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Muslim Women's Rights Discourses in Kerala: Case Study of a Marginalized Group

By P. Shabna¹

Abstract

This paper is a case study of NISA, an autonomous Muslim women's organization in the South Indian state of Kerala. This paper elaborates on the limitations of the Islamic framework embraced by women's associations affiliated with sectarian Muslim groups in Kerala by comparing NISA's works and strategies and explaining their unwelcome position within the community. The paper also considers Muslim women's organizations in Kerala from a global perspective compared to international platforms like Musawah while exploring their limitations in forming a transnational alliance with such organizations.

Keywords: Islamic framework, Muslim women, Women's rights, Kerala, Qualitative methods, Islamic feminism

Introduction

Emerging feminist voices within the Muslim community critically approach their faith and advocate equal rights for Muslim women. They emphasize equality which is enshrined in the Quran but denied by patriarchal religious interpretations. Diverse strands of feminist voices are emerging within Islamic frameworks following different regional and political circumstances. This study will focus on the Muslim women's organizations in Kerala,² South India and their diverse articulations of rights.

This paper delineates the limitations of the framework of Islam valorized by Muslim women's organizations in Kerala from two vantage points. First, I did a case study of an independent Muslim women's organization NISA,³ identified the discourses formed in marginal spaces, and studied how margins are created. In addition to that, by analyzing the works of a transnational Muslim women's association Musawah, I will shed light on the hindrances for local Muslim women's organizations in forging a transnational alliance with organizations that work within a broader "Islamic framework." I employed qualitative methods of primary data collection including semi-structured interviews and participant observation of group meetings.

Islamic Framework for Gender Discourses: Prospects and Problems

Islamic feminism is a framework that focuses on the emancipation of women within Islamic paradigms and gives priority to Islam's fundamental text, the Quran (Badran, 2013). It argues that the Quran affirms the principle of equality. But the practice of equality between men

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² Kerala Muslims are quite distinct from Muslims in other parts of India for these reasons: (a) There is no Shia population in Kerala, (b) Kerala Muslims are not Urdu Speakers, and (c) they do not have the distinctions of *Ashraf* and *Ajlaf* (different castes among Muslims in North India).

³ NISA is a Muslim women's association established by V.P. Zuhara in 1998. The word *nisa* also means women in Arabic.

and women has been impeded by patriarchal ideas and practices. Feminist *ijtihad*,⁴ or independent reasoning, promotes a critical reading of the text which constitutes the basis for Islamic feminist thought and argument. This exegesis advocates full personhood and moral agency to women within the parameters of the Quran. Chronologically the scholars of feminist exegesis are categorized into two groupings: the first generation and the second generation (Hidayatullah, 2014). During the 1990s, the first-generation scholars consisting of Riffat Hassan, Aziza Al Hibri, Amina Wadud, and Asma Barlas initiated new thinking by bringing a feminist analysis to their faith and interpreting religious texts from gender-equity perspectives. Scholars like Fatima Mernissi (1991) have focused on the re-interpretation of *hadith*,⁵ an account of the prophet Muhammed's daily practice, which along with the Quran constitutes a major source of guidance for Muslims. After 2000, the second-generation scholars Sadia Shaikh, Kecia Ali, and Ayisha Hidayathullah undertook a critical analysis of the first generation's work and extended new trajectories for Islamic feminist discourses. Post-structuralist scholarship provided novel frameworks for understanding devout Muslim women's lives. Through her ethnographic work among Muslim women associated with a *masjid* (mosque) movement in Egypt, Saba Mahmood foregrounded pious "self-making" as the primary reference point to analyze Muslim women's agency rather than the well-trodden realms of resistance, power, or domination (Mahmood, 2005). The alternative voices for gender justice within Muslim communities must be evaluated within the turbulent global political climate where the wedge between the West and Islam has complicated the lives of Muslim women (Mahmood, 2005; Ahmed, 1992). In India, Muslim women's problems are further complicated by their minority status and the politically polarized climate prevailing in the country (Hasan, 1994; Agnes, 2012).

However, scholars have also pointed out the limitations of rights articulations within the Islamic framework. In her work on Islamic feminism and Islamic laws, Qudsia Mirza pointed out the failure of the Islamic framework to address the heterogeneity of Muslim societies as "irrelevant to the concerns of women who are at the political margins of these societies" (Mirza, 2008, p. 21). In her analysis of faith-based feminism in Muslim countries, Moghissi notes that:

Overemphasis on the Islamic frame for women's rights struggles in the Middle East assumes feminism in the region to be a unique, particular, and exceptional category within the global feminist movement. Legal and social equality for women everywhere has been linked to the transformation of socioeconomic structures, secularism, the legally protected toleration of difference, recognition of and respect for individual freedoms, and an acceptance of individuals' moral agency and ability to make their own choices (Moghissi, 2011, p. 8).

Similarly, Abu-Lughod (1998) explains how piety, when strictly interpreted and enforced, creates various challenges and difficulties for Muslim women within their communities and the larger society:

The moral imperative of community commitment—and indeed, that of public piety more generally—is in many ways particular to women. While at first glance this is comparable to those situations where women were cast as the preservers of tradition in opposition to a

⁴ The use of reason to arrive at a knowledge of truth in religious matters and derive a legal ruling from the Quran. Feminist scholars have used *ijtihad* to re-read texts from women's points of view.

