemporary women's movement, especially with regard to Muslim Personal Laws.¹⁶¹⁶ Personal laws are those laws that apply to marriage, inheritance and kinship, which vary depending on

As is the case with many movements for social change, the social reform movements were met with a great deal of resistance and a backlash from those espousing a more orthodox view of religion. Hence, this period also saw the growth of an increasingly strong Hindu revivalist movement, which argued against the introduction and enforcement of any social reforms, including those related to women and children, and laid the foundations for the contemporary Hindu Right. Nationalist sentiments were growing amongst various sections of society at this time, with the revivalists, who were particularly vocal in the state of Bengal, painting social reformers as being pro-British and 'anti-Hindu' (Gandhi and Shah, 1991, p. 27). Objections to social reform raised by revivalists were based on their opposition to any interference by the colonial powers with local 'tradition' and 'custom', thereby linking anti-colonial nationalism and the protection of indigenous, Hindu practices, which most often concerned the regulation and control of women. Similar objections to state interference in 'religious affairs', especially with regard to women, have been raised periodically in the post-independence period by both Hindu and Muslim conservatives in their efforts to protect the interests of their respective 'communities', as demonstrated by the Roop Kanwar and Shah Bano cases during the 1980s (see Section 2.2.1).

The early women's movement that emerged during the late 19th and early 20th centuries in many ways carried on the efforts of social reformers in terms of the issues espoused as well as in the conciliatory approach adopted towards religion. Many of the first women's organizations were themselves sectarian in nature and were branches of Hindu reform movements such as the Arya Samaj (Kumar,

1993, p. 54).¹⁷ Similarly, several organizations emerged during this period that represented the interests of elite Muslim women, including the Anjuman-i-Khawateen-Islam in 1907 (Lateef, 1990, p. 82). However, these groups were quickly followed by the establishment of non-sectarian organizations that aimed to represent all Indian women, including the Indian Women's Association (1917), the National Council of Indian Women (1926) and the All-India Women's Conference (1927) (Patel, 1998; Sen, 1996). Like the social reform movements, these organizations largely represented elite interests and did not attempt to rally mass support.

Like the social reformers, the early women's movement activists were involved in a process of identity construction in which gender, religion and growing nationalist sentiments were closely intertwined. Chaudhuri (1993, p. 102) argues that elite-led women's organizations combined Victorian ideals with religious idioms in order to construct a notion of the "pristine Hindu/Islamic woman." Therefore, arguments advanced by women's organizations against such practices as *parda* (female seclusion) were often premised on blaming 'the other community', with Muslims arguing that Hinduism had corrupted Islam, which was said to support women's emancipation, and Hindus arguing that the introduction of Islam and Christianity in the subcontinent had ended the 'Golden Vedic Age' of Hinduism when women had enjoyed equal rights (Chaudhuri, 1993, p. 4; see also Rajan, 1998). Such 'othering' may have contributed to early divisions within the women's movement that carried on into the postcolonial period.

At the same time, although women's groups were often divided along religious lines organizationally and in the way they advanced their arguments, a certain degree of unity across religious boundaries could also be identified. Lateef (1990), for example, argues that gender-related interests were able to unite women across religious divisions during this period:

One of the noteworthy features of the Indian women's movement was the co-operation and unity which existed between women in different communities on issues specific to women despite the unbridgeable political differences which separated the men of their communities (Lateef, 1990, p. 88).

Lateef points to the involvement of several prominent Muslim women in the major national women's organizations as evidence of this cooperation. Similarly, Ali (2000) draws attention to the involvement of elite Muslim women in political, social and cultural activities during the 1920s and 1930s. However, the Muslim women who were involved in the wider women's movement represented a small proportion

of the urban, educated elite, many of whom migrated to Pakistan after Partition, leaving the Indian women's movement with little or no Muslim representation.

The early women's movement was soon subsumed by the growing nationalist cause, with questions of women's rights sidelined in the interests of the freedom struggle.¹⁸ However, as has been the case with many nationalist struggles (see Kandiyoti 1991a; Yuval-Davis and Anthias, 1989), Indian nationalist leaders utilized gendered religious imagery, especially feminine Hindu symbolism, as part of their mobilizing discourses. Thus leaders such as Sarojini Naidu used Hindu religious symbolism in order to exhort women to join the nationalist cause, arguing that women should be like:

Lakshmi, the giver of happiness and prosperity, Saraswati, the embodiment of wisdom, and Parvati, the eternal mother who uplifts the fallen, purifies the sinner, gives hope to the despairing, strength and courage to the coward and recreates in man the divine energy (Forbes, 1979, p. 160)

Gandhi also used Hindu symbolism to justify women's participation in the nationalist cause, as well as promoting 'feminine qualities' that he associated with spirituality and morality as intrinsic to this cause (Menon, 1999, p. 9). The use of Hindu symbolism may have contributed to the alienation of religious minorities from the nationalist cause, leading to a movement — and a state apparatus in the post-independence period — that was dominated by upper and middle class Hindus (Sen, 2002). This process of marginalization, coupled with the migration of large sections of the Muslim elite to Pakistan after independence, laid the foundation for the character of the contemporary women's movement, which has been dominated by upper caste, urban, Hindu women (Lateef, 1990).

2.2 The contemporary women's movement and religion

The contemporary women's movement emerged during the 1970s at a time of great political and social upheaval and amidst a growing crisis of authority in the central state.¹⁹ This period saw the rise of various new social movements across the country, many of which were leftist in orientation, and which became increasingly organized in the face of the state repression brought on by Indira Gandhi's declaration of a State of Emergency in 1975.²⁰ This year was also declared International Women's Year by the United Nations, marking the beginning of the International Decade of Women, and prompting the government to commission the landmark report *Towards Equality*, a watershed document for the contemporary women's movement.²¹ The growth and orientation of the women's

movement was thus tied into wider political processes occurring nationally and internationally during this time. Although contemporary women's groups followed in the footsteps of their pre-independence counterparts, which in many ways forged the way for women's increased political participation and questioning of gender roles, the new groups were also markedly different from their predecessors in that the new women's movement was more radical and anti-systemic in its orientation, as well as more explicitly feminist in its ideology and critique. This section outlines the contemporary women's movement's often-contentious relationship with religion, demonstrated by the campaigns against dowry, *sati* and Muslim Personal Laws.

From its inception, the contemporary women's movement has had a very different relationship with religion from the social reform movements and the early women's movement. It has promoted secularism and avoided questions related to religion, at times even criticizing and challenging religious practices outright. This position can be attributed partially to the fact that many of those who joined the women's movement came from Marxist-inspired groups that they felt were not adequately addressing the multiple layers of oppression faced by women (Omvedt, 1993). Furthermore, the Indian women's movement was influenced by the growth of second wave feminism around the world at the time, which for the most part rejected religion as being irredeemably patriarchal and was committed to the political project of secularism (see Sands, 2008).

Kumar (1993, p. 104) identifies what can be considered the first organization of the contemporary women's movement, the Progressive Organisation of Women (POW), which was based in Hyderabad and was linked to the Maoist movement. The POW's manifesto drew attention to the oppressive nature of 'traditions', which it suggested were based on religious ideologies, stating: "To people who talk of Sita and Savitri we talk of harsh, depressing reality"²² (cited in Omvedt, 1993, p. 80). Thus, rather than valorizing feminine religious symbols, as the earlier women's movement had done, the burgeoning contemporary women's movement drew attention to multiple levels of exploitation based on both gender and class.

There have also been limited attempts to positively engage with religious discourses and symbols by the contemporary women's movement, but these have for the most part focused exclusively on Hindu religious imagery. Rajan (1998, p. WS36), for example, points to the strategic cooptation of religious symbolism by some members of the women's movement, who have "...invoked 'traditional' (read:

Hindu) symbols, in some cases as a means of diluting, if not countering, the perceived western bias of ‘feminism’.” The use of goddess imagery, such as the naming of the first feminist publishing house ‘Kali for Women’, and celebrations of women’s spirituality, spearheaded by Madhu Kishwar in the women’s journal *Manushi*, can be seen as attempts to broaden the women’s movement’s appeal by ‘indigenizing’ feminism.²³ The eco-feminist movement has also been more receptive to religious language and symbolism, with the idea of *prakriti*, the feminine nurturing force seen as intrinsic to Hinduism, being celebrated as a reclamation of ‘tradition’ for women (Omvedt, 1993, pp. 205-206). These developments, although limited in extent and debated amongst women’s movement supporters, may have contributed to the alienation of non-Hindu women from the women’s movement by inadvertently supporting Hindu majoritarianism (see Rajan, 1998). Nevertheless, for the most part the contemporary women’s movement has had a difficult and contentious relationship with religion, often prompting criticism and backlash from religious leaders and groups.

2.2.1 Confrontations over religion: the campaigns against dowry, Muslim Personal Law and sati

The women’s movement began organizing against the practice of dowry during the late 1970s. Although dowry had been legally prohibited since the 1960s, it continued to be a part of the marriage rituals of many communities (Butalia, 2002, p. 213). The increasing number of murders of young brides in response to the perceived failure of their families to provide a sufficient dowry—or ‘dowry deaths’²⁴—sparked large-scale protests by women’s groups across the country. During the late 1970s and early 1980s, activists began holding demonstrations in front of murdered women’s houses in order to publicly shame the offending families and bring them to justice. These demonstrations were key to establishing that such incidents were not private matters, thus exposing the institution of the family as a potential site of violence against women (Palriwala and Agnihotri, 1996, p. 505). The women’s movement eventually succeeded in persuading the government to pass a series of amendments to the *Dowry Prohibition Act* (1961) in order to expand the definition of dowry and increase punishments for dowry-related crimes.²⁵

The on-going campaign against dowry has been viewed by many as a direct affront to Hindu religious traditions. Although the practice of dowry spans religious communities, activists in the initial stages of the campaign saw it as a practice that received sanction in Hinduism. While women’s movement activists avoided explicitly confronting religious ideas in their campaigning, the act of questioning the

practice of dowry itself represented a challenge to upper caste Hindu custom as well as to the entire structure of 'traditional family life'. Opponents of the women's movement accused them of inciting young women to leave their husbands rather than 'adjust' to their in-laws' homes, as well as pointing out that dowry murders were often committed by women against other women and hence arguing that they should not be blamed on the structure of patriarchy (Palriwala, 1985; Kishwar and Vanita, 1991). Where the early women's movement may have questioned 'traditions' by reinterpreting religious texts, the contemporary women's movement did not engage in religiously inspired discourse to quell their opponents. Rather, their arguments continued to focus on women's basic human rights to justice and dignity. The backlash against the dowry campaign began the process of pitting women's rights against religion that continued throughout the 1980s and was demonstrated most clearly during the cases of Shah Bano and Roop Kanwar.

The Shah Bano controversy, which rose to national attention in 1984, marked a pivotal moment in discussions of women's rights, the rights of religious minorities and the relationship of both with the Indian state. The case centred on a 72-year old Muslim woman from Madhya Pradesh, Shah Bano, who in 1978 filed a case claiming maintenance from her ex-husband after almost 50 years of marriage. She was granted a small amount of maintenance by the Indore magistrate's court, which was later marginally increased by the Madhya Pradesh High Court. This decision was disputed by her husband as a violation of Muslim Personal Law and was taken to the Supreme Court in 1985. The Supreme Court ruled in Shah Bano's favour, arguing that she was entitled to maintenance payments under the Criminal Procedure Code as well as, controversially, under *sharia*.²⁶ Furthermore, the Supreme Court judgment called for the abolition of separate personal laws and the creation of a Uniform Civil Code (UCC).²⁷

The Supreme Court's judgment prompted strong protests by bodies such as the All India Muslim Personal Law Board (AIMPLB), which was established in 1973 with the express purpose of protecting Muslim Personal Law, regarded as being intrinsic to Muslims' conception of their community identity, from state intervention. The AIMPLB and its supporters mobilized around the idea that 'Islam was in danger,' arguing that a secular court could not decide on matters related to *sharia*. For the AIMPLB and its supporters, the state did not have the right to decide on matters related to the home and family.²⁸ In order to counter the Supreme Court's verdict, a bill that sought to exclude Muslim women from the purview of the Criminal Procedure Code was drafted by a Member of Parliament, GM

Banatwala, and thousands were rallied in cities around the country in its support by the AIMPLB (Kumar, 1994, p. 84).²⁹ Such efforts were successful in eventually pushing the Congress-led government to pass the Muslim Women's (Protection of Rights on Divorce) Act (1986),³⁰ which was seen by many as a bid to appease the sensitivities of the *ulema* (Muslim religious leaders), thus legitimizing their authority as the representatives of the 'Muslim community'.

At the same time, the Hindu Right, which had been steadily gaining popularity during this period, saw the Shah Bano case as a political opportunity. Hindu nationalist groups argued in support of a Uniform Civil Code, citing the opposition to the Shah Bano case as evidence of Muslim 'backwardness' and resistance to national integration, forgetting the resistance of Hindu revivalists during the 1950s debates over the Hindu Code Bill, which legislated on Hindu personal laws (Hasan, 1994, 1998; Kumar, 1994; Kishwar, 1998).³¹ They also argued that the Muslim Women's Bill was an example of 'minority appeasement' by and the 'pseudo-secularism' of the Congress Party. Hence, both supporters of the Hindu Right and Muslim conservative groups used 'Muslim women' and personal law as the terrain on which to fight political battles over group identity.

The women's movement responded to the Shah Bano case by supporting the creation of a UCC, based on a belief that all women deserved the same rights, regardless of their religious affiliation. However, this position was quickly called into question after the same position was adopted by the Hindu Right (Chhachhi, 1991). The large-scale campaign organized by the women's movement attempted to circumvent the question of religious identity by focusing on Shah Bano's right to dignity as a citizen of India rather than as a member of a particular religious community. This was in line with the movement's overall approach, which until that time had been secular. Women's groups protested against the government's perceived pandering to religious conservatives, labeling it vote bank politics at the expense of women's rights (Butalia, 2002, p. 17). Groups such as the Committee for the Protection of the Rights of Muslim Women (CPRMW) attempted to tread carefully by arguing that Muslim women's inclusion in the Criminal Procedure Code did not infringe on minority rights and pointing to examples of Muslim countries in which women are guaranteed the right to maintenance after divorce (Palriwala and Agnihotri, 1996, p. 514). Although the women's movement persisted in support of Shah Bano and against Muslim Personal Laws, this case raised serious questions for the movement about its own composition, its right to represent all women and its stance towards religion.³²

The problematic relationship between religion and women's rights resurfaced soon after the Shah Bano case, when the issue of *sati* was once again at the centre of public attention. In September 1987, a young widow, Roop Kanwar, in the village of Deorala in Rajasthan, became a widow after only eight months of marriage and was immolated on the funeral pyre of her husband — an event that was sanctioned by the State government of Rajasthan, which refused to intervene despite prior knowledge that it was to occur. After her death, Roop Kanwar was glorified as a *sati* and made the symbol of Rajput, Hindu identity in Rajasthan and beyond, with the site of her immolation becoming a popular pilgrimage spot. In the weeks following this event, Hindu priests from around the country issued statements in support of *sati*. In addition, Hindu right-wing groups used the opposition to *sati* as evidence that Hinduism was in danger and argued that the state had no right to interfere with Hindu religious traditions (Kumar, 1999, p. 366-367). The support this incident received, including the mobilization of large numbers of women, demonstrated its symbolic importance to a large segment of the population and once again pitted the women's movement against 'religion' (Butalia, 2002, p. 215).

