Becoming equals: the meaning and practice of gender equality in an Islamic feminist movement in India

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Abstract
Building upon an ethnographic exploration of the pedagogy and alternative dispute resolution activities of an Islamic feminist movement in India called the Indian Muslim Women's Movement (Bharatiya Muslim Mahila Andolan), this article speaks to the tension between Saba Mahmood's influential account of religion and gendered agency, and a liberal feminist conception of gender equality. Anthropological explorations of Muslim women's pious commitments as well as liberal feminist engagements with religion and culture are premised upon a presumed dichotomy between ethical engagements with religion, and a commitment to gender equality. Yet there is little analysis in existing scholarship of how gender equality is constituted by social movements premised on a religious identity, such as Islamic feminist movements. This article moves beyond thinking about gender equality merely as an abstract liberal normative good to explore how the discourse of gender equality is constituted in a movement that brings together everyday ethical commitments inspired by notions of piety and concerted everyday struggles against social and legal inequality. The ethnographic vignettes show how gender equality (barabari) connotes social and legal equality between men and women premised on their equal spiritual status as God's creations, their equal pious obligations irrespective of gender and the equal imperative of ethical conduct on both men and women based on Quranic values of compassion (raham) and justice (insaf). The pursuit of gender equality also entails reinterpretation of social...
norms in the light of ethical conduct, and an ethical commitment to collective struggle against gender discrimination in state and non-state forums.

**Keywords**
Gender equality, Indian Muslims, Islamic feminism, liberal feminism, multiculturalism, Muslim personal law

**Introduction**

In the last two decades of the twentieth century, a group of Muslim women thinkers from the US, the Middle East and South East Asia pioneered new ways of thinking about knowledge production in Islamic legal thought to challenge gender inequality in Muslim family law (Wadud, 1999; Mernissi, 2003; Mir-Hosseini, 2015). Responding to the Islamist challenge, on the one hand, and embracing the expansion of an international women’s rights movement following the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), on the other, thinkers like Riffat Hassan, Amina Wadud and Fatima Mernissi questioned gendered aspects of Muslim legal traditions manifest in the functioning of Muslim family law on marriage, divorce and maintenance (Wadud, 1999: 6; Mernissi, 2003: 8; Mir-Hosseini, 2015: 28; Wadud, 2015). These thinkers deployed a range of methodological and conceptual approaches to critique patriarchy in Muslim legal traditions.

Inspired by these transnational Islamic feminist networks and conversations, the Indian Muslim Women’s Movement (Bharatiya Muslim Mahila Andolan – henceforth BMMA) emerged in 2007 as a concerted movement for challenging gender discrimination in the practices of Muslim personal law, especially in the everyday functioning of community dispute resolution forums that adjudicate the marriage, divorce and maintenance claims of Muslim women in India. In this article, I build upon an ethnographic exploration of the pedagogical interventions and the alternative dispute resolution work of activists of the BMMA to explore the meaning and practice of gender equality. I use gender equality as a broad signifier and the closest English equivalent of the Urdu vernacular *barabari*. This article shows how the practice of gender equality (*barabari*) connotes the imperative to ethical conduct irrespective of gender. The pursuit of gender equality entails a collective struggle against the socially embedded experiences of everyday gender discrimination in both state and non-state forums.

In doing so, this article proposes a conceptual contribution to existing scholarship on gender equality and ethics in the anthropology of Islam and liberal feminism. Both anthropologists of Islam and liberal feminist theorists engage with the tension between gender equality and ethical commitments to religiosity. Anthropological explorations of the ethical commitments of religious Muslim
women (Abu-Lughod, 2001; Mahmood, 2005, 2006; Abu-Lughod, 2013) exist in tension with notions of gender equality and individual rights as conceptualised by liberal feminist theorists (Okin, 1999; Shachar, 2001; Benhabib, 2002; Phillips, 2015a, 2015b). A conceptual analysis of the category of gender equality itself is missing in this scholarship. My article advances this scholarship by delineating a range of moral, ethical commitments and practices that constitute the category of gender equality in the pedagogy and activist interventions of a social movement premised on a religious identity.

This article is divided into five sections. The first section outlines my theoretical contribution in conversation with Saba Mahmood’s work on religion and gendered agency and Islamic reformist movements, and Anne Phillips’ critical engagement with the same concerns. After outlining issues of methodology and positionality in the second section, I move on to the historical context for the emergence of the BMMA in India in the third section. The fourth section is an ethnographic exploration of equality (barabari) in the pedagogical interventions and adjudication work of the BMMA, in which I approach, in two subsections, pedagogy and dispute resolution, respectively. In the fifth section, I bring the ethnographic material in conversation with the debates on liberal feminism and the anthropology of Islam.

**Deparochialising equality**

In Mahmood’s influential work on religion and gendered agency, women’s ethical self-fashioning to become more pious subjects is seen to exist in tension with liberal feminist notions of gender equality (Mahmood, 2005). Mahmood’s critique can be situated within similar scholarship on postcolonial feminist theory (hooks 1981; Lugones and Spelman 1983; Anzaldua, 1987; Mohanty et al., 1991) and postcolonial anthropology (Abu-Lughod, 2001, 2013) that questions the suitability of Western, liberal feminist categories for understanding women’s concerns in other parts of the world. Mahmood traces this tension in her exploration of the piety movement in Egypt. She argues that women’s religious participation in this movement was ‘critically structured by, and serves to uphold, a discursive tradition that regards subordination to a transcendent will (and thus, in many instances, to male authority) as its coveted goal’ (Mahmood, 2005: 3). Ethical self-fashioning, conceptualised by Mahmood within a Foucauldian tradition of ethics, requires subjects to ‘transform themselves into the willing subjects of a particular moral discourse’ by means of ‘operations on their own bodies and souls, thoughts, conduct, and way of being’ (2005: 28). Mahmood (2005: 36) contends that the Islamic discursive tradition that inspired the participants of an Islamic revivalist movement in twentieth-century Egypt has historically entailed subordination to a transcendent will, to male authority and to some notions of gendered segregation, and has endorsed distinct roles for men and women in society. Therefore, it is not compatible with liberal notions of gender equality. She argues that women’s self-descriptions need to be taken seriously instead of merely reducing them to a
‘secular-liberal register’ and weighing them against the ‘goals of progressive politics’ (Mahmood, 2005: 38). Mahmood’s work has inspired several anthropological and historical explorations of the disciplinary power and myriad articulations of the secular state (Fernando, 2014; Stephens, 2018; Lemons, 2019).