⁵ The collection of written documents containing sayings of the prophet Muhammad.

masculine modern, it also inverts that model. Both the burden of cultural authenticity and the markers of public piety fell more heavily on the shoulders of women than men, and had specific ramifications for women's lives (Abu-Lughod, 1998, p. 30).

Heeding this criticism, the current study elaborates the limitations of the "Islamic framework" espoused by certain Muslim groups in Kerala and unravels how NISA addressed such limitations. The following section will briefly explain the Islamic framework forged by the Muslim women's groups affiliated with sectarian organizations in Kerala.

The Islamic Framework: Rights Discourses of Sectarian Muslim Women's Groups in Kerala

Kerala Muslims belong to the *Shafi* school of Sunnis.⁶ Since the rise of reformist groups in Kerala during the early twentieth century,⁷ the term Sunni is used to mean orthodox or traditionalist Muslims who are opposed to organized reform. The followers of reform organized themselves under a parental authority, Kerala Nadvathul Mujahideen (KNM), and are generally known as Mujahids. While Kerala does have a few adherents to the Tablighi Jamaat and some followers of Jamaat-e-Islami (JIH), by far the biggest groupings of Muslims and the most significant cultural distinction is between Sunnis and Mujahids.

Various socio-economic factors resulted in the formation of Muslim women's organizations under reformist groups⁸ in the late 1980s.⁹ Currently, two Muslim women's organizations are working under reformist groups, Mujahid Girls Movement (MGM) and Girls Islamic Organisation (GIO). On the other hand, traditionalist groups EK Sunni and AP Sunni refused to form an organization for Muslim women. The Sunni women I interviewed from both EK and AP groups expressed their view that there was no need for separate women's organizations since they conducted diverse activities under the guidance of specific resource persons.

MGM, the women's wing of KNM, was started in 1987 to propagate reformist thoughts among Muslim women in Kerala. This group endorsed modern education for Muslim women and organized various campaigns against dowry, luxurious marriage and lifestyles, and superstitious beliefs prevailing in the community. GIO was established on March 5, 1984 and functions under the supervision of JIH. GIO described its aim "to uplift the girls and enhance their power of action and reaction" (Girls Islamic Organisation, n.d.). Their campaigns highlight the message of "women's liberation through belief in religion" (Girls Islamic Organisation, n.d.). JIH also has a separate women's wing (for middle aged and older women) that is actively present in the community and organizes campaigns and conferences to empower Muslim women.

Despite the differences in their claims and activities, the Muslim women's groups working under parental sectarian organizations¹⁰ evoked an ideal Islamic framework (*Islaminte chattakood*) in their rights articulations. The Muslim women I interviewed from both sects (traditionalists and

⁶ Globally Muslims are divided into two major groups, Sunni and Shia. Kerala only has a Sunni population.

⁷ For more details on Kerala Muslim reform, please refer to Santhosh (2013) and Osella & Osella (2008).

⁸ Despite their internal differences, Mujahids and JIH are known as the reformist groups and for the convenience of this paper I am following the same.

⁹ The 1980s was a significant decade for the Muslim community in Kerala. Along with a changed political climate in India, the large-scale migration of Muslim men seeking jobs in Middle-Eastern countries refashioned the religious consciousness as well as economic prosperity of the Muslim community in Kerala.

¹⁰ The paper is focused on three Muslim women's sectarian groups: MGM (the women's wing of JIH), and the EK and AP regional groups of Sunni women.

reformists) had privileged Islam by asserting, “Islam grants all kinds of rights to Muslim women” (Amina, personal communication, November 7, 2019).¹¹ Though some Mujahid women often claim equality and justice for Muslim women, the majority of the women members of the organizations denounce equality and embrace the “fair treatment” of women in Islam by justifying the biological differences between the sexes. The *hadith* and the Quran are the sole base of their arguments, and such discourses embrace an ideal Muslim woman image by valorizing Islamic moral codes, including “proper” dress code and “good” behavior. By upholding an ideal womanhood and evoking an ideal Islamic framework, Muslim women in Kerala affiliated to sectarian organizations have tried to expand the rights articulations in different directions. During the 1980s, the focus area was women's education and the cultivation of Islamic piety among Muslim women. Gradually these discourses shifted their focus into social engagements of Muslim women, the question of mosque entry, and Muslim women's political participation. The Islamic framework is central to all their discourses and offers a strategic position for their rights negotiations.¹²

However, my fieldwork illuminates the role of parental organizations in controlling the women's wing and their discourses. The respective sectarian parental authority has the upper hand in setting the agenda and programs of their women's organizations. I attended a workshop for women preachers at the head office of a reformist women's organization in Kozhikode. The training class was organized for guiding women preachers to conduct religious classes in their respective regional branches as part of a three-month campaign on womanhood. Eminent male leaders were present at the stage as principal speakers. The secretary (a male leader) distributed handwritten notes among their members, which elaborated the main contents for preaching. The document explained women's rights in the Quran, focusing on how the conditions of women improved with the birth of Islam in Arabia with verses from the Quran and *hadith*. He stressed that the solution for today's problems is to treat women as women and not as men. Further, he also explained the way to preach and replied to some queries raised by women attendees. Though it was a training session for women preachers, participant observation gave me a better understanding of how male authority controls and shapes the discourses around Muslim women. Moreover, Khadeeja, an 85-year-old woman preacher, made a critical comment on the present functioning of the women's wing. She explained:

Present leadership is weak. Women do not dare to negotiate with the male authorities. You know, during my time we did a lot of activities. We organized conferences, we collected funds for housing projects and established various projects for Muslim women's empowerment. We started a tailoring shop and flour mill for creating employment for Muslim women. We never waited for the permission from male authorities. In fact, We were fortunate to have the support of strong male leaders who supported these initiatives during that time. But today everything is under the control of male leadership. Especially after the new conservative wave, the parental organization strengthened its control over women's groups. It is not fair (Khadeeja, personal communication, October 23, 2019).