Women's groups in Rajasthan and across the country mobilized quickly to protest against what they saw as the most violent manifestation of patriarchy. Members of the women's movement framed the issue as one of violence against women, thus attempting to negate the question of religion altogether (Palriwala and Agnithotri, 1996, p. 522). Public demonstrations were coupled with a legal campaign for a more stringent law to deal with the practice. They eventually secured the passage of the Commission of Sati Prevention Act (1987), which stated explicitly that *sati* was not a practice condoned by any religion in India (Palriwala and Agnihotri, 1996, p. 521). However, although the women's movement was successful to a limited degree, in that a new law against *sati* was passed, the vehement opposition that they faced demonstrated the growing popularity of certain right-wing Hindu ideologies and a mounting backlash against feminism. For example, during the debates, women's movement supporters were accused of representing the urban, elite, 'Westernized' sections of society, and thus of being out of touch with 'the masses' (Kumar, 1993, p. 173). However, the women's movement also found allies amongst certain religious leaders and groups, such as Swami Agnivesh and the Arya Samaj, which demonstrated the potential to build alliances with certain religious actors (Kumar, 1999, p. 367).

The contrast between the outcomes of the Shah Bano and Roop Kanwar cases is telling with respect to the position and makeup of the women's movement at that time. While the movement was unsuccessful in stopping the passage of the Muslim Women's Act, it was successful in strengthening the laws against *sati* two years later. This may have been due in part to the women's movement's own composition and orientation. Although some Muslim women were involved in the campaign against the Muslim Women's Bill,³³ as noted above the women's movement has historically been dominated by Hindu women,³⁴ which has affected groups' ability to lobby effectively for Muslim women's rights (see Agnes, 1995). As Hinduism is the dominant religion in India, and because most women's movement activists are themselves from Hindu backgrounds, feminists have been able to be openly critical of some of its tenets in a way that has not been possible in relation to Islam. On the other hand, because of the women's movement's own composition and because of the increased targeting of Muslims by supporters of the Hindu Right, activists ability to campaign for Muslim women's rights during the Shah Bano affair was restricted, and they had to tread carefully in order to disassociate themselves from the agenda of the Hindu Right, which had co-opted the discourse of secularism. However, as Agnes (1995, p. 146) points out, by ignoring the patriarchal biases in Hindu Personal Laws and supporting a Uniform Civil Code, however carefully this is framed, the women's movement inadvertently "contributed to the fiction popularized by the Hindu fundamentalists that the Hindu code is the perfect family code", which in their view should apply to women of all religious communities.

The campaigns against dowry, *sati*, and the Muslim Women's Bill exemplify the movement's willingness to critique religious-based laws and practices that are considered detrimental to women's rights. However, these cases also demonstrate the impossibility of approaching all issues in the same manner, given the context. Because of the women's movement's selective critique of religious precepts and their attempts to utilize Hindu religious imagery, critics of the women's movement, including Agnes (1995) and Rajan (1998), argue that it has not developed a clearly secular position. In the case of Shah Bano, the contemporary women's movement's general espousal of a liberal-democratic approach to secularism, which advocates a clear separation between religion and politics (Kumar, 1999), left it little choice but to advocate a Uniform Civil Code, rather than exploring alternative avenues for reconciling religious identity and gender-related concerns.³⁵ This uncomfortable position vis-à-vis religion, particularly Muslim women's rights, continued to haunt the women's movement for years, and no reforms have yet been implemented with respect to Muslim Personal Laws.³⁶ Muslim

women-led groups and networks are only now beginning to move the debate forward by arguing for alternative approaches to engaging with or circumventing the law.

2.2.2 *The fragmentation and diversification of the women's movement*

The debates around personal laws and *sati*, alongside the wider shifts in the political context in the 1980s and 1990s, raised important questions for the women's movement with respect to the issues of religion and representation. One trend was the increasing participation of women in Hindu nationalist groups such as the Rashtriya Sevika Samiti and the Durga Vahini, as well as the emergence of powerful and vehement right-wing female leaders such as Uma Bharti and Sadhvi Rithambara, who often led the calls to violent action against religious minorities (see Basu, 1998). The large-scale participation of women in Hindu nationalist groups challenged the women's movement's long-held conviction that women were essentially peace-loving and had an ability to rise above religious and ethnic hatred by uniting to challenge their common gender-based oppression (Butalia, 2002). Furthermore, the fact that many Muslim women chose to support the AIMPLB during the Shah Bano affair and the growing disaffection of dalit women with the women's movement pointed to the movement's inability to transcend caste and religious boundaries (Subramaniam, 2004). The issue of identity and representation has been central in these discussions of who the women's movement has represented and how it has articulated 'women's interests' (see Molyneux, 1998).

Furthermore, the period of the 1980s and 1990s has seen a general diversification of the Indian political sphere, termed the "plebeianisation of politics" by Hansen (2001), which has also affected the evolution of social movements. Alongside the consolidation of upper caste Hindu identities as part of growing mobilization around Hindu nationalism, during this period various previously marginalized groups began to effectively organize politically based on caste and regional lines, capturing political power from the upper-caste dominated parties in many parts of the country (Jaffrelot, 2003). These developments have been reflected in the women's movement, which has experienced increased fragmentation along religious and caste lines since the 1990s.

The campaigning that occurred at the time of the Shah Bano case can also be seen as creating a wider space within the women's movement for the emergence of new forms of mobilizing amongst marginalized groups of women. As Giugni (1998a) points out, social movements can often have multiple effects, many of which may not be immediately apparent. For example, a diffuse, yet

potentially significant, impact that a movement can have is to increase the level of democratization of a society (Giugni, 1998a). Hence, although the passage of the Muslim Women's Protection Act (1986) was seen as a defeat by the women's movement, the ripple of effects of the activism surrounding the Shah Bano case continued long after the event and throughout the 1990s. During this time there was great deal of critical reflection by academics and women's movement activists alike. They spoke about the difficult position of feminists who were torn between arguing for a secular approach and the danger that this would alienate Muslims (see Engineer, 1987; Hasan, 1994; Hasan, 1998; Kishwar, 1998). As it became increasingly apparent that women from marginalized communities were poorly represented within the women's movement, this led to critical internal reflection about the movement's domination by urban, upper caste Hindu women.

Furthermore, the increased attention to the issue of Muslim women's rights that emerged during the Shah Bano campaign has inspired new forms of organizing amongst Muslim women. Although the numbers of those involved were limited, the Shah Bano campaign nevertheless mobilized some Muslim women to join public protests "...in the face of opposition from family, neighbourhood, community and religious leadership" (Hasan, 1998, p. 84).³⁷ In the years that followed, groups such as Awaaz-e-Niswan (AeN), which spearheaded the formation of the Muslim Women's Rights Network (MWRN), as well as the Women's Research Action Group (WRAG), were founded in Mumbai (see note 31). This was followed by the establishment of other groups working on the issue of Muslim women's rights scattered across the country, which began forming into networks during the 1990s (see Section 5).

Due to this combination of factors, recent decades have witnessed groups of marginalized women, including dalits and Muslims, organizing both within and apart from the wider women's movement along multiple axes of identity. This trend parallels the attention being paid by women's movements to the need for inter-sectionality and challenges to the multiple forms of oppression being faced by women in various parts of the world, including the US and the UK.³⁸ For example, Subramaniam (2006, p. 50) points to the growing challenge to the domination of the Indian women's movement by urban, upper caste women, which in her view "...have opened avenues for newer groups (organized along caste and religious lines) to assert themselves within the wider umbrella of the movement." Thus a combination of self-reflection within the movement and the diversification of the political sphere

has led to the emergence of various new forms of identity-based organizing, both within and apart from the women's movement, especially by women belonging to marginalized communities, who are attempting to address multiple axes of discrimination based on gender, caste, religion and class.³⁹

These groups both offer nuanced critiques of religion and are also engaging with religious discourses in a positive manner. Dalit feminists, for example, have been openly critical of Hinduism and 'brahmanical patriarchy' (see Chakravarti, 1993). However, this does not mean that they categorically oppose all forms of religion. Many dalit women come from families that have converted to Christianity as a means of escaping the Hindu caste system, a trend that began during the 19th century, with the first national level meeting of dalit women held under the auspices of the Christian Dalit Liberation Movement (Joseph, 1995).⁴⁰ Other dalit women activists are members of the Neo-Buddhist movement, which follows in the footsteps of B.R. Ambedkar, and views conversion to Buddhism as a means of liberating oneself from the caste system. Similarly, many Muslim women's rights activists, including those affiliated with the BMMA, are attempting to engage positively with Islam as part of their struggles for gender justice, as will be explored in more depth in Section 5.2. These initiatives by women of marginalized communities address the links between multiple forms of oppression and religion, while simultaneously attempting to highlight the liberatory potential of some forms of religious belief and practice.

3 The Muslim minority and the construction of ‘Muslim women’

Along with an understanding of the historical development of the women’s movement and its interface with the question of religion, the discursive context in which Muslim women’s rights are framed must be understood with reference to the historical consolidation of Muslim minority identity in India. As is discussed further in Section 3.1, although the existence of religious boundaries preceded the colonial encounter, the idea that Muslims and Hindus constitute separate and opposing groups was reinforced and formalized during the colonial period. The traumatic experience of Partition, as well as the periodic occurrence of riots and the targeting of minorities in the post-independence period, served to further solidify the boundaries between religious groups. The growing popularity of Hindu nationalism over the last three decades has also contributed to a sense of alienation amongst many Muslims in India. The fear of violence, combined with experiences of discrimination in employment, education and housing that was highlighted by the 2006 Sachar Committee Report, have further demonstrated the effects of religious identity as a means of organizing power relations and as a marker of social and material difference. The deployment of ‘Muslim women’, either as an oppressed ‘minority within a minority’ (Lateef, 1998) or as a marker of group identity, has been a key component in the construction of group boundaries by a variety of political and religious groups, as well as by academics, the media, civil society and the women’s movement itself. In Section 3.1 the historical consolidation of Muslim identity in India is briefly outlined; the role of ‘Muslim women’ in this process is discussed in Section 3.2.

3.1 The consolidation of a Muslim minority

The idea that Muslims and Hindus constitute distinct, and often opposing, categories of people is one that has developed over centuries and must be understood in historical context. The delineation of groups along caste and religious lines was formalized and accelerated during the colonial period and was facilitated by Orientalist scholars and colonial administrators, who began a system of classifying the people they encountered in the subcontinent as a means of understanding and controlling groups of people who were until then fluid in their identity and practices (see Dirks, 1992).⁴¹ The introduction of the census, which forced people to identify themselves according to fixed religious categories, further solidified the boundaries around religious groups (see Van der Veer, 1994). The colonial understanding of Indian society and the colonial power’s approach to governance elevated religion as the *primary* marker of identity, serving as the basis of the colonial system of law and governance:

Linking the idea of representation to the idea of 'communities' characterized by bio-racial commonalities (internally) and bio-racial differences (externally) seems to be the critical marker of the colonial twist in the politics of the modern nation-state (Appadurai, 1993, p. 330).

Legislative practices further accelerated this process through the introduction of separate religiously-defined personal laws, as well as the system of separate electorates based on religious affiliation (Hansen, 1999), which led to the conflation of religious and political boundaries, and was arguably one of the first steps leading towards Partition. The idea that people belonged to pan-national 'communities' based on religious and caste affiliation can thus be traced to colonial practices (Pandey, 1992), which were adopted and in many ways expanded by the post-colonial state.⁴²

The notion that Muslims constitute a separate 'community' thus came to influence the discourse and practice of the state, as well as of individuals and groups vying for political power vis-à-vis the colonial state. Jalal's (2000) study of the development of Muslim political identities demonstrates the increasing appearance of religious-based discourse amongst the elite and literate classes during the colonial period. Nationalist struggles contributed to the consolidation of religious identities. Although many Muslims supported the Indian National Congress and the idea of a 'secular' Indian nation, many felt alienated by the discourse of Indian nationalism, which often appealed to upper caste Hindu idioms to garner support (see Van der Veer, 1994). The appearance of the Muslim League, which strived to represent the interests of Muslims politically, was a response to this sense of alienation and contributed to the construction of religio-political identities during this period (Jalal, 2000). This process of political delineation of religious groups culminated in the violent division of the subcontinent in 1947, which left Muslims in the permanent position of being the largest 'minority' in India (see Pandey, 1999).

Repeated experiences of violence from the pre-independence period to the present have served to further consolidate religious identities at multiple levels — national, community and individual (see Kirmani, 2008b). Although several cases of inter-religious riots were documented during the pre-colonial and colonial periods,⁴³ the Partition of the subcontinent in 1947 had the most profound impact on the crystallization of contemporary religious identities.⁴⁴ Since Partition, particularly during the 1980s, there have been violent incidents across the country, many of which have involved the complicity or active participation of the state security forces (Jaffrelot, 1996). The violence following

the destruction of the Babri Masjid in 1992-1993, as well as the widespread violence in Gujarat during 2002, have left deep scars on the country as a whole and have contributed to growing feelings of insecurity amongst Muslims, even in those places that have not directly experienced violence themselves.

The recurrence of religious-based violence is closely tied to the growth in popularity of Hindu nationalist groups throughout the 1980s and 1990s. It was during the 1980s that Hindu nationalists began agitating for the destruction of the Babri Masjid in Ayodhya as part of the Ramjanmabhoomi campaign.⁴⁵ Groups such as the Vishwa Hindu Parishad (VHP) organized *yatras* (religious processions) across the country in support of the campaign to build a Ram temple in Ayodhya, drumming up anti-Muslim sentiments and often leaving a wake of violence as they passed. This campaign garnered support for the Hindu Right amongst a wide cross-section of the population and led to increasing consolidation of identities along religious lines and a growing sense of alienation and defensiveness amongst members of the Muslim minority, who were the main targets of both the political rhetoric of the Hindu Right and incidents of violence.⁴⁶ Furthermore, this period witnessed large-scale violence against Sikhs after the assassination of Indira Gandhi in 1984, which contributed to feelings of alienation and insecurity amongst all the minorities. In the 1990s, the political success of the Bharatiya Janata Party (BJP), which is the political wing of the Hindu Right, exacerbated the divisions between religious groups by politically legitimizing the idea that India is a 'Hindu nation' (see Hansen and Jaffrelot, 1998).

The experience of religious-based discrimination at multiple levels has served to further increase the sense of marginalization amongst Muslims. The publication of the Sachar Committee Report in 2006 confirmed what many had long suspected, which was that Muslims as a community lagged far behind other religious groups in terms of education, employment, and representation in government. The report compared Muslims to Hindus in general, as well as the two major 'deprived categories' (Scheduled Castes/Scheduled Tribes (SCs/STs) and Other Backward Classes (OBCs)), both of which are entitled to reservations of government jobs and places in educational institutions. Although the Committee reported differences amongst Muslims in terms of caste and class, as well as regional differences, the report reaffirmed the idea that Muslims constitute a separate and marginalized group — religiously, economically, socially and culturally — and rejuvenated the ongoing debate about the treatment of religious minorities and the inclusiveness of the Indian developmental state (see Jodhka, 2007).

3.2 The creation of 'Muslim women' as a category

'Muslim women' have played a central role in the discursive consolidation of religious identities in India. The notion that 'Muslim women' constitute a distinct category with a common experience has been deployed by diverse actors for multiple purposes at the international level,⁴⁷ beginning with 19th century Orientalist discourses and continuing through to post-9/11 'neo-Orientalist' discourses, as well as more specifically in the Indian context. The discursive construction of 'Muslim women' as a category has been used by academics attempting to uncover the experience of 'the Third World woman,' by supporters of the Hindu Right in order to prove their own superiority, and by Muslim conservatives in order to represent community identity. Furthermore, cases of Muslim women are frequently highlighted in the media as examples of Muslim 'backwardness'. These constructions obscure the multi-faceted nature of identities and create a general impression of 'Muslim women' as oppressed, voiceless victims belonging to a homogenous category.