Mahmood’s (2006: 331) work on Islamic reformist movements mirrors her earlier critique of the hegemony of secular, liberal modes of reasoning. In an influential contribution, Mahmood argued that Islamic ‘reform’ movements led by ‘moderate’ or ‘liberal Muslims’ share a normative conception of secularity and religious subjectivity with the US government’s post-9/11 agenda for Islamic reform. Much like this US-led project, Muslim reformers such as Abu Nasr Zayd and Abdul Karim Soroush privilege liberal, secular modes of reasoning and individual, rationalist human interpretation over traditionalist approaches of relating to the Quranic text (Mahmood, 2006: 338). In this article, Mahmood’s archive is restricted to a few thinkers whom she considers exemplars of Islamic reform. The situated struggles of Islamic feminist movements display a far richer conception of ethical life that is not reducible to neo-imperial aims of Islamic reform.

The tension that Mahmood traces between women’s ethical self-fashioning and religious participation, and liberal feminist conceptions of gender equality, animates liberal feminist engagements with religion and culture (Okin, 1999; Benhabib, 2002; Shachar, 2001; Hawthorne, 2014; Phillips, 2015a). To that end, recent feminist and anthropological literature has engaged questions of religious reform and women’s engagement with religion (Moghadam, 2008; Razavi, 2006; Abu-Lughod, 2013; Phillips, 2015a). Theorists working within a liberal multiculturalist paradigm are preoccupied with concerns of state regulation of minority cultural, ethnic and religious practices for the attainment of normative goods such as freedom, autonomy and gender equality (Okin, 1999; Benhabib, 2002; Shachar, 2001). There is, on the one hand, Okin’s rather crude characterisation of cultures that are ‘religious ones and those that look to the past – to ancient texts of revered traditions’ – as discriminating against women (Okin, 1999: 21). Okin’s work suffers from a careless characterisation of cultures and religions. Shachar, on the other hand, proposes a joint governance model where adjudicatory power is shared between the state and religious, cultural communities to balance gender equality and cultural accommodation (Shachar, 2001). In her recent work, Anne Phillips expands the ambit of this debate beyond the state to examine reformist social movements in the twentieth century shaped by religious beliefs that endorse ‘gender, racial, and economic quality’ (2015a: 49). Hence, Phillips represents a more nuanced position within the liberal tradition as she expands the debate beyond state regulation. But she does not eschew the liberal preoccupation with balancing group claims with individual rights and gender equality altogether.

In Phillips’ formulation, we discern the tension that Mahmood addressed between particular kinds of pious engagement and gender equality: ‘What are the possibilities of working through faith-based movements in the promotion of gender equality?’ (2015a: 52). Phillips’ own approach to equality is more attentive
to contingent attachments than that of other theorists of liberal multiculturalism. She theorises gender equality as a contingent ideal, a claim and a commitment based upon which ‘we live our lives and engage with those around us as embodied beings’ (Phillips, 2015b: 36). Building upon this notion of gender equality as a contingent ideal, I undertake the additional labour of deparochialising gender equality. My project of deparochialising gender equality entails addressing some of the criticisms of postcolonial theorists and postcolonial anthropologists about the universality of the ideal of gender equality as conceptualised by liberal feminists. While some postcolonial scholarship has focused on the liberal feminist moorings of gender equality, I provide in this article a grounded conception of gender equality. This ethic and practice of gender equality emerges in a specific juncture in India at the intersection of social location, everyday gendered struggles and a transnational Islamic feminist ethic. Paying close attention to this category of gender equality enables us to expand our scope of enquiry into gender equality beyond a mere critique of its putative Western liberal universal mooring. This can be achieved by exploring multiple registers such as moral, ethical commitments, and practices that constitute this domain instead of reducing them to an abstract normative liberal definition of gender equality.

**Situating gender equality**

The fieldwork for this article involved participant observation for about eleven months between October 2017 and October 2018 in Mumbai. I worked as an intern with the BMMA and accompanied the activists to neighbourhoods where training sessions were held. I also observed the proceedings of the *sharia* court and the interactions between the female Islamic judge (*qazi*) and the women litigants. This article is based upon my enmeshment with the everyday life of two activists of the BMMA. Both were trained as *qazi* by the founder members of the BMMA. The BMMA leaders are prominent public figures and consented to their real names being used in the article. Pseudonyms have been used for female litigants who frequented the courts of the BMMA, to protect their identity. As a queer person who identifies as gender non-binary, I was acutely aware of and sympathetic to the struggles against gender inequality of the activists of the BMMA. At the same time, in a setting where heterosexual marriage and the family were the predominant social formations, I found it difficult to be open about my sexuality with all my informants.

