

Gendered minority subalternity and colonial law in Sujata Massey's *A Murder on Malabar Hill*

Muhsina Najeeb*

Abstract: This article examines gendered subalternity within the historically privileged Parsi community of colonial Bombay through a literary-critical reading of Sujata Massey's *A Murder on Malabar Hill* (2018). It is the first novel in the *Perveen Mistry* series and a work of feminist historical crime fiction set in the 1920s. It reconceptualises subalternity not as a fixed class-based or economic category but as a relational, epistemic, and gendered condition produced at the intersection of minority privilege, patriarchal communal authority, and colonial legal modernity. While Parsis benefited from close alignment with British rule and enjoyed disproportionate access to education, commerce, and the legal profession, Parsi women remained subject to systematic marginalisation through gendered exclusions from legal practice, communal regulation of female respectability, and restrictions on spatial and professional mobility. The novel's protagonist, Perveen Mistry, modelled on early women legal practitioners in colonial India, occupies a liminal position as a legally trained solicitor who is barred from courtroom advocacy solely on the basis of gender. Her semi-professional detective work exposes the contradictions embedded within minority privilege, revealing how elite women are rendered epistemically invisible within masculinist legal and institutional frameworks. Through close textual analysis, the article demonstrates how Massey's narrative recuperates suppressed female testimonies located within domestic interiors and gender-segregated spaces, thereby contesting colonial legal epistemologies that privilege masculine forms of knowledge. By foregrounding the tension between communal privilege and gendered exclusion, the article proposes 'gendered minority subalternity' as a critical framework for understanding women's structural silencing within elite minority formations, contributing to interdisciplinary debates in postcolonial studies, feminist legal criticism, and literary studies.

* Muhsina Najeeb (✉)

Department of English and Comparative Literature, Central University of Kerala,
Kasaragod, India

e-mail: muhsina.lec072201@cukerala.ac.in

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Introduction

Subalternity occupies a paradoxical position within postcolonial studies. It is among the field's most influential conceptual tools, yet remains persistently unsettled. Rather than designating a fixed social group or stable identity, subalternity names a historically produced condition of structural subordination shaped by relations of power, representation, and epistemic legibility. As Partha Chatterjee (2012) has repeatedly argued, subalternity should not be treated as a closed theoretical category but as an unresolved political and ethical problem whose meanings remain contingent and historically variable. Its analytic force lies precisely in this instability, which allows the concept to travel across contexts marked by uneven power relations.

The conceptual genealogy of subalternity is well established, originating in Antonio Gramsci's rethinking of class, political organisation, and historical visibility under conditions of uneven development. Subsequent rearticulations by the Subaltern Studies Collective adapted the concept to colonial and postcolonial South Asia, challenging elite nationalist historiography and foregrounding political agency from below. Feminist and poststructuralist interventions, most notably by Gayatri Chakravorty Spivak, further complicated the concept by shifting attention from political marginality to epistemic foreclosure and gendered invisibility. Together, these interventions have redefined subalternity as a relational condition produced through historically specific configurations of power rather than as a sociological identity.

This article intervenes in these debates by examining the historical paradox of the Parsis in colonial Bombay. Descended from Zoroastrians who migrated from Central Asia to the western coast of India to escape religious persecution, the Parsis gradually established themselves across the subcontinent, with significant populations concentrated in Gujarat, Maharashtra, and West Bengal. Historiography consistently records the Parsis as one of the most educationally, economically, and professionally privileged communities in British India. Their early embrace of English education, mercantile capitalism, and professional modernity positioned them as indispensable intermediaries within the colonial economy. As Jesse S. Palsetia (2001) demonstrates, Parsis achieved

disproportionate representation in commerce, law, medicine, journalism, and civic institutions, while remaining a numerically small and culturally policed minority. Their success rested on the cultivation of public respectability, philanthropy, and alignment with colonial liberal ideals. Yet this very visibility also produced vulnerability within the Parsi community.

Parsi identity was sustained through continuous juridical, cultural, and communal scrutiny, particularly in matters of marriage, inheritance, sexuality, and gendered conduct. It is within this contradictory condition, simultaneously privileged and surveilled, that gendered subalternities emerge. Addressing a persistent gap in subaltern studies, this article argues that Parsi women in Sujata Massey's *A Murder on Malabar Hill* (2018) occupy gendered subaltern positions within an elite minority formation, produced through the intersecting forces of colonial law and patriarchal communal authority. Massey, an internationally acclaimed writer of historical crime fiction, is best known for the *Perveen Mistry* series set in 1920s Bombay, which combines meticulous archival research with feminist narrative strategies to foreground women excluded from both colonial legal structures and official historiography. By centring a young Parsi woman solicitor inspired by early twentieth-century legal pioneers such as Cornelia Sorabji and Mithan Jamsheed Lam, Massey's fiction renders crime investigation a mode of historical and epistemic recovery. Read within this framework, feminist historical crime fiction emerges as a critical narrative form through which gendered subalternity within privilege can be made visible, legible, and analytically tractable.