¹¹ The names of all informants have been changed to protect their identities.

¹² The phrase “Islamic framework” (*Islaminte Chattakoodu*) is commonly used by Muslim women from all groups in their conversations and writings. However, there are both converging and diverging opinions regarding the theological positions on various issues within this Islamic framework.

Reformist women preachers who were active during the 1980s and 1990s expressed the same concerns. The following section will elaborate on the limitations of the Islamic framework proposed by sectarian Muslim women's organizations by analyzing the work of an independent Muslim women's organization, NISA.

NISA: Voices from the Margins

NISA is a progressive women's association established by V.P. Zuhara. In 1998, the State Women's Commission of Kerala decided to organize a public hearing on the issues faced by Muslim women in Kozhikode. A woman leader of the IUML (Indian Union Muslim League)¹³ protested against the proposed event by asking why a *Nair*¹⁴ woman (who headed the Commission) should intervene in Muslim women's matters. The protest encouraged V. P. Zuhara to create a forum of progressive-minded Muslims to discuss the problems of Muslim women, and she founded NISA the same year (V.P. Zuhara, personal communication, October 21, 2018). Initially, the organization had an independent office in a rented room near Calicut Civil Station in Kerala. NISA members ran a small stationery shop in the office building to fund the rent, but later shut down their office due to financial issues. Currently, NISA has 20 members and works mostly through online platforms. Even though NISA made some significant interventions in the Muslim women's gender discourses and often received media coverage, NISA is not very popular among Muslim women in Kerala. Some Muslim women preachers I interviewed from the sectarian women's organizations are unaware of this organization, which reflects the limited visibility of NISA among the Muslim community.

NISA has highlighted the aspects of the Muslim Personal Law that deny Muslim women basic rights, including the right to justice, freedom, and equality enshrined in the Indian Constitution. Invoking the work of Islamic scholars such as Fatima Mernissi and Amina Wadud, NISA argues that the holy texts of Islam have been misinterpreted by men, especially the clergy, to serve their interests. The founder of NISA, V.P. Zuhara, claimed that it is an Islamic feminist organization working to empower Muslim women:

Islam grants certain rights to Muslim women. In marriage, divorce, and inheritance, it acknowledges women and gives provision for them. However, what constitutes the problem is the patriarchal interpretation of women's rights. The Muslim Personal Law was codified in the 1930s under the British rule, and India continues to follow that since then though the world has undergone great transformations.Muslim women are encountering multiple problems. NISA is meant to address such problems faced by Muslim women and advocate for Muslim women's rights granted in the Quran. To secure these goals, we have to move beyond the Islamic framework in order to assure justice for Muslim women. We are not rejecting the Quran.... We are also working to ensure the constitutional rights of Muslim women (V.P. Zuhara, personal communication, October 21, 2018).

Like the Muslim women preachers of MGM and Sunni groups, V.P. Zuhara also asserts that Islam offers rights to Muslim women. When I asked her to elaborate on Islamic feminism, she replied:

¹³ The IUML is a political party based primarily in Kerala, where it is popularly known as the Muslim League.

¹⁴ *Nair* is a dominant caste Hindu group in Kerala.

For me, feminism is all about gender equality. Islam underlines gender equality, but the religious authority denies it. The recent scholarship tries to re-read the Quran from the woman's perspective. You may know about the works of Amina Wadud and Asma Barlas. Hence, I understood that feminism is possible within Islam also. The male *ulema* focus only on the verses that permit polygamy ignoring the context and conditions for polygamy explained in the Quran. They focus only on triple *talaq*. However, a Muslim woman can also initiate divorce according to Islamic principles. It is *Fasq*. But our religious authorities willfully omit it. So, as a Muslim woman, I think we need to demand our rights. It is Islamic feminism for me (V.P. Zahara, personal communication, October 21, 2018).

Other Muslim women's organizations in Kerala condemn all feminism and Islamic feminism in particular because of its western origin.¹⁵ Unlike them, NISA embraces Islamic feminism. As an independent Muslim women's organization, NISA often disagrees with mainstream Muslim organizations like KNM and Sunni organizations. V.P. Zuhara said:

Though Mujahids argued in favor of Muslim women's education, they introduced and imposed *pardha* for Muslim women in Kerala. I hardly found any Muslim woman wearing *pardha* in Kerala during my childhood. Today everybody is under *pardha*. We cannot merely perceive it as a choice. This choice is imposed upon them. These organizations (mainstream Muslim organisations) need people who support their agenda. Vote bank politics also have roles in it. I don't like to be part of it (V.P. Zuhara, personal communication, February 10, 2018).

