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Muslim Woman/Muslim women

INTRODUCTION

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Lived experiences beyond religion and gender in South Asia and its diasporas

ABSTRACT

Images of the 'Muslim Woman'—passive, cloistered, and oppressed—have a long and inglorious history and have often been deployed in wider political debates in South Asia and beyond. However, the ground realities tell a different story: there is no such person as the 'Muslim Woman' and this Special Issue presents papers that highlight the diversity of Muslim women's lives within South Asia and among Muslim women of South Asian heritage in the diaspora. Muslim women often live in economic and political contexts that are hostile to their wellbeing and their experiences are also shot through with their own intersecting identities—region and residence, class, educational and employment opportunities, marital status, stage in the life course, and so forth. Our contributors focus on different arenas to highlight the diverse complexities faced by Muslim women grappling with the exigencies of daily life: engagements with the legal system in relation to marriage and inheritance; performing 'claims work' in order to obtain their entitlements from the state; involvement in income-generating work; and the impact of male outmigration on 'left-behind' wives.

KEYWORDS

The figure of the 'Muslim Woman' has often been the terrain on which debates about Muslims in South Asia have been framed. Images of the veiled woman—'backward', passive, mute, cloistered and victimised by Islamic precepts and by Muslim men alike—have a long

and inglorious heritage, from colonial times into the present. The trope of the oppressed woman underwrote discourses of native brutishness in the Indian subcontinent, as elsewhere in the world, and legitimated projects of colonial violence masquerading as a civilising mission: 'white men… saving brown women from brown men' (Spivak 1985: 121). At the time of writing, the re-circulation of neo-imperial white saviour discourses by Western powers is particularly disturbing, with the Taliban's return to power in Afghanistan unleashing a renewed moral crusade to rescue 'imperilled' Muslim women that replicates the immediate post-9/11 moment (Razack 2004; see also Bhattacharyya 2009).

Of course, fantasies about the figure of the Muslim Woman have not circulated only in the Global North, however weighty white men's burdens may have been, and continue to be, felt. In colonial India, in the 19th and early 20th centuries, Muslim reformers elaborated upon a vision of the ideal Muslim Woman as the pious and demure protectors of their community's identity (Minault 1986, Metcalf 1990). Moreover, the supposed backwardness of the Muslim Woman served as a foil against which upper-caste Hindu nationalists elaborated their vision of the ideal Hindu woman citizen: educated and refined enough to be her husband's companion but retaining her hallowed place as custodian of culture and tradition (Chakrabarty 1993, Chatterjee 1993). For militant Hindu revivalists, ideas of protecting Hindu women from over-sexed, predatory Muslim men went hand-in-hand with ideas of Muslim women as over-fertile, pliant bearers of Muslim sons (Sarkar 1998, Gupta 2002).

These malicious images have animated communal tensions in India through to the present (Sarkar 2002), but with some twists, with the Hindu Right increasingly presenting itself as Muslim women's protector and mobilising the image of the Muslim Woman, oppressed by regressive cultural practices and by her menfolk, as a means of adding to the vilification and victimisation of Muslim men. Muslim men's 'culpability' for the 'plight' of Muslim women has provided justifications for legislative interventions in contemporary India, and fertile ground for the propagation of Islamophobic hate speech, especially from politicians and others associated with Hindutva politics. In the run-up to recent elections, the Bharatiya

Janata Party/BJP turned its attention to Muslim women's supposedly distinct vulnerabilities at the hands of their husbands, with respect to divorce and polygamy (Gupta, Gökarıksel et al. 2020).

The supposed 'culpability' of Muslim men extends far beyond their marital and family lives, however. Indeed, over many decades, the range of India's wider problems for which India's Muslim citizens have been blamed is as breath-taking as it is devoid of truth value: from Muslims' alleged efforts to bring India to its knees by wilfully bringing too many Muslim babies into the world (a fiction that can readily be countered) to Muslims' insistence on occupying space in graveyards after they die (whilst ignoring the ecological damage that cremations cause and implicitly exonerating those Hindus and Dalits who bury their dead), and various kinds of purported *jihād*: love-*jihād* (deploying the trope of the over-sexed Muslim man intent on luring innocent Hindu women into marriage and bearing Muslim children), the *jihād* of violent militant Muslim men, and the intentional spreading of Covid-19 through Corona-*jihād*. (For more on these topics, see, for instance, Appadurai 1993, Basu 1996, Jeffery and Jeffery 2002, Basu 2004, Gupta 2009, Basu 2015: Cohn, 1987, Mander, Chaudhury et al. 2016, Puniyani 2017, Gupta 2018, Desai and Amarasingam 2020, Gupta 2021, Mander 2021, Quraishi 2021).