Activists of the BMMA worked in predominantly Muslim neighbourhoods in and around Bandra East. Following the communal riots in Mumbai in 1992–1993, several neighbourhoods which were ethnically diverse turned into predominantly Muslim or Hindu neighbourhoods. The Muslim population became concentrated in central Mumbai and the slums of north Mumbai (Hansen, 2012: 121, Conractor, 2012). The neighbourhoods that I travelled to were characterised by features that are usually associated with socio-spatial formations, such as ghettos, with a clear demarcation of ‘ethnic or religious ascribed identities’; a neglect of
neighbourhoods by state authorities, leading to a lack of infrastructure and educational facilities; limited job opportunities available to residents; and a ‘sense of subjective closure’ and estrangement from residents from the rest of the city (Gayer and Jaffrelot, 2012: 22). A perusal of the register of the women’s sharia court shows that most women who frequented these spaces worked as homemakers. Some of them were employed in the informal economy and earned between Rs 3000–4000 a month (approximately £50) working as domestic help, make-up artists, beauticians, etc. The husbands of these women worked as carpenters, drivers and daily wage-labourers. Most of the activists themselves hailed from a similar class profile. The social location of Muslim women activists shaped the grassroots work, the pedagogy and the activism of the BMMA.

**Reclaiming piety as equals: Islamic feminism in India**

The BMMA emerged at a critical juncture in the history of Indian feminism (Kirmani, 2011; Vatuk, 2013a). The secular women’s movement in India had steered clear of concerns related to religion and had even rejected religious practices outright as inimical to gender justice. The few projects of ‘indigenising’ feminism in the 1980s broadly drew upon Hindu cultural idioms, thereby alienating non-Hindu women from the women’s movement (Agnes, 1995; Sunder Rajan, 1998; Kirmani, 2011). In 1985, the Shah Bano verdict of the Supreme Court of India marked an important moment in the discourse on Muslim women’s rights, and the rights of religious minorities. On the one hand, this moment saw the misogynist and patriarchal leadership of the All-India Muslim Personal Law Board resisting any changes to Muslim personal law (Agnes, 1995). On the other hand, the Hindu right, which had been steadily gaining popularity, exploited this moment as a political opportunity; the aggrieved Muslim woman became a bearer of a community identity and the Muslim community was imagined by the Hindu right as urgently in need of ‘reform’ (Hasan, 1994, 1998; Kishwar, 1998).

Hindu majoritarian engagements with family law also build upon the trope of the ‘inequitable’ and ‘insufficient’ control of Muslim men’s sexuality and the unfair state control exercised by the state over Hindu men because of state-regulated monogamy in the Hindu Marriage Act, 1955 (Basu, 2016: 302). Against the backdrop of these multiple patriarchal appropriations of the Muslim woman by the Hindu right and the All-India Muslim Personal Law Board, Muslim women organised to articulate their own identity vis-a-vis community and the state (Niaz and Soman, 2015).

Muslim women’s organisations that emerged in the 1980s–2000s fought against gender inequality in the practice of Muslim personal law and everyday gendered discrimination against Muslim women in social interactions and legal spaces (Vatuk, 2013a: 359). Most of these organisations emerged in urban areas in India which have a higher concentration of Muslim population compared to rural areas. The Mumbai-based Awaaz-e-Niswaan (Women’s Voice [AeN]), founded in 1987, and Muslim Women’s Rights Network (MWRN), founded in
1999, are important examples of such organisations (Vatuk, 2013a: 356). Both of
these organisations originated in Mumbai. The AeN provided marital counselling
to women in local women’s counselling centres (*mahila mandal*) (Vatuk,
2013a: 354). In these forums, activists used their networks with the local police,
lawyers and other activists to resolve women’s marital problems (see: Vatuk,
2013a).

In 2007, the BMMA emerged as a movement for addressing gender inequality
within the Muslim community and the socio-economic inequality of Muslims in
India (Kirmani, 2011; Vatuk, 2013a; Jones, 2019). It grew out of an array of
Muslim women’s social movements, non-governmental organisations and voluntary
groups such as the AeN, the MWRN and the Women’s Research and Action
Group (WRAG). Activists of the movement build upon a transnational activist
network of Islamic feminism and piety spanning the Middle East, South Asia and
South East Asia, a unified homogeneous Muslim minority identity in contempo-
rary India and an awareness of the marginalised social location of Muslim women
(Vatuk, 2013a; Tschalaer, 2017; Jones, 2019; Dutta 2021). Dr Noorjehan Safia
Niaz and Zakia Soman, the founder members, along with several other activists
of the BMMA, were affected by the communal riots in Mumbai in 1992 and the
pogrom against Muslims in Gujarat in 2002 (Kirmani, 2011). They were also
involved in the relief and rehabilitation work following the riots. Activists of the
BMMA distinguish themselves from other NGOs and Muslim women’s rights
groups. They constitute a movement which enrolls Muslim women across the
country (Jones, 2019: 439). As of 2019, the BMMA has about 110,000 members
spread across Maharashtra, Gujarat, Madhya Pradesh, Rajasthan, Tamil Nadu,
Karnataka, Telangana, West Bengal, Odisha and Delhi (Interview, Noorjehan
Safia Niaz, 15 April 2021). In addition to their fight against gender inequality in
the practice of Muslim personal law, leaders of the BMMA address the socio-
economic status of Muslims in India and aim to cultivate women leaders within
the Muslim community (Kirmani, 2011).