V.P. Zuhara raises serious criticisms against the reformist groups for imposing the *pardha*¹⁶ system for Muslim women, negating the idea of feminism, and their organizational affiliation with politics and political agendas. NISA often organized campaigns against the anti-women positions from Sunni and Mujahid *ulema*. In the above-mentioned interview excerpt, V.P. Zuhara pointed out the vote-bank politics behind the opinions of Muslim organizations like KNM and JIH. She criticized the women's conferences organized by the Muslim groups in Kerala like the KNM and JIH with women in *pardha* as a spectacle to project their vote bank. She argued that while organizing a conference of women in *pardha*, such groups are proclaiming that "these many votes are there with us" and "try to control women according to their organizational agenda" (V.P. Zuhara, personal communication, October 21, 2018).

Unlike sectarian Muslim women's organizations like MGM and GIO, NISA cooperates with other secular women's organizations in Kerala like Anweshi¹⁷ and AIDWA.¹⁸ Despite their differing approaches towards women, both NISA and Anweshi have managed to find common ground and collaborate, transcending their divergent perspectives. At the same time, V.P. Zuhara distinguishes her organization's use of feminism from secular women's organizations:

¹⁵ In Kerala, the term feminism was commonly met with suspicion and hostility, resulting in advocates being frequently ridiculed by members of civil society as "*feminichis*."

¹⁶ In Kerala, the attire known as *pardha* is a long robe or cloak, typically black in color. It is worn over regular clothing and provides coverage to the entire body.

¹⁷ A secular women's movement in Kerala founded by a well-known feminist activist Ajitha.

¹⁸ All India Democratic Women's Association is an All-India women's organization committed to achieving democracy, equality, and women's emancipation. It is associated with the Communist party of India (Marxist).

I have some disagreement with the way they are practicing feminism. I cannot entirely agree with the way they are handling the cases of domestic violence. In some cases, negotiations are possible. Instead, these organizations directly proceed for divorce in all cases. But we are cooperating with them in so many matters. We cannot provide temporary shelter to the women whom their husbands throw out. Usually, we seek *Anweshi*'s help for this ... Some well-known feminists (secular feminists) supporting the orthodox groups within the Muslim community.... Why did they unnecessarily intervene in the matters of Muslim women without understanding the realities? Don't touch Muslim women. We are here for that. (V.P. Zuhara, personal communication, October 21, 2018).

Deviating from secular women's organizational positions on feminism, NISA assumes the authority for speaking up for Muslim women and criticizes mainstream feminists for “not understanding the realities of Muslim women's lives” (V.P. Zuhara, personal communication, October 21, 2018).

On the one hand, NISA clearly objects to the sectarian dialogues and the “gender-regressive” activities of the mainstream Muslim groups. On the other hand, it clearly defines its unique stance from secular feminist organizations. Islamic feminism offers a middle ground for rights negotiations. Within such a strategic position, NISA has worked for the amendment of Muslim Personal Law and criticized patriarchal practices like triple *talaq*,¹⁹ early marriages of girls, polygamy, and *Arabikkalyanam* (the practice of marrying girls mostly from a low-income family to a much older man based in Saudi Arabia). The following section will elaborate on NISA's interventions on Muslim women's problems to highlight why these discourses are marginalized by mainstream Muslim women's organizations.

NISA: Challenging Ideal Womanhood

One of the contested issues in Islamic theological debates is the public presence of Muslim women. In Kerala, as a result of Gulf migration and various state policies like reservations²⁰ and Kudumbasree,²¹ Muslim women increasingly became active in public affairs in the 21st century. Nonetheless, these theological contestations created an ideal public for them, and the Muslim women preachers carved out an Islamic moral public for Muslim women since the 1980s.

NISA marked their exclusive boundaries beyond the ideal moral public defined by the sectarian Muslim women's group. As a progressive women's forum, it was at the forefront of protests and activism to ensure rights and justice for Muslim women. V.P. Zuhara explained:

In 2011, there was a case of domestic violence. A Muslim woman was thrown out by her husband and approached our organization for shelter. She was completely helpless with her kids aged 4 and 2. You know, it is un-Islamic in every aspect. And, if he wants to divorce, the husband has to follow Islamic rules and has to offer maintenance. The procedures at court will take time. So, we decided to protest in front of her husband's house to seek maintenance. We protested day and night. We sat there. So, the issue received public attention and the police intervened. Finally, her husband agreed to offer some money

¹⁹ A method of divorce in which individuals claim divorce by declaring “I divorce you” thrice in one setting in front of a witness.

²⁰ Kerala state implemented a three-tier local self-governing system in 1994 with 33% reservation for women. In 2009 the reservation for women increased to 50%.

²¹ Poverty eradication and women's empowerment program implemented by the Kerala State Government.

for the maintenance of the children. Activism demands full-time engagement. I was actively involved in the issues without considering the time, day or night. I have to interact with the authorities and the victims and have to talk with them a lot. See, we are living in a society where women are facing multiple forms of violence regardless of day and night. So, I cannot limit my engagements to specific times or specific people. I have to raise my voice, otherwise nobody will notice us (V.P. Zuhara, personal communication, October 26, 2018).

