societies

MDPI

Article

Conflict, Gendered Borders, and Emotional Mobility: The Case of Kashmiri Women Seeking Legal Justice

Sweta Sen [1,*,†] and Aarash Pirzada [2,†]

[1] Jindal School of International Affairs, O.P. Jindal Global University, Sonipat 131001, India
[2] Jindal School of Legal Studies, O.P. Jindal University, Sonipat 131001, India; aarash@jgu.edu.in
* Correspondence: sweta@jgu.edu.in
† The authors have contributed equally to the work and share co-first authorship.

Abstract

How do Kashmiri women, seeking justice for the enforced disappearance and detention of their male relatives, navigate and negotiate with the gendered borders of 'spaces of legality'? Drawing on ethnographic research and interviews with key stakeholders, this article uses spaces of legality, exemplified by courts, police stations, and judicial bodies, as its primary analytical sites to examine the multiple ways Kashmiri women traverse from 'home' into a masculine, public space. The theoretical framework argues that pre-existing patriarchal norms, in collusion with militarization and conflict-induced hypermasculinity, engender an intangible gendered border for women in Kashmir. In navigating this border, they engage in what we term 'emotional mobility', an infra-political agentic movement that results in renegotiating their roles, both at home and outside.

Keywords: gendered border; emotional mobility; Kashmir; militarization; hypermasculinity

1. Introduction

The political future of Jammu and Kashmir, the only Muslim-majority state in India, has been a site of contention since the partition of 1947. Political instability and demands for self-determination have resulted in one of the bloodiest insurgency movements in India. The armed movement, which erupted in 1989, has since transformed the state into one of the most heavily militarized zones in the world, characterized by unbridled power under the Armed Forces Special Power Act (AFSPA) [1]. The AFSPA gave broad powers to the military, including to use lethal force, and to "arrest, without warrant, any person who has committed a cognizable offense or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offense and may use such force as may be necessary to effect the arrest" with near impunity [2]. A direct outcome of this act has been the systematic practice of enforced disappearances [3]. Although official data is difficult to come across, the Association of Disappeared Persons (APDP), a human rights NGO carefully documenting and seeking justice for cases of enforced disappearance in Kashmir, estimates the number to be 8000–10,000 between 1989 and 2006. A majority of those disappeared were men [4].

It was within this context, on 5 August 2019, that the Indian government unilaterally abrogated the article, repealing Kashmir's special autonomous status and reorganizing the former state into two centrally administered union territories. For decades, the Indian state's relation with the region was mediated by Article 370 of the Indian Constitution, which granted it a special semi-autonomous status. The legal–administrative restructuring,

Check for updates

Academic Editor: Cristóbal Fernández-Muñoz

Received: 18 September 2025
Revised: 27 October 2025
Accepted: 13 November 2025
Published: 15 January 2026

Copyright: © 2026 by the authors. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license.

taken into effect without any consultation with the general population or state legislature of Kashmir, was immediately accompanied by mass detentions [5]. According to the Union Minister of the State, G Kishnan Reddy, 444 people were detained by the state police under the Unlawful Activities Prevention Act (UAPA) and Public Safety Act (PSA) in the immediate aftermath of the repeal. It was followed by hundreds more arrests. Official figures suggest that 287 people were booked in 2020, 289 in 2021, and 371 in 2022 [6,7]. The detainees are, again, all men. This begs a simple question: What happens to the women left behind, especially when they are forced to navigate the complex and often intimidating police and judicial process to seek justice for their loved ones?

Although the gendered dimension of the state's action in Kashmir over decades has been widely discussed and acknowledged, the collateral consequences of male detention on women in Kashmir have received scant attention. Addressing this gap, this article poses a query: What are the gendered effects of mass male detention on Kashmiri women? The problems faced by the women are multi-fold. The first one is an acute financial strain. The absence of the male member of the family in a patriarchal society always has economic repercussions. Beyond economic survival, the women are suddenly faced with a unique burden, i.e., to find justice for their loved ones. The quest for justice takes them to spaces of legality that are heavily militarized and bureaucratic. This article focuses on these aspects: How do women engage and negotiate with institutional 'spaces of legality', exemplified by courts, *thanas* (police stations), and jails, while seeking justice for their loved ones? How does it transform and reconfigure the traditional roles and responsibilities of women? Through these questions, we ultimately seek to examine how gendered borders manifest in spaces of legality in Kashmir, the multiple ways women experience such borders, and the effects on these women's sense of self. These questions are reviewed in the context of the aforementioned conflict and militarization in Kashmir. Our aim is to articulate some of the exceptional challenges that Kashmiri women face when navigating legal spaces of accessing justice—challenges that are both shaped by conflict and society's gendered construction of spaces.

In doing so, we present three core arguments: First, that a symbolic and metaphorical gendered border exists in Kashmir's public spaces of legality. It is mutually constituted by a pre-existing gendered hierarchy in society and the logic of 'protection', a product of hypermasculinization emerging in response to protracted conflict. Second, this border creates a spatial and an emotional division for women, reinforcing the dichotomy between a feminine private life and a masculine public world. This division/border regulates the various ways that women experience spaces of justice. Third, we argue that when traversing this gendered border separating their 'home' from 'outside', women engage in what we term 'emotional mobility', which has implications for women's consciousness and transformation of self.