One response to these malicious but baseless prejudices is to speak back by presenting Muslim women's everyday lives and voices in all their richness and complexity, as exemplified by Abu-Lughod's celebrated book *Do Muslim Women Need Saving?* (Abu-Lughod 2013). Madhok et al. (2013: 3) observe, however, that 'the very act of counterclaiming has the effect of invoking and reinforcing', rather than disrupting such prejudices, 'the very surprise attached to the discovery expos[ing] a continued expectation of difference'. Mahua Sarkar questions why anybody should stoop to dignify these caricatures by engaging with them at all (Sarkar 2017). Is it really worth mobilising the life stories of Muslim women just to give the lie to such tired stereotypes? Surely, Sarkar argues, we cannot bridge the gulf between stereotypes and lived experience merely by making visible what was

hidden or unseen. As she elaborates, negative constructions of Muslim women persist not because of a knowledge deficit, but because they are *constitutive* of certain projects of civilizational self-assurance—whether those of the Global North or of the Hindu Right.

In her earlier book, Sarkar (2008) examined how the intersection of two discourses of modernity—nationalism and liberal feminism—facilitated the erasure that *produced* the Muslim Woman as the invisible, oppressed, and backward Other of the normative modern subject in late colonial Bengal. The centrality of the 'woman question' for the nationalist project reflected a preoccupation with controlling women and their sexuality within processes of national and ethnic identity production that were enmeshed in debates about colonial attempts to uplift Indian women. For liberal feminism, meanwhile, the Muslim Woman as the backward Other of the new woman of the nationalist imagination served to maintain the dominance of socially and politically privileged women and their definition of agency or consciousness. Projects of recovery, such as those inhering in revisionist histories portraying Muslim women as agents, cannot counter or rectify the discourse of Muslim women as invisible or silent, so long as that vision of agency is shackled to 'an already determined feminist finish line' (2008: 17). In the liberal feminist metanarrative of emergence and progress, as exemplified by the dominant metaphors of visibility and voice, there is only one way of understanding Muslim women's agency: as 'lag' or 'lack' (2008: 2).

In this Special Issue, following Sarkar (2008; 2017), our response to this alternative reading of difference as indicative of the workings of discourses of modernity is informed by Mohanty (1988). Mohanty argued that her critique of any feminist discourse that 'sets up its own authorial subjects as the implicit reference, i.e., the yardstick by which to encode and represent cultural Others' applies to 'identical analytical principles employed by third-world scholars writing about their own cultures' (1988: 64, 62). Our authors therefore set about the complex task of investigating Muslim women's grit and resourcefulness whilst probing and questioning dominant feminist readings of agency. We take the lead from several authors intent on parochialising the commitments and investments of liberal feminism. We are

particularly informed by debates generated by the work of Saba Mahmood, whose influential ethnography of women in Egypt's Islamic piety movements decouples agency from resistance, and problematises 'the universality of the desire… to be free from relations of subordination and, for women, from structures of male domination' (Mahmood 2005: 10). At the same time, we are mindful that these debates may tend to 'reinforce the idea that Muslim women's lives are governed solely… by the injunctions of Islam' (Kirmani 2013: 8) and of critiques that 'women's religious agency rather than their secular autonomy has become a substitutive and almost exclusive tool of analysis for "understanding" Muslim women', at the cost of other identities and desires (Zia 2019: 96).

In academic literature and in public discussions alike, Muslim women all too often feature as if 'Muslim' and 'woman' are the only identities that affect and define their everyday lives. Whilst not denying the importance of religion and gender as markers of identity, we draw on perspectives that scrutinise and prise open the boundaries around religious and gender identities, uncovering how these identities are enmeshed with other aspects of social location. Black feminist ideas of 'intersectionality' (Crenshaw 1990) have furnished an important launch pad for addressing such dovetailing, entangled dimensions of women's lives. Whilst some scholars have contested the ways in which intersectionality has travelled to South Asia through the grids of power relations in feminist knowledge production (Menon 2015), others have convincingly explored how the problematic highlighted by intersectionality resonates with the insights of Dalit and religious minority feminist struggles in South Asia (for instance, John 2015, Kapilashrami, Bisht et al. 2016, Govinda 2017). Our contributors have reflected on how similar Muslim, Hindu and Dalit women may be in many aspects of their everyday experiences (even though the papers in this Special Issue do not explicitly make this comparison).

Nevertheless, the positioning of Muslim women *qua* Muslims remains salient. In contemporary India, for instance, Muslim women confront challenges that are somewhat different from those faced by otherwise comparably placed Hindu and Dalit women. Daily

life is inflected with communal politics in times of apparent peace, affecting how Muslims can engage with the Indian state at the local level or highlighting how historical patterns of discrimination against Muslims—in housing, employment, and education, for instance—structure and delimit the economic possibilities open to them today (Sachar 2006, and Basant and Shariff 2010, Mahaprashasta 2015, Ramakrishnan 2015, Islam 2019, Rahman 2019).

