

Strategic Engagements: Analyzing the Relationships of Indian and Pakistani Women's Movements to Islam

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Summary

Both the Indian and Pakistani women's movements have had a contentious relationship with Islam, particularly since the 1980s. In India the Shah Bano case brought the issue of Muslim women's rights to the center of national attention and led women's groups to an impasse on the question of their own representation. Since this time, several NGOs and networks have emerged across the country that advocate for Muslim women's rights using both religiously informed and human rights-based approaches. In the Pakistani context, the women's movement was consolidated in response to Zia ul-Haq's "Islamization" program, which led to a serious regression in women's rights. The women's movement at this time confronted the conservative *ulema* by arguing for progressive interpretations of Islam as well as by utilizing the language of human rights. Women's rights activists in Pakistan have since had a varying relationship with religion, depending on the issue at hand. This paper compares the trajectories in recent decades of both movements in relation to Islam, exploring the debates that have taken place amongst women's rights activists in both contexts. A comparison of the trajectories of both movements in relation to Islam (one in a Muslim-minority country, one in a Muslim-majority country) will provide a unique perspective and shed light on the impact of political and social contexts on the constraints and strategies of women's movements vis-à-vis religion.

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Introduction

Calls for gender equality and women's rights frequently challenge religious traditions and precepts, forcing many women's movements across the world to confront conservative religious groups. South Asian women's movements are no exception: both the Indian and Pakistani women's movements¹ have frequently had

1 Like all social movements, both the Indian and Pakistani women's movements are fluid, fragmented and dynamic. The terms "women's movement" and "feminism" are themselves contested in both contexts (Butalia 2002; Sumar 2002). As is the case in many postcolonial contexts, there are several women's rights activists in India and Pakistan who reject the label "feminist" altogether because of its supposed Western bias (Kishwar 1990). Questions have been raised in both India and Pakistan as to whether a "women's movement" actually exists. "Women's movement" is used loosely in this

contentious relationships with religion, particularly in their contemporary phases. Since the 1980s, feminists in both countries have had to deal with various forms of religious “fundamentalism,”² from Hindu nationalists in India, and from Muslim conservative groups in both countries (Kumar 1999). Women are often instrumental in the discourse of “fundamentalist” groups; they are used as symbolic markers of a given community’s identity, which generally translates into restrictions being placed on their rights (Anthias and Yuval-Davis 1989). Hence, most women’s rights movements, including those in India and Pakistan, have had an antagonistic relationship with religious discourses and actors and have viewed religion as a source of oppression rather than of liberation (Phillips 2009).

At the same time, women’s movements must periodically align with religious actors and engage with religious discourses in their struggles for gender equality, particularly as a defensive mechanism in response to opposition from religious groups. While the contemporary Indian and Pakistani women’s movements have remained largely “secular”³ in orientation – in the sense that they have argued for a separation of religion from state institutions – questions related to religion have repeatedly emerged as sources of controversy, debate, and division within both movements, with some members arguing for a positive engagement with religion. Although “Islamic feminism,” or efforts to reclaim Islam in order to argue for women’s rights,⁴ has not gained widespread support in either country in any coherent manner, members of both movements have periodically and strategically

paper with reference to those individuals and groups who are self-consciously involved in the struggle for gender equality and who label themselves “feminist”. For the purposes of this paper, this category does not include reformist Islamic women’s movements (such as Al Huda in Pakistan), which, despite attracting a large following amongst urban middle- and upper-class women, do not explicitly organize around women’s rights (Ahmad 2009; Mushtaq 2010).