The objectives of juxtaposing these two concepts, i.e., gendered borders and emotional mobility, are two-fold. First, we draw from two very distinct fields, gendered geography and gendered security, and aim to add to the larger conversation around the transmuting effect that militarization and patriarchy have on gender. Our analytical focus centers on examining what feminist scholars have argued for decades: that conflict and violence are never gender-neutral. Power and gender always intersect during protracted conflicts, resulting in disproportionate effects on women [8–14]. Women operate in a 'continuum of violence', experiencing it in multiple forms and dynamics [15]. For them, violence takes place on both physical and social bodies, in private and in public. It is everyday, normative, and infra-political—shaped by and shaping their social experiences. We extend this line of inquiry by shedding light on an invisible form of gender violence that we witnessed in Kashmir. Thus, the first objective of this study is to shed light on a specific

and unique type of violence—a violence that is not just structural or physical, but lies in the gendered (b)ordering of spaces. With this argument, the second objective draws from critical geography scholarship to define and empirically study the multiple ways women confront the multi-layered barriers of gendered spaces in Kashmir. This objective also involves defining what mobility means for the women who are suddenly forced to move through difficult spaces that are meant to marginalize them. Collectively, these two objectives allow us to examine women's quest for justice through the lens of normative violence. This, in turn, enables this article to unravel the 'broader gender harms' that manifest in the hidden violence of these gendered borders [16,17] (p. 500). This perspective, examined in the context of militarized masculinity and patriarchy in Kashmir, thereby illuminates the various ways that gender shapes spaces, mobility, and borders.

The mobility we refer to does not hinge upon physical or spatial borders; it is emotional, producing a sense of agency in women. Simultaneously, the gendered borders and space that we focus on are relational and dialectic in nature, forged through an amalgamation of structural, symbolic, and gendered violence that creates barriers of exclusion and minoritizes women. The 'border' we conceptualize is a social construct, indicating how power is organized in spaces of legality. In tandem, we analyze how women "bargain with patriarchy" [18]—creating hidden spaces for gender solidarity and choosing implicit feminist tactics as collective acts of survival—amidst masculine spaces.

The article proceeds as follows. First, a methodological discussion, with particular attention being paid to autoethnography and working with extremely vulnerable populations, is included. Second, we introduce the analytical framework of gendered spaces and borders. Simultaneously, we tie these theories to the case of Kashmir, outlining how conflict and patriarchy play a constitutive role in constructing two types of gendered borders for women: at home and in spaces of legality. Finally, we introduce the concept of emotional mobility by empirically studying how women who are fighting for their detained family members navigate the hidden normative violence of the gendered spaces and how these borders inform their expressions of gendered agency.

2. Methodology and Negotiation of Trust While Working with a Politically Vulnerable Population

The conceptual discussions are contextualized by data collected through qualitative fieldwork in Kashmir. The field work was performed in two stages by Pirzada. The initial stage of legal ethnographic work, beginning in January 2025, took place on the premises of the High Court of Srinagar. The High Court was selected, as it is the highest adjudicating body in Kashmir, handling all the appeals from lower courts. The second stage consisted of five semi-structured interviews with individuals who are/were directly involved in cases involving forced disappearance and detention. This includes two women pursuing cases for their brother and son (codenamed X1 and X2), a female social worker (X3), and two lawyers (X4 and X5). While X1, who has a college degree and is fighting a Public Safety Act (details in the next section) case, X2, who has no formal education, has long fought to find information on her missing son. Both women came from a lower-middle-class background. On the other hand, the social worker (X3) has been advising and guiding families navigating legal cases for a decade, whereas the lawyers, X4 andX5, have been working on similar cases for approximately twenty years.

Two points must be stressed here. First, the study is substantially informed by Pirzada 's lived experiences in Kashmir. Having grown up in Srinagar with firsthand exposure to violence from both state and non-state actors, he treats his personal experience as a form of data, allowing for an autoethnographic process to develop organically. By "retrospectively and selectively write about epiphanies that stem from, or are made possible

by, being part of a culture and/or by possessing a particular cultural identity", Pirzada could contextualized the data collected with his personal and interpersonal experiences living in a highly militarized zone [19] (p. 257). However, we must address the issue of potential biases that are inherent in autoethnography. There was a possibility that Pirzada's experiences, political positionality, and gender could color his interpretation of reality. To mitigate this, he maintained a reflexive journal to understand how his emotions and assumptions informed his interactions in the field. This critical self-awareness was crucial to enhance the methodological rigor of the study. Nevertheless, his positionality became a source of privileged and insider knowledge that an outsider could not easily fathom [20]. His autoethnographic knowledge helped us to contextualize the interview questions and interpret the rich, textualized interview data.

Second, negotiating trust and rapport with the research participants was not merely an ethical consideration for us; it was an integral and necessary part of data collection and analysis. This study was conducted at a time when media blackouts and censorship were extensively enforced, passports of journalists were being confiscated [21], and raids were being conducted on NGOs [22]. Scholars were also under significant pressure. In 2022, Kashmir University Scholar Abdul Aala Fazili was arrested under the PSA for writing a 'highly provocative' and 'sedition' article [23]. In such an environment, an underlying threat of violence was an everyday reality for both the researchers and the research participants. We believe that perhaps the initial foundation of trust emerged through this collective vulnerability.

The process of building trust was non-linear and forged through reciprocity. The interview with X1 was facilitated by her lawyer (X3), who was initially hesitant and rightly protective of X1's safety, considering that her brother's case is presently sub-judice. Only after several meetings and informal conversations did the lawyer gain enough trust in Pirzada to permit an interview. The initial interactions with X1 were guarded. She spoke little, offering clipped responses. Realizing a formal interview setting was uncomfortable for her, Pirzada moved their conversations to a neutral, open space, such as the court cafeteria and a nearby park. Afterwards, the conversation became easier for her, and their discussion ranging from politics in Kashmir to her frustration over the slow legal system.

The interview with X2, facilitated by the social worker (X3), was a rather emotionally taxing experience. Initially, we were conflicted, questioning the ethics of soliciting information from a mother who was fighting an uphill battle for justice for her missing son. The fear of retraumatizing her was always on our minds. However, X2 herself put us at ease. Although she asked the social worker to be present in the first meeting, her confidence our work grew from the second meeting when a simple question was directed towards here: "What do you, as a woman, think about all of this?" Perhaps it signaled to X2 that our intention was not to obtain a testimony of victimhood, but of her experience of the legal procedures she was forced to navigate as a woman, a mother, and a person who had to take up the impossible task of finding justice for her son in a male-dominated society. It is in that moment that the conversation flowed freely.