Theoretical framework

Subalternity emerges in postcolonial theory not as a synonym for deprivation but as a conceptual apparatus for theorising structural exclusion from hegemonic power, particularly the conditions under which subjects are denied political representation, institutional voice, and historical verifiability. In Antonio Gramsci's *Prison Notebooks*, subaltern social groups are defined less by economic position than by their exclusion from organised political power and state formation. Their histories appear "fragmented and episodic" because they remain "always subject to the activity of ruling groups," lacking the capacity to consolidate themselves as a coherent political force (Gramsci 1971, 55). Subalternity thus names a condition of political disaggregation in

which domination operates through the denial of representational continuity. Gramsci's insistence that subaltern groups "cannot unite until they become a 'State'" underscores the centrality of institutional recognition to historical visibility (Ibid, 52).

Ranajit Guha (1982, xii) rearticulates this concept within South Asian historiography, extending subalternity beyond orthodox class analysis. He defines the subaltern as "the general attribute of subordination in South Asian society whether this is expressed in terms of class, caste, age, gender, and office or in any other way". This formulation shifts subalternity from a fixed category to a relational condition produced through asymmetrical power relations. The Subaltern Studies project's emphasis on recovering "the contribution of the people on their own" challenged nationalist and colonial historiographies that equated political agency with elite mobilisation and state-centred politics (Ibid, 3). Yet despite this breadth, early subaltern studies remained oriented toward collective formations, leaving unresolved questions of individual voice, representation, and gendered subjectivity.

A decisive epistemological shift occurs with Gayatri Chakravorty Spivak's intervention in "Can the Subaltern Speak?" (1988). Spivak relocates the analytic centre of subalternity from political economy to representation and discursive intelligibility, arguing that subalternity designates not marginality alone but a position of epistemic foreclosure. Her assertion that "the subaltern cannot speak" signals the structural impossibility of having speech recognised within dominant discursive systems rather than literal silence (Spivak 1988, 308). Crucially, she insists that "the subaltern as female is even more deeply in shadow," exposing the gendered intensification of epistemic exclusion (Ibid, 287). In later work, Spivak clarifies that subalternity is "a position with no identity," located where "lines of social mobility do not permit the formation of a recognizable basis of action," making self-identification possible only at the cost of displacing subalternity itself (Spivak 2012, 431).

Gendered subalternity thus names a condition in which women experience compounded forms of material, symbolic, and epistemic subordination, even within contexts of relative privilege. Simone de Beauvoir's assertion that "Humanity is male, and man defines woman not in herself but as relative to him" identifies ontological othering as the foundation of gendered inequality (de Beauvoir 2011, 26). Kimberle Crenshaw's theorisation of intersectionality further

demonstrates how gender interacts with other axes of power to shape differentiated forms of vulnerability and exclusion (Crenshaw 1991, 1244). Anna Carastathis (2016, 16) extends this insight by emphasising intersectionality's attentiveness to the "manifold manifestations of oppression" that resist singular categorisation.

Despite its critical force, Subaltern Studies has struggled to theorise gendered exclusion within elite formations. Sumit Sarkar (1997, 84, 89) observes that its early emphasis on class struggle produced a rigid elite-subaltern binary that obscured internal hierarchies, particularly those structured by gender. Partha Chatterjee (1993, 243) similarly cautions that culture remains "the site where patriarchal authority is most intensively reproduced," even within anti-colonial or nationalist projects. As Sophia Deterala (2018, 414) argues, subaltern frameworks falter when confronted with subjects who are "simultaneously privileged and marginal, able to speak in some registers while remaining unheard in others".

It is within this conceptual lacuna that feminist historical crime fiction assumes particular analytical significance. As Rosemary Erickson Johnsen (2001, 2) argues, the genre uncovers "hidden material" and offers "new ways of seeing women" excluded from official archives. By foregrounding investigative labour, unofficial knowledge production, and contested authority, feminist crime fiction provides a narrative form uniquely suited to theorising gendered subalternity within privilege, where exclusion operates not through absolute silence, but through regulated participation and conditional visibility.