- 2 I use “fundamentalism” with caution, to refer to those groups and movements that argue for strict adherence to the “fundamentals” of their respective religions, recognizing that this term obscures many important differences between religiously inspired political movements (Beckford 2003).
- 3 “Secularism” is a loaded term in both the Indian and Pakistani contexts. The Indian state uses “secularism” to mean the equal right of all religious groups to practice their faith rather than a strict separation of religion from the state. However, “secularism” has come under attack in recent decades by the Hindu right, which has portrayed the concept as something that gives “special treatment” to religious minorities – in particular, to Muslims (Hasan 2010). In Pakistan, Jinnah spelled out his party’s “secular” creed during his inaugural address to Pakistan’s Constituent Assembly when he stated, “Hindus will cease to be Hindus and Muslims will cease to be Muslims, not in the religious sense [...] but in the political sense, as citizens of the state.” However, “secularism” was redefined as “*ladiniyat*” or “absence of religion” and equated with apostasy during the Zia regime (Alavi 2002). “Secular” was used in a variety of ways by women’s rights activists in both contexts to refer to a non-religious approach, a position that sees all religions as having equal worth, or one that argues for a separation of religion from state institutions.
- 4 Moghadam (2004) uses “Islamic feminism” to describe the efforts of women operating in Muslim contexts to “reclaim their religion to undermine both Islamist patriarchal distortions and Western stereotypes of Islam as backwards and terroristic” (Moghadam 2004: 53).

engaged with religious discourses and actors as part of their campaigning efforts with varying degrees of success.⁵

In the case of the Indian women's movement, the 1980s Shah Bano case brought the issue of Muslim women's rights to the forefront of national attention and led the various groups in the women's movement to an impasse on questions of religion/secularity and how they would represent themselves publicly. Since this time, Muslim women have emerged as leaders within and outside of the women's movement and have been working within non-governmental organizations (NGOs) and networks through both religiously framed and human rights-based approaches. In Pakistan, the contemporary women's movement was consolidated in the 1980s in response to the regressive Hudood Ordinances introduced as part of the Islamization program of the military dictator, Zia ul-Haq (Shaheed 2010). The women's movement at that time questioned the right of certain sections of society to interpret and impose a particularly conservative version of Islam via the institutions of the state. Pakistani women's rights activists have since drawn on universal human rights principles and have also, to a lesser extent, used progressive religious interpretations to argue for women's rights.

Keeping in mind the diverse, fragmented, and contested nature of both the Indian and Pakistani women's movements, this essay compares the trajectories in recent decades of both movements in relation to religion, with particular reference to their engagement with Islam. Specifically, it highlights the key issues around which women's rights activists have had to confront religion, exploring when and why they have responded with religiously framed approaches and what the consequences of such engagements have been. It also explores debates around discursive strategies within both movements in relation to religion. Such a comparative analysis highlights the impact of the political and social context on the choices and strategies of women's movements vis-à-vis religion, in both a Muslim-minority and a Muslim-majority context.

The Indian women's movement and religion

Early women's rights activists in colonial India (which at the time included present-day Pakistan) who were part of the social reform movements of the late 19th and early 20th centuries tended to engage positively with religious discourses in their campaigns against practices such as *sati*⁶ and child marriage (Kirmani 2011a). For example, arguments put forward by Muslim reformers for a woman's right to an

5 On the other hand, the Islamist political movement, Jamaat-e-Islami, has strategically co-opted the language of women's rights/human rights as part of its own campaigning efforts in both India and Pakistan, raising serious dilemmas for the women's movements in both countries regarding their own relationships with secularism/religion (Ahmad 2008; Zia 2009).

6 *Sati* refers to the practice of widows self-immolating (or being forcefully set alight) on the funeral pyres of their husbands.

education were framed in such a way so as not to offend the religious sensibilities of conservative groups (Kazi 1999). Debates around social issues during the late 19th century amongst the Hindu and Muslim reformers demonstrate the centrality of gender in 1) the construction of religious identity by the indigenous elite and 2) the ruling strategies of the colonial administration in their attempt to codify and bring order to the "traditions" of their native subjects (Chatterjee 1992; Mani 1998).

Many of the first women's organizations to appear in India were themselves organized along religious lines and were branches of religious reform movements such as the Arya Samaj, which represented upper-caste Hindu interests (Kumar 1993: 54). Similarly, several organizations emerged during this period that represented the interests of elite Muslim women, including the Anjuman-i-Khawateen-Islam in 1907 (Lateef 1990: 82). However, these groups were quickly followed by the establishment of non-sectarian organizations that aimed to represent all Indian women, including the Indian Women's Association (1917), the National Council of Indian Women (1926), and the All-India Women's Conference (1927) (Patel 1998; Sen 1996). These early feminists did not openly challenge religious traditions, but rather chose to work within a religious framework for social reform. As Phillips (2009: 3) has argued:

The fact that many early feminists drew their inspiration from religion is not, of itself, a contradiction, for neither atheism nor agnosticism was a respectable alternative in the beginnings of organised feminism (in Europe and North America, dating from the mid-nineteenth century).