The growth in feminist scholarship during the 1970s and 1980s was accompanied by increased attention to the problems of 'the Third World woman' (see Mohanty, 1988), in which the 'plight of Muslim women' played a central role. The scholarly interest in Muslim women inadvertently followed in the footsteps of Orientalist scholars of the Middle East, whose fascination with the veil and the harem served to construct Muslim women as symbols of the brutishness of colonized peoples, thus serving to validate the superiority of European civilization (see Mabro, 1991; Lazreg, 1998; Yegenoglu, 2003).⁴⁸ In India, several studies by both Western and Indian scholars regarded Muslim women as a discrete category with a common set of interests. These studies focused on a series of tropes through which to understand 'Muslim women', including *parda*, polygamy and personal laws (see Kirmani, 2009). Many of these studies viewed Muslim women through the lens of Islam alone, ignoring the complex and dynamic interactions of Islamic discourses with political, social and economic forces in the construction of identities (see Kandiyoti, 1991b). The result of such approaches has been to reify 'Muslim women' as a discrete and homogenous group that is unified across space and time.

The notion that 'Muslim women' are an oppressed group in need of saving has been utilized in the discourse of Hindu nationalists as a means of proving the inferiority of Muslims as a whole, following the logic of the Orientalists' 'civilizing mission' (see Chatterjee, 1993; Mani, 1998). The symbol of oppressed Muslim women has appeared in the literature of the *Rashtriya Swayamsevak Sangh* (RSS) since Partition, including its newsletter *The Organiser*, which has painted a picture of Muslim men as

violent and aggressive and Muslim women as victims in need of rescue (Bacchetta, 1994; Butalia, 2000). This image also coloured the rhetoric of the Hindu Right during the debates about the Shah Bano case and its support for a Uniform Civil Code.

'Muslim women' are also used to mark the boundaries of the community by the (self-appointed) guardians of religious identity. This was demonstrated most clearly during the Shah Bano case but is also evidenced by the AIMPLB's continued insistence that family laws — that is the laws that most directly affect women — remain in the hands of 'the community'. This speaks to the centrality of the social construction of women and gender relations to the process of communal boundary formation, whether these boundaries relate to ethnic, racial, national, or religious identities (see Anthias and Yuval-Davis, 1989). In this way, the category 'Muslim women', and more specifically, the 'protection' and control of Muslim women in the form of a separate legal system, is central to the project of consolidating and maintaining a cohesive Muslim identity.

The image of the oppressed and voiceless Muslim woman also appears periodically in the Indian media. The cases of Gudiya in 2004 and Imrana in 2005 were two of the more recent instances in which a Muslim woman's plight has been sensationalized by the national media.⁴⁹ In both cases, the conservative *ulema* was called upon by the national media as representatives of 'the community' to comment on the women's cases, and in both cases they came out in favour of the verdicts of the local clerics and against the rights of the individual women. This prompted a public outcry from liberal Muslims and women's groups, many of whom rushed to the women's villages in order to defend them against the diktats of the community leaders. The effect of such stories is to solidify the image of Muslim women as an oppressed, victimized and voiceless group without any agency (see Naqvi, 2006; Kirmani, 2009). At the same time, these cases have also helped to link networks of activists who are concerned with Muslim women's rights, giving them a common issue around which to rally, increasing the links between them and strengthening their position in public debates.

Understanding of the process of consolidation of Muslim minority identity and the role of 'Muslim women' in this process is necessary in framing the emergence of Muslim women-led groups and networks in recent decades. Where Muslim women themselves had previously been largely absent in public debates about their own conditions, the situation has slowly been changing since the 1990s.

Groups such as the Muslim Women's Rights Network and the Bharatiya Muslim Mahila Andolan have emerged largely as a result of the consolidation of 'Muslim women' as an identity category. These individuals and groups both use this category as a form of collective identity around which to mobilize but are also actively involved in challenging and re-creating it as a means of exerting political agency within and outside the women's movement.

4 Study outline and methodology

The aim of this study is to analyse developments in advocacy strategies related to Muslim women's rights since the passage of the Muslim Women's Act in 1986. In particular, the study explores the emergence of organizations and networks constituted around Muslim women's rights since the 1990s, including the Muslim Women's Rights Network (MWRN) and, more recently, the Bharatiya Muslim Mahila Andolan (BMMA). These networks are looked at as part of the shifts occurring within and outside the wider women's movement and in the context of the politics of religious identity in general. The study also looks at individuals who are not part of these networks, but who do advocate for Muslim women's rights. These networks and individuals are not regarded as part of a separate 'Muslim women's movement', which most agree does not exist in the Indian context. Rather, an analysis of their discourses and activities provides insights into the complex processes of identity construction that take place within and outside social movements as they evolve and interact with wider socio-political contexts. Advocates for Muslim women's rights are engaged in processes of collective identity construction, either to enrich the wider women's movement or to spark an alternative movement of their own. These processes, whether within or outside women's movements, aim to achieve social change in terms of expanding Muslim women's access to power and resources.

Interviews were conducted largely with activists involved in organizations that are part of the MWRN or the BMMA. However, it is important to note that not all the members of the organizations involved in the MWRN and the BMMA are active within the wider networks. Similarly, not all members of the networks are actively involved in particular organizations and many act as individuals. This indicates the fluid operation of networks and movements described by theorists of new social movements (see McDonald, 2002). For this reason, it was often difficult to assess whether individuals were speaking from a position within a particular organization or network or simply stating their personal views. Of course, such distinctions often do not exist in people's minds, indicating the multiple, complex and sometimes contradictory levels of discursive construction involved in the formation of organizations, networks and movements.

Furthermore, the research is concerned with the interaction of social movements with religion — in the form of discourses, symbols and ideologies as well as actors and institutions — and whether these interactions contribute to or detract from the achievement of progressive social change, which in this case relates to gender equality.⁵⁰ Therefore, Muslim women's rights activists were asked

questions about whether and how Islam informs their ideological position and advocacy strategies. Furthermore, based on an understanding that movements are the product of alliances and struggles between different groups of actors vying for access to power, the research explores the relationship between advocates of Muslim women's rights and the All India Muslim Personal Law Board which, although it has no statutory powers, is often seen as being representative of 'the Muslim community' in India,. This builds on a recognition that religious institutions often play an important role in the advocacy efforts of social movement actors. as either opponents or allies. Women's rights activists and individuals involved with the AIMPLB were interviewed in order to explore the extent and nature of the engagements between these two sets of actors and the outcomes of these engagements. Finally, advocates of Muslim women's rights were asked whether, as part of their advocacy strategies, they engaged with other types of religious actors, including local religious clerics or religious scholars not associated with the AIMPLB.

Fieldwork was conducted between September and December 2008 and took place mainly in urban areas, including Mumbai, Delhi, Calcutta and Lucknow, where several of the organizations involved in advocacy efforts are located. Many of the AIMPLB members who have been working on the issue of Muslim women's rights also reside in these cities. Visits were also made to Pune to meet with individuals involved in advocacy for Muslim women's rights and Calcutta in order to attend a national meeting of the MWRN, which was largely attended by community organizations based in the state of West Bengal. A total of 24 interviews were conducted, as well as one focus group discussion with five members of Awaaz-e-Niswan in Mumbai (see Appendix 1). Interviews were conducted over a period of four weeks divided between two separate field visits. The interviews were conducted in a mixture of Hindi/Urdu and English and the transcripts of the interviews have subsequently been translated into English. Although many of the interviews are not directly quoted in the text of this report, all the discussions have informed the shape and content of the overall argument.

Employing the network approach to studying social movements (see Snyder and Kelly, 1979), the research approaches organizations as 'nodes' within wider social movement processes, recognizing that such organizations do not represent the movement itself (see Eyerman and Jameson, 1991). As Tilly (1999, p. 256) argues, social movements "consist of bounded, contingent, interactive *performances* by multiple and changing actors" and therefore cautions against an approach that ascribed a fixed and unitary identity to a particular movement. The members of selected

organizations involved in the networks under study were not approached as representatives of 'the women's movement'. Rather, studying the ways in which they narrate their identities and struggles is a means of developing an understanding of the complex and dynamic processes and interactions involved in the formation and evolution of movements.

In the spirit of feminist self reflexivity, it is also worth mentioning my own position within the research. This research partially builds on my PhD research, which was conducted in 2004-2005 and explored Muslim women's identities in a Delhi neighbourhood. It was during this time that I first began hearing about the organizations and networks that are explored in this report. My ongoing project to understand the construction of 'Muslim women' as a category is not merely an academic exercise as, although I was born and raised in the United States, I myself come from a Muslim family with roots in both India and Pakistan. Hence, my interest in understanding and unpacking Muslim women's identity, concerns, affiliations and strategies is both personal and political.

My own identification may have also eased at least some of the aspects of the fieldwork. Although I do not claim that I am an 'insider' or a 'native anthropologist', and in fact have many objections to these terms (see Narayan, 2003), my identification as a person of Indian origin coming from a Muslim background probably lessened the suspicion that a researcher perceived as 'an outsider' might have faced, especially amongst those groups for which religious identity is an organizing principle. At the same time, the fact that I am from the United States and am working for a DFID-funded research consortium that is based at the University of Birmingham also raised questions about my intentions amongst some of the prospective respondents. The only means I had of quelling any doubts that respondents may have had was to approach the research in as transparent a fashion as possible by explaining the objectives of the research clearly and stressing that the aim of the research was to understand rather than promote or condemn any ideology or group. I also asked permission to record and quote people, and for the most part, everyone agreed willingly. In only one case did a respondent ask not to be named and another respondent preferred not to be recorded. For the most part, I was fortunate in that all of the people I approached were helpful and generous with their time and insights. However, as is the case with all research, my social positioning undoubtedly coloured the process of data collection, as well as the ways in which I have interpreted and presented the results.

5 Muslim women-led networks

Individuals have long been advocating around the issue of Muslim women's rights, beginning with the 19th century social reformers and elite-led Muslim women's organizations involved in the early women's movement and carrying on through the post-Independence period with groups such as the Muslim Satyashodhak Mandal in Maharashtra arguing for reforms in Muslim Personal Laws during the 1960s (Anwar Rajan, September 21, 2008). However, during the post-independence period, Muslim women-led organizations only began to appear during the 1980s. These organizations were few in number and were markedly different from the earlier Muslim women's organizations in that they were explicitly community-based. The majority of these organizations emerged in urban areas, in which a higher proportion of the population is identified as Muslim than in rural areas (see Sachar Committee Report, 2006). Some of these organizations saw themselves as part of the wider women's movement and went on to form networks around the issue of Muslim women's rights. This section first outlines the emergence of the MWRN and the BMMA, then examines their ideological positions with respect to the question of religious identity and finally discusses how they see themselves in relation to the wider women's movement.

5.1 The emergence of Muslim women-led networks

One of the first of the contemporary Muslim women's groups to emerge was Awaaz-e-Niswan (AeN), which was founded in 1987 in Mumbai. Although its offices have shifted frequently, all of the neighbourhoods in which AeN has been based have been working class, Muslim-majority areas of the city. The organization provides various services to women, including literacy and computer classes, as well as marital counselling and support in domestic violence cases (Vatuk, 2008). It also organizes various advocacy campaigns to promote inter-community harmony, as well as to raise awareness about such issues as violence against women and police excesses.

Hasina Khan, who currently serves as AeN's coordinator, says that the organization should not be labelled a 'Muslim women's organization', as she feels this would limit its identity. Although AeN works largely within the Muslim community, it is committed to secularism, recognizes that identities are complex and is therefore open to women from all religious communities (Hasina Khan, September 16, 2008). AeN's approach has influenced the orientation of the MWRN.

In 1999, some of the members of AeN joined with other organizations such as the Women's Research Action Group (WRAG), which later helped form the BMMA, to begin a network of organizations working on Muslim women's rights, the Muslim Women's Rights Network. Since this time, MWRN has remained a loosely organized network of groups and individuals spread across the country. As with AeN, which continues to spearhead the network, the MWRN is open to women of all religious communities, although it focuses on connecting individuals and groups working on issues affecting Muslim women. The first meeting was held in 1999 in Mumbai, and the network has subsequently met on an annual basis in different cities around the country (Vatuk, 2008). Building on the concerns raised by women's rights activists during the Shah Bano campaign, the MWRN focuses on issues related to Muslim personal laws as well as securing women's matrimonial rights in general. Members are committed to creating understanding amongst women of all religious communities, as well as advocating for rights related to the expression of women's sexuality, which has raised criticism from Muslim women's rights advocates who are not affiliated with the network.

The Bharatiya Muslim Mahila Andolan, which is Hindi for 'the Indian Muslim Women's Movement,' was formed more recently, in 2005, and is also composed of organizations working with Muslim women across the country, many of which had previously been members of the MWRN. The BMMA also includes a large number of individual members, according to its organizers 10,000 at the time of the fieldwork, spread mainly across the states of Maharashtra, Gujarat and Uttar Pradesh, which are also the states in which the founding members are based. Although the BMMA also advocates around the issue of matrimonial rights and for a reform of Muslim Personal Laws, this is not its only focus. Rather, its objectives are broader - to improve the socio-economic status of the Muslim community as a whole and promote the role of Muslim women within the community to act as leaders in working towards the amelioration of Muslims' "social, economic, political, legal and educational backwardness and [their] fight for justice" (BMMA pamphlet, 2008).

Zakia Jowher, one of the BMMA's founding members, is critical of those who take a narrow approach to Muslim women's rights and focus only on a limited set of issues:

There are these people who say, 'what are the issues of Muslim women: triple *talaq* [divorce]⁵¹ and *parda*'. No, of course triple *talaq* is an issue; of course *parda* is an issue, but before that hunger is an issue; education is an issue; jobs is an issue. Triple *talaq* and *parda* are one of several issues. If you abolish triple *talaq* and take her out of *parda* but there is no food in her house, how will she ask her husband for her share when her

husband is begging on the street?...What is he going to share with her? Till we address the overall exclusion of the community, Muslim women's exclusion cannot be addressed. (Zakia Jowher, December 15, 2008)

This reflects the BMMA's general approach, which views Muslim women as members of the wider Muslim minority, which they argue is disadvantaged as a whole. Rather than arguing against 'the community' as a source of oppression, which they say alienates women within it, BMMA members argue that Muslim women must be viewed as members of and potential leaders *within* the community. This approach attempts to reconcile 'gender-related interests' with the wider issues faced by the community, including economic marginalization and social exclusion.

The BMMA also focuses on issues related to caste within the Muslim community, recognizing inequalities not only between Muslims and wider society but also within the Muslim community itself. Its pamphlet states that the values of "democracy, secularism, equality, non-violence, human rights, and justice will be their guiding principles", which is similar to the approach taken by the MWRN (BMMA pamphlet, 2008). However, the pamphlet adds that the network's members believe in "positive, liberal, humanist, and feminist interpretations of religion for ensuring justice and equality." In this way, unlike the MWRN, the BMMA attempts to combine the values of secularism with progressive interpretations of Islamic texts.