In sum: there is no such person as Woman. Nor is there such a person as the Muslim Woman, only a diversity of lived realities for Muslim women. Yet tenacious stereotypes of the Muslim Woman continue to pervade dominant discourses—sometimes relatively muted, but sometimes resurgent when the political time is ripe. It is, then, timely to revisit this terrain, not simply to fill any knowledge deficit about Muslim women but to explore the multiplicity of desires and means of agency across several aspects of Muslim women's everyday lives. Crucially, we explore how Muslim women's worlds are constituted not only by being Muslim but also by their majority and minority positionings, and hence we present contributions on South Asian Muslim women from Muslim-majority countries such as Bangladesh; from Muslim-minority countries such as India; and from diasporic contexts in the United Kingdom and South Africa. Whilst the papers cannot establish for sure how the Muslim women who feature compare with non-Muslims in those diverse settings, our authors frame their material relative to the privileges documented for Hindu women in India; to other minoritised women in the UK; and in South Africa, to the White Christian minority who ruled during apartheid, and to the Black African majority whose family forms were legally recognised post-apartheid whilst those of Muslims were not.

Our contributions highlight regional contrasts, the significance of rural or urban residence, variations by the quality and quantity of formal education, employment opportunities and the position of women's households in class hierarchies, by their need and capacity to engage with the legal system, and by their marital status, age and stage in the life course. What individual women can do and what needs to be done to protect the wellbeing of them and

their family members are closely related to their household's position in the wider setting and to their own positions in the household (for instance, unmarried, married, widowed or separated, young or elderly, and so forth). Of course, our exploration of the diversity of South Asian Muslim women is not—indeed could not be—comprehensive. Most of the papers were elicited for a panel at the 25th European Conference on South Asian Studies, held in Paris in July 2018: the Special Issue is a modest outcome of this panel. Nonetheless, the collection makes a useful contribution to the project of analysing the everyday lives and actions of South Asian Muslim women.

Our collection is organised into four overlapping themes: Muslim women's engagements with the legal system in relation to inheritance and marriage; their performance of 'claims work' to obtain their entitlements from the state; their involvement in income-generating work; and the impact of male outmigration on 'left-behind' wives.

The first cluster of papers addresses South Asian women's experiences of Muslim family law and their entitlements in matters of inheritance, marriage, and divorce. Our papers grapple with the contemporary reverberations of colonial rule in the Indian subcontinent, which ushered in a 'religious legal adjudication of kinship' (Lemons 2019: 8). In consultation with Hindu and Muslim leaders, the British colonial administration systematised India's vastly diverse family and property arrangements into a system of distinctive personal laws for four major religions: Hindu, Muslim, Christian and Parsee. Personal laws were crucial elements in efforts to govern Indians according to indigenous norms. In 1772, Governor-General of Bengal Warren Hastings presented his judicial plan as a clarification of the 'ancient constitution' of India, rather than as a new legal system, in which 'inheritance, marriage, cast [sic] and other religious usages, or institutions, the laws of the Koran with respect to the Mussalmans, and those of the Shasters with respect to the Hindoos, shall be invariably adhered to' (cited in Lemons, 2019: 9). The Indian statutes that were part of Muslim Personal Law at the time of Partition were carried forward into independent India via Part III of the Constitution, and were retained and are still in effect in Pakistan and Bangladesh,

while also supplemented by the 1961 Muslim Family Laws Ordinance and other subsequent statutes in both countries. Many generations of South Asian feminists have critiqued these statutes in their various guises. Calls for legal reform have often been rallying points for political activism, as in the protests of women's groups in Pakistan against the Hudood Ordinances 1979 in the 1980s (Khan 2018).

In India, the Shah Bano controversy of the mid-1980s troubled many feminists hitherto convinced of the need for a Uniform Civil Code to replace the personal laws, which were all gender inequitable. Shah Bano, a destitute Muslim woman, appealed to the courts for maintenance from her ex-husband through Section 125 of the Indian Criminal Procedure Code. He contended that, according to Islamic precepts, he was not obligated to provide any financial support to her beyond the completion of the *'iddat* period (three menstrual cycles, roughly three or four months, of seclusion that a woman must observe after divorce or her husband's death, during which she may not remarry). The Supreme Court ruled that Quranic provisions obliged a divorcing Muslim husband to be considerate and generous to his former wife. This caused a furore within the Muslim religious establishment, as many conservative Muslims argued that the (Hindu) Supreme Court judges had neither the competence nor the jurisdiction to find in Shah Bano's favour, and that the judgement was offensive in making adverse comments about women's position in Islam. Street protests ensued. During this outcry, Shah Bano felt compelled to dissociate herself from the judgement.

The Congress party responded with the Muslim Women (Protection of Rights on Divorce) Act, in 1986, to exclude Muslim divorcees from Section 125, and defuse the anger in some sections of the Muslim clergy. The law was immediately challenged for denying Muslim divorcees the rights available to other Indian women, and it has continued to provoke trenchant criticism by feminists and human rights activists, who characterise the law as discriminatory, depriving Muslim women of a fundamental right and contravening India's constitutional guarantee of equality for all citizens under the law. As Jeffery (2001: 5) surmises, for many Indian feminists the law proved that 'religious freedom [is] privileged

over gender equity when the two conflict: "community" self-regulation on matters covered by personal laws is a core element of religious freedom, yet the protection of religious freedom can have an extremely detrimental impact on women's rights'.