The same holds true for the South Asian context at the time; hence, women's rights activists had little choice but to engage positively with religious discourses, whether Hindu or Muslim, in their campaigning efforts.

On the other hand, the contemporary, autonomous women's movement, which emerged in India during the 1970s,⁷ has either openly challenged religious traditions and precepts or at least avoided religion in its struggles to secure women's rights, viewing religion as part of wider patriarchal power structures. For example, the women's movement has consistently challenged the practices of *sati* and of giving or demanding (marriage) dowry – both of which have been associated with Brahmanical Hinduism – which has brought the movement face-to-face with Hindu conservative groups. This confrontational approach to religion can be explained partially by the fact that many of the activists involved in the movement had their roots in Marxist political groups, which viewed religion negatively (Omvedt 1993).

At the same time, some sections of the contemporary movement did attempt to engage positively with religion – with Hinduism, in particular. Sunder Rajan (1998:

7 There was a marked lull in advocacy for women's rights in the periods preceding independence (1930s–1940s), when women's rights took a backseat to the wider nationalist movement, and in the decades following independence (1950s–1960s), when there were scattered struggles for women's rights but no major nationwide women's movement (Kumar 1993).

WS36) points to the strategic co-optation of religious symbolism by some members of the women's movement who "invoked 'traditional' (read: Hindu) symbols in some cases as a means of diluting, if not countering, the Western bias of 'feminism.'" The use of goddess imagery, exemplified by the naming of the first feminist publishing house, "Kali for Women," and the celebration of women's spirituality in the journal *Manushi* can be seen as attempts to broaden the appeal of the women's movement by "indigenizing" feminism. However, these attempts to engage positively with Hinduism also contributed to the alienation of non-upper-caste Hindu women, particularly Muslims, Christians, and Dalit women, from the movement (Agnes 1995; Sunder Rajan 1998). The more common stance of opposition to or avoidance of religion in the mainstream women's movement in India can be viewed as part of a general trend amongst second-wave feminists globally, who for the most part rejected religion as being irredeemably patriarchal and were committed to the political project of secularism (Sands 2008).

The controversy over Muslim personal laws

The Indian women's movement faced one of its greatest challenges during the Shah Bano controversy of the 1980s. Up until this time, the women's movement, which was largely made up of women who themselves came from upper-caste Hindu backgrounds, had confronted only Hindu traditions. However, the Shah Bano case forced the women's movement to face Islam. This case, which rose to national attention in 1984, centered on an aged Muslim woman, Shah Bano, who filed for alimony from her husband in the civil courts, which challenged Muslim personal laws. This sparked a wider national debate in which Muslim women became symbols for various political interest groups (Hasan 1994; 1998; Kishwar 1998; Kumar 1994). Muslim conservative groups argued that the state should not interfere in the affairs of "the community" and hence had no right to grant Shah Bano maintenance as this contravened Muslim personal laws. Hindu nationalists, who were rapidly gaining strength at this time, seized the opportunity by hijacking the discourse of secularism, arguing that the reaction of Muslim groups was a sign of their apparent "backwardness" and refusal to integrate within the Indian polity. They argued that Muslim personal laws should be abolished in favor of a Uniform Civil Code (UCC). However, as Hindu nationalists defined India as an essentially "Hindu nation," their version of a UCC would accordingly be formulated along Hindu lines.

The women's movement responded to the Shah Bano case initially by supporting the creation of a UCC, following the secular principle that all women deserve the same rights regardless of religious affiliation. However, this position was quickly called into question after it had been co-opted by the Hindu right (Chhachhi 1991). The large-scale campaign subsequently organized by the women's movement attempted to circumvent the question of religious identity by focusing on Shah Bano's right to dignity as a citizen of India and not as a member of a particular

religious community. However, the numbers they were able to gather were considerably fewer than those mobilized by Muslim conservatives, whose efforts were successful in eventually pushing the Congress-led government to pass the Muslim Women's (Protection of Rights on Divorce) Act (1986).⁸ This case raised serious questions for the various women's groups around their positions regarding "religion" versus "secularism" in the face of wider processes of religious consolidation and polarization taking place in India at the time. Furthermore, throughout these debates the voices of Muslim women themselves were rarely heard, and the women's movement's own domination by women from upper-caste Hindu backgrounds became increasingly apparent (Subramaniam 2006).