Members of both networks focus on the issue of religious-based insecurity, arguing that Muslim women are affected by insecurity both within the home and beyond. Many of the people involved in both networks were affected profoundly by the 1992 Mumbai riots, and many were involved in providing relief and justice for the Muslim victims of the 2002 Gujarat pogrom in which more than 2,000 people were killed (see Helie *et al*, 2003). MWRN and BMMA members, along with other advocates of women's rights, were instrumental in bringing to light the countless cases of sexual violence against women in Gujarat, in which Muslim women were targeted as a means of dishonouring 'the community' (see Sarkar, 2002). There is a general consensus amongst Muslim women's rights activists, both within and outside of the networks studied, that the physical insecurity of Muslims revealed during repeated episodes of violence, and the particular effects this insecurity has on women, must be a priority on their agendas. In this way, although both networks continue to engage with questions of personal laws, they are also attempting to expand the boundaries of 'Muslim women's concerns' to include wider socio-political issues, recognizing that women face insecurity both within and outside their homes.

5.2 Engaging with religious discourses and actors

Women's rights activists working in Muslim communities have approached the question of religion from a variety of angles depending on their ideological stance and the context. Efforts to reconcile principles of gender equality with Islam were made as early as 1905, with the Lebanese scholar Nazira Zain al-Din arguing that patriarchal oppression was against the principles of Islam (Zain al-Din in Badran and Cooke, 1990, p. 275). Similar efforts to reform Islam took place throughout the first half of the 19th century in various parts of the world, especially in the Middle East, as women became increasingly involved in nationalist struggles and in modernization projects (Mojab, 2001).⁵² These efforts to reconcile Islam with modernity were tied to the formulation of new forms of acceptable femininity, which allowed women to participate, to a limited extent, in nationalist projects in the name of patriotism (Kandiyoti, 1991a). Echoes of these earlier discourses can be seen in contemporary forms of Islamic feminism emerging in countries around the world, including India.

The push to reconcile Islam with feminism has increased significantly since the 1980s, with the work of scholars such as El Saadawi (1980), Mernissi (1991) and Ahmed (1992) tracing the historical effects of male interpretation and patriarchal rule on Islamic practices. Sunder (2003) refers to this increasing demand to reform religion from within as part of a 'New Enlightenment'. Moghadam (2004) uses 'Islamic feminism' to describe the efforts of women operating in Muslim contexts to "reclaim their religion to undermine both Islamist patriarchal distortions and Western stereotypes of Islam as backwards and terroristic" (Moghadam, 2004, p. 53).⁵³ She distinguishes between 'Islamic feminists' and 'Muslim feminists', defining the latter as 'believing women' who are critical of Islamist politics and who use a mixture of religious terminology and the language of international human rights in calling for reform (Moghadam, 2004; see also Karam, 1997). Such efforts can be seen in part as a reaction to the growth in popularity and influence of various forms of Islamism since the 1970s, which threatened to roll back many of the rights gained by women during the drive towards modernization following independence from colonial rule. The growth of political Islam brought secular feminism under increasing scrutiny as part of a 'Western agenda' and led some to respond with religious-based counter-arguments in support of women's rights. Islamic feminist approaches can thus be seen as a response to a variety of forces, including secular feminists, Islamists and neo-Orientalists, with a particularly lively debate taking place amongst feminists in Iran (see Moghadam, 2002; Mojab, 2001). Individuals such as Riffat Hassan (2002), Amina Wadud (2007), and Aziza al-Hibri (2004) and groups

such as Sisters in Islam in Malaysia (see Othman, 2006) argue for an approach that separates 'culture' from 'religion' and creates space for women to engage in the progressive interpretation of religious texts.

These Islamic feminist approaches have also sparked a great deal of debate and criticism within feminist circles for being limited in their approach (Mojab, 2001; Moghissi, 1999), for reifying Islam and falsely divorcing it from its historical, political and cultural context (Kandiyoti, 1991b; Phillips, 2009), and for inadvertently legitimizing Islamist discourses by projecting Islam as the only valid source of authority and thus closing the space to secular feminist arguments (Zia, 2009; Balchin, 2003). At the same time, many activists and development agencies have attempted to translate Islamic feminist approaches into advocacy as a means of overcoming local fears about and resistance to gender-related change (see UNFPA, 2008).⁵⁴ Hence, while academic debates about the possibilities and pitfalls of Islamic feminism will undoubtedly continue, activists and organizations have already begun to experiment with Islamic feminist approaches as part of their gender-related advocacy strategies.

Debates about the relationship between Islam and women's rights have been taking place to a limited extent in the Indian context since the Shah Bano case, with advocates such as Asghar Ali Engineer (1992; 1995) and Zeenat Shaukat Ali (1996) taking an Islamic feminist approach. They have published extensive analyses of alleged patriarchal misinterpretations of Islam and argued for women to familiarize themselves with religious texts in order to reclaim the rights to which they are entitled within Islam. Most of these discussions have grown out of the debates surrounding Muslim Personal Laws, and therefore have focused to a large degree on the issue of women's matrimonial rights. However, participation in such debates has been limited to a small number of academics and activists, largely because of the constrained political space for critical discussions about Islam due to the wider atmosphere of religious polarization. Members of the MWRN and the BMMA have also engaged in debates about the relationships between religion and feminism and how they relate to their advocacy and to the formulation of collective identities. However, the networks approach the question of religion differently. An analysis of their discourse and strategies reveals the complexities and ambiguities of engaging with religion as part of advocacy campaigns.

5.2.1 To be or not to be Islamic feminist?

Although members of the MWRN work on securing rights for Muslim women, they do so from a liberal-secular ‘human rights perspective’ rather than a religious-based perspective, a point which has been the subject of ongoing discussion and debate within the network. Saba, a member of the MWRN in Mumbai, says that its members are not confined to working within a religious context: “If we get rights within religion then fine, and if not then we look at gender justice and we look towards human rights to inform whatever our interventions will be” (23 September, 2008). Saba points out that working in Muslim communities does not necessarily mean working within a religious framework:

Muslim as an identity has nothing to do with you being a believer because simply in this country, whether or not you believe, you are still under attack for having a name which does not sound nice....The fact is that we are working with women who are believers too, so in that context there are women who would like to look at the Qur’an, look at *sharia* and get rights from there, but the question is, do we stop there? So it’s not about saying that, ‘no, we will not touch the Qur’an, we will not touch the *sharia*,’ but we also think that we are not *maulvis*. (Saba, September 23, 2008)

In this way, although members of the MWRN are not opposed to religion and recognize the right of individuals to practise their faith at a personal level, they are clear that their main priority is protecting women’s rights and they prefer to work within a liberal-secular framework.⁵⁵ Furthermore, Saba argues that women’s rights activists are, for the most part, not religious scholars and do not have to be in order to promote women’s rights. Nevertheless, this does not exempt them from being identified as ‘Muslim women’ in a context in which religious identity matters. Saba distinguishes between religion as practice and religion as social positioning, arguing that whether people are practising Muslims or not, they will be identified and placed as Muslim because of their names, which echoes the notion of ‘forced identities’ put forward by Chhachhi (1991). The question of how to deal with religion was one of the main points of divergence between the MWRN and those who formed the BMMA.

Unlike the MWRN, which is tolerant but not celebratory of religion, the BMMA actively engages with Islamic texts as part of their strategy with the conviction that such an approach is the only option in the current political context and is the most likely means of achieving justice for women. Noorjehan Safianiaz, a founding member of the BMMA who works with WRAG, talked about the importance of addressing religious identity in the current political climate:

Given the context of the issue of identity crisis that the community is going through, and given the status of Muslim women in the community...if you go and tell this Muslim woman who is a minority within a minority...if you want to involve her in the process of development and growth and in working on Muslim women's issues, I cannot tell her that 'look, damn with your religion, I want you to come out on the streets and protest and demand your rights, but please keep your religion within your house'....That was what was the point of departure with the mainstream women's movement....I'm a Muslim, and I am not apologetic about that, and I do not want to deny my identity. (September 22, 2008)

Members of the BMMA argue that because religion is intrinsic to the identities of the majority of Muslim women, it must inform their vision, strategies and articulation of a collective identity. They are also clear that religion cannot be relegated to the private sphere. By advocating a progressive understanding of Islam, they aim to work within a framework that is acceptable at the community level in a context in which religious identity has become increasingly important, while at the same time arguing for women's rights. Because they argue for a 'mixed approach' — one that combines religious and secular symbolism and strategies — they can be broadly categorized as 'Muslim feminist' in their ideology.

At the same time, although many members of the MWRN have been perceived by others as 'anti-religious' because of their critical secular approach, they do not oppose all forms of religion. Naila,⁵⁶ who works for a secular women's organization in Delhi, argued for an approach that separates religious from social causes of women's oppression:

Whatever little rights and equality that there is within religion — the little that there is, I am not saying that it is fully equal — but even that is being affected by patriarchy. That is the first thing...so we will need to understand this, especially when we talk about Islam. People always say 'Muslims are like this' or 'this is what is said in Islam,' but my view has always been that you have to firstly look at what patriarchy is responsible for before making religion responsible for these things. (Naila, December 26, 2008)

While Naila does not go as far as Islamic feminists, in that she points out the limits of religion-based discourse, she is also clear that religion is not the main source of women's problems. This echoes the view of many Islamic feminists, who argue that the main culprit for women's oppression is not religion but 'culture', which is often expressed in a religious guise in order to legitimize patriarchy (Al-Hibri, 2004).

However, there is a difference in the prioritization of discursive approaches between the two networks in that, while the BMMA actively engages with Islam as an explicit advocacy strategy, the MWRN chooses not to. In August 2008, for example, the BMMA made national headlines when one of its founding members, Naish Hassan, was married in an Islamic feminist ceremony, which was conducted in Lucknow by Syeda Hameed, a prominent Muslim women's rights activist and member of the Planning Commission. The vast majority of Muslim marriages are performed by male *qazis* (religious clerics), and therefore, this ceremony, which was conducted in a very public manner, was intended to challenge social conventions. Naaz Hassan, the Uttar Pradesh state convenor of the BMMA, responded to criticisms by arguing that "According to the Shariat, anyone who is well versed in the Quran...can perform the *nikah* [Muslim marriage ceremony]" (Manjul, 2008). Syeda Hameed added that the ceremony "sent across a message that the time for change has come. Women can no longer be subjugated" (Wajihuddin, 2008). This demonstrated the BMMA's strategic use of Islamic discourses and the public performance of religion as a means of attempting to both reform Islam and assert women's rights within a religious feminist framework.

During the course of my interviews, this public act was repeatedly praised by members of the MWRN, who felt that it had been an effective means of raising awareness about the issue of Muslim women's rights. However, the MWRN takes a different approach to advocacy. In a focus group discussion with members of Awaaz-e-Niswan, for example, I asked whether they utilize religious discourse in their grassroots advocacy. Yasmeen, who is an active member of AeN and the MWRN, gave the example of how they argue for girls' education:

Everyone has their own strategy, so if we look at education [for example], AeN never argues that you should educate your daughters because Islam says so but rather because this is a necessity. It is a social necessity for you to educate girls. If people say, 'We don't educate girls in *our community*,' then we say that 'it is also written in Islam that you should educate your girls,' so we get people to look at it both ways. (Yasmeen, September 20, 2008)

This demonstrates the divergence in approach between the two networks. In Yasmeen's description of AeN's advocacy, the social justification for girls' education is prioritized. However, because religion is an important aspect of social life, members of AeN must often address religious arguments as part of their interactions within the community, which they are also prepared to do if necessary. However, while the BMMA proactively engages with religious discourses and practices as part of their strategy,

the MWRN reactively addresses the question of religion only if and when they are confronted with opposition on religious grounds.

The difference in approach to religion is also reflected in the positions of the respective networks on the question of Muslim Personal Laws. The MWRN does not have a collective position on the question. In the past they argued for a 'Gender Justice Law', which would replace the system of separate personal laws and give women greater matrimonial rights. However, according to Hasina Khan, because of internal differences of opinion, the MWRN decided to change its position in 2005 because some of its members felt that 'the Muslim community' was not ready for such a proposal because of their overall insecurity (Hasina Khan, September 19, 2008). The AeN, however, continues to advocate for such a law.

Sandhya Gokhale, a Mumbai-based activist affiliated with AeN and the MWRN, defended the notion of a Gender Justice Law, arguing that, although most women do not have access to the courts, the provision of constitutional equality would apply more pressure on communities to respect women's rights. She said that personal laws should not exist for any religious group:

Sandhya: "We don't want personal laws at all."

Nida: "So this isn't about Muslim women?"

Sandhya: "This is about all women, but simultaneously, if the personal laws get reformed, we are all for it." (September 19, 2008)

The replacement of the term 'Uniform Civil Code' with 'Gender Justice Law' may seem like pure semantics, but it is an important means of distinguishing these activists from the Hindu Right. Sandhya and Hasina are clear that the Gender Justice Law would not favour the laws of one religious group over another, but would increase the space for all women to demand their rights. However, while this is AeN's position, the MWRN continues to advocate for reform within the framework of Muslim Personal Law.⁵⁷

Members of the BMMA are also aware of the complexity of advocating reforms in Muslim Personal Laws. Noorjehan Safianiaz referred to a study conducted by WRAG in which it was found that Muslim women were divided over the issue of personal laws, with some supporting a reform of personal laws and others preferring a Uniform Civil Code. For this reason, WRAG takes a two-pronged approach: it

is in the process of drafting a reformed set of Muslim Personal Laws, with the help of scholars such as Asghar Ali Engineer, that is both respectful of women's rights and operates within a religious framework and is also drafting an optional Uniform Civil Code. Noorjehan argues that women should have the option to choose without abdicating their rights and depending on their own preferences (Noorjehan Safianiaz, September 22, 2008).

Hence members of both networks work on more than one level in their organizational capacities, advocating reforms in existing personal laws as well as arguing for a common set of family laws that would apply to women of all communities. However, their emphasis differs. While WRAG prefers a two-pronged approach, AeN focuses primarily on promoting a 'Gender Justice Law'. At the same time, the groups adopt a similar approach to their grassroots advocacy, in that they work to educate women about all their existing options, including telling them about the Special Marriages Act, which is intended for those marrying across religious boundaries but is open to all women, and which exempts women from the strictures of personal laws. Nevertheless, as networks, both the BMMA and the MWRN advocate a change in Muslim Personal Law rather than the passage of a common set of family laws because of the political sensitivities around the latter approach.

It is worth noting that some women's rights lawyers are critical of the focus on reforming Muslim Personal Laws, pointing to a series of progressive court judgements in favour of Muslim women's rights in recent years, which have deemed oral divorce invalid and secured large lump sums of maintenance for women under the Muslim Women's Act. They argue that women's organizations should educate Muslim women about the legal avenues that are already available to them both within the community and through the courts, rather than obsessing over personal laws, a strategy that is thought to inadvertently support the rhetoric of the Hindu Right and alienate many within the Muslim community (Veena Gowda, September 24, 2008).⁵⁸ However, many of the women's rights activists with whom I spoke were unaware of such judgements and continue to operate under the assumption that Muslim women are legally disadvantaged compared to women from other religious communities. At the same time, most women's rights advocates are, to a greater or lesser degree, in agreement about the value of the *nikahnama* as a means of promoting women's rights in a relatively non-confrontational manner and within the framework of religious laws.