Since 2013, the BMMA has established *sharia* courts in Mumbai, Pune,
Ahmedabad and Dindigul (Jones, 2019: 440). The *sharia adalat* in Mumbai
where I conducted my fieldwork has emerged out a network of organisations
such as the AeN. In Mumbai, these activist networks came into being against
the backdrop of heightened communal violence against Muslim minorities in the
city during the 1992–1993 communal riots (Niaz, 2016: 51). The violence directed
against the community during the Mumbai riots catapulted women into leadership
roles and eventually led them to question the violence and injustice in their families
(Niaz, 2016: 51). Several members of the now *sharia adalat* were earlier part of a
*Mahila Shakti Mandal* formed in 1995 which advised women on issues of domestic
violence, access to women’s charities and legal aid (Niaz, 2016: 50). This group
mostly catered to working-class women in predominantly Muslim neighbourhoods
in and around Bandra in Mumbai (Niaz, 2016: 51; Dutta 2021)). Many women
who were victims of domestic violence and marital discord, and who were dissat-
sisfied with the verdicts of the predominantly male-run alternative dispute
resolution forums, received support from this group and later joined the organisation themselves (Niaz, 2016: 51). Several of the members were often at loggerheads with qazis and elderly males in the community (Niaz, 2016: 56).

In their publications, members of the BMMA emphasise the marginalised social location of Muslim women in India and therefore the need for a Muslim women’s organisation (Niaz and Soman, 2015: 8). Earlier, a report by the Sachar Committee, a committee appointed in 2005 by the former Prime Minister Manmohan Singh to study the socio-economic status of Muslims in India, noted that Muslims fared far worse than other minorities in terms of social indicators such as access to health, education, credit and employment (Sachar Committee, 2006). The Sachar Committee report noted that the state and civil society often blame a putative ‘unified religious-community space’ for Muslim women’s deprivation, which allows the state to absolve itself of the neglect of Muslim minorities (Sachar Committee, 2006).

Practising pious equality

Practising barabari

Suraiya Shaikh, an activist and a female qazi associated with the BMMA, a resident of Mumbai, grew up in Behramada, a working-class, now predominantly Muslim neighbourhood in Mumbai. Most people living in this neighbourhood had migrated to Mumbai from parts of Uttar Pradesh. Suraiya grew up in a slum with six other siblings. Her father was a religious scholar (maulana). She did not receive much of a formal education but was trained to read the Quran by a religious scholar. When she was growing up, she witnessed several incidents of everyday misogyny, violence and discrimination against women in her neighbourhood, including domestic violence, men divorcing women arbitrarily, etc. As a believer, she would often ask herself how God could allow women to be subjected to such injustice. She was married off when she finished school. Thanks to a supportive husband, she was able to pursue higher education and study for her graduation. Suraiya had witnessed the violence and mayhem caused by the Mumbai riots in 1992.

On several occasions following the riots, she along with other women in her neighbourhood, protested police excesses such as arbitrary detention of youth from her neighbourhood. Subsequently, she joined a women’s organisation (Mahila Shakti Mandal) in 1998 that engaged in community adjudication of marital disputes in the neighbourhood. Suraiya and other activists of the BMMA were part of such initiatives in Mumbai. In 2001, Suraiya joined the WRAG, a voluntary organisation which trained women on issues of public health, Muslim personal law and the provisions of the Constitution. The WRAG later helped form the BMMA and a network of organisations working on Muslim women’s rights called the MWRN (Kirmani, 2011: 11). In 2001, as she started working with the WRAG, Suraiya got to know Noorjehan Safia Niaz. She was introduced to Quranic
exegetical traditions, and in 2013 she trained as a qazi (a female Islamic judge) as part of an initiative of the BMMA.\textsuperscript{5}

Suraiya conducted workshops and training sessions in predominantly Muslim neighbourhoods in Mumbai, such as Bharatnagar, Golibar and Navpada, with Muslim women aged between fifteen and forty years. These neighbourhoods, with mostly mixed populations, became predominantly populated by Muslims following the riots in 1992–1993 (Hansen, 2012: 8). They are characterised by poor civic amenities, a lack of proper roads and a very high density of population.

Suraiya’s workshops on the Quran and Muslim personal law took place against the backdrop of heated debates in the public sphere about the legal reform of Muslim personal law and the criminalisation of cultural practices such as oral, unilateral divorce.\textsuperscript{6} The participants of these workshops were mostly women working in the informal economy from the predominantly Muslim slums where the BMMA activists had networks. The workshops would usually be held in the homes of one of the BMMA activists, where she would invite women from the neighbourhood to participate. Some women would be drawn to the concerns discussed in these workshops and would in turn recruit more women to the movement; they would also offer their homes for organising similar workshops.

At the start of the workshops that I observed, Suraiya emphasised the spiritual equality of men and women as both were created by God from the same substance (\textit{nafs}). She distributed pamphlets containing verses of the Quran that spoke to women’s marital rights, including Surah Nisa and Surah Al-Baqr, and encouraged students to read and memorise these verses.

She emphasised the pious obligations of both men and women to God as further proof of their equal status in society and urged them to cultivate piety. She took great pains to impress upon her female students, including young girls and women from the neighbourhood attending the workshop, the importance of reading and memorising some of the verses of the Quran. She taught them how to read the Quran, where to pause, how to demarcate between the different \textit{Ayats} and where to stress in the recitation. Her students showed enthusiasm for learning and discovering these lessons and understanding the values of the Quran that Suraiya tried to impress upon them. But they also brought up instances of social interaction where women were discriminated against.