The strategies of Muslim women's rights networks

Since the Shah Bano controversy, relatively little has been written about Muslim women's rights activism in India (Vatuk 2008; Schneider 2009; Kirmani 2009; 2010; 2011a; b). However, since the 1990s several NGOs and networks led by Muslim women have emerged that are pushing for Muslim women's rights from within the framework of Islam, as well as taking an expressly secular, human rights-based approach. Although NGOs working for Muslim women's rights exist across the country, these particular networks have a largely urban base and are concentrated in the northern and western regions of the country.⁹ Two prominent networks to have emerged in the last fifteen years are the Muslim Women's Rights Network (MWRN), founded in 1999, and the Bharatiya Muslim Mahila Andolan (BMMA), founded in 2005.

While the MWRN and the BMMA share the goal of protecting Muslim women's rights as those of equal citizens, these networks diverge in terms of their strategies vis-à-vis religion. The MWRN takes a secular, human rights-based approach, choosing not to actively engage with religion as part of its strategy and arguing for a separation of religion from the law. Activists within the MWRN argue that working from within a religious framework would be divisive and exclusivist. Hence, many members of the MWRN argue for the establishment of a Gender Justice Law that would replace the system of separate, religiously defined personal laws, and which would provide equal rights to all Indian women regardless of religious identity.¹⁰

8 The Muslim Women's (Protection of Rights on Divorce) Act states that Muslim women shall not fall under the Civil Code in cases of divorce. The maintenance for divorced Muslim women is not the responsibility of the husband, but rather falls on her natal family or the local Waqf Board.

9 However, there are several Muslim women's rights activists who have been highly influential in other parts of the country, such as Sharifa Khanam in the southern state of Tamil Nadu and Rehana Sultana in the city of Hyderabad (Vatuk 2008).

10 However, it should be noted that this has not officially been adopted as a position of the MWRN because some members felt that this would cause too much controversy amongst conservative Muslims.

The MWRN is also explicit about situating itself within the wider women's movement and including women from across religious backgrounds, as it does not want to be defined primarily by the religious identities of its members but by their position as women's rights activists. Hasina Khan, one of the founders of the MWRN, argues that privileging religious identity would have a divisive effect:

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

On the other hand, the BMMA works from both a human rights framework and one that draws explicitly from "Islamic feminism." BMMA activists such as Noorjehan Safianiaz argue that it is unrealistic and unfair to expect Muslim women to abandon their religion and espouse universal human rights in the Indian context:

If you go and tell this Muslim woman who is a minority within a minority, [...] "Damn with your religion, I want you to come out on the streets and protest and demand your rights, but please keep your religion within your house". [...] That was [...] the point of departure with the mainstream women's movement. [...] I'm a Muslim, and I am not apologetic about that, and I do not want to deny my identity. (September 22, 2008)

Members of the BMMA argue that because religion is an intrinsic part of the identities of the majority of Indian Muslim women, it must inform their vision, strategies and articulation of a collective identity. They are also clear that religion cannot be separated from politics and relegated to the private sphere. By advocating a progressive understanding of Islam, they aim to work within a framework that is acceptable at the community level in a context in which religious identity has become increasingly important, while at the same time arguing for women's rights.

Members of the BMMA aim to highlight the principles of justice and equality *within* Islam in order to argue for Muslim women's rights. Zakia Soman, one of the founding members of the BMMA, says, "It was 1,400 years ago that the Koran gave women equal rights [...]. We have waited a very long time for justice in this country" (Roy 2012). Hence, rather than completely doing away with the system of separate personal laws, they argue that Muslim personal law should be reformed to reflect the egalitarian spirit of the Quran, and that Muslim women should have the choice of whether to get married under Muslim personal law or under a common civil law. The BMMA is also explicit that the leadership of its network and the majority of its members (70 percent) will be comprised of Muslim women because they feel that it is necessary to create a separate space for Muslim women to represent themselves.