5.2.2 *The nikahnama campaign and the engagement with the AIMPLB*

Every Muslim marriage involves a *nikahnama*, which simply refers to the contractual agreement signed by both parties at the time of marriage. In India, this document usually includes basic details of the bride and groom as well as signatures of two male witnesses. The *nikahnama* can also include additional conditions and stipulations by both parties, although in most cases it does not. However, since the pre-independence period, advocates of Muslim women's rights have proposed the idea of using the *nikahnama* as a means of protecting women's rights, and a 'model *nikahnama*' was put forward by the non-sectarian All India Women's Conference in the late 1930s (Minault, 1998, p. 299). Since the 1980s, several individuals and women's organizations have engaged in formulating and promulgating the concept of the *nikahnama* as a means of protecting and expanding women's ability to claim their rights within an Islamic framework. These 'model *nikahnamas*' differ slightly in their content, but for the most part include provisions to protect women from arbitrary divorce and give them the right to divorce and to claim their *mehr*,⁵⁹ to prohibit polygamy, and to guarantee women the right to maintenance in the case of divorce. Both the MWRN and the BMMA, along with other individuals and organizations, have promoted the *nikahnama* as a means of correcting the weaknesses of Muslim Personal Law. This campaign has taken place at the local level, through community education and the performance of individual marriage ceremonies, as well as at the national level through lobbying for the AIMPLB to publish its own *nikahnama* in order to reach a wider audience.

The 'model *nikahnamas*' drafted by women's organizations in the 1990s are seen as a means of filling gaps left within Muslim Personal Laws, which as they stand, are vague about issues such as *mehr*, divorce, maintenance and inheritance. Uzma Naheed, who runs an NGO in Mumbai focused on education in Muslim communities and who is also a member of the AIMPLB, spoke about her own efforts in the 1990s, with other religious scholars and women's rights advocates, to draft a woman-friendly *nikahnama* based on *sharia*. She described the efforts in which she was involved, beginning in 1994 in Mumbai with efforts to bring women's rights activists in contact with the *ulema* because she felt that there was a large communication gap between these groups, saying that, "if I could get these two groups to meet, then this would be one contribution that I could make" (Uzma Naheed, September 19, 2008). Although she was successful in organizing some Mumbai-based meetings between the two groups, she also expressed a sense of disheartenment at the lack of understanding between feminists and the *ulema*, who she said were both unable to look past their prejudices against the other to reach any kind of consensus.

Uzma Naheed's group also sent their model *nikahnama* to the AIMPLB for consideration, but although it had sparked a great deal of reflection and discussion, she reported disappointedly that in the end it had not been accepted, despite the fact that she herself was a member of the Board. The efforts of Uzma Naheed's group were soon followed by those of other women's organizations, including the MWRN, who drew up their own model *nikahnamas* and began promoting this concept within their communities, as well as lobbying the AIMPLB to endorse the concept.

Although women's organizations had always been critical of the AIMPLB and had questioned its authority, especially since the Shah Bano case, they were also aware of the influence this body has at the national level because it is seen as representative of the *ulema's* opinions and is thus seen as a source of religious authority by many Muslims. Naseem pointed to the positive influence the AIMPLB might have:

If the Personal Law Board puts forward a *nikahnama* then people will follow it...if the Network [MWRN] puts out the same *nikahnama*, people will not use it. We put a lot of effort into drafting it, but it's just sitting there. No one is ready to use it because everything that is written in it is in favour of women. (Naseem, September 20, 2008)

For this reason, since MWRN was created, its members have been lobbying the AIMPLB to adopt the network's model *nikahnama* or to propose its own version. This has mostly been done through letters that documented individual cases of women who were struggling to secure their rights within their marriages. These cases were meant to illustrate the need for the AIMPLB to address these issues publicly, either by agreeing that Muslim Personal Laws should be reformed or, more realistically, through the endorsement of a *nikahnama* that would protect women's rights within an Islamic framework. The AIMPLB did not respond to these letters.

However, in 2001 the Board did eventually agree to call a meeting in Jamia Millia Islamia University in Delhi, which several members of the MWRN as well as other women's rights activists from across the country were invited to attend. This meeting was the result of a combination of the lobbying efforts of women's groups and an initiative by the Chair of the Board at that time, Qazi Mujahidul Islam Qasmi, who was described to me by some members of the AIMPLB as being particularly 'broad-minded' and committed to creating more space for women within the AIMPLB and for the discussion of women's rights in general (Hasina Hashia, December 26, 2008). During this meeting, women's rights activists presented their testimonies to the Board, pointing to the lack of legal safeguards for women and the

need for reform, especially on the issue of divorce. However, the accounts of many of those who attended point to a lack of understanding and agreement between women's rights activists and Board members. Naseem, who works for AeN, described the proceedings of the meeting:

There were a lot of groups working with Muslim women there, and they presented their problems to them [the AIMPLB]. Several women took the mic [microphone] and described their problems with great emotion...but they [Board members] didn't react, and they were also getting angry that these women are not observing *parda*, and telling women to practice *parda*. Several women got angry and responded that '*parda* should be of the eyes'.⁶⁰ (Naseem, September 20, 2008)

Naseem and others who attended the meeting spoke with frustration about the way their testimonies had been received by the Board members, who they felt were unwilling to engage with them seriously and as equals, being more concerned with their appearance than the content of what they were saying.

One of the reasons for the lack of progress at the 2001 meeting and subsequently is a fundamental difference in approach between women's rights activists and the Personal Law Board on the question of religion. SQR Ilyas, who is a member of the AIMPLB as well as being active in Jamaat-e-Islami, pointed out that the Personal Law Board works within a particular Islamic framework:

The Muslim Personal Law Board cannot do anything that goes against Islam. Not only the Muslim Personal Law Board, nobody can do such a thing. Questions can only arise if you and I have a difference of interpretation between us. The only interpretation of Islam that can be acceptable is the one that Allah and his Prophet and his companions and the people that followed them have agreed upon. There can be no such interpretation that the *umma* [Muslim community] doesn't have an agreement on. (SQR Ilyas, December 16, 2008)

Therefore, for example, on the issue of banning triple *talaq*, which has been a major demand of women's organizations, the AIMPLB has refused to budge. This is because, although there are differences in opinion on this issue between different Islamic schools of thought, the general consensus amongst the Indian *ulema* has been that this practice is frowned upon but not forbidden in Islamic law. Women's rights activists, on the other hand, either call for an adoption of secular approaches or for laws that reflect more progressive interpretations of Islamic texts. Such differences were sticking points at the 2001 meeting.

Furthermore, members of the Law Board pointed out at the meeting that they had no power to change the laws since the Board is not a legislative body and is rather 'just an NGO' like the women's organizations at the meeting. This may have been a convenient way for the AIMPLB to abdicate any responsibility to protect women's rights, but for many of the women's rights activists at the meeting, it was a wake-up call, both because they realized that the AIMPLB does not have any legal powers and because of the Board's perceived unwillingness to engage seriously with their concerns.

Nevertheless, people like Naila feel that the AIMPLB has influence despite its lack of statutory powers:

What is the Muslim Personal Law Board? It is only an NGO like us, but because it has political acceptance within the community when it comes to matters of personal law...they have a kind of emotional acceptance amongst people. Otherwise, they don't have any [legal] recognition...but yes, they have a say within the community. (Naila, December 26, 2008)

Despite their recognition of the AIMPLB's 'emotional pull', after the 2001 meeting, for the most part members of women's organizations, including those affiliated with the MWRN, abandoned the strategy of engaging with the AIMPLB.

Noorjehan Safianiaz said that, although some members of WRAG still feel that it is worthwhile to work with the AIMPLB, she felt that it would be a "futile effort":

We can do so [engage with the AIMPLB] if we have to, but I believe that that energy could be saved for strengthening the community, giving them more information, mobilizing them — it is a better use of energy and resources. (Noorjehan Safianiaz, September 22, 2008)

Hasina Khan echoed these sentiments, saying that AeN had spent ten years lobbying the AIMPLB with little or no result and have therefore decided to abandon this "bankrupt strategy" to focus on other forms of lobbying (Hasina Khan, September 26, 2008).

Nevertheless, many women's rights advocates remain of the opinion that dialogue with the AIMPLB and the *ulema* in general will eventually led to progressive social change. For example, Asghar Ali Engineer's organization, the Centre for the Study of Secularism in Society, continues to organize workshops and meetings with religious scholars in the hope of winning more support for women's rights from within the religious establishment. He believes that, without the support of the *ulema*, "the general masses" will not accept progressive changes. He also argues that one of the main problems

is that women themselves are unaware of the rights they have in Islam and encourages women's rights advocates to familiarize themselves with the Qur'an in order to confront the *ulema* (Asghar Ali Engineer, September 24, 2008).

At the same time, the 2001 meeting and the ongoing efforts of women's rights advocates may have prompted processes of change within the AIMPLB by contributing to debates that had already been taking place on the issue of the *nikahnama* and on women's rights in general. A draft version of a model *nikahnama*, produced internally, was first presented within the AIMPLB at a meeting held in Bangalore a year before the 2001 meeting with women's groups. Begum Naseem Iqtedar Ali, who is the first and only woman member of the AIMPLB's Executive Committee, described how the *nikahnama* was nearly passed by the Board at that time, but was finally rejected over the issue of *talaq-e-tafweez*, or women's right of divorce:

What happened was that the *nikahnama* was passed by the Executive Committee, but it also needed to be passed in the General Assembly. During that evening in the place where we were staying, one group of women was against it. There was so much debate and discussion between the two groups...I just wanted it to be passed, but no one would listen. Those women convinced the rest of the group, so that when it was presented, it was those women who opposed it. What people then said was that if women are themselves opposed to it, then how can we pass it? (Begum Naseem Iqtedar Ali, December 23, 2008)

Uzma Naheed also pointed out that, of the women members of the AIMPLB, who constitute less than 10 per cent of the Board, few are advocates of women's rights, noting the lack of consensus even amongst 'religious women'. Thus those who opposed the Board's draft *nikahnama* argued that including a clause on women's right to divorce would be considered inauspicious at the time of a marriage and it should therefore be left out of the document.

Eventually, the AIMPLB did pass a model *nikahnama* at their 2005 meeting in Bhopal. However, this *nikahnama* disappointed many women's rights advocates, both within the MWRN and the BMMA and beyond. Although the *nikahnama* did include some 'progressive' features, which addressed the demands of women's groups, including recommending a process of mediation and arbitration before a divorce can take place, discouraging the practice of dowry, recording the amount of *mehr* to be given to the bride, and including a clause stipulating that a man must get written consent from his wife if he wishes to re-marry, it also included some regressive features. For example, the model included

guidelines stating that a woman should be obedient to her husband and that she should ask his permission before stepping out of the house. Furthermore, it did not ban the practice of triple *talaq* and did not include a woman's right to divorce her husband (Katakam, 2005). Most women's rights advocates saw the AIMPLB's *nikahnama* as further evidence of the Board's rigidity rather than a sign of progress.

On the other hand, the AIMPLB's effort can also be viewed as a sign of positive change in response to years of lobbying by women's rights advocates and might thus be seen as evidence of the women's movement effecting a transformation of an important institution (see Giugni, 1998a). Naila, who has studied the model *nikahnama* closely and compared it with the MWRN's model, described her mixed feelings about the AIMPLB's efforts:

I took it as a positive step because I didn't have any hope that those people [the AIMPLB] would bring out a *nikahnama*. At least they are issuing some guidelines. Till then they hadn't even done that. Because as a Muslim woman, my question has always been, why do they [religious leaders] talk about the ways you can rule over women and not the rights that women have, when these things are present within Islam?...If you look at it that way, then for the first time, in the light of Islam, at least they are saying something about women's rights, but after reading it, I also felt that we are asking for something, and they are the benevolently bestowing this upon us, which I don't look at positively. (Naila, December 26, 2008)

For Naila, the fact that the AIMPLB had made any kind of public statement in relation to women's rights was a step in the right direction and a sign that the Board was changing, however slowly. At the same time, she took issue with the manner in which the *nikahnama* was presented, as a pronouncement rather than a contribution to a process of dialogue, which was similar to the complaints of women's rights advocates after the 2001 meeting. Shahida Lateef made a similar observation in the *Indian Express*, criticizing the AIMPLB for not consulting with women's groups or women's lawyers and calling the AIMPLB's *nikahnama* "a damp squib" (Lateef, 2005).

For their part, several members of the AIMPLB felt that the women's organizations were unwilling to compromise and that the hostility to their efforts comes from women's groups rather than from the *ulema* or religious groups. For example, when I asked SQR Ilyas whether the AIMPLB or the Jamaat-e-Islami has worked with the women's movement on other women's issues, he said, "These groups don't want to meet us, so what can we work with them on?" However, when I questioned him further about whether they have worked together on other political issues, such as those related to the police

targeting of Muslims or opposition to state policies, he clarified that they have worked together on issues other than those related to personal laws or women's rights (SQR Ilyas, December 16, 2008). At the time fieldwork was being conducted, for example, members of AeN were working with the Jamaat-e-Islami on the issue of illegal detentions of young Muslims following bomb blasts in Malegaon, Maharashtra in 2007. This indicates selective and strategic processes of alliance-building on particular issues and campaigns, similar to those that have occurred elsewhere between social movements and other actors (Diani and Bison, 2004).

Moreover, the right of the AIMPLB to represent Indian Muslims has increasingly been questioned, with a series of alternative Muslim personal law boards appearing in recent years. For example, the Bareilly school⁶¹ created its own Law Board in 2004, with Maulana Tauqir, the interim President, arguing that the AIMPLB had become "redundant" (Ali, 2004). Similarly, a Shia Personal Law Board was created in Lucknow in 2005, which issued its own model *nikahnama* a year after it was formed (Mukerjee, 2005). Finally, an All India Muslim Women's Personal Law Board (AIMWPLB) was also established in 2005 in Lucknow. The AIMWPLB is notable in that it was created explicitly as a response to the lack of representation of women and women's concerns in the AIMPLB. Shaista Amber, who is the main person behind the creation of the AIMWPLB, talked about her reasons for creating the women's board: "Despite prattling about working for the rights of women, the men-dominated boards took no account of the voice of women" (quoted in Manjul, 2005). The AIMWPLB has also released its own '*sharia nikahnama*' in 2008, which, as its name suggests, is intended to protect women's rights within the framework of Islamic law (Editor, 2008). Although these law boards have not yet achieved the prominence of the AIMPLB, their very existence is a sign that the AIMPLB's authority is increasingly being questioned by various groups. The creation of several alternative personal law boards can be seen as a result both of the criticisms of the rigidity of the AIMPLB lodged by women's organizations in particular and progressive Muslims in general, and as a sign of democratization amongst Indian Muslims, who are increasingly questioning the right of elites to represent them (see Hansen, 2000).

Apart from lobbying the AIMPLB at the national level, members of MWRN and BMMA continue to promote the *nikahnama* within local communities as a means of protecting women's rights. Groups such as AeN and WRAG educate women and their families about the fact that they can add clauses to a *nikahnama* as a means of ensuring a woman's security, through individual and group discussions at the local level. The MWRN and the BMMA have also facilitated weddings using their model

nikahnama, with Naish's Hassan's wedding being one of the most prominent (Noorjehan Safianiaz, September 22, 2008). Furthermore, members of both networks encourage women and their parents to make their own *nikahnamas* according to their needs and priorities, which some women have done.⁶²

However, although exact figures are not available, most activists acknowledge that the number of marriages that have actually taken place using these model *nikahnamas* remains relatively limited.⁶³ There are several possible reasons for this. Members of AeN said that it is often the *qazi*, who performs the ceremony and whose stamp is required to validate the *nikahnama*, who proves to be the main stumbling block: "The main problem is that, no matter which *nikahnama* it is, the *qazi* is not ready to use it. The first problem is that he himself is a man and all of this is about women's rights" (Yasmeen, September 20, 2008). Over the years, women's groups have identified 'sympathetic' *qazis* in their localities, who have agreed to perform weddings using the groups' *nikahnamas*. However, even if the *qazi* agrees, often the groom's family will raise objections, and in some cases, the bride herself is reported to have refused, possibly out of fear of upsetting her in-laws or her own family by appearing too bold or demanding.