Her students would refer to various kinds of social taboos in these neighbourhoods around older women marrying younger men, the employment of women and power exercised by men over women through sudden pronouncement of divorce. Suraiya would usually emphasise the socially (\textit{samajik}) constructed nature of these forms of gender discrimination and offer an alternative vision of gender relations premised on meanings of the Quranic values of equality (\textit{barabari}), compassion (\textit{raham}), justice (\textit{insaf}) and reason (\textit{aql}). She then spelt out the correct form of conduct for persons involved in these social interactions by linking \textit{barabari} with the attributes of everyday justice (\textit{insaf}) and compassion (\textit{raham}). These values should guide the conduct of persons, who must treat one another as equals. In the domain of marital discord and divorce, honouring the values of
justice and compassion meant parting ways peacefully in the event of a divorce without any ill-feeling, resentment or intention to harm each other. Suraiya also advocated for women taking up work and repudiated social norms that stopped them from doing so. She cautioned her students against self-proclaimed scholars (alim) who boasted of their knowledge of religion. She also scoffed at the arrogance of the male custodians of religion (dharm ke thekedar).

On one occasion, one of Suraiya’s students mentioned that men often divorced women in a fit of rage and if women retorted angrily people cast aspersions on the character of the woman. Suraiya responded, ‘So this is wrong. In Allah’s eyes, both are equal’. The student replied that men in the neighbourhood do not brook such reasoning. At this point, Suraiya pointed to the leaflets with the verses of the Quran and emphatically said, ‘After all we will die one day, we are all Muslims, so we have to follow the Quran. We are not making up these rules ourselves’.

Subsequently, she referred to a proper method of divorce and mentioned the purpose of the observance of the iddat period. She said that this period was necessary to provide some calm (sukoon) to the mind of the woman and help her come to terms with the changed circumstances of her life. Invoking Surah 2: 221, Suraiya would argue that men and women should either stay together or part ways in a just fashion (insaf se rahiye ya insaf se alag rasta apnaiye). This meant that they should not indulge in casting aspersions on one another’s character. Spouses should not hurt each other (nuksan pahuchana), say unkind words (galat lafz) or indulge in resentment and enmity (dushmani) towards each other. There will be no blame game because in Allah’s eyes everyone is equal, and they need to be just towards each other. In Suraiya’s understanding, the iddat period is part of a larger scheme of a proper method of divorce where men and women as spiritual equals are to be guided by the tenets of justice (insaf) in their actions.

When one of her female students asked her if women could go to work during the iddat period, Suraiya replied in the affirmative. She said that if the woman was the only breadwinner and she needed to provide for her children, she could go to work and need not observe iddat. The question of women not being allowed to work during the iddat came up on other occasions too. Suraiya appreciated the situation of economic precarity of women in these situations. On one occasion, one of her students rhetorically asked her, ‘If she [a divorced woman] sits at home will anyone pay for her expenses?’. Suraiya asserted that a woman was free to go to work during the iddat period. In fact, she clarified that the iddat period was traditionally observed to determine whether the woman was pregnant after the death of her husband or after a divorce. Today, this practice was not necessary and the purpose of iddat was only to provide women peace of mind (sukoon). If some women enjoyed (dimag ko accha lagta hai) going to work, there was no harm in doing so.

In Suraiya’s pedagogical interventions, we can discern various aspects of barabari. Firstly, the category of barabari is premised on the spiritual equality of men and women. At the same time, both men and women have the duty to honour pious obligations to God.
Secondly, in the conversations between Suraiya and her students, she underlined how the spouses, as spiritual equals, should both observe particular forms of ethical conduct such as avoiding being hurtful to each other (nuksan pahuchana), avoiding utterance of unkind words (galat lafz), eschewing an attitude of resentment or enmity (dushmani) and being compassionate (raham) towards each other. Hence, barabari (gender equality) had a clear practical dimension to it and was not merely an abstract legal category. She also repudiated too much arrogance and pride because of knowledge.

Thirdly, the notion of spiritual equality between men and women was used by Suraiya to critique the everyday gendered discrimination faced by women because of social and cultural norms such as the social taboos around working during the iddat period. In these instances, Suraiya creatively reinterpreted the meaning of these norms to align them with a discourse of proper conduct. The provision of iddat in some schools of Islamic law is meant to determine whether the divorced wife is bearing her husband’s child. Suraiya was aware of this norm and its conventional interpretation but in her conversation with her students she framed the iddat period as time needed for the woman’s peace of mind (sukoon). Observance of iddat was discussed in relation to the need for proper, respectful conduct of spouses towards each other following a divorce.

Suraiya conflated this ethic of proper conduct with concerns of the precarity of working-class Muslim women to repudiate social taboos regarding the employment of women. This is evinced in moments when she advocates for women going to work during the iddat period when faced with economic precarity. We can read Suraiya’s pedagogical interventions vis-a-vis gender equality in the light of forms of everyday gendered discrimination and surveillance in community spaces and the economic precarity of Muslim minorities, especially women, in these neighbourhoods (Khan, 2007).

Islamic feminist scholars and activists have emphasised the importance of everyday ethical conduct. In Quran and Woman and subsequent works, Amina Wadud argues that humans, as agents of God on earth, have the responsibility to maintain a relationship of reconciliation, unity and equality in their lives (Wadud, 1999: 37). Noorjehan Safia Niaz translated some of Amina Wadud’s works to Hindi to argue that men and women as agents of God must honour the values of reconciliation (talmel), unity (ekta) and equality (barabari), and introduced them to her colleagues who are associated with the BMMA (Personal communication, 19 September 2018). In her private notes, Niaz draws upon Wadud’s work to argue that a principle of harmonious existence with God (tawheed) is associated with good conduct (akhlaqiyyat). Since Islam is a complete way of life, allegiance to tawheed must be articulated in the everyday (Niaz, Personal communication).

**Adjudicating equality**

In this section, I explore the meaning of gender equality in the adjudication of marital disputes in a women’s shariat adalat run by the BMMA. The women’s
sharia adalat is part of a network of such courts run by female qazis trained by the BMMA, which are meant to challenge the predominance of men in male-run dar-ul-qazas in India (community adjudication forums) (Jones, 2019: 441). The adjudication of these courts can be understood in relation to the emergence of local alternative dispute resolution forums in India in the late 1980s–1990s that exist at the intersection of state and society and are meant to challenge gender discrimination and patriarchy in both forums (Vatuk, 2013b: 84).