It has been argued that the impact of the Act in practice has often contradicted its public billing as a reversal of the Shah Bano judgement. The Act imposed no financial upper limit for post-divorce maintenance payments, so Muslim husbands could actually find themselves subjected to a tougher regime of responsibility than under Section 125 of the Criminal Procedure Code, which was, until 2001, capped at Rs500 per month. The Danial Latifi case in the Supreme Court, which also concluded in 2001, upheld the original Shah Bano judgement and ushered in a 'manifestly pro-women approach in forcing Muslim men to make appropriate arrangements for the future maintenance of their ex-wives' (Menski 2008: 238-242). Even since the late 1980s, High Court judges had often dismissed men's appeals against judgements awarding their ex-wives maintenance stipends under Section 125, causing some concern within the Muslim religious establishment that such judicial activism was subverting the original intent of the law (Agnes 1999: 105). Vatuk (2017: 246-73) provides a nuanced assessment of whether this case law has turned the Muslim Women Act into a 'blessing in disguise' for Muslim women divorcees (cf. Agnes 2001: 72).

Beyond the purview of these legal debates over the social welfare impact of the Muslim Women Act, a crucial aspect of the Shah Bano case was how it became enfolded within the accelerating communal politics of the late 1980s and early 1990s. The Hindu Right accused Congress of cynically 'appeasing' the Muslim vote bank by giving Muslim men more rights than other Indian men, and of regarding the conservative Muslim stance as confirmation that Islam oppresses women. Thus, in a move that Pathak and Rajan (1989: 566-567) described as 'sinister' and 'bizarre', 'the attack of Hindu fundamentalists … upon the Muslim Women Act, upon Muslim religious law in general, and upon the Muslim community at large on behalf of oppressed Muslim women translates into the proposition "Hindu men are saving Muslim women from Muslim men".' Tracking forward in time, the call for a Uniform

Civil Code has remained central in the BJP's electoral promises, as part of its stoking of anti-Muslim sentiment. For the BJP, 'only minority women need saving, because "we" (Hindus) have already given "our" women equal rights' (Menon 2014: 481). The Uniform Civil Code creates a dilemma for feminists: all the personal laws are gender discriminatory, yet 'this imagined national integrity is constructed through the marginalization and exclusion of a multiplicity of other interests and identities, and therefore it is not a value that feminists can espouse' (Menon 2014: 482).

More recently, the rights of women as individual citizens were similarly pitted against those of religious communities in Shayara Bano vs. Union of India in 2016, the most legally significant of five related petitions by Muslim women (Punwani 2016, Hasan 2017, Mandal 2018). The Shayara Bano case elicited a Supreme Court 3:2 majority ruling that the triple talāq was not endorsed by the sources of Muslim Personal Law and therefore was legally invalid. In December 2017, the Muslim Women's (Protection of Rights in Marriage) Bill was first introduced in the Lok Sabha: it would both outlaw and criminalise the triple talāq. It was passed as an Act in July 2019. This time, feminist apprehensions were highly differentiated and nuanced. Many Muslim women's organisations supported the legislation. Alongside secular feminist legal experts such as Flavia Agnes (2018), however, other Muslim women's organisations argued that the harsh punishment proposed for perpetrators of triple talāq would deter women from involving the police and the law and, hence, the law would not serve Muslim women's interests. For Agnes, it is 'indeed ironic that Modi, who has chosen to remain silent on the issue of the lynching of innocent Muslims by cow vigilantes and Hindu extremist organisations, has time and again commented on the plight of Muslim women who are victims of triple talaq' (2018: 12). As Punwani (2018: 15) observed, 'if the BJP government had Muslim women's interests at heart, it would pay heed to these and other suggestions by women's groups. But right now, the BJP benefits more by telling its potential Hindu and female Muslim voters that its bid to "liberate" Muslim women is being thwarted by backward and misogynist Muslim men, backed by the opposition'.

The minority context has limited the scope for Muslim family law reform in India, by ensnaring debates about women's entitlements under Islamic law in questions of group versus individual claims and rights. It is salutary to note the differences between Shah Bano and Shayara Bano, despite the parallels. Shah Bano and the triple talāq cases bookend two eras in Indian politics: the 1980s Congress government narrative of secular 'unity in diversity' or 'strength through diversity' when a special law on Muslim women's maintenance signalled non-interference in the personal matters of religious minorities and the 2010s Hindu nationalist BJP narrative of Muslim men as a threat reflected in the triple talāq judgements. Moreover, Shayara Bano exemplifies the emergent struggle of a 'young Muslim woman fighting entrenched religious dogmas' that signals the crescendo of internal contestations over Muslim Personal Law (see Gupta, Gökarıksel et al. 2020: 5, 7). As Gupta et al. observe, the legal strides made by Indian Muslim women seeking their rights in the court may easily become enfolded in familiar outsider discourses of suffering, victimised Muslim women. Arguably, however, Grillo's observations about the UK also apply to India: a competing outsider narrative is emerging of Muslim women as 'survivors' as well as victims of Muslim men, 'doggedly seeking what is best for themselves and their children, in difficult circumstances wherein hard choices have to be made'—with their agency celebrated as resistance (Grillo 2015: 114). Scholarly work on Muslim women's agency is thus implicated in this display of discordant images of Muslim women crowding the public sphere.