Trust also emerged from the ethical handling of secondary data, which was provided to us by litigants and activists. In this article, the readers will find sources of redacted documents, perhaps comprising data transparency. The reason for this is that the documents were circulated within a small circle, and any specific mention of documents in the research could be traced back to their sources. Therefore, for us, the security of the participants took precedence over data transparency. As such, withholding here does not amount to methodological weakness, but rather displays ethical strength.

The interviews were conducted over a three-month period from January to March 2025, with each participant being interviewed from two to three times for sessions lasting

between 45 and 90 min. This iterative process was crucial for building trust and gaining deeper insight. We stopped the interviews when no new perspective emerged. Having said that, the methodological aim here was not to achieve analytical generalization. Instead, the limited number of participants was a deliberate choice to explore a phenomenon in its singularity, focusing on depth over breadth. The aim was to understand the richness of individual experiences within a shared struggle.

While Pirzada's fieldwork was the cornerstone of the study, Sen was principally responsible for the conceptual framework, data analysis, and the theoretical positioning. She undertook the process of systematic thematic coding of interviews and secondary data, tracing the pattern, and inductively theorizing the novel concepts of 'emotional mobility and gendered borders. The coding process involved knowing the interview data and secondary data intensively before coding and recognizing important moments for the interviewees and their causes. Two central coding schema were 'barriers' and agentic mobility', with sub-codes of tangible and intangible barriers and spatial and emotional mobility. For example, 'confusion' caused by 'lack of education' and 'lack of legal education' were coded under 'barriers'. On the other hand, gendered borders became tangible with the subcodes 'male gaze', 'bodily othering', and 'general discomfort', and 'gendered space; home' was characterized by 'social norms', 'family norms', and 'expectations'. Ultimately, each code in its entirety became an individual but interconnected part of the theories of gendered borders and gendered mobility.

3. History of Militarization in Kashmir: Past and Present

The roots of militarization in Kashmir can be traced to independence and the highly contested accession of Kashmir to India. Amidst a full-scale war between newly independent India and Pakistan, the UN brokered a ceasefire line and subsequently mandated a 'free and impartial plebiscite', a pledge the first Indian Prime Minister, Jawaharlal Nehru, promised to the Kashmiris [24]. The promise, however, was never fulfilled. Instead, the Indian state gave Kashmir Article 370, which granted considerable autonomy to the new state of J&K. But the political desire of the Kashmiris refused to die. In the period from 1950 to 1970, a political resistance against the growing authoritarian nature of the Indian state started emerging. The political resistance later manifested into a full-blown armed insurgency reached its peak in the late 1980s, led by the Jammu and Kashmir Liberation Front (JKLF) and Hizbul Mujahideen. At this juncture, the Indian state employed a more militarized process of counterinsurgency as a way of asserting control over the state. This period saw the enforcement of emergency laws, including AFSPA, and the emergence of a unique form of weapon—enforced disappearance—in addition to extra-judicial executions, custodial deaths, torture, rape, and forced labor [25–27]. Since 1989, Kashmir has become one of the most militarized zones in the world. In 2006, the Human Rights Watch estimated the presence of approximately 500,000–700,000 troops in the region. The number represented nearly half of the Indian Army's strength. To put it differently, for every ten Kashmiris, there was one soldier in the valley [28]. In a 2015 report, the Jammu and Kashmir Coalition of Civil Society claimed that between 6.5 and 7.5 million paramilitary and police were deployed in Kashmir, a state with a population of only 13 million [29,30].

Documents[1] accessed by Pirzada during fieldwork reveal a clear pattern in how disappearance and detention were used as a tool of control both by state and non-state actors (Pirzada, field notes, March 2025). Security forces mostly performed this to strike fear in the local populace and dissuade them from joining anti-state groups. As Singh points out, this strategy was used to create pressure on active militants by picking up their relatives [31]. On the other hand, non-state actors usually carried out disappearances with a vengeful

intent against militants who had surrendered and joined unofficial state-sponsored militia or those suspected of being state informers.

Over time, this strategy was replaced by mass detentions (X3, personal communication, March 2025). Advancement in surveillance, combined with the Jammu Kashmir Public Safety Act of 1978 (PSA), allowed for the state to precisely know whom to detain. This act authorizes detention without trial for up to two years. A distinct feature of the act is the provision of preventive detention, meaning that, under this act, an individual can be arrested to prevent them from committing any future terror acts against the state. The locals call this process the state's way to keep "potential disruptors out of circulation" (X3, personal communication, March 2025).

The legal complexities surrounding these cases are extreme. India has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, leaving no specific legal remedy for victims of disappearance. This complexity was further exacerbated by AFSPA, which grants blanket immunity to officials carrying out the act. Similarly, the PSA is another legal juggernaut. Cases are not reviewed by the court, but by an internal advisory board consisting of retired judges. The legal architecture of immunity and lack of accountability, with its legal jargon and confusing tangential praxis, proved to be particularly challenging for both women litigants, irrespective of their educational background. With this context in mind, we foray into the theoretical discussion on gendered spaces, borders, and their relationship with sustained militarization.

4. Theoretical Frames: Manifestation of Power and Privilege in Gendered Spaces and Borders

What makes a space gendered? A starting point of this inquiry can be found in feminist critical geography. Insurmountable work by feminist geographers has long established that women experience spaces and places quite differently from men. Deconstructing the notions inequity and inequality, one of the core arguments of the scholarship is that spatial organization and relations are never gender-neutral. Gender, as a social relation and social construction, is constituted by unequal power relations, societal norms, and historical narratives embedded in spatiality [32–34]. This, in turn, creates a fundamental social reality that collectivizes the social, economic, and political relations of women [35,36]. As Leslie Kern very succinctly observes,

> My gender identity shapes how I move through the city, how I live my life day-to-day, and the choices available to me. My gender is more than my body, but my body is the site of my lived experience, where my identity, history, and the spaces I've lived in meet and interact and write themselves on my flesh [37] (p. 13).