V.P. Zuhara clarified that she was unmindful of the constraints that many women preachers had talked about in their interviews--the intermingling of sexes, traveling alone, and "inappropriate time" for a woman to carry out her activities in the public domain. Unlike the women preachers and resource persons associated with the reformist and Sunni organizations, Zuhara is against a dress code and does not use a *hijab* or Salafi-scarf to cover her head. In her photos and recordings of her speeches, she appears in a sari with her head casually covered by the loose end of her sari, which was the common practice among Kerala's Muslim women before the Gulf migration of men, the prosperity of the community, and the ensuing changes in women's dress and appearance.

Muslim Family Laws

Family laws in India are always a controversial issue. In India, civil laws related to marriage, succession, divorce, and maintenance are determined in accordance with the religious principles of the major religious groups (Hindu, Muslim, Christian, and Parsi). In the case of family laws, NISA is not entirely dismissive of the Islamic *sharia*²² law. Instead, V.P. Zuhara argues,

The Quran and Islamic laws are not against women. Nevertheless, what happened is, *ulema* misinterpreted the verses and principles from the Quran. It is the root cause of Muslim women's problems in the world. In India, *sharia* was codified in 1938, during the time of British rule. However, these *sharia* codes are not solid and static. Even Islam permits the change of jurisprudence according to the times. So many things have changed since then. Islamic banking is now halal (permitted). Even Saudi Arabia is changing their laws in favor of women. Now women can drive cars and watch football matches in a stadium. But in Kerala, religious organizations are advocating the opposite. They need more women in *pardha* and more in the home. You can see that neo-Salafism is trying to control women more. Such regressive acts nullify all the reformist values evoked by the progressive leaders earlier. According to the Quran, Muslim women have their stake in marriage, divorce, property... ..but you know what is happening now! Muslim women are facing problems related to marriage, divorce and maintenance. Muslim women have not got enough say in their marriage and divorce. Divorce is considered as a right only for men even if they are divorcing without any reason. I am wondering why *ulema* are giving sanctions to such divorces. And the main concern is the early marriages of Muslim girls. Still, the average age of marriage for Muslim girls is low. It is good that the rules on child marriage are strict now. Before the enactment of this law, Muslim women have to stop their studies at 10th or 12th standard (grades). But people used to bend the rules. (V.P. Zuhara, personal communication, October 26, 2018).

²² A body of religious law that forms a part of the Islamic tradition. Based on the sacred scriptures of Islam, the Quran, and the Hadith.

Instead of valorizing and defending the Islamic framework, V.P. Zuhara prioritized addressing the prevailing malpractices within the Muslim community. The age of marriage for Muslim girls is a long-term debate in Kerala. In 2013, Kanthapuram A.P. Aboobacker Musaliyar, a renowned AP Sunni leader, made a public comment that girls should be married off by the time they are 16 to prevent them from “going wayward” (The Hindu, 2013, June 30). In the same year, a controversy happened in Kerala regarding the age of marriage for Muslim girls. State-Local Administration Department, headed by IUML, came up with a circular to validate the marriage of Muslim girls above 16 years of age. The circular states that:

In the case of Muslims, the registration of marriages in which the groom was not yet 21 and the bride was not yet 18 (but above 16) at the time of the marriage if it took place with the consent of parents and was supported by a certificate from the religious authority concerned (PTI, 2013).

However, following public outcry, they amended the circular, mentioning that marriages that take place after the date of the circular would not get legal sanction (Times of India, 2013, June 28). Subsequently, major Muslim groups including EK Sunnis and Mujahids approached the Supreme Court to ask for “Constitutional protection for the Muslim community in matters involving their law, including the age of marriage, and a solution to the problems faced by girls (and their families) who had to be married before the age of 18 under the force of certain circumstances” (Krishnakumar, 2013).

The groups argued that laws such as the Prohibition of Child Marriage Act (2006) contradicted the related provisions in the Muslim Personal Law which does not prescribe a specific age for marriage. The IUML as well as all prominent Muslim religious organizations in Kerala supported the move and launched a joint platform called *Muslim Vyakthi Niyama Samrakshana Samithi* (Association for Protection of Muslim Personal Law). IUML State Secretary M.C. Mayin Haji made the following public statement:

Mohammadan law states that any girl who attains puberty can be married off. The Muslim Personal Law has not fixed a specific age for the marriage of a Muslim girl. So, any law that fixes 18 years as the age for the marriage is an infringement upon the Muslim Personal Law (Times of India, 2013, September 23).

MGM did not take any stand against its parental organization's support for legalizing child marriage. Though the organization often organized campaigns and seminars regarding Muslim women's issues, they kept silent on the controversy over decreasing the age of marriage for Muslim girls. But NISA strongly protested against the move to lower Muslim women's marriage age to 16. V.P. Zuhara explained with anger in her voice,

You know that child marriage is rampant in the Muslim community. Have you seen the movie *Padam onnu oru vilapam*?²³ Such incidents are happening in society. You may find

²³ Titled *Lesson Number One, A Misery* in English, the Malayalam movie directed by T. V Chandran depicts a miserable story of a Muslim girl who marries at the age of 15 and divorces within three months. In my interviews, some Muslim feminist scholars criticized the movie for portraying Muslim women as passive victims of the community, highlighting it as an instance of perpetuating the rhetoric rather than empowering women.

so many studies on child marriage among the Muslim community in Kerala. *Ulema's* are manipulating Islamic principles to justify their positions in favor of child marriage. It is for their political gain. It is unfair to force a girl to marry at her tender age. Give her time to observe the world and equip her to form her own opinion. I am not entirely blaming the parents. They are forced to do so. Or else, it is difficult to find a bridegroom for the girl... Apart from this pressure, *ulema* are also forcing the community to marry a girl early through their fatwas. I understand that *ulema* are fearing Muslim girls. They fear that if a girl gets exposed to the world, they will not be able to control them. Women will begin to question them. No one can justify such regressive attempts from Muslim leaders who are aiming at nothing but political gain (V.P. Zuhara, personal communication, October 21, 2018).