These comments form the backdrop to our cluster of three papers on Muslim women's engagements with family law, which shed light on Muslim women's legal agency in minoritised contexts—India, the UK and South Africa. The multiculturalism debates playing out in liberal feminist theory in the Global North are relevant to the predicaments and debates in different Muslim-minority contexts, where we see parallel debates over whether 'multiculturalism is bad for women' (Okin 1999), the 'paradox of multicultural vulnerability' (Shachar 2001), appeals to democracy and democratic deliberation (Benhabib 2002) and critiques of the reifications put forward by cultural spokesmen, which understate the diversity and contestation within cultural groups (Phillips 2010). However, we should not

make too much of these parallels. First, the Indian debates about the Uniform Civil Code are distinctive: these are religious laws in a secular democracy and a multi-religious nation-state, and thus 'the place and function of religion in the modern democratic state becomes a central issue, rather than (only) the question of group (cultural) rights versus individual (legal) rights' (Rajan 2003: 151). Second, the prevailing view of faith-based movements being in tension with gender equality are challenged by the Indian context, where Muslim women activists have been struggling against gender inequality as a pious ethical commitment, deploying notions of gender equality in terms which differ from liberal feminist notions of gender equality, as Dutta (2021) has recently argued.

Our first paper addresses the under-researched issue of property division. In 'Muslim daughters and inheritance in India: sharīat, custom and practice', Sylvia Vatuk examines the notions, values, and cultural constructions around women's inheritance expressed by Muslim women and men, drawn from a range of socio-economic positionings in Delhi. Religious prescriptions entitle women to inherit some share of parental property, in accordance with the complex rules and interpretations of fiqh (Islamic jurisprudence). Yet most of Vatuk's interlocutors considered it appropriate for the property to be divided exclusively among the male heirs. The primary pressures on women not to claim shares in their parents' property come from the hierarchical gender norms of families, not formal legal provisions. Were women to ask for, but be refused their claim, they would be more likely to encounter legal success through a court of law than through informal family mediation, or mediation by a muftī or qāzī. Seeking their legal dues via the courts, however, is a feat sufficiently daunting to deter all but the most determined—or privileged.

Like their Hindu counterparts, Muslim women generally opt to preserve their 'centrality' in their families rather than insisting on their individual claims to their inheritance (White 1992, Mumtaz and Salway 2009), a picture that resonates with Rajan's observations that individual women's recourse to legal remedies and assertion of rights and autonomy are often 'isolating and individualizing moves, especially when posed against the affective

solidarities offered by family and community' (Rajan 2003: 165). The next two papers take up this theme through discussions of Muslim women's engagement with family law in contexts where Muslims are minoritised and the state does not formally recognise Muslim marriages and divorces.

Kaveri Qureshi's paper, 'Courting agency: gender and divorce in an English sharia council', analyses the gendered forms of agency enacted by British South Asian women, predominantly of Pakistani heritage, during their engagements with a large sharia council in London. There have been concerns that the ulema compromise women's rights during separation and divorce by routinely urging couples to reconcile—yet there is a spectrum of women petitioners' compliance with the council and its procedures, related to intersectional aspects of their social positioning, with some women seemingly wanting to do 'whatever the sharia wants', others deploying 'weapons of the weak' (Scott 1985) because of their unwillingness to reconcile with estranged husbands, and others actively contesting the ulema and exiting the council's procedures (although generally inscribing their moves within Islamic norms and values). The paper advances discussions of Muslim women's religious agency and its entanglement with other identities and desires, with women wanting the freedoms which are granted to other religious minorities in the UK to live according to their preferred social norms and laws (cf. Malik 2013), whilst also dealing with community pressures to have their divorces arbitrated by sharia councils.

Goolam Vahed continues this discussion of the recognition of minority legal orders in 'Muslim marriages, the South African state and the courts: between limbo, liberation, and the spaces for contestation in-between'. The South African case also reflects concerns about Muslim women's rights being compromised through unofficial law and Muslim women's supposed lack of legal agency, yet Vahed argues there is less othering of Muslims in South Africa than in India or the UK. After apartheid, state institutions reflecting a White Christian ethos contemptuous of the cultural and religious practices of Black Africans and non-Christians were replaced by a Constitution founded on multiculturalism and underpinned by

equality and diversity, which accommodates the customary practices of the Black African population. Nevertheless, proposed legislation to regulate Muslim marriages has been hampered by differences among Muslims over which version of Muslim Personal Law would be imposed. The courts themselves have consistently maintained that individualised judicial outcomes are an inadequate remedy because women may lack resources or face community backlash. But the government has continually stalled—and tossed the burden back onto women to ensure that their marriages are registered in civil law.