Space denotes identity, historicity, social structure, institution, and situation for a woman. The social is spatial and vice versa. What we perceive as space is rarely abstract; it is not "innocent" or "pre-given" and can never be "free from human intent, desire, or imagination" [38] (p. 5). Simply put, gender hierarchies are reflected in how spaces are accessed, controlled, designed, and hegemonized by certain moral and cultural codes of honor and modesty [39]. This also holds true for state institutions. As Connell says, "patriarchy is embedded in *procedure*, in the state's way of functioning" by legitimising the gender power relation [40] (p. 517). These spaces and institutions shape and operate on different norms, expectations, and behavior for men and women, becoming a medium through which relations between self and other are performed [38,41].

A prime example of this is that the prescriptive idea of space is the concept of 'home'. Home is traditionally considered a feminine space, whereas the public sphere belongs to men. According to Domosh and Siger, the private/public dichotomy of home and outside is historically created by the division of labor [42]. The masculine world of public is portrayed

as a space of economic competition. In contrast, the feminine world of home is built upon a notion of sacredness—almost always maternal and feminine nature. It is a physical as well as emotional space of warmth, security, and care. It is a place in which children are reared and cared for, while men toil in the 'uncaring' mainstream market [43] (p. 344). Paradoxically, the home is where patriarchal control presents itself in its most visceral form and in abundance under the authority of the 'husband and father' [44] (pp. 130–131). This perhaps an extension of the binaries of masculine and feminine imaginaries perpetuated by the state, where a man protects the home and the 'mother' [45]. The imaginary of nation as a mother also played a role in the ways 'home' is imagined for women.

Kashmir tells a similar story. The latest periodic Labor Force Survey (PLFS) reveals that the state has the highest unemployment rate in India, with a staggering 53.6 percent of women being unemployed, leading to a complete dependence on family for shelter and survival. But what sets Kashmir apart is a seven-decade long protracted conflict. This, we argue, adds a unique layer to patriarchal control on women, intensified by militarization and statist violence. In the next section, we explain the interactions of conflict and gendered spaces in Kashmir and the resultant emergence of gendered borders at home and in spaces of legality.

Militarization and the Dual Borders of Gender

How do the forces of militarization, the production of hypermasculinity, and the institutionalization of gendered space intersect in situations of conflict? This study contends that patriarchy and militarization engender two borders for women in Kashmir: one at home, and the other in the spaces of legality. To understand these borders, we first need to make sense of the intrinsic relationship between conflict-produced hypermasculinity and patriarchal anxieties.

The pioneering scholarship of feminist security scholars has long proclaimed that war and masculinity are mutually reinforcing. "Of all the sites where masculinities are constructed, reproduced and deployed, those associated with war and military are some of the most direct" [45] (p. 165). Likewise, feminist scholar Cynthia Cockburn posits that "masculinity shapes war and war shapes masculinity" [46] (p. 249). What these theorists basically argue is that war produces a routinised masculinity which, in turn, results in what Enloe [47] (p. 211) calls an elaborate gender ideology and gender performativity [48]. These aspects manifest in Kashmir at the intersection of three codependent yet competing forms of masculinity: religious, militant, and military. Kashmiri resistance movement undertook an Islamic revivalist turn in the 1980s, marked by the extensive politicization of religion. Widespread discontent with the formal grievance-redressal structure, in the form of formal political parties and coalitions, resulted in rise of an underground militant movement that aspired to create an independent Kashmir inspired by the teaching of Islam. This Islamic manhood was reflected in the masculinity of the *Mujahid* (the warrior-fighter), whose central signifier of masculinity was the defense of the Muslim community. It entailed heroic resistance to the political oppression of the state and the perceived religious oppression of the community. The religious militancy movement died down in the early 2000s due to the infighting and eventual disillusionment of the youth with militancy movement. Eventually, in 2008 and 2010, a new form of mass political movement emerged. It was more brazen, social-media-savvy, and led by educated youths. It drew more on the modern version of Kashmiri Muslim civilian manhood that regards education, employment, and economic status as important pathways to manhood and also incorporates the ultra-conservative Sunni religious aspects of the region. Their willingness to take up arms against the violent state signified the masculine attributes of bravery, valor, confidence, and honor [49] (p. 80). On the other hand, military masculinity is practiced through dominant religious and Hindu

nationalist narratives, exercise of violence, and gendered binaries. According to Agarwal, both state and non-state actors use these overlapping masculinities as a significant 'political mechanism to hegemonize their respective position' in the society [49] (p. 31). All in all, the survival of these masculinities is possible only if there is a widely accepted standard of 'proper femininity'. This ideology encourages men to believe that their role is to fight, whereas women are caregivers at home [50]. However, in Kashmir, the identity of Kashmiri men as protectors, is severely impacted by presence of a hypermasculine military and state. This results in what Swati Parashar [51] (p. 665) says makes Kashmir "not just geo-political conflict.... but a site for competing and conflicting masculinities, embedded in a history of emasculation and anxieties of post-colonial nation-state building". In this competing masculine aggression, we see the emergence of the notion of home borders.