V.P. Zuhara is wary of political manipulations and argued that IUML was taking a “regressive” stand in order to unify different groups in the Muslim community with the prospect of elections in mind. NISA organized a protest rally and Zuhara has openly criticised the *ulemas'* patriarchal mindset that endorses child marriage. V.P. Zuhara's criticism and comments against a well-known religious leader invited threats upon her life from a Muslim group in Kerala (V.P. Zuhara, personal communication, October 21, 2018).

Studies show that early marriages were rampant among the Muslim community in Kerala. Venu Menon (1997), in his study conducted in Kozhikode, portrays the plight of abandoned Muslim women who were victims of early marriage. According to Menon, women were usually compelled into marriage at adolescence and discarded soon after, or after years of menial domestic subjugation (Menon, 1997). Further, a study undertaken by C. A. Sindhu (2014) showed that a complex ensemble of social, cultural, economic, and religious factors contributed to the practice of early marriage among the Muslim community (Sindhu, 2014). It is, therefore, hardly surprising that V.P. Zuhara should have taken up cudgels against the under-age marriage of Muslim girls.

NISA also made interventions in the barbaric practice of *Arabikkalyanam* that was prevalent among the Malabar Muslim community. Often, after a few months, the Arab nationals tend to return to their homeland leaving the women they married behind without any financial support and with the sole responsibility for the children born out of the wedlock. This practice is widely known as *Arabikkalyanam* or *Mysorekkalyanam*, depending on whether the groom is from Arabia or Karnataka (neighboring state). The groom, in most cases, is much older than the child bride. According to V.P. Zuhara, domestic violence and sexual assault were also reported in these marriages. There is a case of *Arabikkalyanam* reported along with the issue of the age of marriage for Muslim girls. One 17-year-old girl, brought up in an orphanage in Malappuram district, was married off to a United Arab Emirates (UAE) citizen. The man went back to his country after spending several days with her (Krishnakumar, 2013). V.P. Zuhara approached the family and learned that the victim was the daughter of a widow who had sent her to the orphanage for educational purposes. The religious authorities never made any intervention on the issue of child marriage and the MGM remained silent on the issue. NISA protested against such malpractices and conducted campaigns against it.

V.P. Zuhara reiterated the importance of orphanages and explained how strongly Islam emphasized the protection of orphans. NISA clearly states that its objective is to make such institutions aware of their duties and urge them to make changes in their mode of functioning in keeping with the contemporary situation, i.e., prioritizing girls' higher education rather than marriage (V.P. Zuhara, personal communication, October 21, 2018).

NISA also intervened in the matter of instant triple *talaq*.²⁴ V. P Zuhara has organized campaigns seeking justice for the victims of instant triple *talaq*. Although such cases are not rampant in Kerala like they are in the Northern states of India, she pointed out that there have been incidents of men divorcing women even through phone calls without following the proper procedures. She also added that NISA was one of the partners in the Supreme Court that filed an affidavit to ban the practice of triple *talaq*. As a result, the Indian Government promulgated a law, the Muslim Women's (Protection of Rights on Marriage) Act in 2018. This made all declarations of instant *talaq*, including in written or electronic form, void and illegal. However, the bill also criminalizes Muslim men by making “the declaration of *talaq* a cognizable and non-bailable criminal offense.” A husband accused of declaring *talaq* can be arrested by a police officer without a warrant and imprisoned for up to three years along with a fine (Front Line, 2018). Though V.P. Zuhara supported the legislation, other members of NISA have expressed skepticism about the political manipulations behind the bill, including the provisions that criminalize Muslim men. Also, V.P. Zuhara argued that misconduct is happening in Muslim women's divorce practices, but the religious authority is supporting such practices instead of taking actions to prohibit them. Pointing out all these malpractices in Islamic law, NISA strongly advocates for the codification of Muslim Personal Law to address women's perspectives.

Violence against Muslim Women

Studies show that violence against women across all communities has become one of the pre-eminent issues in Kerala (Eapen & Kodoth, 2005). In 2017, a study conducted by Sahiyo,²⁵ an NGO working to end the practice of female genital mutilation (FGM), has found that FGM is practiced among some Muslim sects in Kerala. Following a local newspaper report, it became controversial in Kerala. *The Hindu* reports:

During an investigation in February, Sahiyo found a medical clinic in Kozhikode, where two doctors admitted that they performed the procedure of *sunmath* or circumcision on both boys and girls. They claimed that women from several local Muslim sects are increasingly coming to their clinic to have *sunmath* performed on themselves, their daughters, and even their daughters-in-law," said the report. According to the report, the doctors said that in the female circumcision ritual, they cut the prepuce of the clitoris, also known as the clitoral hood, because it is allegedly “good for married life” (The Hindu, 2017).