Apart from the practical difficulties of gaining acceptance for progressive *nikahnamas*, Hasina Khan points to the limitations of *nikahnamas* as a means of achieving broad-based social change:

As good as a *nikahnama* is, if a woman can't choose her own partner, if a woman isn't able to speak to her partner and they have no understanding between each other, then what's the point? (Hasina Khan, September 16, 2008).

She gave the example of women who do not want to get married at all, or who are not allowed to choose their husbands, to illustrate the gender-based restrictions of the wider social context. Hence, she asserted, although the *nikahnama* is a tool in the promotion of women's rights, it document alone cannot transform existing structures of power. Instead, she suggested, it can only provide a degree of protection for women within the current structures of power. The fact that the *nikahnama* does not pose a radical challenge is also most likely the reason that it has been so widely promoted by a range of women's groups and religious organizations.

Despite its limitations and its lack of wide-scale acceptance, the promotion of the *nikahnama* has been successful in raising general awareness within the Muslim community on the issue of women's rights. Members of AeN spoke about how their promotion of the *nikahnama* is beginning to change

attitudes amongst members of the community as well as *qazis* in Mumbra, the predominantly Muslim area located on the outskirts of Mumbai:

Yes, awareness has been raised. Whether people use the *nikahnama* or not, they have started to understand what issues they can raise with the *qazi*. They know that the amount of *mehr* should be written down. There has been more awareness about these issues through the *nikahnama*. (Naseem, September 20, 2008)

Aqeela, who works as a librarian in AeN's Rehnuma Centre and is also involved in case work and advocacy, added:

What has happened in Mumbra is that many of the *nikahnamas* that are being used today at least have clear information about *mehr*, so that if there are problems, at least you have some proof...if the information about *mehr* is clear, then you are more likely to receive it...there are a lot of cases in which the girl has received the *mehr* that she has been promised. (Aqeela, September 20, 2008)

Hence, members of the MWRN and the BMMA agreed that the *nikahnama* is an important means of protecting and promoting women's rights within the current social and legal system. They also reported that the *nikahnama* campaign has been an important means of gaining support and building linkages between organizations and with diverse actors, as a result strengthening both the MWRN and the BMMA.

5.3 Part of or apart from the women's movement?

The Indian women's movement has experienced important shifts since the 1990s related to the question of religion and caste-based identities. The changes occurring in the Indian political sphere more generally and within the women's movement in particular have been discussed in Section 2.2.2. The Shah Bano and Roop Kanwar cases demonstrated the divisions amongst women on the question of religion, and for many people underlined the importance of having a clear secular position within the women's movement (see Rajan, 1998; Agnes, 1995; Sangari, 1995). However, despite the shift away from using Hindu symbolism and the growing awareness of differences in power between women since the 1990s, many argue that the mainstream women's movement has continued to be coloured in its approach and agenda by an upper caste Hindu perspective. Flavia Agnes, who is a prominent women's rights lawyer and activist and who comes from a Christian background, is critical of the women movement's claims to secularism and speaks of her own alienation from it:

Somewhere in the 1990s, many of us began to think that some are 'more equal than others'.... I personally feel that equality is being articulated in the context of urban middle class upper caste Hindu women... The cultural plurality, of women coming from different communities is not getting articulated....

In 1991 I was chosen along with another speaker for a panel discussion at Jadavpur University's Women's Studies Conference on Women, Religion, Culture and Ethnicity. In the inaugural panel, Razia Patel and myself were chosen as 'minority activists.' I was very surprised as to why I was being labelled. ... Suddenly I realized I was still slotted as a minority activist after working for so many years among the majority [Hindu] academicians.

Agnes argues that the women's movement takes upper caste Hinduism as the norm and treats women from minority communities as representatives of their respective groups rather than as women's rights activists in their own right. Speaking to members of the women's movement, she said:

They told me, 'you divided the movement.' I replied and said that 'I didn't, you all did. You labelled me. You are the norm and I am the other. In the movement all of us have to prove secularism and feminism by discarding our beliefs, our culture including our food and dress habits, but you don't have to give up anything because you are the norm you can be a believer, non-believer whatever; you can celebrate *Diwali*,⁶⁴ or anything else. Nobody is questioning you. (Flavia Agnes, 20 December 2008)

This echoes the critiques of scholars such as Sands (2008), who argues that, in the US context, the proposition that secularism is neutral masks its Euro-American Protestant bias. Similarly, Agnes argues that the supposed secularism of the Indian women's movement has allowed upper caste Hinduism to be set up as the norm, thus 'othering' women from minority communities. This sense of alienation was also expressed by many of the Muslim women activists with whom I spoke.⁶⁵

The emergence of Muslim women-led networks can be seen both as a consequence of the women's movement's inability to adequately address multiple forms of identity and domination, and as a sign of its diversification. Many of the members of the MWRN and the BMMA echo the sense of alienation and disillusionment with the mainstream women's movement expressed by Flavia Agnes, although respective responses are different. While members of both networks trace the origins of their feminist consciousness to the mainstream women's movement, the MWRN sees itself as continuing to be an

important part of the women's movement while members of the BMMA argue for the need to organize separately as Muslim women.

The MWRN is thus clear about its location within the mainstream women's movement, having been associated from its inception with groups such as Forum against Oppression, which emerged in Mumbai during the early 1980s and continues to be one of the few remaining 'autonomous' women's organizations in the country (Gangoli, 2007). In fact, the support and participation of non-Muslim women is seen to be a crucial aspect of MWRN's identity. Hasina Khan explained the MWRN's relationship with the women's movement:

Muslim women do need to make a space for themselves, but this does not mean that Muslim women make their own space and also carry out their struggle alone. If we say this, then we might become divided. Then we will say that Hindu women also should fight for their own rights and create their own space. Then we will not be able to call ourselves 'a women's movement.' There will be a Muslim women's movement, a Hindu women's movement, a Christian women's movement. (September 26, 2008)

She argues that Muslim women will only be successful in their struggle if they have the support and participation of women of other religious communities. For this reason, Hasina is careful not to label AeN a 'Muslim women's organization', although it works primarily with Muslim women. In her view, the distinction is important, in that it emphasizes AeN's political position rather than its religious identity, which she recognizes as being shifting and multi-faceted in nature. At the same time, she acknowledges the need for Muslim women to create a space in which they can articulate their particular problems, although she does not see the need for this to be an exclusive space. Rather, she is hopeful that solidarity of purpose can exist despite religious divisions.

Similar sentiments were expressed by other members of the MWRN. Naila, who was herself employed by a women's organization in Delhi that was working in both Hindu and Muslim communities, argued that the women's movement has made a space for Muslim women, but she also expressed awareness of its limitations:

If you look at it from the perspective of the [women's] movement... Muslim women's questions have undoubtedly been given a place. The pillars of the movement have been of equality from women's perspectives no matter what religion they belong to... but at some point we will have to consider the fact that, before speaking about a particular group you have to make sure that that community is also with you... If questions are

being raised about the Muslim community, then it is very important that the Muslim community is also with you. (December 26, 2008)

Working at the local community level, Naila highlighted the importance of an approach that is inclusive and respectful of people's culture and beliefs. She pointed to the inability of the women's movement to gain acceptance amongst women and men at the local level, especially within Muslim communities, but she is also of the opinion that the movement can be changed from within by engaging with social issues at the grassroots.

Naila and Hasina both also spoke about the strategic importance of religious identity in their work. Although they agreed that being a Muslim is not a prerequisite for speaking about Muslim women's rights, they also felt that in some cases, being identified as a Muslim woman had helped in convincing people within the community. Naila spoke of her own experiences:

We are also from that community [the Muslim community], and if a woman from that community raises her voice, then that makes the point even stronger, but that doesn't mean that when there are discussions and debates, women of other communities cannot speak. They are also fully prepared..., and that [everyone speaking out] will lead to success. (Naila, December 26, 2008)

This demonstrates both the MWRN's recognition of the importance of religious identity and its commitment to working across religious boundaries. However, Naila felt that, as a Muslim herself, she was able to speak about the particular problems that Muslim women face with greater authority than her non-Muslim colleagues because of her own experiences, as well as because of the way she is perceived by other Muslims.

Hasina Khan, who expressed a strong resistance to being labelled solely in terms of her religious identity, simultaneously spoke of the strategic importance of this identity in the MWRN's campaigning efforts. While pointing to the multiple, shifting and contextual nature of identities (see Hall, 1990; 1996; Butler, 1990), Hasina also spoke about taking a pragmatic approach to religious identity:

We all have so many different identities. Some people might say I am not a Muslim by certain criteria. I might say that someone else is not a Muslim. This is a particular kind of bargaining power, the way people are identified and who identifies them in a particular context, that is why I think, in terms of strategies, where Hasina's name should appear, where Nida's name should appear,...and where Sandhya's name appears and where Chenika's name appears — actually that is the issue.⁶⁶

She argued that, although one's religious identity should not matter, it does because of the way that groups are perceived by others. She added that this does not mean that groups such as Forum against Oppression or Saheli, which are prominent secular organizations largely made up of non-Muslim women, have no right to speak about Muslim women's issues. In Hasina's opinion, if someone is not born a Muslim, this does not mean they have no right to speak about Muslim women's rights. However, the MWRN is also aware of the importance of religious identity in most people's perceptions. This is especially true in the context of growing religion-based insecurity amongst Muslims following the rise of Hindu nationalist politics over the last two decades. Therefore, although members of the MWRN are committed to working across religious boundaries as part of the women's movement, they have had to adjust their strategies in response to the wider political context.

On the other hand, members of the BMMA are more forthright in arguing that the women's movement, and civil society in general, has failed to address the needs of women from marginalized communities because of its historical domination by upper caste Hindu women, and that there is therefore a need to create a separate movement led and dominated by Muslim woman. The network's name itself, which is Hindi for 'Indian Muslim Women's *Movement*', reflects the way its members see themselves and their aspirations to create a movement that is distinct from the mainstream women's movement.

In Gangoli's (2007, p. 211) study of the relationships between the law and feminism in India, she found that many women from minority communities did not approach women's organizations for help because "...most progressive and feminist women's groups are controlled by, and run by upper caste Hindu women." Naish Hassan's narrative of working in the civil society sector in Lucknow reflected her own sense of alienation:

Who are the people [leading these groups]? In the five years that I had been working [in civil society], I saw that it was the upper class Hindus, upper caste Hindus, those people who were associated with the elite class, so whose dream of social change are we trying to achieve? Then I left my job....I decided that I will work in *bastis* [poor neighbourhoods] and in Muslim *bastis* in particular. (December 22, 2008)

It was this experience of alienation within the civil society sector that led Naish to start her own organization, Tehreek, which has focused its attention on working within the Muslim community in Lucknow, and to eventually join others in establishing the BMMA at the national level.

Members of the BMMA are more openly critical of the mainstream women's movement than the MWRN. They see themselves as being allied with women and men from many marginalized communities, who they feel have been left behind by the women's movement. Zakia Jowher, who works with the international development organization, Action Aid, spoke of this sense of solidarity amongst members of excluded groups:

In our vision mission document it is very clear that we will always build our struggle along with other excluded people, which includes all of the dalits and *adivasis* [tribal groups], all other women, and the workers, labourers, all other excluded people... We are very clear that whosever's fight it is, they are the ones who should lead. We don't need a Brahmin woman to come and lead us... If for 60 years we haven't received justice, it is because the males have led, and within the women's movement it's always the women from the creamy layer [upper castes] who lead it. (December 15, 2008)

For Zakia and Naish, the creation of the BMMA was an important means of asserting Muslim women's leadership separately from the women's movement, which they felt had not only excluded Muslim women but all non-Brahmin women. It is for this reason that, although the BMMA accepts non-Muslim women and men as members, it is clear that 70 per cent of the organization must be comprised of Muslim women and that the organization's leaders should also be Muslim women.

Noorjehan Safianiaz, who acknowledged the importance of the women's movement in shaping her own feminist consciousness and who had previously been instrumental in setting up the MWRN, explained why the initiators of the BMMA felt that it was important to make sure Muslim women led the organization:

We also felt that the Muslim leadership has failed us. On the one hand we have the state, which has failed miserably on all accounts, social, economic, educational, legal, security — the state is just not there, and the women's movement has this allergy to religion, and it could not really understand what the community wants, and it could not really interact closely with the community and take people along. If you want to run a movement, you have to take people along. (Noorjehan Safianiaz, September 22, 2008)

Noorjehan argued that Muslim women had been excluded on several levels, including by the Muslim leadership, the state and the women's movement. One of the reasons she gave for their sense of exclusion from the women's movement was its refusal to engage positively with religion. It is for this

reason that the BMMA made a strategic decision to work within a feminist Islamic framework as part of its advocacy efforts because its members see this as being a more inclusive approach.

Nevertheless, there is a great deal of overlap between the positions of the BMMA and the MWRN. Both networks can trace their origins to the women's movement, and both are also aware of the need for Muslim women to create a space of their own. Furthermore, at times members of the MRWN also feel that 'mainstream' women's organizations do not take the needs of Muslim women seriously. I attended the MWRN's annual meeting held in December 2008 in Kolkata. Despite the fact that invitations were sent to all of the major women's organizations in the state, there was hardly any representation from local women's organizations who were not explicitly working in Muslim communities. Members of the MWRN expressed their deep disappointment with this lack of support and wrote an open letter to women's groups nationally, which referred to a shared sense of 'ghettoization within the movement.' The fact that the MWRN consciously invited women's organizations who were not working in Muslim communities and wrote a public letter addressed to members of the women's movement nationally speaks to their ongoing commitment to engage with and expand the boundaries of the women's movement.

6 Conclusion

The appearance of groups and networks led by Muslim women, like the MWRN and the BMMA, reflects the changing nature of the women's movement as well as a widening of democratic space in general. The fact that Muslim women-led networks have emerged can be seen as a sign of the women's movement's failure both to represent women of marginalized communities and to deal adequately with the question of religion. Conversely, it can also be seen as a result of the space created by the women's movement during its campaigning and self-reflection around the Shah Bano affair. While the BMMA would see itself as a response to the women's movement's failures, the MWRN would argue that its emergence is evidence of increased space *within* the women's movement. Both perspectives point to change in the discourse on women's rights and the emergence of a more nuanced approach to questions of religion and women's rights in general, which seeks to bridge the divide between secular feminism and religion.

Although the MWRN and the BMMA take different approaches to the question of religion, this diversity is itself important in highlighting the complex processes of identity construction involved in the creation of organizations, networks and movements. These debates highlight the unstable position of 'Muslim women' as a category while also pointing to the increasing use of this category as a means of exerting political agency, whether through the employment of religious discourses or through more secular channels. The debates occurring amongst groups such as the BMMA and the MWRN in India, as well as those taking place between secular and religious feminists internationally, should not be seen as signs of discord and division. Rather, as Moghadam (2002, p. 1165) argues, Islamic feminism should be seen as one kind of feminism amongst many:

It is not particularly useful to create absolute boundaries between Islamic feminism, Western feminism, Latin American feminism, African feminism, Jewish feminism, and so on. In the same way that liberal, socialist, Marxist, radical, cultural, and postmodern feminisms... are part of the feminist traditions, so are the various regional manifestations part of the evolving political philosophy of feminism and the social movement of women.

Moghadam argues that these debates reflect the realities and concerns of women living in diverse contexts. In the same way, the debates surrounding advocacy around Muslim women's rights in India are part of a rich tradition of feminist reflection that has taken place amongst women's rights advocates since the social reform movements of the 19th century. The MWRN and the BMMA, as well as those working within the various strands of the wider Indian women's movement, are part of this evolving tradition.