Home Borders: The state's military apparatus, by asserting its dominance through force, directly challenges the traditional patriarchal role of the Kashmiri man as protector of the home and family. This can lead to a "crisis of masculinity" [49] where men, unable to fulfill their prescribed role, may reassert their power within the only domain left to them: the home. The reassertion of this loss of power and the pervasive presence of security forces outside, we contend, leads patriarchal social structures to enforce stricter controls on women's mobility under the guise of "protection". As a result, the home is reimagined for women not just as a domestic space, but as a necessary sanctuary from the prying eyes of the state, the 'outsider' male soldier, and the dangers of the public sphere. The aspect comes out vividly from X1's experience: "Our house is a very reserved place. Women do not go out much, nor do we allow anyone easily into our homes" (personal communication, March 2025). The protective home border is actively enforced by the male family members. When X1 and X2 were forced to seek justice for their brother and son, they faced immense scrutiny, still they persisted. In the words of X2,

> In order to pursue his disappearance I had to come out of my home, for which I received a lot of flak from my husband as well as the society, when I started all this my husband constantly kept reminding me that I will pursue the case, you sit with the other children at home. When I said no, he told me that you will ruin the family. They kept telling me that *asal zaanan* (good women) don't indulge in all this.

Their foray into second border, at the spaces of legality, was marked by profound helplessness. Both X1 and X2 expressed an initial anguish of not knowing what to do and where to start. X1 stated the following:

> You cannot imagine the ordeals I had to face once we got dragged into the mess. When our house was raided and my brother taken away, we didn't know what to do and whom to approach. But slowly, for the sake of my brother I had to come out in the open.

This sense of disorientation was also reiterated by X2. After receiving news from her neighbor that her son was picked up by security forces, her helplessness was aggravated by the lack of any official intimation or laid-down formal procedure. She professed that her desperation led her to many army camps, based on only rumors or hearsay from a stranger. She recalls 'roaming like a bewitched person' from camps to jails for any news of her son.

Second Border of Spaces of Legality: Once women cross the threshold of home, a significant transition from the private to the public sphere occurs, as the female family members of the detainee are compelled to make repeated appearances in judicial forums, navigating the public space of the courts in their pursuit of justice. Deeply embedded in the architecture, proceedings, and conduct of spaces of legality in India is a layered, hierarchical, patriarchal undertone that constitutes the second gendered borders for women.

This border is first characterized by bodily othering. X1 describes an initial hesitation to enter the courts stemming from feeling unsafe under the constant "prying eyes" of men, a challenge she negotiated by wearing a burqa to shield herself (X3, personal communication, March 2025). She also observed how another woman who did not cover her head attracted "a lot of unnecessary gaze" and was spoken to in an "aggressive tone" by jail authorities. X1 also describes how the burqa made the men around her more protective (personal communication, March 2025).

> However, in my case, because of my burqa, I was treated differently. If they don't remember your face or know who you are—they don't bother you as much. Plus, given that burqa clad women are seen as orthodox, it adds another layer of protection against any unwanted conversations or interactions. The men I encountered in courts were soft-spoken, respectful—to the point that they even admonished by brother for putting me through such difficult circumstances (X1, personal communication, March 2025).

The second element of this border stems from unfamiliar routines and legal illiteracy, as pointed out by X4 (lawyer) (personal communication, March 2025). Finding lawyers and navigating the DC office are often the first obstacles they face. X5 (lawyer) (personal communication, March 2025) notes that, initially, the women navigated this challenge by receiving help from a male relative, who, while not well-versed in law himself, made things "easier for her". However, the women quickly learned the tricks of the trade. They started to find information through informal networks: neighbors, friends, and other women who went through the same ordeal. This informal knowledge acquisition becomes the first step towards 'emotional mobility'—a concept which we discuss in the next section.

5. Emotional Mobility: A Concept and Praxis

Ultimately, we argue that, for women, their everyday experience of a space is shaped by dual layers of masculinity: one of immediate patriarchal dominance wielded by the family and another from a pervasive anxiety living under a historically, militarized state. At this intersection, we see the women engaging in a specific form of movement. We term this 'emotional mobility', an agentic movement that started out of compulsion, but eventually expanding the possibility of an 'ambivalent empowerment' [12,52]. Our conceptualization of emotional mobility is plugged into three specific theoretical lines of work. The first one is the 'new mobility paradigm', a concept put forward by Sheller and Urry that highlights 'emotional geographies' and recognizes the body as an 'affective vehicle' through which we make sense of places and movement [53] (p. 261). This idea is further elaborated on in Sheller's rather recent theorization of 'mobility justice', through which she argues the freedom of mobility is fundamentally shaped by power structures [54,55]. Borrowing these lenses, we contend that patriarchy and the state, two of the most prominent power structures of India, have created profound barriers to mobility for Kashmiri women. These barriers, operating both within the home and the public sphere, give rise to what can be understood as 'hierarchies of fear' [55] (p. 56), directly shaping women's internal and external movements of self-reliance and well-being. And emotional mobility refers to the inherent, essentialist journey that women undertake in response in socially and politically gendered spaces. It is a dual process: as women physically navigate the restrictive spaces of family and state, they simultaneously embark on an internal journey of overcoming fear and the traditional understanding of self. This emotional mobility is not an alternative to physical mobility, but rather a direct reflection and result of its othering, revealing how power operates not just on, but through, the female body in militarized, patriarchal societies.

The journey of emotional mobility started the moment the male family member was detained. Both X1 and X2, come from lower socio-economic background, with no

or little education. The sudden fear, agony, and stress that was bestowed up on them was unconquerable. X2 first reaction to her son's disappearance was visceral: "When I couldn't find him anywhere, I went mad with grief" (X2, personal communication, March 2025). X1 also recalled her initial "innocence" and the shock of the ordeal (X1, personal communication, March 2025). This grief and fear mark the starting point of their emotional journey:

> However, that didn't stop me, I went across the length and breadth of Kashmir to pursue my son's disappearance, he is my son, if I don't do it who else would have done it? I used to run from office to office during the day, come back and then provide for my children. It was tough to pursue my son's case and to take care of my family at the same time, but it was my duty to do both. Moreover, I had seen families breaking up because of such cases, as one of the parents became fixated with whereabouts of the detained and it strained their relationship with the family, I completely avoided that by asking my husband to leave it up to me. Plus, he's hot headed, so it's better if I handle the case any way.