These sharia courts were established in Mumbai, Ahmedabad, Dindigul and Kolkata by members of the BMMA in 2013 (Jones, 2019). Senior leaders of the BMMA train woman Islamic judges (qazi) in various aspects of Muslim personal law, including provisions in the Muslim Women’s (Protection of Right to Divorce) Act 1986, the Dissolution of Muslim Marriages Act 1939, sections of the Quranic text, various schools of Islamic law as well as the Indian Constitution, and secular statutes that deal with women’s rights in India such as the Protection of Women from Domestic Violence Act, 2005. As of 2019, sixteen women across India had been trained as qazis by the BMMA (Interview, Noorjehan Safia Niaz, 14 April 2015).

In the adjudication of disputes in the sharia adalat, the woman qazi heard both sides when people approached the court at a designated hour. The qazi asked the couple initially if they wanted to consider reconciliation, but she did not judge women who asked for a divorce. In instances where men wanted a divorce, the qazi preferred that they follow the method of talaq-e-ahsan where divorce was pronounced over a period of three months and the woman was given a reasonable maintenance, iddat, and dowry (mehr) that was due to her. In instances where a woman wanted a divorce, the qazi would ensure she received a female-initiated form of divorce (khula). She would also ensure that the woman was not deprived of the iddat and mehr payments due to her. When men were unwilling to pay maintenance or appear in the courts, the qazi approached the local police station and other lawyers who attended the sharia court to get him to pay. Most men respected the judgments of the qazi given the prominence of the BMMA as an organisation that worked avowedly within an Islamic ethical framework, and the networks that the local qazi had with the police, lawyers and members of other male adjudication forums in these neighbourhoods. When addressing husbands to fulfil their obligations in a marriage, the female qazi tried to persuade them by invoking Quranic principles. The qazi also resorted to veiled and sometimes direct threats of police action or legal consequences if husbands did not follow the diktat of the sharia court. In what follows, I focus on the figure of Khatun Shaikh, a prominent female qazi of the BMMA, and the adjudication of marriage, divorce and maintenance disputes in BMMA’s women’s sharia court.

Khatun Shaikh hails from a working-class Gujarati Muslim family. She grew up in Bhindibazaar, a neighbourhood in South Mumbai. She was one of three siblings in a poor household; she could not study beyond seventh standard in primary school. She married early and was a victim of domestic violence. Khatun’s first brush with resolution of marital disputes happened when she approached the
police to seek help for a domestic violence case in her extended family. She had moved to Navpada, a neighbourhood in Bandra East, by then. She gradually came to know activists in her neighbourhood working on women’s rights and legal aid (Interview, Khatun Shaikh, Mumbai, 4 April 2018). She had witnessed the mayhem caused by the 1992 Mumbai riots in the areas around Bandra. She was involved in various rehabilitation activities in the neighbourhood following the riots (Interview, Khatun Shaikh, Mumbai, 9 November 2017). In 1995, Khatun, along with other activists and women working in the neighbourhood, founded a women’s organisation (mahila mandal) which offered counselling and legal aid to women experiencing marital problems such as domestic violence, arbitrary divorce and lack of maintenance from husbands. This women’s organisation was housed initially in Khatun’s house in Navpada. Khatun recalls that there was massive resistance from the qazi and other elderly males in the neighbourhood. They branded the women who were associated with these spaces home-wreckers (talaq-dilani waali auratei). Khatun and her fellow activists continued running the mandal in the face of harassment, intimidation and threats from local goons, qazis and men in the neighbourhood. The movement expanded with the support offered by the WRAG, which provided basic legal education and gender sensitisation training to members of women’s organisations (mahila mandal). Khatun also came to be associated with the Mohalla Committee Movement Trust, an initiative led by the police and civil society activists in Mumbai to foster a relationship of trust between citizens and the police following the Mumbai riots in 1992. Following her meeting with Noorjehan, she was introduced to the discourses and practices of Islamic feminism and feminist ways of interpreting the Quran. In 2007, Khatun left the WRAG to join the newly formed BMMA. She subsequently trained as a qazi as part of the initial drive of the BMMA to train women as qazis.

In her adjudication of cases of marriage and divorce in the shariat adalat, Khatun often invoked the figure of the Prophet and his personal qualities that Muslim men and women were urged to emulate. Khatoon asked men to be compassionate (rahamdil) towards their wives as their Creator was compassionate. Women who visited the court were also asked by Khatun to be respectful, polite and kind. Khatun discouraged overt displays of anger. This was often a concern in cases of desertion and oral, unilateral divorce where men treated women poorly. Yet it is important to distinguish the quality of compassion that Khatun invoked from a notion of paternalist charity of men towards women. According to Khatun, men were urged to be compassionate as it was one of the virtues of the Prophet that they needed to emulate as pious subjects. For instance, on one occasion Khatun told a man who refused to pay post-divorce maintenance to his wife that he ought to be compassionate (rahamdil) as he was a follower of Allah (Allah ka banda). Allah was a fount of compassion (raham). Hence, as Allah’s follower, he could not be otherwise. The attribute of raham was not ostensibly gendered.

In addition to emphasising compassion, Khatun stressed how maintenance payments during and after marriage were a reward for women’s domestic labour and not an act of charity by the husband. Referring to sections of the Quranic verse
Surah Talaq, she argued that the husband was instructed by the text to employ a nurse and pay her if the wife was unable to nurse her child. Therefore, maintenance could be construed as a reward and compensation for the wife’s labour (‘Dudh pilani waali aurat hai us ka bhi kharcha do’).