NISA organized a protest march towards the clinic that did FGM and forced it to shut down. V.P. Zuhara said, “FGC is not practiced among the mainstream Muslims in Kerala. But a study found that it is being practiced among a small Shia community near Calicut beach. There was a clinic that carried out the practice. We protested in front of the clinic and forced it to shut down” (V.P. Zuhara, personal communication, October 21, 2018).

The MGM leaders refused the existence of such incidents and alleged that newspapers were degrading Islam by sensationalizing some minor incidents. NISA assist women impacted by domestic violence through the provision of legal aid and temporary shelters. Due to the complexities of the legal process, V.P. Zuhara, in certain instances, had to enlist the support and

²⁴*Talaq-e-biddat* (instant triple *talaq*) is a form of divorce pronounced by a Muslim man which is instant and irrevocable.

²⁵ Sahiyo is a non-governmental organization that advocates for women rights and an end to female genital mutilation (FGM). FGM is also referred to as FGC (female genital cutting).

cooperation of Muslim associations. She also routed the cases through legal mechanisms to ensure justice to the victims.

Locating NISA

From the preceding discussion on NISA, it is evident that the Islamic framework embraced by sectarian women's groups marginalizes and excludes specific discourses on Muslim women. Thus, NISA intervenes in Muslim women's problems that are marginalized by the mainstream sectarian groups and their associated women's wings. This discursive margin can be located by three factors: 1) socio-economic and political capital, 2) self-fashioning of women, and 3) broader objectives and strategies.

First, the socio-economic and political capital of sectarian Muslim women's groups is different given that NISA is an independent organization and does not align with any sectarian Muslim groups. It is interesting to note that women preachers and the women who head the sectarian Muslim women's organizations are from upper-class and well-known families. The women often talk about their ancestral lineage (*tharavattu peru*) and claim they are from traditional Mujahid/Sunni families. All of them acknowledged their father's role in shaping their theological knowledge. However, the members of NISA neither claimed any ancestral lineage nor had the chance to access such advanced theological knowledge, which is a privilege available only for certain sections of the Muslim community. Though the sectarian Muslim women's groups have members from all strata of the community, the main proponents of the gender discourse like the women preachers, leaders of the Muslim women's organizations, and the key spokespersons from the Arabic colleges are confined to the upper- and middle-class backgrounds.

In contrast with this, the members of NISA are from the lower-middle-class backgrounds and intervene in the problems primarily pertaining to lower strata of the community. Unlike sectarian organizations that receive enough funds from their respective parental organizations, NISA faces a lack of funds and has poor infrastructure. The political capital and the associations with the state apparatus enhance the bargaining capacity of an organization. Despite its association with the left-liberal ideology, NISA is not a political pressure group like the sectarian Muslim groups and its women's wings which often intervene in the state policies regarding Muslim women. The previous section exemplifies how the sectarian groups pressured the state government for lowering the age of marriage for Muslim women.

Second, the self-fashioning of NISA members, though they assert their Muslim identity, is not leaning towards the ideal Islamic womanhood valorized by the sectarian groups. The social engagements and socio-political activism of these women work against the idealized domestic and public spaces and self-fashioning norms established by the dominant gender constructions about Muslim women. As a result, NISA fails to effectively gather support and gain acceptance from the Muslim community and faces marginalization within the Muslim public sphere.

Third, NISA offers a broader objective and strategy than do the sectarian women's groups. As an autonomous women's association, NISA makes independent decisions without any parental control. The interventions of NISA discussed in this paper proactively seek out the institutional mechanisms of the state as well as evoke and appeal to Islamic visions of justice to ensure that the women they represent have their rights protected. The following section will offer a detailed comparison of the objectives and strategies of NISA and sectarian groups with a transnational organization, Musawah,²⁶ and will discuss the possibility of a transnational partnership.

²⁶ Musawah, founded in 2009, is a global movement for equality and justice in Muslim family laws.

Islamic Framework on Transnational Platforms

Globally, the Malaysia-based organization Musawah is at the forefront of Muslim women's rights articulations within an Islamic paradigm. Musawah, which means equality in Arabic, describes its aim as:

A global movement for equality and justice in the Muslim family... We are composed of NGOs, activists, scholars, legal practitioners, policy makers, and grassroots women and men from around the world. Musawah's vision is a world where the basis for all human relations is equality, non-discrimination, justice and dignity. Musawah believes equality and justice in the Muslim family are necessary and possible. We work for the advancement of human rights for women in Muslim contexts, in both their public and private lives. The time for equality and justice is now (Musawah, n.d.).

Advocating “equality and justice in the Muslim family,” Musawah holds the principles of Islam to be a source of justice, equality, fairness, and dignity for all human beings. Since the family laws in Islam were defined by classical jurists during the colonial period, Musawah claims such laws are “neither tenable in contemporary circumstances nor defensible on Islamic grounds” (Musawah, n.d.). Therefore, they are running campaigns to reform family laws in a “holistic approach that brings together Islamic teachings, universal human rights principles, fundamental rights and constitutional guarantees, and the lived realities of women and men today” (Musawah, n.d.). Musawah reaffirms Muslim women's rights for *ijtihad*²⁷ and asserts that the “relations between Muslim women and men in both the private and public spheres are governed by principles and practices that uphold equality, fairness and justice” (Musawah, n.d.). Moreover, espousing Islam as a means towards justice, Musawah also identifies its compatibility with universal human rights and fundamental rights.