The journey then took them to legal institutions, courts, and police stations. The complex and intimidating design of the court premises, which initially disoriented me [Aarash] as a researcher, was navigated with ease by a female litigant who, in her own words, "knew the court like the back of her hand" (field notes, March 2025). When Pirzada enquired she knew the court so well, she said that she had been coming here for a year and educated herself by observing others. During the field work, it was often she who would set up the meeting and guide Aarash around the court and between various courtrooms.

Another example of this transition towards independence and self-reliance is the legal knowledge acquired by the women. X2 proudly showed her files to Pirzada and asserted that, despite being uneducated, she was able maintain a complete record of her son's disappearances. Her documentation was so extensive that advocates also applauded her for maintaining files with such diligence. X1 also shows up diligently to every court hearing. Over the 5 years since her brother was detained, she has amassed a huge vocabulary of legal terminology, some even better than those of new lawyers.

The meticulous curation of files by a mother and a sister signifies more than administrative or intellectual labor. It is a way of remembering. Zia, in her work on Kashmir's enforced disappearances, likens the files as having a 'personhood', meaning that the files are all that remain of the detained [25]. Our work suggests that the notion of emotional mobility is also present in the files. The women turn their private grief into a public act of seeking justice by creating and maintaining highly complex legal dossier wherein every document must be attached in perfect chronological order. The files may be considered as a static collection of paper; but these are moving/living data and achieves that helped us to trace the women's journey of increasing legal knowledge and persistence:

> I have maintained these files meticulously. Every page, every order has been kept in an orderly way—in a chronological manner. I have gone to almost every hearing without fails. Even the judges, or anyone who has seen the file, has lauded me for keeping such meticulous records of the file, despite being uneducated (personal communication, March 2025).

Their newfound confidence is also reflected in economic and family-oriented decision-making. X1, after her brother's detention, started a boutique. Her younger sister also took up a job helping the family. This empowerment is not abstract; it manifests in their daily lives. Having navigated the public space, they are better equipped to negotiate with patriarchal structures at home. They take charge of family affairs, assume financial responsibility, and chart the legal course for their detained relatives, effectively reversing

the gender roles that once defined their existence. X2 also claims that, over the years, she has observed that the ordeal either "breaks them [the women] completely or it empowers them." She also mentioned a political awakening in them, and characterized it through a particular line of questioning, wherein they would ask the NGO workers "why did all of this happen to them?" at the beginning, but, as time elapsed, this line of questioning slowly became replaced with a certain acceptance and understanding of the things around them.

6. Conclusions

> I am not afraid anymore of anyone, just God. [The outside world] might be male dominated, but I don't care, I am a mother and all I know is that I need to find my son. It was either them or me. I had no other option but to pursue my son's case, it was my duty as a mother. The system is tough and designed to strain you out, but if you're honest and truthful you will find ways (X2, personal communication, March 2025).

The militarization of Kashmir has resulted in a rupture of both the social and political fabric of Kashmir, which in turn has pushed the women of Kashmir into terrains and negotiations previously unknown to them. This paper argues that spaces of legality universally work as gendered spaces of justice in which women must navigate both the visible and invisible barriers of patriarchy and bureaucracy; as such, they tend to display a mobility that transcends the public–private divide, which in turn creates a rupture between the intimate and the institutional. By using empirical data, this paper reframes our conventional understanding of the idea of seeking justice in conflict zones. It argues that the mere presence of women in the legal system goes beyond their attempt to free their loved ones; rather, it encases a negotiation on a deeper level with the notions of power and gender. By exercising their emotional labor in court, i.e., showing composure in court rooms, resilience to come out of the house, and patience as the trial goes on, women display their agency and strategies of survival and navigation.

Conceptually, this paper advances the field of feminist geography and critical border studies by reframing the idea of borders as something that goes beyond the territorial. This paper argues that borders are gendered and emotional, which women traverse by moving from domestic spheres into hypermasculinized spaces. By situating the Kashmiri women within these frameworks of justice, space, and mobility, we can see the dual role of these women as seekers of justice and as enablers of new cartographies that are both emotional and spatial. Their negotiations highlight that, in a conflict zone, justice is not a singular notion, but rather a constellation of practice, movement, and emotions, thus making geographies of justice spaces of feminist reimagination.

Broadly, the case of Kashmir, while unique, offers a critical framework for scholars to analyze how the nexus of militarism and patriarchy occurs in zones of conflict. These zones ultimately represent a site of intense gender policing, and we contend that all conflicts must be assessed with a particular focus on gendered histories and norms to entirely comprehend their effect. Similarly, the discussion of women's agency in war should also include the myriad of strategic ways that women navigate hegemonic gender norms and creatively disrupt its functions; this includes the performance of socially accepted non-threatening identities, such as 'good Muslim' or 'caring sister', as well as the cultivation of emotional mobility as forms of resistance [56–60].

Author Contributions: These two authors have contributed equally to the work and are designated as co-first authors. Conceptualization: S.S.; Methodology: S.S. and A.P.; Formal Analysis: S.S.; Investigation: A.P.; Resources: A.P.; Writing—Original draft and preparation: S.S.; Writing—Review

and editing: S.S. and A.P.; Supervision: S.S. All authors have read and agreed to the published version of the manuscript.

Funding: This research received no external funding.

Institutional Review Board Statement: This study was conducted in accordance with the Declaration of Helsinki and approved by the Research Ethics and Review Board of O.P. Jindal Global University (ERB/2024/162. Approved on 27 September 2024).

Informed Consent Statement: Informed consent was obtained from all subjects involved in the study.

Data Availability Statement: The original contributions presented in this study are included in the article. Further inquiries can be directed to the corresponding author.

Conflicts of Interest: The authors declare no conflicts of interest.

Notes

[1] For the sensitive nature of the conflict and to protect the identity of the victims involved, we prefer not to reveal the source of the documents.