Some Muslim women's lives are punctuated by legal disputes about divorce and property— but far more do not insist on receiving their share of parental property, and few marriages that end do so after formal divorce proceedings. Most South Asian Muslim women have limited direct contact with statutory courts or sharia bodies and the four papers that follow deal with other aspects of Muslim women's lives beyond the workings of Muslim Personal Law. All four are the outcomes of extensive ethnographic research in India, two focusing on how women endeavour to obtain their entitlements as Indian citizens from the state, and two exploring how women enhance household wellbeing through income-generating work. For the women who feature in them, India's contemporary communal and economic context affects what is required of them and what options are open to them.

Beyond the rights and duties enshrined in personal laws, legal frameworks more generally can offer a vista onto how states structure the entitlements and obligations of their citizens. In late 2019, the Indian government proposed reforms to its citizenship legislation that would undermine Muslim citizens' place in contemporary India (Jayal 2013, Jayal 2019, Jayal 2019, Philipose 2019, Desai 2020). These proposals sparked reactions from many quarters, of which one of the most highly publicised was the peaceful protest in Shaheen Bagh in south Delhi, in which Muslim women played prominent roles (Farooqi 2020). But there were also violent attacks against Muslims in various towns and cities, especially during the months following December 2019, of which that in north Delhi in February 2020 was the most infamous. Notably, the self-same state that mouths the necessity of protecting Muslim

women was itself culpable of fomenting violence against Muslims, by providing ample space for hate speech during the citizenship debates, goading supporters to acts of violence, and giving the police free rein to stand back and let the mob rule or to participate actively themselves in the destruction of people's lives.

One reason why the Indian state permits (even encourages) such violent exclusions and mayhem may be that it deflects the electorate's attention away from the ruling BJP's palpable failures to manage the economy and enhance the capacity of households to sustain (let alone improve) their livelihoods. Prime Minister Narendra Modi's promise of *achche din* (good days) remains unfulfilled. Meanwhile, demonising Muslims can pull in the votes by achieving a tour de force of misrecognition: blaming minorities for an entire nation's ailments (Mahaprashasta 2015, Rajalakshmi and Ramakrishnan 2015, IndiaSpend 2016, Hasan 2019). Be that as it may, the BJP is building upon and sustaining a long-standing climate of fear that has simmered and periodically bubbled over in many parts of India (among the many accounts of communal riots, see for instance Varadarajan 2002, Basu 2015, Mander, Chaudhury et al. 2016).

In the decades since the liberalisation of India's economy, a small proportion of the Indian population has succeeded spectacularly in the new economic order—but most people have faced inordinate livelihood challenges during India's 'jobless growth' or even job-loss growth (Joshi 2010, Corbridge, Harriss et al. 2014, Sen 2014, Kannan 2018, Kannan 2019). And in its relentless pursuit of neoliberal economics and prioritisation of business interests over workers' protection, it has undermined rather than protected economic security for the vast majority of its citizens (Sood, Nath et al. 2014, Reddy 2017, Azad, Chakraborty et al. 2019, Sood 2020, Sood and Nath 2020). Self-reliance is an on-going struggle for the majority, as the dire effects of the Covid-19 lockdown in 2020 demonstrated (Breman 2020, Nathan and Rodgers 2020, Srivastava 2020, Ahmad, Kuncheria et al. 2021, Mander 2021).

The atmosphere of menace and fear on the one hand and of economic precarity and the difficulties of sustaining livelihoods on the other are the backdrop to the next two pairs of

papers. These four papers have homed in on the micro-level to provide fine-grained portrayals of how Muslim women contend with the specific circumstances in which they find themselves and to highlight how crucial it is to disaggregate Muslim women. The papers address how Muslim women contribute to the wellbeing of their family members by engaging in different modes of household provisioning. The first two focus on women navigating their negotiations with actors in the local state—most of them male functionaries—in their endeavours to ensure that they and their household members receive their dues and welfare entitlements from the state as citizens. The second pair of papers focuses on women for whom the compulsions of economic precarity have necessitated entrepreneurial skills and income-generating work.

Citizens may need to engage with some branches of the state apparatus at the local level (cf. Fuller and Bénéï 2000). In many parts of India, state employees in the various offices dotted around cities, district towns and in the rural areas are rarely Muslim—and Muslim supplicants are left uncertain about the reception they can expect when they endeavour to assert their rights as unmarked citizens of India. Far from being a benign *mān-bāp* (mother-father), lovingly distributing entitlements, the everyday state itself is liable to be permeated by communalised stereotypes. As a result, as our contributions show, Indian Muslims are acutely aware of the need for circumspection in their dealings with officialdom.