Like the sectarian Muslim women's organizations in Kerala, Musawah and NISA also acknowledge Islam as the source of their rights claims. However, NISA and Musawah keep a critical perspective on the Islamic laws that they claim are outdated and infringed by colonial interventions. They argue for the reform of Muslim family laws from the perspective of women and admit women's independent agency for *ijtihad*. Instead of confining their group to the Islamic framework, NISA takes a strategic position by endorsing Islamic feminism. Emphasizing their Muslim identity, NISA members vehemently criticize religious practices and statements of *ulema* that curtail women's rights and freedom. Islamic feminism offers a strategic position to criticize the gender-regressive practices in the community and distinguish them from the secular women's groups.

On the other hand, the sectarian women's groups assert Islam as the sole authority for rights claims. They embrace the Islamic moral codes prescribed in classical theology as protection and safety for them. The theological criticism of sectarian groups is limited to reformist-traditionalist contestations over true Islam, limiting women's agency for *ijtihad*. Rather than having a critical perspective, sectarian women's groups privilege Islamic rights such as rights to property and rights to worship.

Although NISA is not in collaboration with such international platforms, the framework and approach of NISA shares some parallels with Musawah. On the other hand, the sectarian

²⁷ The use of reason to arrive at a knowledge of truth in religious matters and derive a legal ruling from Quran.

women's group's Islamic framework is limited in its scope compared with Musawah. The broader aims of NISA, like equality, justice, and empowerment of Muslim women, overlap with that of Musawah. In contrast, the Muslim women's groups associated with sectarian organizations reject the concept of gender equality and prefer Islamic safeguards for Muslim women. Despite Mujahid women like Khadeeja (mentioned earlier) advocating for equality and justice for Muslim women, Sunni women and *ulema* frequently reject the notion of equality by highlighting the biological differences between the sexes.

Both NISA and Musawah adopt a holistic strategy that incorporates Universal Human Rights and constitutional rights with Islamic principles. This encompassing approach offers broader platforms for NISA and Musawah to address the problems faced by the sexual minorities and sex workers. The mission statements of both organizations clearly state their emphasis on the lived realities of Muslim women and their problems. With its activist-oriented programs, NISA made significant achievements in Kerala by intervening in Muslim women's issues like *Arabikkalyanam* and violence against women. Mainstream Muslim women's groups in Kerala, such as MGM and GIO, have made notable contributions by emphasizing the Islamic rights of Muslim women, including the right to education, worship, and more. Nevertheless, the Islamic framework invoked by them often proved inadequate in addressing the everyday challenges faced by Muslim women in Kerala, as underlined by NISA's interventions.

NISA succeeded in forming an alliance with secular women's organizations in Kerala through its holistic approach and broader aims. However, NISA failed to make an international alliance with Musawah because of its inadequate economic and social capital. Even though the sectarian organization has a large social base and acceptance among the Muslim community, it failed to align itself with women's groups.

Conclusion

In this paper I analyzed the limitations of the Islamic framework valorized by Muslim women's groups associated with the organizations in Kerala from two vantage points. First, I analyzed the discourses and interventions of an independent but marginalized organization, NISA. Second, I compared the objectives and strategies of NISA and sectarian Muslim women's groups with the transnational Muslim group Musawah.

The discourses of NISA address diverse issues faced by Muslim women. From the discussion on NISA, it is evident that the Islamic framework embraced by the sectarian women's groups creates a boundary by excluding specific discourses on Muslim women. Mirza (2008) pointed out the limitations of the Islamic framework to accommodate diverse voices of Muslim women within the community. In the context of Kerala, the discursive margin is apparent and created by three factors: socio-economic and political capital, self-fashioning of women, and border objectives and strategies. Although NISA asserts their Muslim identity and evokes Islamic principles in their rights claims, their activism extends beyond this and challenges the ideal norms imposed by dominant gender constructions regarding Muslim women's self-fashioning.

Autonomous movements like NISA identify themselves as an Islamic feminist organization and advocate revamping of the Muslim personal laws from a gender justice perspective. NISA has no powerful political allies, and in some cases, the absence of powerful affiliations is enough to wear down such autonomous organizations. Their plight has many similarities with the predicament many women's groups in India find themselves in, wherein groups associated with established organizations or political parties tend to be larger in terms of membership and sustainability as far as structure and activities are concerned. Autonomous

organizations that may have a more explicit feminist vision and language are generally more limited in terms of membership and outreach.

Like the Muslim women preachers of MGM and Sunni groups, V.P. Zuhara also asserts that Islam offers Muslim women certain rights, and pointed to their inheritance rights, and rights to divorce and remarriage enshrined in the Quran. However, she expands her ideological horizon beyond the scope of the Islamic framework and advocates ensuring Muslim women their constitutional rights as well. NISA's modalities of activism and focus areas are guided by its vision of social change and gender justice. In my view, Islamic feminism offers NISA a strategic vantage point from which to advocate and lobby for the amendment of Muslim personal laws and oppose practices such as instant triple *talaq*, early marriage of girls, polygamy, and *Arabikkalyanam*. The broader aims and approaches of NISA offer a productive possibility of collaboration with transnational organizations and discourses.

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