Colonial Bombay and the Parsi community: Privilege, law, and gender

The Parsis' position in colonial Bombay was shaped by an early and strategic alignment with British imperial authority that distinguished them from most other Indian communities. From the seventeenth century onward, Parsis cultivated collaboration rather than confrontation, positioning themselves as reliable intermediaries within the colonial city. As Nicole Ashley Vance (2016, 7) observes, British administrators frequently regarded Parsis as "'almost British,' yet they saw themselves as natives in India," a dual positioning that enabled them to mediate between imperial governance and indigenous society. This intermediary status translated into sustained access to civic influence, administrative proximity, and urban authority, securing the

Parsis a visible and durable presence within Bombay's colonial public sphere.

Such proximity to imperial power facilitated disproportionate professional access, particularly in law, commerce, and English education. Long before other Indian communities, Parsis embraced Western schooling, legal literacy, and mercantile capitalism as strategies of advancement within the colonial order. Jesse S. Palsetia (2001, 128) notes that by the nineteenth century Parsis "came to dominate professions such as law, medicine, engineering, and commerce out of all proportion to their small numbers". Their economic success was inseparable from Bombay's emergence as a colonial commercial hub, with Parsi elites functioning as what Vance (2016, 2) describes as "middlemen, acting on behalf of their indigenous communities while maintaining close ties with colonial rulers". Education, professionalisation, and philanthropy thus became mechanisms through which Parsi privilege was consolidated and publicly legitimated.

Yet this outward modernity coexisted with a deeply conservative internal social order. Palsetia (2001, 217) cautions against equating communal advancement with gender equality, observing that Parsi society was "deeply conservative in matters relating to women, family authority, and sexual respectability". Domestic space functioned as a primary site of regulation, with family authority operating as "a crucial mechanism for regulating women's conduct and maintaining communal boundaries" (Ibid, 221). Female respectability emerged as central to communal identity and minority survival; as Palsetia notes, "women were made the primary bearers of communal honour, and their behaviour was subject to close scrutiny" (Ibid, 226). Consequently, Parsi women inhabited a paradoxical position – the beneficiaries of elite status and education, yet constrained by what Palsetia describes as "a pervasive moral surveillance that accompanied privilege" (Ibid, 229).

These internal hierarchies were reinforced by colonial legal structures that institutionalised gendered exclusion. As Janaki Nair argues (1996, 22), colonial law "did not merely reflect social patriarchy but actively reconstituted it through legal doctrine and institutional practice". Even when women accessed legal education, "women could be trained in law, yet were denied the right to practise it" (Ibid, 96). It is within these intersecting structures of privilege and exclusion that Perveen Mistry's liminal professional position emerges,

transforming exclusion from formal authority into an epistemic vantage point within colonial Bombay.

Perveen Mistry as a gendered minority subaltern subject in *A Murder on Malabar Hill*

Perveen Mistry is introduced in Sujata Massey's *A Murder on Malabar Hill* (2018) as a conspicuous anomaly within colonial legal culture: a woman formally trained in law yet structurally excluded from its authoritative spaces. Massey signals this anomalous status early by noting that Perveen keeps in her cabinet a "Bombay Samachar" article "touting her as Bombay's first woman solicitor," an achievement her father hesitates to display publicly lest it unsettle male clients (Massey 2018, 7). Visibility here is carefully regulated rather than celebrated. As David Ludden (2002, 18) argues, subalternity is not defined by invisibility alone, but by the "conditions under which visibility is produced without authority". Subaltern subjects are often rendered legible only as exceptions that reaffirm dominant norms rather than destabilize them (Ibid, 21). Perveen's professional recognition thus functions not as inclusion but as controlled exposure, preserving the masculine structure of colonial legal authority.

This structural marginality is reinforced by the conditions of Perveen's employment. Despite her legal education in England, she works exclusively within her father's firm because, as the novel states unequivocally, "There was not another law firm in the city that would employ a female solicitor" (Massey 2018, 15). Her labour sustains the institution, yet her position remains professionally isolating. Ludden (2002, 27) identifies this dynamic as characteristic of modern subalternity operating within elite institutions through "inclusion without mobility". Institutions depend upon subaltern labour while "systematically blocking access to authority, advancement, and representation" (Ibid, 31). Perveen's legal identity is thus shaped less by professional ascent than by containment, situating her within a gendered form of subalternity embedded in privilege.