While adjudicating cases of marriage and divorce, Khatun often enlisted the help of the local police station. Some activists of the BMMA routinely visited police stations to interact with the police and took up issues of everyday misogyny and Islamophobia that Muslim women faced when filing their complaints with the police.

The case of Shabana illustrates this phenomenon. Shabana, a twenty-five-year-old woman, approached the shariat adalat of the BMMA on 1 January 2018. This was an instance of polygamy. She wanted her marriage to be restored. She claimed that her husband had deserted her and gone back to his first wife. She filed a complaint with the police for cruelty. But conversations with her revealed that she meant to use this complaint as a bargaining tool to get back together with her husband. She approached the shariat adalat when the police refused to register her complaint; she claimed that the police were uncooperative and had cast aspersions on her character.

At the sharia adalat, she filed a petition for restoring her marriage. Khatun was empathetic to her plea. She disapproved of the action of her husband. Khatun felt that the husband had not acted in accordance with the principles of the Quran; she emphasised that the husband should have shown compassion (raham) and parted ways in a just manner. A case was filed by Shabana in the shariah adalat against her husband for non-payment of maintenance and desertion. At the same time, Khatun asked her colleague to get the police to register her complaint and phoned an activist of the CHRI to ask what the best possible course of action might be if the police refused to listen to her.

Khatun herself accompanied Shabana to the police station and tried to reason with the police officer who had been refusing to file her complaint. She said:

If you are not willing to take any action then I will have to speak to more senior police officers. If there is a law [qanoon] that favours women’s rights [huq] and if the police do not respect this law, then we will have to speak up for women. We will go to the DCP’s [Deputy Commissioner of Police] office.

In the everyday functioning and adjudication of the sharia adalat, we see how the qualities of compassion (raham) are invoked by Khatun as principles of the Quran that men and women should abide by. In the adjudication of cases in the shariat adalat, we see how notions of ethical conduct are interlaced with concerted local struggles against gender discrimination in state and non-state forums such as the police station and the family.

Activists also conceptualised this project of collective struggle for the attainment of gender equality as an ethical commitment to emulate the qualities of the Prophet such as dedication and perseverance. On days when the shariat adalat would not be hearing cases, Khatun conducted reading sessions where she and her colleagues from
the BMMA read Quranic commentary (*tafsir*) literature. In these reading sessions, Khatun and her colleagues emphasised the ordinariness of the Prophet and reflected on the need for an everyday relationship with Him. On one occasion, Khatun reflected on her and her colleagues’ struggles for Muslim women’s rights (*huq*). She said that their endeavours mirrored the meditation, contemplation and perseverance of the Prophet which enabled him to receive the revelation. She described the physical privations and long spells of the contemplation of the Prophet that enabled him to receive the first verse of the Quran in *Ghar-e-Hira*. This intimate relationship with the Prophet can be discerned in a moment of reflection:

Our Prophet was not very educated. The Angel asked him to read. Then he said, ‘How can I read? I am not that educated.’ Similarly, now Noorjehan is training all of us [as *qazis* and activists]. Some of us are struggling with the training but Noor keeps insisting that we must apply ourselves. Then we will succeed. Some of you might feel that she is being forceful, but this is how the Prophet fashioned himself too. After three years of contemplation, he received a revelation again. This is significant. I had never thought that I would read the Quran so closely with translations. (Fieldnotes, Mumbai, 1 August 2018)

This ethnographic vignette brings out how Khatun and her colleague conceptualised their everyday struggles against gender inequality as a pious ethical commitment. Taking part in this struggle for gender equality in the everyday adjudication of the *sharia* court is therefore likened to cultivating some of the qualities of the Prophet. Hence, fighting for gender equality is enmeshed with a project of ethical self-fashioning.

Much Islamic devotional literature dwells upon the relationship of intimacy experienced by Muslims with the Prophet and his immediate family (Asani et al., 1995; Mahmood, 2009). In this literature, the Prophet is revered as a moral exemplar whose ‘words and deeds’ are not merely commandments but ways of ‘inhabiting the world, bodily and ethically’ (Mahmood, 2009: 847). The Prophet is not merely an external icon to be revered; those who follow him aspire to emulate his behaviour and his virtues in everyday life (Mahmood, 2009: 847).

Scholarship on alternative dispute resolution forums in India show how state and non-state law are entangled in multiple ways – both in terms of the actual circulation of cases and the commonality of gendered ideologies – in the everyday functioning of these forums (Solanki, 2011; Basu, 2012; Lemons, 2019). The ethnographic vignette presented in this section shows how this navigation of state and non-state forums is shot through with notions of everyday ethical conduct.

**Ethics, gender equality and liberal feminism**

Building upon an ethnographic exploration of the activist and dispute resolution work of the BMMA, this article has underlined notions of moral, ethical conduct,
and a range of everyday practical engagements with the state that constitute the meaning of gender equality (barabari). In delineating Suraiya Shaikh’s pedagogy, I have traced how the notion of gender equality (barabari) connotes practical ethical conduct guided by the values of compassion (raham) and justice (insaf). In exploring the alternative dispute adjudication of Khatun Shaikh, I have shown how an emphasis on ethical conduct goes hand in hand with concerted struggles against gender inequality in state and non-state forums.