Neither group has been successful in pushing through legal reform to date.¹¹ However, both have succeeded in helping to widen the terms of the debate and in challenging the authority of bodies such as the All-India Muslim Personal Law Board (AIMWPLB) (Kirmani 2010; 2011a; 2011b). Furthermore, both groups have engaged in similar strategies at the grassroots level in order to secure women's rights – for example, inserting clauses into the *nikahnama*¹² as a means of protecting women's rights within marriage without directly challenging Muslim personal laws (Kirmani 2011b). These networks challenge the dichotomy between “secular” and “religious” through their advocacy, which must necessarily straddle both sets of discourses in order to effectively maneuver within a context in which religious identity has become increasingly important, particularly for those in the Muslim minority.

The Pakistani women's movement and religion

Like their counterparts across the border, early women's rights advocates in Pakistan did not openly confront religious precepts in their activism. Rather, these women, who were largely from the political elite, aimed to work within the existing cultural and political system to push for reforms. Groups such as the All-Pakistan Women's Association (APWA), which was founded in 1949, generally focused on social welfare issues. However, they also made important strides in creating a foundation for the protection of women's rights through helping draft the Family Laws Ordinance of 1961 and lobbying for reserved seats for women in provincial and national assembly bodies (Mumtaz and Shaheed 1987: 53). Furthermore, in the decades following independence, women's rights activists were able to use Islam as a means to secure their rights, both within the family and in the economic sphere. For example, the Muslim Personal Law of Shariat (1948) recognized the right of women to inherit property, including agricultural property (*ibid.*: 55–56). Therefore, although women's rights activists have always faced opposition from conservative *ulema*, they were largely successful in securing increased rights and representation for women throughout Pakistan's first three decades.¹³

11 Although no formal legal reforms have been enacted, the judiciary has interpreted Muslim personal law in innovative ways since the passage of the Muslim Women's Act, often applying the law in a manner that is beneficial to Muslim women. In this way, women's rights advocates have managed to work within the existing legal framework without challenging the sensibilities of the conservative *ulema* (Agnes 2010).

12 Muslim marriage contract.

13 Apart from the fact that Islamism was not highly influential in Pakistan before the 1970s, the success of the women's groups might partially be explained by the fact that many of these early women's rights activists were members of the elite and were themselves related to politicians (Ansari 2009).

Mobilizing during the Zia era

The 1980s witnessed a dramatic shift in the Pakistani political and cultural landscape as a result of Zia ul-Haq's Islamization program, which focused to a great extent on the control and regulation of issues related to gender and sexuality. This included the passage of the Hudood Ordinances, which introduced punishments such as amputations, public whippings, and stoning to death. It also criminalized consensual sex (*zina*) outside of marriage, and made it necessary for a woman to produce four male witnesses in order to prove that she had been raped; if she was unable to do so, she could be charged with committing the crime of *zina*, the maximum punishment for which is death by stoning (Shaheed 2010).¹⁴ Apart from the Hudood Ordinances, Zia's Islamization program included a range of measures such as introducing mandatory headscarves for all women working in government offices or appearing on television, as well as banning women's participation in certain public events such as spectator sports (Mumtaz and Shaheed 1987). The overall aim of such measures was to push women back into the confines of the *chador* and *chardiwari* (the "veil" and the "four walls of the home"), thus marking women as symbols of the Islamic nation.

The Women's Action Forum (WAF), the group's name having often been used interchangeably with "the women's movement"¹⁵ in Pakistan at the time, was a platform for individual women and women's organizations formed in 1981 as a reaction to Zia's Islamization program and to the Hudood Ordinances in particular. While they intentionally maintained a publicly ambiguous position vis-à-vis religion throughout the 1980s, for the most part the WAF chose to work within a human rights framework in their campaigns to repeal these laws. In her narrative of the WAF's experiences during the 1980s, Hina Jilani, a prominent lawyer and member of the WAF, says:

We did go to the universal and international human rights framework because for us that was a necessity. We wanted an anchor, a sound anchor to work for women's rights so that the national political environment of the country could not dislodge the concept that we were trying to get accepted, so religion did not figure as a point of reference. (March 12, 2012)