The diverse ways in which women's organizations and activists confront the question of religion reflect the peculiarities of the Indian political context, in which the discourse of secularism has largely been co-opted by the Hindu Right as a means of exerting power over the Muslim community. This situation has been exacerbated by a growing sense of insecurity amongst Muslims in general due to repeated incidents of religious-based violence, targeting of Muslim youth as part of India's 'War on Terror',⁶⁷ and economic and political marginalization. Together, these have created a situation in which any real or perceived critique of religion can be viewed by other Muslims as an attack on 'the community', considerably shrinking the space for feminist critique and dialogue.

However, it is impossible to avoid the question of religious identity when advocating for Muslim women's rights, as was made so clear to feminists during the Shah Bano affair. In order to overcome the impasse between secularism and religious identity, both networks employ a kind of 'strategic essentialism' (see Spivak 1989; 1990; 1993), using the unifying category of 'Muslim women' as a means of exerting their rights, although the MWRN does this in a more reactive and hesitant fashion than the BMMA. This strategic use of the identity of 'Muslim women' wrests the category out of the hands of both the Hindu Right and the conservative and male-dominated *ulema*, providing a means of asserting a feminist stance that recognizes the importance of religious identity for women.

At the same, the fact that divisions and differences exist within and between the networks demonstrates the heterogeneity amongst those who are identified (either by themselves or others) as 'Muslim women's rights activists', thus demonstrating the contentious process of collective identity formation. While the MWRN continues to push for a secular approach to advocating Muslim women's rights, this is constantly being questioned by both members of the network and others outside it. The formation of the BMMA was partially a reaction to the MWRN's refusal to engage proactively, positively and systematically with religion. The BMMA's approach may be a sign of a shift towards 'Islamic/Muslim feminist' approaches that aim to reform religion from within as a possible way out of the religious impasse created by the discourse of the Hindu Right, the conservative Muslim leadership, and a state that reaffirms religious boundaries and has not created space for reformist voices. However, whether this strategy will indeed begin a 'New Enlightenment' (Sunder, 2003) and gain wide appeal outside urban, educated, activist circles and whether it will be successful in achieving any concrete social change remains unclear.

As Giugni (1998b) argues, it is often difficult to assess the concrete effects of social movements, with many of their impacts taking place in a diffuse and indirect fashion at the symbolic or discursive levels. Hence, it is difficult to assess the impact of the MWRN and the BMMA on effecting concrete social changes for women. However, this does not mean that they have not enacted any kind of change. The very appearance of Muslim women-led groups and networks is a marked shift from the period of the Shah Bano affair, when few Muslim women were active in public debates. Although 'Muslim women' continue to be talked about as an oppressed group more than they are heard as political actors, Muslim women activists are increasingly frequently heard in discussions of prominent cases or wider social issues. The voices of activists such as those involved in the MWRN and the BMMA provide an important counter-voice to those of the male-dominated *ulema* who have traditionally represented 'the Muslim community'. The emergence of these organizations and activists also challenges the belief that all feminists are upper-caste Hindu women. This diversification of the discursive field can be seen as one of the most profound changes brought about by Muslim women's rights activists.

Furthermore, the presence of Muslim women-led networks, as well as the emergence of alternative personal law boards, indicates an increasing fragmentation of elite-led religious authority amongst Muslims in India (see Hansen, 1999). The AIMPLB, which at the time of the Shah Bano affair was considered to be *the* voice representing Muslim opinion, has increasingly begun to be questioned by various groups. The challenges posed by Muslim women's rights activists and the refusal of many Muslims to recognize the authority of the AIMPLB have undoubtedly contributed to this questioning. The AIMPLB has also changed internally by slowly creating more space for women members and engaging with questions of women's rights (in particular by issuing a model *nikahnama*), although many feminists question the extent of the changes. While many of the members of the MWRN and the BMMA doubt that they have had much impact on the AIMPLB, there is some evidence that the engagement between them, however limited, has produced changes in the attitudes of Board members and increased openness on the part of the Board.

These networks may not have achieved wide-ranging changes in gender equality, with impacts that can be measured in numbers, but the evidence advanced here shows that they have contributed to a widening of the democratic space by participating in public debates and engaging with religious and state institutions. Although relatively few women and men are involved in the networks, their activities

are arguably having ripple effects in wider society. For example, many of the people with whom I spoke pointed to an increased number of Muslim women approaching the courts in recent years. While such occurrences made national headlines in the past, they have now become relatively common, especially in urban areas. Although most of these women are unlikely to have had prior knowledge of groups such as the MWRN and the BMMA, their willingness to claim their rights is indicative of a general shift in public attitudes, to which women's rights activists have arguably contributed. Such social and cultural shifts cannot be easily quantified, but they can be very significant.

At the same time, the effects of these organizations and networks should not be over-estimated. The MWRN and the BMMA remain relatively small and are largely comprised of non-governmental organizations (NGOs) based in major urban centres and for the most part led by middle class, educated women. For this reason, they cannot yet be seen as movements in their own right, although the BMMA in particular aspires to grow into a movement. There are several possible reasons that these networks have not attracted widespread support. Firstly, their continued focus on personal laws, which only affect a relatively small number of women, may limit their mass appeal. Although both networks have expanded their focus beyond personal laws, these continue to dominate discussions of 'Muslim women's rights', which diverts attention from issues such as access to education, discrimination and insecurity that may have a wider resonance amongst the majority of Muslims. Furthermore, because of the diversity amongst Muslim women in India, the collective identity of 'Muslim women' as used by these networks may not be sufficiently coherent identity around which to organize a movement. Finally, because of the general insecurity amongst Muslims because of *Hindutva* politics, the occurrence of religious-based violence and the 'War on Terror', many Muslims still feel uneasy about engaging in debates about reform.

Although a 'Muslim women's movement' has not yet and may never emerge in India, a study of the formation of Muslim women-led networks sheds lights on the dynamics of social movements as they grapple with and adjust to changing political contexts. These networks, however limited their appeal, highlight shifts occurring within the women's movement. It is argued that the latter has become institutionalized since the 1990s, but the organizing of women from marginalized communities, including Muslim and dalit women, has been an area of dynamism within and outside the women's movement. These groups question the binary opposition between religion and gender and are moving

the discussion forward by highlighting the complexity and multiplicity of identities. They also question traditional structures of religious authority by confronting religious institutions and by claiming their right to engage with religious discourses on their own terms.

Appendix 1

List of interviewees

Flavia Agnes, Majlis, Mumbai

Zeenat Shaukat Ali, St. Xavier's College, Mumbai

Shaista Amber, All India Muslim Women's Personal Law Board, Lucknow

Neelofar Akhter, advocate, Mumbai

Saeed Akhtar, advocate, Mumbai

Aqeela, Rehnuma Centre, Mumbai

Asghar Ali Engineer, Centre for the Study of Society and Secularism, Mumbai

Naseema Begum, All India Muslim Personal Law Board, Lucknow

Sandhya Gokhale, activist, Mumbai

Veena Gowda, advocate, Mumbai

Hasina Hashia, All India Muslim Personal Law Board and Jamia Millia Islamia University, New Delhi

Naish Hassan, Tehreek-e-Niswan, Lucknow

SQR Ilyas, All India Muslim Personal Law Board, New Delhi

Two employees of Jagori, New Delhi

Qutub Jahan, Centre for the Study of Society and Secularism, Mumbai

Zakia Jowher, Action Aid, New Delhi

Hasina Khan, Awaaz-e-Niswan, Mumbai

Sabah Khan, activist, Mumbai

Ayesha Khatun, Mohammed Bazaar Backward Swayam, Kolkata

Uzma Naheed, Iqra International Education Foundation, Mumbai

Naseem, Awaaz-e-Niswan, Mumbai

Noorjehan Safia Niaz, Women's Research Action Group, Mumbai

Razia Patel, Rachna Vikas Trust, Pune

Razia, Awaaz-e-Niswan, Mumbai

Anwar Rajan, Pragatishik Bharatiya Muslim Andolan, Pune

Anwar Sheikh, Pragatishik Bharatiya Muslim Andolan, Pune

Yasmeen, Awaaz-e-Niswan, Mumbai

Nandita Gandhi, Akshara, Mumbai

Notes

- ¹ It is important to note that not all social movements are 'progressive' in nature. Many are exclusionary and designed to protect the interests of a particular group, including racist groups and some religious and nationalist groups. The exclusionary movements are often discriminatory towards women and can be violent in nature.
- ² New social movements theorists have been criticized, however, for not recognising the continuities between 'old' and 'new' movements, with critics pointing out that identity and culture have always played a role in struggles for social change and class continues to be a key issue in contemporary movements (see Edelman, 2001).
- ³ Papanek (1993, p. 596), in her response to Margolis's (1993) cross-national framework for understanding women's movements, is highly critical of the use of 'third world' as an analytical category, arguing instead for a more nuanced understanding of local contexts that accounts for the multiple divisions within countries.
- ⁴ This is not to important overlook the contribution of the women's wings of political parties, especially the All India Democratic Women's Association, which is the women's wing of the Communist Party of India (Marxist), and which is often at the forefront of struggles for women's rights.
- ⁵ This includes various movements whose primary source of identification is religious, including movements to reform religion itself, often called 'new religious movements' (see Beckford, 1986), as well as movements for social change that are based on religious ideologies. Haynes (1995) has identified four categories of religious movements, including culturalist, syncretistic, fundamentalist and community-oriented, and classifies them according to whether religion is utilized as a vehicle of opposition or as a means of achieving community development.
- ⁶ For example, the gay rights movement in the US has helped to spur an evangelical Christian counter-movement in support of 'family values' (see Fetner, 2001).
- ⁷ 'Women's movements' in this context refers to those movements that are explicitly concerned with promoting women's equality, including those that label themselves as 'feminist'. This includes secular as well as religious-oriented women's movements that explicitly challenge gendered power relations, but does not include women's involvement in conservative, traditionalist or right-wing mobilizations.
- ⁸ I use 'fundamentalism' with caution, recognising that this term obscures many important differences between religiously inspired political movements (see Beckford, 2003).
- ⁹ Women's movements in Western contexts have also faced fierce opposition from religious groups. For example, the women's movement in the US has encountered sustained opposition by religious groups on the issue of abortion, as well as on the Equal Rights Amendment (see Marshall, 1985).
- ¹⁰ Hindutva refers to the ideology of the Hindu Right, which argues that India is an essentially Hindu nation and that all religious minorities must conform to Hindu cultural norms in order to be considered citizens. This ideology has also periodically inspired religious-based violence targeting religious minorities across the country.
- ¹¹ 'Dalit' is the preferred term for those people who had been regarded as 'untouchables' in the caste system. The term 'dalit' comes from the Marathi word for 'oppressed', and began to be used during the 19th century. It gained popularity during the 1970s, when it began to be used by the Dalit Panthers, thus replacing the term harijan, or 'children of God', which was popularized by Gandhi, but which many dalits felt was patronizing (see Omvedt, 2006).
- ¹² By 'women's movement' I am referring to the movement that self-identifies itself as such, what is often called the 'autonomous women's movement', rather than movements that involve women and may also call for gender-related changes. Therefore, this study did not include Islamic or Islamist movements such as the Tablighi Jamaat or the Jamaat-e-Islami, which, although they involve relatively large numbers of women, are not expressly committed to advocating progressive gender-related social change.

- ¹³ 13 per cent of the population according to the 2001 census.
- ¹⁴ *Sati* refers to the practice of widow immolation, which can be traced to Hindu religious scriptures. This issue became a major concern of both social reformers and the colonial government in their efforts to 'save' native women (see Spivak, 1999). Mani analyses the debates around *sati* in order to demonstrate the ways in which this issue was used as part of indigenous identity projects, as well as by the colonial state in its exercise of power (Mani, 1989, 1998). The extent of the actual practice of *sati* is debatable, with Kumar (1993) pointing out that the highest occurrence was recorded in Bengal, where the backlash against colonial intrusion in indigenous affairs was greatest. The colonial campaign against *sati* may have had the opposite effect to that intended, actually causing more widows to be immolated as an assertion of a defensive identity. Sarkar (2001, p. 229) similarly argues that the rejection of widow remarriage, the glorification of *sati*, and the practice of marrying off infant girls were seen during the 19th century as forms of resistance to the colonial state, as well as a means of upward caste-mobility for lower castes.
- ¹⁵ Focusing on issues such as *sati*, female infanticide, the confinement of widows and child marriage, the colonial state could claim a role as protector of Indian women against brutal patriarchal customs and violent men (Sen, 2000; Spivak, 1999).
- ¹⁶ Personal laws were codified during the colonial period with the help of religious clerics, Hindu pundits and Muslim maulvis, who were called upon to 'translate' religious texts for the colonial authorities. The latter codified them as laws, which the colonial state could use to manage Indian society. For Muslims, personal laws were based on particular interpretations of shariat, or Islamic laws, while for Hindus these laws were derived from Brahmanical interpretations of ancient Hindu texts. In the postcolonial period, the system of personal laws has continued. While Hindu personal laws were reformed in the 1950s, Muslim personal laws have remained largely unchanged since the period of colonial rule and have become a key marker of the identity of 'the community' in the postcolonial era (see Anderson, 1996).
- ¹⁷ It should be noted that, although these were the first women-led organizations in India, women's associations existed well before this time in cities across the country. Sen (2002, p. 473) points to the formation of women's clubs, groups and associations initiated or inspired by men during the later 19th century. Moreover, women themselves established associations in the early 1900s. These were called *mahila samitis* and provided elite women with education in selected subjects, as well as providing training in new social skills such as a polite conversation in English, serving tea and public speaking.
- ¹⁸ However, many members of the early women's movement continued to advocate for women's rights in the context of the freedom struggle, as demonstrated by the campaign for women's suffrage (see Gandhi and Shah, 1991).
- ¹⁹ It is worth noting that there were several people's movements that emerged before the 1970s in which women were actively involved, including the Tebhaga Movement in West Bengal and Bihar, the Telangana Movement in Andhra Pradesh and the Shahada Movement in Maharashtra. Other movements, such as Self Employed Women's Association (SEWA) in Gujarat and the Chipko Movement in the Himalayan foothills may not have self-identified as 'feminist' but were later claimed by the women's movement as examples of women's struggles against exploitation (see Kumar, 1993).
- ²⁰ The government banned the activities of most opposition groups during this period. Although most women's groups were not included in the list of proscribed organizations, those associated with peasants and workers' groups had to stop all political mobilization, thus radicalizing many groups and driving them underground (Desai, 1997). The lifting of the Emergency in 1978 created a political opportunity and led to the renewal and reinvigoration of many social movements, including the women's movement.