In my ethnographic work, I build upon Phillips’ (2015a) impulse to carve out a project of gender equality that can honour religious commitments. I advance this project by providing a grounded conception of gender equality and its meanings as conceptualised by a social movement premised upon a pious Muslim identity. In underlining the entanglement of ethics and a discourse of gender equality, I have also moved beyond the dichotomy between gender equality and ethical self-fashioning that animates Saba Mahmood’s work (Mahmood, 2005, 2006, 2009). Mahmood’s (2006) own scepticism towards Islamic reformist movements is couched in her discomfort with the instrumental appropriation of such movements by US neo-imperial discourses of the good, liberal Muslim. This article provides us a vantage point for thinking about how grassroots movements led by Muslim women conceptualise gender equality; this is not necessarily an approximation of neo-imperial discourses or mere liberal apologia. The ethical commitments of these activists are not merely a means to an abstract liberal end. The everyday practices of ethical conduct in this movement constitute in important ways the discourse and practice of gender equality.

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Notes

1. Lemons’ ethnography traces how alternative dispute resolution forums in Delhi entrench the disciplinary power of the secular, liberal state. Similarly, Fernando, in her ethnography of Muslim French citizens, explores the ‘modes of argumentation and ethical practice’ that Muslim French build upon to cultivate Muslim religiosity (Fernando, 2014: 13).

2. A recent perceptive reading of Mahmood argues that Mahmood’s inward subject-oriented exploration of ethics ignores the context of ethical conduct and tends to reify ethics. See: Johansson Wilén (2021).

3. The 1990s saw an upsurge of the Hindu right across India, culminating in the demolition of the Babri Masjid, a centuries-old mosque in Ayodhya which the Hindu right claimed had been built at the birthplace of Lord Ram, a Hindu deity. Following this catastrophic event, riots spread across the country, including in Mumbai. Communal riots in Mumbai in 1992–1993 led to large-scale violence against the city’s Muslim residents and massive displacement. For more details, see: Hansen (2012).

4. In Mohammed Ahmed Khan v. Shah Bano, a sixty-two-year-old divorced Muslim wife had been a warded maintenance by the Supreme Court of India, which held that there was no conflict between s. 125 of the Criminal Procedure Code and the Quranic text as far as obligation of the husband towards the divorced wife was concerned. This judgment caused a furore, as some conservative sections of Muslim society saw it as interfering with Muslim personal law. Following protests by sections of the Muslim community, the Congress government headed by Prime Minister Rajiv Gandhi enacted the Muslim Women’s (Protection of Rights to Divorce) Act 1986, which mandated that maintenance and a ‘reasonable provision’ be made and paid to the woman during the iddat period.

5. All personal information on Suraiya Shaikh is based on an interview conducted in Mumbai, 30 March 2018.

6. The Supreme Court of India declared the practice of oral, unilateral divorce unconstitutional in Shayara Bano vs Union of India on 22 August 2017. This judgment was welcomed by most Muslim women’s groups. However, a subsequent proposal to criminalise oral, unilateral divorce by the Union government witnessed a chasm between Muslim women’s groups. For a detailed account of the debates around Muslim women’s movements against oral, unilateral divorce, see: Punwani (2016, 2018).

7. The iddat period refers to a period of rest of about three months after divorce. Men are expected to provide for women during this period according to most schools of Muslim law.

8. The notion of men and women created from the same nafs is a mainstay of Islamic feminist thought. In Quran and Woman and subsequent works, Amina Wadud uses this trope to argue against traditional constructions of men as guardians (qawamun) of women in some readings of the Quran (Wadud, 1999: 37).

9. A network of sharia courts is managed across several states in India by the Sunni organisation Imarat-e-Shariat (Houses of Dispute Settlement) and the All-India Muslim Personal Law Board (Mahmood, 1995: 108–109; Jones, 2019: 441). The women’s sharia court of the BMMA had strong networks with the dar-ul-qaza and the local male qazi that catered to the neighbourhoods where they worked, as well as the dar-ul-qaza run by members of the All-India Muslim Personal Law Board.
10. Section 125 of the Criminal Procedure Code enables married women in India to claim maintenance from their husbands. Apart from this section, there is an elaborate legal framework available to divorced Muslim women who seek to claim maintenance from their husbands under the Muslim Women’s (Protection of Rights to Divorce Act), 1986. Section 3(1) (a) of this Act mandates that the husband pay a ‘reasonable’ and ‘fair provision’ and maintenance to the wife during the iddat period.

11. The relevant verse of Surah Talaq (65: 6) reads as follows: ‘You shall let them reside in the home you were in when you were together, and do not coerce them to make them leave. If they are pregnant, you shall spend on them until they give birth. Then, if they nurse the infant for you, you shall pay them their due for such. You shall maintain the amicable relations between you. If you disagree, then another woman may nurse the child’. This extract is taken from the translation by Yuksel et al. (2007: 359). The pamphlets and booklets of the BMMA that are distributed in workshops refer to this text.

12. Regular meetings were conducted in the shariat adalat with local civil society activists who trained members of the BMMA and other women in the neighbourhood in accessing the law and addressing gender discrimination by the police and family members. In these meetings, a member of the Commonwealth Human Rights Initiative (CHRI), an independent, international human rights organisation, distributed pamphlets and leaflets in Hindi and Urdu to women participants which outlined their rights (huq) in instances of domestic violence. Women spoke about the difficulties they faced in filing a report with the police in instances of domestic violence or other forms of cruelty by their spouses. Activists of the CHRI then trained them in navigating the institutional hierarchy of the police and informed them about their rights with respect to filing a police complaint.

13. Muslim personal law in India works within a complex legal framework. While Muslim women have access to statutes to gain a reasonable post-divorce maintenance from their husbands, such as the Muslim Women’s (Protection of Rights to Divorce) Act 1986, they are also able to access provisions of criminal law such as Section 498A of the Indian Penal Code in instances of domestic violence and cruelty by their husband.

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