Hence, for many WAF members such as Jilani, the use of human rights language was a strategic decision in order to avoid the political manipulations of religion. In an article published during that period, Jilani (1986) argued that engaging with Islam was futile, as it encompasses many schools of thought, and the school favored by the

14 While no woman has ever been stoned to death for adultery, thousands were imprisoned under these laws.

15 However, many, including members of the WAF themselves, have pointed out that the WAF does not necessarily include all women's activism in Pakistan. Organizations such as the Sindhiyan Tehreek struggled for the rights of rural women in Sindh throughout the 1980s and 1990s (Zia 2009). Others have pointed out that the WAF is composed of a small number of elite, urban women, and hence cannot claim to be a "women's movement" (Sumar 2002).

government would inevitably predominate. Similarly, Rubina Saigol argues that women's rights activists would never win if they were playing on the "mullah's wicket" and hence needed to create a wicket of their own (interview, Rubina Saigol, April 15, 2011).

However, there were differences within the WAF throughout the 1980s over whether to work within a religious framework, with some individuals and branches utilizing religious-based approaches to a greater extent than others. Some members of the WAF, such as Khawar Mumtaz, argue that it was impossible *not* to engage with Islam at the time:

We thought the best way of responding was to get progressive interpretations of Islam given that context, given the nature of the law, and given at the time it was an Islamic, very conservative religious government and military government that had imposed the law. The parameters were in a sense defined. (May 11, 2011)

Therefore, according to Mumtaz, there was no choice but for women's rights activists to take Islam into consideration, as the issues were being framed in a religious manner by the state itself. For this reason, the WAF periodically engaged with religious scholars and texts in order to prove that measures such as the Hudood Ordinances, the law of *qisas* and *diyat* – which legalized the concept of blood money as compensation for murder, bodily harm, and abortion, and valued the lives of women and non-Muslims as half that of Muslim men – and the Law of Evidence¹⁶ – which made the evidence of women and minorities worth just one-half that of Muslim men – were, in fact, fundamentally un-Islamic (Mumtaz and Shaheed 1987). Differences of opinion over the strategic use of religion remained within the WAF throughout the 1980s and were left unresolved, with individual members and wings within the organization drawing on both religious and human rights discourses as and when needed. The WAF finally declared its support for a separation between religion and the state during its 1991 convention, long after Zia's demise (Shaheed 1998). However, even the official declaration of secularism did not mean an end to debates around religion (Zia 2009).

Activism since the Zia era

Parallel to the Indian women's movement and to social movements across the world, the Pakistani women's movement has largely dispersed and been institutionalized within NGOs since the 1990s (Alvarez 1999; Jad 2007). However, struggles to secure women's rights continue to take place on a variety of issues, including those related to religion. In the period following Zia's regime, women's rights activists shifted from their confrontational position to working through the structures of the state in a fashion reminiscent of women's rights activists in the first decades after

16 The Law of Evidence was passed in 1984, although in a watered-down form of what was originally proposed.

independence (Shaheed 2010; Zia 2009). The struggle for women's rights also expanded from focusing primarily on repealing the Hudood Ordinances to campaigning on a variety of issues, including those related to violence against women and women's political representation (Shaheed 2010).

For the most part, women's rights activists continue to rely on the international human rights framework as the foundation for their organizing efforts. However, they have also continued to periodically engage with religious texts and (religious) scholars in order to better defend against religious-based justifications for the denial of women's rights.¹⁷ For example, women's rights activists allied with members of Islamist groups in their campaigns against rape, despite their differences on critical issues such as the Hudood Ordinances (Zia 2009). They also provided sympathetic legislators with religious-based arguments against the Hudood Ordinances during the Musharraf regime (interview, Khawar Mumtaz, May 11, 2011). These arguments were helpful in the passage of the Women's Protection Act (2006), which effectively took the teeth out of the Hudood Ordinances by placing rape within the jurisdiction of civil law and making it illegal for a woman to be convicted of adultery on the basis of her own complaint.¹⁸ The passage of the Women's Protection Act was likely the combination of the long struggle waged by women's rights activists engaged in multiple strategies and the favorable political opportunity structure provided by the Musharraf regime's agenda to promote "enlightened moderation" in his approach to Islam (Jamal 2011: 205).