- ²¹ The findings of this report helped, to some extent, to set the agenda for the burgeoning autonomous women's movement. The report revealed major disparities in terms of the status of women, especially poor women, in terms of employment, health, education and political participation, as well as drawing attention to the declining sex ratio (Sen, 2002, pp. 482-3; Desai, 1997. p. 112).
- ²² Sita and Savitri both appear within Hindu mythology and are often upheld as models of virtuous womanhood because of their wifely devotion.
- ²³ However it is important to note that not all supporters of women's rights in India would label themselves 'feminists.' Most notably, Madhu Kishwar has spoken out against being labelled a 'feminist' because of its supposed Western bias (1990).
- ²⁴ The women's movement called attention to the high number of 'accidental' deaths and suicides amongst young brides. In many of these cases, women were burned to death in their kitchens. These cases were rarely investigated by the police, and were most often recorded as accidents. In cases where women survived, they were often reluctant to testify against their husbands and in-laws out of fear of further harassment and abandonment. Women's organizations exposed these deaths as murders at the hands of husbands and in-laws. Since the late 1970s, 'dowry murder' has become a widely accepted term in India, and although such cases continue to occur regularly, they are no longer ignored by the media or the authorities (Katzenstein, 1989; Kumar, 1993; Palriwala and Agnitohotri, 1996; Butalia, 2002).
- ²⁵ However, activists soon realised that legal changes were not sufficient to solve the problem of dowry-related crimes, as such crimes were often difficult to prove in court. Furthermore, these changes did not alter the unequal relations of power within the family, with women continuing to be dependent on their husbands and in-laws (Kapur, 2005).
- ²⁶ Much of the controversy stemmed from the phrasing of the judgement, which emphasized that Muslim Personal Law needed to be reformed, that Muslim husbands enjoyed undue privileges over their wives, and that a common civil code should be created in order to facilitate national integration. This prompted a defensive reaction from members of the ulema, who saw the judgement as a direct affront to the Muslim community's identity (Kishwar, 1998, p. 207; Kumar, 1994, p. 84). Lateef points to two court cases prior to Shah Bano in which the court awarded Muslim women maintenance. However, because those decisions made no mention of the Qur'an or the need for a Common Civil Code, there had been no outcry from the conservative Muslim leadership at the time (Lateef, 1990, p. 193).
- ²⁷ Calls for a Uniform Civil Code have in fact been occurring in India since the 1930s. They were made by members of the Freedom Movement, including Nehru himself, and the desire to eventually formulate a UCC was stipulated in the directive principles of Article 44 of the Constitution.
- ²⁸ Personal or family laws are often the terrain on which battles related to women's rights and religion are fought. This has been the case in Muslim majority countries throughout the world, and it is also the area in which national governments have registered the most reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (see Moghadam, 2004)
- ²⁹ Although the women's movement mounted its own campaign against the Muslim Women's Bill and in support of the Shah Bano judgement, in which several groups participated across the country, the numbers they were able to gather were considerably less than the Muslim conservatives (Kumar, 1994, p. 85).
- ³⁰ The Muslim Women's (Protection of Rights on Divorce) Bill states that Muslim women shall not fall under the Civil Code in cases of divorce. The maintenance for a divorced Muslim woman is therefore not considered to be the responsibility of her husband, but rather of her natal family or the local Waqf Board.
- ³¹ This echoed the colonial state's attitude toward 'native' women, whose reform and uplift was key to their 'civilizing mission' (see Chatterjee, 1993; Spivak, 1999). The symbol of oppressed Muslim

women recurs in the rhetoric of the Hindu Right, as evidenced by the literature of the RSS, in which the 'oppressed Muslim woman' serves as a symbol of the violence and 'backwardness' of Muslim men. Right-wing groups such as the RSS see it as their 'civilizing mission' to rescue Muslim women from their downtrodden state (Bacchetta, 1994; Butalia, 2000).

- ³² The case of Shahnaz Shaikh, which was also filed in 1984, is also worth noting here. Shahnaz Shaikh, who was verbally divorced by her husband and thrown out of her marital home, filed a petition in the Supreme Court that broadly challenged the discriminatory aspects of Muslim Personal Law related to polygamy, divorce, maintenance, custody and inheritance. This precipitated a wave of death threats against her, following which she was forced to go into hiding, and eventually she had to withdraw her petition after she discovered that her lawyer was linked with the Hindu right-wing group, the RSS (Chhachhii, 1991). However, unlike Shah Bano, Shahnaz Shaikh continued to struggle for women's rights even after this experience, going on to found Awaaz-e-Niswan in 1987 (see Gangoli, 2007). The cases of both Shah Bano and Shahnaz Shaikh illustrate the ways in which Muslim women's identities can become restricted within a rigid binary and how the language of women's rights has often been co-opted by right-wing religious and nationalist forces.
- ³³ According to Hasan (1998), Muslim women came out in unprecedented numbers against the Muslim Women's Bill, in direct opposition to their families, communities and religious leaders.
- ³⁴ However, as Agnes (1995) points out, most of the initiators of the women's movement consider themselves Hindu only in a cultural sense, perceiving themselves as non-religious and secular. Nevertheless, she argues that this perception has served to mask their upper caste Hindu bias.
- ³⁵ This is not to deny the important contribution of those feminist thinkers since the Shah Bano case who have struggled to find a position that protects all women's rights in a manner that is sensitive to difference. Sangari's (1995) work is illustrative of such approaches. She argues that feminism cannot support primordial claims to 'community'. Instead, it must be based on a conception of rights that recognizes multiple identities and that demands an end to all forms of inequality. She argues neither for a Uniform Civil Code nor for reformed personal laws, but for new laws that "encourage religious diversity, establish inalienable rights for all women, as well as find ways of dealing with the diversity of patriarchies" (Sangari, 1995, p. 3386).
- ³⁶ The focus on reforming Muslim Personal Laws has itself been questioned as further evidence of the women's movement's Hindu bias. For example, Flavia Agnes (1995) points out that the Hindu Code Bill had many sexist aspects. However, during the Shah Bano debates these went unnoticed by both the media and members of the women's movement, revealing some of the women's movement's assumptions about Islam.
- ³⁷ Campaigns around Muslim women's rights had also taken place to a more limited extent in the state of Maharashtra prior to the Shah Bano case, with activists such as Razia Patel recounting her involvement in struggles against local jamaats (Muslim religious councils), which in the early 1980s had tried to limit Muslim women's public mobility through a cinema ban (Razia Patel, September 21, 2008).
- ³⁸ In the US context, for example, women of colour have questioned the hegemony of white, middle class women within the women's movement (Hooks, 1982). They have argued instead for an approach that takes into account multiple forms of oppression, combining gender, race and class, and have pointed to both the 'inter-sectionality' of identities (Andersen, 2005) and different 'matrices of domination' (Collins, 1990). In the UK as well, black and Asian women have questioned the hegemony of white feminist movements, drawing attention to the imperialist tendencies of the women's movement itself (Amos and Parmar, 1984).
- ³⁹ It is important to point out that the contemporary women's movement has always taken up the issues facing women from marginalized communities. Since its inception in the 1970s, socio-

economic issues have been at the forefront of women's movement organizing (Kumar, 1993). Furthermore, cases affecting women from marginalized communities have often been rallying points for women's movement campaigns. For example, during the 1980s two cases of custodial rape, one of a poor Muslim woman, Rameeza Bee, and one of a tribal girl in the Mathura rape case, led to a national outcry against violence against women by the women's movement (see Butalia, 2002). Despite this, many women from marginalized communities have felt that the women's movement has been unable to address its own internal power dynamics, let alone the realities of women facing multiple forms of domination, and have thus felt the need to organize separately.

- ⁴⁰ Others are also critical of these religions for being patriarchal and casteist in nature. For example, Bama, a Tamil dalit woman who became a Catholic nun but later left her order, has written extensively about her own disenchantment with Christianity as it is practised in India (see Pandian, 2003).
- ⁴¹ This is not to argue that religious divisions did not exist prior to the colonial period. However, there is very little documentation of this time. Rather, the scant information available about the pre-colonial period points to the existence of religious divisions that were then fixated upon, aggravated and formalized through the colonial encounter (Gottschalk, 2001, p. 19)
- ⁴² This understanding of South Asia has also had a profound influence on scholarship produced about the region. Hirst and Zavos (2005) point to the development of a 'world religions' model that views religion in South Asia as consisting of discrete faith traditions (Hinduism, Islam, Christianity and Sikhism), with those groups that do not fit neatly into this schema marginalized, ignored or subsumed under the major categories.
- ⁴³ The documentation of violent events by the colonial administration as 'Hindu-Muslim riots' has been questioned by historians. Pandey (1992) argues that the understanding of violence as 'communal' — by implication, based on irrational religiosity — was used as a means of explaining and smoothing over the complex factors that contributed to the occurrence of violent events during the colonial period.
- ⁴⁴ The division of the subcontinent along religious lines caused the largest human migration in recorded history and was accompanied by horrific acts of violence, often perpetrated in the name of religion. The riots that tore through the subcontinent when India and Pakistan became independent states claimed between 200,000 and one million lives and spurred the migration of an estimated seven million people, as borders were re-drawn and populations were reshuffled (see Butalia, 2000; Pandey, 2001).
- ⁴⁵ This campaign was built around the idea that Ayodhya, specifically the area where the Babri Masjid mosque was located, was the site of the birthplace of the Hindu god, Ram. This idea served to mobilize support for Hindu nationalist groups during the 1980s and 1990s, and although the Babri Masjid was destroyed in 1992 by these groups, the ongoing debate continues to be used as an emotive issue by political groups.
- ⁴⁶ Hindu right-wing groups succeeded in destroying the Babri Masjid on December 6th, 1992, when militants climbed the mosque and proceeded to destroy it with pick hammers, pipes and sticks amidst a crowd of more than two hundred supporters. This event unleashed a wave of violence across the country during which over 1,700 lives were lost and 5,500 people were injured, with certain cities, such as Bombay, hit particularly hard. Most of the victims of the violence were Muslims (see Bacchetta, 2000; Basu, 2000; Jaffrelot, 1996).
- ⁴⁷ Cooke (2008) argues that 'Muslim' and 'woman' have been collapsed into a composite identity category, especially in the post 9/11 context, in which the 'Muslimwoman' becomes a symbolic marker of community identity that has been utilized by various groups, including Islamists, neo-Orientalists and Islamic feminists, in order to articulate their interests.

- ⁴⁸ A similar kind of discourse has re-surfaced in the post 9/11 context, with the oppression of Muslim women being used as a justification for the invasion of Afghanistan and Iraq as part of the 'War on Terror' (see Hirchkind and Mahmood, 2002; Abu-Lughod, 2002).
- ⁴⁹ Gudiya was a young woman whose first husband had been missing for several years. At the time that her case appeared in the media, she had remarried and was expecting a child with her second husband when her first husband returned. At this point, the local religious clerics in her village, later backed up by more prominent religious clerics at the national level, ordered her to return to her first husband. The second major case involving a Muslim woman was that of Imrana, a woman allegedly raped by her father-in-law. When Imrana spoke out about this crime, local religious clerics deemed her marriage to her husband invalid, arguing that she was now technically 'married' to her father-in-law. The facts of both cases are highly contested, but both led to a stand-off between women's groups and religious clerics, which was immediately picked up and magnified by the national media as evidence of Muslim women's oppression at the hands of Muslim men and religious authorities in particular.
- ⁵⁰ The question of social change is approached with an understanding of the wider challenges involved in 'measuring' the effects of social movements (see Kirmani, 2008a; Giugni, 1998a; 1998b; Della Porta and Diani, 2006).
- ⁵¹ '*Talaq*' is the Islamic term for divorce. The practice of 'triple talaq' refers to a man having the ability to instantaneously divorce his wife by pronouncing the word '*talaq*' three times. However, this is highly contested amongst Islamic scholars and advocates of women's rights alike, who argue that this is not a valid form of divorce. They argue that the process of divorce must meet a certain set of criteria in order to be considered valid and in order to decrease women's vulnerability, including being phased over a period of several months and involving an arbitration process. Several High Court and Supreme Court judgements have upheld this view, although organizations like the AIMPLB continue to contest the Courts' right to rule on such matters.
- ⁵² Similar efforts took place in India, although to a more limited extent. They were led by elite male reformers such as Sir Syed Ahmed Khan (see Section 2.1).
- ⁵³ Majid (1998, p. 325) is critical of Western human rights agendas and calls for a 'progressive Islam' that promotes the equal status of women and protects the rights of minorities as a means of breaking away from 'Eurocentric structures' and a means of re-dynamizing "progressive non-Western traditions in a genuinely multicultural world."
- ⁵⁴ Balchin (2003) is critical of donor policies relating to Muslim women's rights, which she groups into three categories: those that see religion as an obstacle to development, those that see religion as the most significant developmental issue, and those that see 'Islamic feminism' as the only viable developmental solution. She argues that such approaches privilege religion over all other forms of identity, ignore local and national power dynamics, and close the space for secular alternatives.
- ⁵⁵ This echoes the position of US-based Iranian feminist, Mahnaz Afkhami, who is critical of Islamic feminism. She states: "Our difference with Islamic feminists is that we don't try to fit feminism in the Qur'an. We say that women have certain inalienable rights. The epistemology of Islam is contrary to women's rights. But you can use what you need to [to advance women's positions]. I call myself a Muslim and a feminist. I'm not an Islamic feminist — that's a contradiction in terms" (1999 interview cited in Moghadam, 2002).
- ⁵⁶ Name changed to protect anonymity
- ⁵⁷ The details of what would constitute a 'Gender Justice Law' are still being discussed. For example, advocates of such a law are as yet undecided about whether it would be a law that women could opt to fall under or whether it would be mandatory. Sandhya Gokhale points out that the issue of whether a law is optional or mandatory is complicated when it comes to personal laws, as it is unclear who has the right to opt into or out of a law and at what time this option can be taken. She

says they are currently only discussing the content of the 'Gender Justice Law' and advocating that a public debate should take place on whether such a law would be optional or mandatory (email correspondence, August 21, 2009).

- ⁵⁸ Such progressive judgements have not gone unnoticed by conservative Muslim groups such as the AIMPLB, which has started advocating a separate system of *qazi* courts with legally binding powers that would handle matters related to Muslim Personal Law (SQR Ilyas, December 16, 2008). Womens rights advocates are highly critical of such a position, fearing that such courts would not protect women's interests.
- ⁵⁹ *Mehr* is a gift given by a husband to his wife, which is obligatory in Islam. *Mehr* can be in the form of cash or in kind, and is intended to be an expression of appreciation as well as a form of social guarantee for women. Many argue that mehr should be given at the time of marriage, although this rarely occurs in practice in the South Asian context.
- ⁶⁰ '*Parda of the eyes*' refers to the Qur'anic injunction that men should lower their gazes when looking at women. Many women argue that parda is not about the way a woman dresses but about the way men look at women, and therefore the onus is on men to change their behaviour.
- ⁶¹ The Bareilvi and Deobandi schools are the two main schools of Islamic thought amongst Sunni Muslims in South Asia.
- ⁶² SQR Ilyas also said that the AIMPLB has taken this position, providing its *nikahnama* as a model, but allowing people to amend it according to their needs (December 16, 2008).
- ⁶³ The AIMPLB was unable to provide any information about how many weddings had been performed using its model *nikahnama*.
- ⁶⁴ The Hindu festival of lights.
- ⁶⁵ At the same time, many Hindu women also feel pressured to mask their religious identity in order to prove their secular credentials. In her comments on an earlier draft of this report, Geetanjali Gangoli mentioned that it is not only feminists from minority communities who feel pressured to give up their religious identity to prove their secular and feminist credentials; this pressure is also felt by 'Hindu' feminists, who may be criticized if they wear a *mangalsutra* or *sindoor* because these are seen as symbolic representations of Hindu patriarchy. She argues that Agnes' statement perhaps reflects the standards that are imposed on all women within the movement to be/act as feminists in particular ways.
- ⁶⁶ This refers to the fact that one's religious identity can usually be identified through one's name. While 'Hasina' and 'Nida' are commonly understood to be Muslim names, 'Sandhya' and 'Chenika' are considered to be Hindu names.
- ⁶⁷ For example, at the time fieldwork was being conducted, on September 18, 2008, two men were killed in a 'police encounter' in the Muslim neighbourhood of Jamia Nagar in New Delhi on suspicion of being terrorists. No evidence was found to support these claims and the circumstances of the shooting remain unclear. This incident raised an outcry amongst human rights defenders, as well as contributing to a growing sense of injustice amongst members of the Muslim community.

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