References

1. BBC News. Kashmir: Why India and Pakistan Fight Over It. 7 May 2025. Available online: https://www.bbc.com/news/articles/c30q09638n8o (accessed on 23 March 2025).
2. Armed Forces (Special Powers) Act, No. 28 of 1958, § 4(c). India Code. 1958. Available online: https://www.indiacode.nic.in/handle/123456789/1362 (accessed on 23 March 2025).
3. Sai Jeevanantham, S. Found Objects, Found Images and New Portraits to Record the Disappeared in Kashmir. 31 August 2022. Available online: https://caravanmagazine.in/conflict/photography-images-document-enforced-disappearances-kashmir (accessed on 21 March 2025).
4. Association of Parents of Disappeared Persons. About Association of Parents of Disappeared Persons. Available online: https://apdpkashmir.com/about/ (accessed on 12 October 2025).
5. Amnesty International. *India: The Government Must End the Repression of Rights in Jammu and Kashmir*; Amnesty International: London, UK, 2022. Available online: https://www.amnesty.org/en/latest/news/2022/09/india-the-government-must-end-the-repression-of-rights-in-jammu-and-kashmir/ (accessed on 12 October 2025).
6. Reddy, G.K. *Statement on Detentions Under UAPA and PSA Following Article 370 Repeal*; Press Information Bureau, Government of India: New Delhi, India, 2019. Available online: https://pib.gov.in/ (accessed on 12 October 2025).
7. Government of India, Ministry of Home Affairs. *Cases Registered under UAPA (2020–2022)*; State/Union Territory Wise. Written Reply to Rajya Sabha, Unstarred Question No. 1025; Press Information Bureau: New Delhi, India, 2024. Available online: https://www.pib.gov.in/PressReleseDetailm.aspx?PRID=2039655 (accessed on 12 October 2025).
8. Enloe, C. *Bananas, Beaches and Bases*, 2nd ed.; University of California Press: Oakland, CA, USA, 2014.
9. Cohn, C. Sex and Death in the Rational World of Defense Intellectuals. *Signs* **1987**, *12*, 687–718. [CrossRef]
10. Chenoy, A.M. *Militarism and Women in South Asia*; Kali for Women: New Delhi, India, 2002.
11. Chenoy, A.M. Women in South Asian Conflict Zones. *South Asian Survy.* **2004**, *11*, 35–47. [CrossRef]
12. Manchanda, R. *Women, War and Peace in South Asia: Beyond Victimhood to Agency*; SAGE Publications: New Delhi, India, 2017.
13. Sjoberg, L. *Gender, Justice, and the Wars in Iraq*; Lexington Books: Lanham, MD, USA, 2010.
14. Sjoberg, L. *Gendering Global Conflict: Toward a Feminist Theory of War*; Columbia University Press: New York, NY, USA, 2013.
15. Kelly, L. *Surviving Sexual Violence*; Polity Press: Cambridge, UK, 1988.
16. Kleinman, A. The multiple forms and dynamics of violence. In *Violence and Subjectivity*; Das, V., Kleinman, A., Ramphele, M., Reynolds, P., Eds.; University of California Press: Oakland, CA, USA, 2000; pp. 19–42. [CrossRef]
17. Aroussi, S. *Women, Peace and Security: Translating Policy into Practice*; Routledge: London, UK, 2017; p. 500.
18. Kandiyoti, D. Bargaining with patriarchy. *Gender Soc.* **1988**, *2*, 274–290. [CrossRef]
19. Ellis, C.; Adams, T.E.; Bochner, A.P. Autoethnography: An overview. *Hist. Soc. Res.* **2011**, *36*, 273–290. Available online: http://www.jstor.org/stable/23032294 (accessed on 1 July 2025).
20. Hamdan, A. Autoethnography as a Genre of Qualitative Research: A Journey inside Out. *Int. J. Qual. Methods* **2012**, *11*, 585–606. [CrossRef]
21. Reporters Without Borders. India: Raid on Kashmir Times, an Unacceptable Attack on One of the Few Independent Media Outlets Covering the Region. Available online: https://rsf.org/en/india-raid-kashmir-times-unacceptable-attack-one-few-independent-media-outlets-covering-region (accessed on 20 August 2025).