Furthermore, discussions with some activists point to an increasing sense that there is a need to engage more proactively with religion in order to win support at the grassroots level. For example, Farida Shaheed, who works jointly with Shirkat Gah and with Women Living under Muslims Laws (WLUML), argues that in the last five years, she has increasingly been asked by advocates working at the community level for religious-based arguments in support of women's rights (interview, May 4, 2011). Shirkat Gah has also put together a handbook outlining women's rights within Islam and also occasionally works with progressive religious scholars at the community level on issues such as marital rights and family planning.

Others within the movement feel that women's rights activists have not engaged with Islam enough. Mahnaz Rahman of the Aurat Foundation argues that women's rights activists made a mistake by allowing religious conservatives to frame the terms of the debate and by not putting forward alternative interpretations. She says, "I think completing giving up on a religious approach is also wrong because then

17 The limited attempts that members of the women's movement have made to use Islamic arguments has drawn criticism from within and outside the movement for limiting the terms of the debate, for being ideologically vague, for playing into the hands of right-wing Islamist groups, and for being exclusionary in nature (Sumar 2002; Zia 2009).

18 However, the Women's Protection Act was being challenged by the Federal Shariat Court, which argued that the amendments to the Hudood Ordinances were unconstitutional (Butt 2010). At the time of writing, no final ruling had yet been made on this issue.

you completely relinquish to them the weapons that they then use to attack you" (interview, January 17, 2011). Hence, the tension over whether to engage proactively with Islam (and if so, to what extent) has remained within the movement.

Criss-crossing trajectories: Analyzing both movements

Despite the fact that Muslims in India are considered to be a "threatened minority" while, in Pakistan, Islam is espoused by the vast majority, in both contexts Islam has been co-opted and manipulated by a variety of political actors in bids to gain power to the detriment of women. Although these processes have deep roots in both countries, they rapidly accelerated during the 1980s, when religious "fundamentalisms" – and Islamism, in particular – were on the rise on a global level.¹⁹ In India, where Muslims are increasingly insecure as a group, any deviation from the dominant interpretation is framed as an affront to "the community." In Pakistan, there is even less space for alternate interpretations, as "the nation" itself is increasingly insecure as a result of U.S. intervention in the region, the proliferation of Islamist groups, and growing sectarianism. Furthermore, those that dare to put forward any alternate understanding increasingly run the risk of being labeled "blasphemers," which is a life-threatening prospect in the current political climate.²⁰ Hence, in both contexts, women's rights activists face a virtual minefield when confronting issues related to religion and rights. This may be one of the reasons that "Islamic feminism" has not taken off in South Asia in the same way that it has in other parts of the world. Rather, as Jamal (2005) argues with regard to Pakistani feminists, feminists in both contexts invoke the language of universal human rights as a strategic mechanism to displace the patriarchal conceptions of "the Islamic nation/community" that rest on unequal gender relations.

Furthermore, activists in both movements are careful not to alienate non-Muslim members of the women's movement by relying on Islam to frame their approach and collective identity. In the Indian context, while the BMMA argues that it is a political necessity to organize as Muslim women, the Muslim Women's Rights

19 Casanova (1994) argues that there has been a "de-privatization" of religion across the world since the 1980s, which includes the increasing intertwining of religion and politics. For Casanova, this is a positive development, as it subjects religious values and norms, such as those related to gender roles, to public debate and, hence, reform.

20 The controversial blasphemy laws were introduced by the British in 1885 and amended as part of Zia ul-Haq's Islamization program, after which their use also increased exponentially. These laws, which are part of the penal code, make it a crime, punishable by death, to commit blasphemy. The misuse of this law to target less-powerful groups, including religious minorities, has been extensively documented, most recently demonstrated by the case of Rimsha Masih, a 14-year-old, mentally challenged Christian girl, who was wrongly accused of committing blasphemy and held in prison for several weeks before being proven innocent. However, any proposed amendment to the law has led to widespread protests, such proposals having also resulted in the assassinations of Governor of Punjab Salman Taseer and Minister for Minority Affairs Shahbaz Bhatti in 2011.