The papers by Lexi Stadlen on rural women in West Bengal and by Ayesha Ansari and Thomas Chambers on urban women in Saharanpur in western UP both focus on this 'claims work' (cf. Neysmith and Reitsma-Street 2005, Neysmith and Reitsma-Street 2009, Neysmith, Reitsma-Street et al. 2010), on how, why, and when women invest precious time and effort to press for their entitlements to state services and resources to protect or further their family's interests—seeking BPL (Below Poverty Line) registration, ration cards, inducements from politicians during election campaigns, or widow's pensions, for instance.

In her paper 'Being seen: the political and bureaucratic entanglements of Muslim women in West Bengal', Lexi Stadlen focuses on a Muslim village in an area where Muslim men are so

negatively marked that they need to avoid engagements with the local state. Instead, some—mainly middle-aged—women navigate local bureaucratic spaces to perform their vital claims work. In becoming bureaucratic and political gatekeepers within their community, they free their male kin from the dangers of such engagements whilst themselves seemingly contravening conventional local gender norms by entering local state offices and engaging with local officials. Yet they do this *shorkārī kāj* or political work with bravado and relish, charming and wheedling the officials they encounter, taking on different guises to suit the situation. They want to be seen by local state actors in terms that they themselves define, and their gendered interactional skills honed during daily domestic life serve them well in this endeavour.

The paper by Ayesha Ansari and Thomas Chambers, 'Gendering the everyday state: Muslim women, claim-making and brokerage in India', deals with a different context—urban western UP. They highlight how complicated it is for women to obtain documents and resources from the predominately masculine and Hindu official spaces that are typical of the everyday state, where the potential for being intimidated and marginalised as Muslim women is ever-present. The women who feature in this paper engage with the local state either because they are widows without a male protector to do this work for them or (less commonly) because they act as *dallāls* (fixers) for others. Ansari and Chambers examine how the women's differing personal histories precipitated them into these challenging encounters and show how the women hustle and negotiate, playing on their gender identities to shame male officials in ways that would not be readily open for male supplicants, and asserting their demands on the state to honour citizenship rights unmarked by ethnicity or religion.

In western UP, as in West Bengal, such encounters with officialdom are shown to be unpredictable, time-consuming, and often frustrating. Women's room for manoeuvre is narrow, and they are not always victorious. Yet nor can they be regarded as passive victims of a highly communalised state apparatus. Indeed, the women who feature in both these papers often engage in spirited interactions with local officers, with confidence, gusto and

sometimes combativeness. The papers identify how Muslim women may enact forms of resistive agency 'not as independent individuals acting out of free will, but rather as actors negotiating within a web of multiple gendered social systems' (Kirmani 2013: 170).

Reliance on the state sits alongside the much more considerable time that household members spend engaging in the economic activities that are the mainstay of the subsistence and other needs of family members, which are the focus of the next two papers. There is a vast array of evidence, including from the Sachar report and the fallout of the Covid-19 lockdown, that Muslims in India are disproportionately poorer than the population as a whole and suffer from discrimination in employment, housing (and therefore children's access to schooling), and health care. They are particularly likely to earn their livelihoods through self-employment and other work in the informal sector, in small workshops, as petty street vendors, or as migrants to the Gulf whose families become reliant on their remittances for want of opportunities within India. These are the very sectors characterised by vulnerability to layoffs and loss of business when there are economic downturns and other challenges such as demonetisation, communal disturbances, and Covid-19.

One feature of economic precarity is the challenge it presents to the ability of households to sustain the ideals of the 'male breadwinner'. Muslim women in India, like other women, are constantly engaged in 'work' that is vital for their households, but economic compulsions increasingly require women to engage in remunerative work. Within the limits set by the demands of household duties, childrearing, and by their relatively low access to formal training, Muslim women are increasingly turning to imaginative means of earning cash incomes. The papers by Kalyani Menon on women in Old Delhi, and by Syeda Asia on women in rural Jhunjhunu, Rajasthan, reflect these considerations by focusing on enterprising women determined to earn money for the betterment of their families.

In 'Life, Labour, and Dreams: One Woman's Life in Old Delhi', Kalyani Menon deploys the biographical method to portray how complex social forces—ranging from secular changes in the wider economy to the ever-evolving challenges of domestic life—have intersected to

create Wahida Baji's precarity. Widowed and responsible for three children in need of sustenance and schooling (and, later on, marriage), Wahida Baji is constantly looking out for new opportunities to bring money into her home. She is imaginative and adroit and juggles several sources of income simultaneously. She was schooled enough to be a plausible tutor for local children. She rents out part of her home to be an Anganwadi centre (state-run nursery provision). She does piece-rate work (which she fully appreciates is highly exploitative). She works on her own account as a beautician, and she trades in cosmetics and items of clothing. Wahida Baji might seem a perfect exemplar of *jugād*—the creative resourcefulness of the resource poor dealing with adversity that is so rightly critiqued (for instance, by Kaur 2016) for freeing the state to pursue its neoliberal policies and avoid its obligations to ensure its citizens' welfare. Whilst it is important not to reduce people to passive victims, nor should we romanticise their capacity for the strategising and improvisation that *jugād* entails. In covering her exhausting and diverse portfolio, Wahida Baji is locked into exploitative relationships, her room for manoeuvre is severely limited by the structural violence of class, community and gender, and her daily life is a constant struggle. Yet it is a struggle animated by her dreams and aspirations, her plans and schemes that aim to provide a better future for her children.