22. Amnesty International. India: Counter-Terror Raids on Civil Society Groups Signal Escalating Crackdown on Dissent. 2020. Available online: https://www.amnesty.org/en/latest/press-release/2020/10/india-counter-terror-raids-on-civil-society-groups-signal-escalating-crackdown-on-dissent/ (accessed on 1 July 2025).
23. Ali, J. J&K Court Grants Bail to Scholar Jailed for 3 Years Over "Seditious Article". Available online: https://thewire.in/media/aala-fazili-jammu-kashmir-three-years-jailed-seditious-article (accessed on 20 August 2025).
24. Ahmad, K.B. *Kashmir: Exposing the Myth Behind the Narrative*; Sage Publications India: New Delhi, India, 2017.
25. Zia, A.; Bhat, S. *Resisting Disappearance: Military Occupation and Women's Activism in Kashmir*; Zubaan Books: New Delhi, India, 2019.
26. Mushtaq, S. Home as a Frontier: Gendered construct of militarized violence in Kashmir. *Econ. Political Wkly.* **2018**, *53*, 45–52.
27. Seema, K. Women, Gender Politics, and Resistance in Kashmir. *Socio-Leg. Rev.* **2022**, *8*, 95. [CrossRef]
28. Human Rights Watch. *"Everyone Lives in Fear": Patterns of Impunity in Jammu and Kashmir*; Human Rights Watch: New York, NY, USA, 2006. Available online: https://www.hrw.org/report/2006/09/11/everyone-lives-fear/patterns-impunity-jammu-and-kashmir (accessed on 1 August 2025).
29. Jammu Kashmir Coalition of Civil Society (JKCCS). *Structures of Violence: The Indian State in Jammu and Kashmir*; Jammu Kashmir Coalition of Civil Society (JKCCS): Srinagar, India, 2015. Available online: https://jkccs.info/structures-of-violence-the-indian-state-in-jammu-and-kashmir/ (accessed on 1 August 2025).
30. Statistics Times. Kashmir Population. 2015. Available online: https://statisticstimes.com/demographics/india/jammu-and-kashmir-population.php (accessed on 12 October 2025).
31. Singh, K.K. Half-widows: Invisible victims of the enforced disappearances and their status in Kashmir. *Antyajaa Indian J. Women Soc. Change* **2019**, *4*, 2455632719880851. [CrossRef]
32. Anderson, E. Should feminists reject rational choice theory? In *A Mind of One's Own: Feminist Essays on Reason and Objectivity*, 2nd ed.; Antony, L.M., Witt, C., Eds.; Routledge: London, UK, 2018; pp. 327–348.
33. Djan, M.A. Feminist geography: Impact and inclusion in geographical research. *Neb. Anthropol.* **2024**, *30*. Available online: https://digitalcommons.unl.edu/nebanthro/202/ (accessed on 20 August 2025).
34. Smith, N.; Katz, C. Grounding Metaphor: Towards a Spatialized Politics. In *Place and the Politics of Identity*; Keith, M., Pile, S., Eds.; Routledge: London, UK, 1993; pp. 66–83.
35. Dear, M. *The Postmodern Urban Condition*; Blackwell Publishers: Oxford, UK, 2000.
36. Gqola, P.D.; Perera, I.; Phadke, S.; Shahrokni, N.; Zaragocin, S.; Satija, S.; Ghosh, A. Gender and public space. *Gend. Dev.* **2024**, *32*, 1–25. [CrossRef]
37. Kern, L. *Feminist City: Claiming Space in a Man-Made World*; Verso: London, UK, 2021.
38. Raju, S. *Gendered Geographies: Space and Place in South Asia*; Oxford University Press: New Delhi, India, 2011; p. 5.
39. Fenster, T. Space for Gender: Cultural Roles of the Forbidden and the Permitted. *Environ. Plan. D Soc. Space* **1999**, *17*, 227–246. [CrossRef]
40. Connell, R.W. The State, Gender, and Sexual Politics: Theory and Appraisal. *Theory Soc.* **1990**, *19*, 507–544. Available online: http://www.jstor.org/stable/657562 (accessed on 20 August 2025). [CrossRef]
41. Irigaray, L. *An Ethics of Sexual Difference*; Gill, C., Translator; Cornell University Press: Ithaca, NY, USA, 1993.
42. Domosh, M.; Seager, J. *Putting Women in Place: Feminist Geographers Make Sense of the World*; Guilford Press: New York, NY, USA, 2001.
43. Bowlby, S.; Gregory, S.; McKie, L. *Doing Home: Patriarchy, Caring, and Space*; Routledge: London, UK, 1997.
44. Duncan, N. *BodySpace: Destabilizing Geographies of Gender and Sexuality*; Routledge: London, UK, 1996.
45. Morgan, D. Theatre of war: Combat, the military, and masculinities. In *Theorizing Masculinities*; Brod, H., Kaufman, M., Eds.; SAGE Publications: Thousand Oaks, CA, USA, 1994; pp. 165–182.
46. Cockburn, C. *From Where We Stand: War, Women's Activism and Feminist Analysis*; Zed Books: London, UK, 2007.
47. Enloe, C. *Does Khaki Become You? The Militarization of Women's Lives*; Pluto Press: London, UK, 1983.
48. Butler, J. *Gender Trouble: Feminism and the Subversion of Identity*; Routledge: New York, NY, USA, 1999.
49. Agarwal, A. *Contesting Masculinities and Women's Agency in Kashmir*; Rowman & Littlefield: Lanham, MD, USA, 2022.
50. Duncanson, C. *Gender and Peacebuilding*; Polity Press: Cambridge, UK, 2019.
51. Parashar, S. Competing Masculinities, Militarization and the Conflict in Kashmir. *Int. Fem. J. Politics* **2018**, *20*, 663–665. [CrossRef]
52. Rajasingham Senanayake, D. *Ambivalent Empowerment: The Tragedy of Tamil Women in Conflict*; Rita, M., Ed.; Women, War and Peace in South Asia: Beyond Victimhood to Agency; Sage Publications: New Delhi, India, 2001; pp. 102–130.
53. Sheller, M.; Urry, J. The New Mobilities Paradigm. *Environ. Plan. A Econ. Space* **2006**, *38*, 207–226. [CrossRef]
54. Sheller, M. *Mobility Justice: The Politics of Movement in an Age of Extremes*; Verso: London, UK, 2018.
55. Zulver, J.M. Complex gendered agency in Mexico: How women negotiate hierarchies of fear to search for the disappeared. *Eur. J. Politics Gend.* **2024**, *7*, 239–255. [CrossRef]
56. Kaul, N.; Zia, A. Knowing in our own ways. *Econ. Political Wkly.* **2018**, *53*, 33.

57. Kaul, N.; Zia, A. *Can You Hear Kashmiri Women Speak? Narratives of Resistance and Resilience*; Women Unlimited: New Delhi, India, 2020.
58. Duschinski, H.; Mona, B.; Ather, Z.; Cynthia, M. (Eds.) *Resisting Occupation in Kashmir*; University of Pennsylvania Press: Philadelphia, PA, USA, 2018.
59. Kaul, N. India's obsession with Kashmir: Democracy, gender, (anti-) nationalism. *Fem. Rev.* **2018**, *119*, 126–143. [CrossRef]
60. Kaur, B. "Politics of emotion": Everyday affective circulation of women's resistance and grief in Kashmir. *Ethnography* **2020**, *22*, 515–533. [CrossRef]

Disclaimer/Publisher's Note: The statements, opinions and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of MDPI and/or the editor(s). MDPI and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions or products referred to in the content.