Network makes it clear that it does not privilege religious identity over other identities and that Muslim women's struggles cannot be won by working in isolation. Hence, while the BMMA does not prohibit the participation of members of other religious groups, the MWRN consciously includes women of other religious backgrounds. In Pakistan, where religious minorities have increasingly come under attack and where Muslims are in the majority, the need for inclusivity becomes even greater. Recounting the decision by the Karachi branch of the WAF to take a secular stance, Hilda Saeed says, "When you take a totally Islamic viewpoint then you are totally leaving out the others [religious minorities]" (September 23, 2011). Hence, activists in both contexts are cautious in their engagement with religion so as not to reinforce boundaries separating women.

At the same time, activists in both contexts periodically and strategically engage with religious discourses and actors in order to put forward alternative interpretations of Islam that are more supportive of women's rights, with differing results. In Pakistan, Islamic arguments for women's rights were provided to legislators lobbying to reform the Hudood Ordinances. However, such initiatives are limited, and many activists are skeptical about the extent of change these strategies will yield. Overall, Pakistani women's rights activists are relatively more hesitant to engage with Islamic discourses because past experiences of doing so have yielded few results and because of the hegemonic nature of conservative interpretations of Islam in the country.

In contrast, in India any discussion of Muslim women's rights ends up being framed in the context of Islam. However, a cultural and political shift has occurred over the last ten years in India, evidenced by the increasing number of challenges to the authority of elite groups – such as the All-India Muslim Personal Law Board – by women's rights activists and by the appearance of alternative personal law boards²¹ and the growing political assertion of non-elite Muslim groups (Jones 2010; Kirmani 2011a; b). This may be the case because Muslim women's rights activists in India find it more effective and necessary to engage proactively with Islam because of their position as religious minorities and because religious-conservative groups are less effective in dominating the religious discourse in India than in Pakistan. In this way, the fragmentation of religious authority (Eickelman and Piscatori 1996) amongst Muslims in India has opened up space for the emergence of alternative, woman-friendly interpretations of Islam.

At the same time, I do not intend to paint a picture of a more progressive and open India as compared to a conservative and closed Pakistan. In many ways, women's rights activists in Pakistan have been more successful in enacting legislative change

21 For example, two new personal law boards were created in 2005 in Lucknow: the Shia Personal Law Board and the AIMWPLB. At the end of 2004, the Bareilvis also split off from the AIMWPLB and created their own alternative board.

than have Muslim women's rights activists in India,²² who have been unsuccessful in enacting *any* legislative reform of Muslim personal laws. Between 2010 and 2012, several new pieces of legislation were passed in Pakistan that deal with issues ranging from women's inheritance rights, women's rights in the workplace, and protection against various forms of violence. However, these legislative victories have been won through a combination of factors, many of which have little to do with religion. An analysis of trends regarding the passage of women's rights legislation reveals that it is less the nature of the arguments put forward to support women's rights and more a favorable political opportunity structure (Tarrow 1994) that determines whether women's rights legislation will be passed. Hence, it is a combination of factors that has led to legislative success: among others, careful political strategizing learned over decades of organizing; the increase in women legislators following the introduction of the 33 percent quota by the Musharraf administration; and a coalescence of religious-based and human rights-based arguments deployed by a variety of actors depending on the issue and context. Furthermore, as women's rights activists the world over know all too well, the gap between legislative and social change remains immense.

Conclusion

A comparison of Indian and Pakistani women's movements demonstrates the strategic and creative use of multiple discourses – both religious and human rights-based – in struggles to secure rights by activists on both sides of the border. While the majority of women's rights activists in both countries are committed to the ideals of secularism and human rights, they have periodically engaged with religious actors and invoked Islamic arguments for equality and justice in order to defend against the (mis)use of Islam by conservative forces. Because Islam is intertwined with politics and culture in complex ways and at multiple levels in both countries, women's rights activists cannot afford to be rigid with regard to their strategies. Rather, they must (continue to) draw on multiple discourses creatively and strategically, continuously disturbing the binary between secularity and religion, in order to effectively defend women's rights against multiple and shifting threats.

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22 Although, the women's movement as a whole in India has been very successful in legislating for women's rights since the 1970s; in the past few decades in particular, several High Court rulings have interpreted Muslim personal law in a manner that favors Muslim women (see Note 11).

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