Syeda Asia's paper on 'Emotions, identity and the entrepreneurial self: narratives of working Muslim women in rural India' focuses on two families in which the women engage in entrepreneurial activities. In rural Rajasthan, women's work generally provides little space for economic independence, and businesswomen are rarities: in this instance, one managing a team of about a dozen local women producing lentil-based snacks for sale, and the other running a learning centre attended by over 100 girls and some of their mothers. These cases, however, are important not simply as indications of the challenges that businesswomen face in running small businesses in that context. Rather, they offer insights into the motivations of the women concerned. Their entrepreneurial selves are not focused simply on earning more money or growing their enterprises. Instead, they are heavily invested emotionally in enhancing the skills and earning capacities of the other women who participate and in

building supportive relationships with their neighbours. Their optimism is at the heart of their sense of entrepreneurial purpose and, in expressing this commitment to uplifting the capacities of other women, their narratives point to a collective agency (Kabeer 2021).

The previous four papers portray the circumstances of poor and marginalised Muslim women in India, who are depicted as having little choice about their hustling 'claims work' or earning a living: they are unable to depend on male kin to provide for their families. By contrast, the final paper, by Marzana Kamal, addresses the circumstances of women whose husbands maintain them as housewives, sustained by remittance flows from the Persian Gulf. In 'Migration, patriarchy, and 'modern' Islam: views from 'left-behind' wives in northern rural Bangladesh', Kamal explores the predicaments of rural women in Bogura district of northern Bangladesh, sketching a picture that contrasts with more upbeat assessments of the empowering effects of male migration for so-called 'left-behind' wives, which have been offered in more migration-intensive parts of Bangladesh (Gardner 1998, Hadi 2001). In Bogura, 'left-behind' wives reside with their parents-in-law. They are closely controlled by their affinal kin. Remittances from their migrant husbands are sent to and retained by the women's affinal kin and do not reach them. Their physical mobility outside the household is limited because their husbands are unavailable to chaperone them. Consequently, they particularly cherish the support extended to them by their natal kin, as when brothers take them shopping or provide extra monetary resources. Representations of the ideal Muslim Woman travel from the Persian Gulf to Bangladesh—and the 'left-behind' wives adopt the *burqaʿ*, here a symbol of 'modern', respectable, aspiring middle-class Muslim identity, even if the particularly piqued demands on migrant wives to wear the *burqaʿ* seem to derive equally from their susceptibility to gossip: 'look, her husband is abroad and she steps out without a *burqaʿ*.' Unlike in other contexts, here male migration pushes women to fit the mould of 'modern' gendered demeanours, but these are also, in Kamal's analysis, not empowering. Thus, going beyond assessments of patriarchal traditions shaping Muslim women's lives, we see 'the ways in which women negotiate both so-called traditional and new forms of control on their lives' (Sarkar 2017: 252).

In this final paper we sense that, in time-hallowed fashion, the upward mobility engendered by male migration may go along with more restrictions on women's mobility and independence. Nonetheless, earlier papers in the collection caution, equally, against romanticising the ironic independence of poverty or of *jugād*. Kamal's contribution also returns us to questions of religious agency, which have been highlighted in debates about Muslim women, including in this Special Issue. Collectively, our papers canvass both the diverse desires and identities that may be side-lined by this emphasis and the multiple modes of agency of South Asian Muslim women alongside, or outside, pious self-formation.

Taking stock of our contributions, we are struck by the interconnections between the clusters of papers we have just outlined: on Muslim women's legal agency with respect to the family, their claims-making upon the state, their livelihoods, and actions amongst their affinal kin. Drawing on other feminist scholarship, Lemons has recently highlighted marriage as '*the* problem' for Indian Muslim women, because of its popular conception as 'both a separate (religious) sphere *and* as a site of production, distribution, welfare provision, and consumption' (Lemons 2019: 14-15). Notwithstanding the salience and crucial repercussions of this understanding of marriage, our contributions shed light on how women's vulnerabilities within marriage dovetail with oppressions experienced in the local state, the labour market, and even in the streets. As one of us suggested two decades ago, in the context of the fallout of the Shah Bano case, these dovetailing oppressions suggest 'the need to tackle gender politics at the grassroots, not just within the formal legal realm and by focussing on the state at the centre', for 'without far-reaching changes at that [grassroots] level, women's formal legal rights are likely to remain a dead letter' (Jeffery 2001: 25).

Acknowledgements

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