Massey further underscores the disjunction between Perveen's expertise and her power through her relationship to legal language. Perveen reflects that "the subtlety of one word could mean the difference between a client's success and his ruin" (Massey 2018, 6), demonstrating her acute professional competence. Yet this mastery does not translate into courtroom authority. Ludden's account of subaltern epistemology clarifies this paradox: subalterns are not

defined by ignorance but by “the structural inability to convert knowledge into institutionally recognized action” (Ludden 2002, 34). Colonial modernity, he argues, routinely produces subjects whose expertise remains “epistemic rather than performative” (Ibid, 36). Perveen’s knowledge thus exists in a suspended state which was necessary and respected, yet barred from authoritative enactment.

The most explicit manifestation of this exclusion is Perveen’s categorical bar from courtroom advocacy. While her father pleads cases before judges, her labour is confined to preparation, documentation, and consultation. As Jamshedji reminds her, “your work as a contract solicitor is what keeps Mistry Law profitable” (Massey 2018, 15), tacitly affirming that her contribution, though indispensable, must remain backstage. Ludden (2002, 39) describes this precise configuration as emblematic of subalternity, where “productive labour is acknowledged while political or juridical representation is withheld”. Courts function as “sites where authority is monopolized through exclusion rather than competence” (Ibid, 41). The courtroom thus emerges as a masculinized zone of power structurally inaccessible to women like Perveen.

This contradiction between competence and powerlessness is intensified through Parsi matrimonial law, which exposes gendered subalternity operating directly through legal doctrine. When Perveen investigates divorce provisions under the Parsi Marriage and Divorce Act of 1865, she discovers that a husband’s sexual relations with prostitutes do not constitute legal grounds for divorce: “According to Parsi law, a husband’s engaging in relations with a prostitute is not cause for divorce or even legal separation” (Massey 2018, 259). Male sexual transgression is normalized, while women are denied reciprocal protection. Subalternity here is juridical rather than economic, embedded within the very language of law. Even severe domestic violence fails to meet the legal threshold for recognisable harm. Perveen is told that unless violence results in permanent injury, “you did not lose an eye, you were not stabbed, you didn’t go to hospital”, it does not qualify for divorce (Ibid, 259). Her protest, “But he hurt me badly,” is rendered legally unintelligible. This moment exemplifies epistemic foreclosure: suffering exists, but cannot be translated into institutional recognition. Law becomes a mechanism that produces silence not by absence of speech, but by refusing intelligibility. The law further authorizes coercion through restitution of conjugal rights. If the court rules in favour of her husband, Perveen may be legally

compelled to return to him or face fines or imprisonment. Her response is telling: "Living with his family would be like going back to prison" (Massey 2018, 260). Marriage emerges as a form of oppression and surveillance, where elite women are subjected to confinement through juridical means. Ludden (2002, 69) reminds us that subalternity is sustained not only through overt domination but through "everyday regimes of bodily control and spatial discipline".

This logic is reinforced through community surveillance within Parsi matrimonial courts. Divorce cases are decided not by judges but by juries of Parsi laymen: "The marriage court's cases are decided by juries of Parsi laymen" (Massey 2018, 260). Perveen quickly realizes the futility of justice in a closed patriarchal community: "Every plaintiff in this room is connected somehow to at least one juror" (Ibid, 337). Minority status here intensifies surveillance rather than alleviating oppression, producing what Ludden (2002, 56) terms internal subalternity, the marginality generated within elite formations. The courtroom becomes an archive of collective female suffering. Perveen observes that most women seek divorce only after decades of abuse, not months. One testimony describes a husband who moved a prostitute into the marital bedroom, forcing his wife to remain silently in the corner. These narratives form a counter-archive of gendered subaltern experience, typically erased from official histories that privilege male property, lineage, and respectability.

Religious tradition functions here as another disciplinary apparatus, enforcing compliance through spatial confinement and moral stigma. Taken together, Perveen Mistry emerges as a gendered minority subaltern subject whose agency is forged through constraint rather than despite it. Her legal knowledge, investigative labour, and urban mobility are all shaped by exclusion from formal power, yet these exclusions generate alternative epistemic authority. As a semi-professional detective, her marginality enables access to domestic interiors and women's testimonies inaccessible to male authorities. In Ludden's terms, Massey's fiction demonstrates that "subalternity is not silence, but structurally mediated speech" (Ludden 2002, 74). Feminist historical crime fiction thus operates as a counter-archive, recovering suppressed legal histories and rendering visible the conditions under which gendered subaltern agency becomes thinkable at all.

Feminist historical crime fiction as a space of recuperation

Sujata Massey's *A Murder on Malabar Hill* operates as a sustained project of feminist recuperation by foregrounding women's lives and testimonies systematically excluded from the legal, police, and social archives of 1920s Bombay. Feminist historical crime fiction is particularly suited to this task because, as Rosemary Erickson Johnsen (2001, 2) argues, it "searches out information about women in the past; it uncovers hidden material, records sometimes surprising facts, and offers new ways of seeing women". Massey situates archival erasure at the centre of the narrative through the obituary of Omar Farid, which meticulously records a male heir while omitting wives and daughters as legally insignificant. This selective remembrance exemplifies what Andrea Petö (2014, 84) identifies as the masculinist logic of historical knowledge production, wherein public and institutional lives are privileged while women are relegated to "zones of historical invisibility". Crime fiction thus functions as historiographic intervention, exposing the gendered selectivity of the archive itself.

Perveen Mistry's position as one of Bombay's earliest female solicitors places her at the threshold between institutional authority and domestic invisibility, enabling mediation between colonial law and purdahnashin women inaccessible to male investigators. As Johnsen (2001, 24) notes, feminist historical crime fiction centres women "whose lives often went unrecorded" and whose histories require "alternative narrative strategies rather than official documentation". Exclusion from courtroom advocacy paradoxically facilitates Perveen's access to zenanas and curtained interiors, aligning with Petö's claim that feminist crime fiction approaches history as an "unfinished project" re-entered from marginal locations (Petö 2014, 86). Massey thus mobilises liminality as an epistemic resource.

Investigation itself becomes a mode of historical recovery through meticulous "discovery work" uncovering concealed mahr rights and fraudulent legal manoeuvres. As Johnsen (2001, 1) argues, feminist historical crime fiction insists that such narratives "add to the historical record and offer readers new ways of perceiving history". Domestic interiors such as the jali screens, hidden corridors, and the binamazi room described as a "stinking prison", emerge as sites of concealed violence, confirming Johnsen's observation that crime fiction can "lift the lid on home lives otherwise unrecorded and invisible" (Ibid, 31). While colonial authorities presume secluded women have 'seen or

heard nothing,' the novel demonstrates that confinement produces forms of witnessing illegible to masculinist institutions.

Crucially, the novel recuperates women's agency without conflating subalternity with silence. Razia and Mumtaz reclaim financial and legal authority, while Perveen enables their claims to enter legal visibility rather than speaking for them. This strategy resonates with Spivak's clarification that subalternity is not muteness but a condition where agency lacks institutional recognition (Spivak 2012, 431). Ultimately, *A Murder on Malabar Hill* demonstrates that historical recovery becomes possible through feminist narrative mediation. As Petö (2014, 94) contends, feminist crime fiction provides "a vocabulary appropriate for telling gender- and intersectionality-sensitive narratives about the past", reframing recuperation as epistemic, legal, and political.

Conclusion

This paper has argued that gendered subalternity cannot be reduced to economic deprivation or absolute marginality but must be understood as a relational and historically produced form of exclusion that can operate within privilege itself. The primary contribution is the idea of gendered minority subalternity. Reading *A Murder on Malabar Hill* through subaltern studies, feminist theory, and legal history, the analysis has shown how Parsi women in colonial Bombay occupy paradoxical positions of access and exclusion, visibility and silencing. Their subalternity is shaped not by a lack of education or mobility, but by structural barriers that prevent cultural capital and legal knowledge from translating into institutional authority. Through the figure of Perveen Mistry, Massey's novel exposes the gendered limits of colonial liberalism and minority privilege. Perveen's professional training and proximity to colonial institutions do not dissolve subalternity; instead, they reveal the discontinuities between knowledge, agency, and power that structure gendered exclusion. Her exclusion from courtroom advocacy and formal policing authority exemplifies the epistemic and institutional constraints imposed on women, even as this marginality enables alternative modes of investigation and witnessing inaccessible to male authorities. Exclusion thus emerges not merely as loss, but as a condition that produces alternative epistemic positions. The paper has further demonstrated that feminist historical crime fiction functions as a critical space of recuperation, intervening in archival silences and

exposing the gendered selectivity of historical knowledge. By foregrounding domestic interiors, women's testimony, and unofficial forms of evidence, *A Murder on Malabar Hill* reconfigures detection as a mode of feminist historiography and extends subaltern analysis to gendered marginalities within elite minority formations.

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