



**UNRISD**

UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT

**RELIGION:  
ALLY, THREAT, OR JUST RELIGION?**

**Anne Phillips\***

Draft

May 2009

DRAFT WORKING DOCUMENT

Do not cite without author's approval

---

\* London School of Economics and Political Science, UK

The **United Nations Research Institute for Social Development (UNRISD)** is an autonomous agency engaging in multidisciplinary research on the social dimensions of contemporary problems affecting development. Its work is guided by the conviction that, for effective development policies to be formulated, an understanding of the social and political context is crucial. The Institute attempts to provide governments, development agencies, grassroots organizations and scholars with a better understanding of how development policies and processes of economic, social and environmental change affect different social groups. Working through an extensive network of national research centres, UNRISD aims to promote original research and strengthen research capacity in developing countries.

Research programmes include: Civil Society and Social Movements; Democracy, Governance and Well-Being; Gender and Development; Identities, Conflict and Cohesion; Markets, Business and Regulation; and Social Policy and Development.

A list of the Institute's free and priced publications can be obtained by contacting the Reference Centre.

UNRISD, Palais des Nations  
1211 Geneva 10, Switzerland

Tel: (41 22) 9173020

Fax: (41 22) 9170650

E-mail: [info@unrisd.org](mailto:info@unrisd.org)

Web: <http://www.unrisd.org>

Copyright © United Nations Research Institute for Social Development (UNRISD).

This is not a formal UNRISD publication. The responsibility for opinions expressed in signed studies rests solely with their author(s), and availability on the UNRISD Web site (<http://www.unrisd.org>) does not constitute an endorsement by UNRISD of the opinions expressed in them. No publication or distribution of these papers is permitted without the prior authorization of the author(s), except for personal use.

## Introduction

That religions can threaten gender equality is hardly controversial. Religious leaders through the centuries have preached that it is women's primary duty to obey. They have represented women's sexuality as a dangerously disruptive force, sometimes countenancing the punishment of transgressions by death. On a milder though still troubling note, they have taught men to regard themselves as having custodial responsibility for women, along with other lesser creatures like children. Religions have no monopoly on such representations, and the same things have been repeated endlessly by the non-religious. But pronouncements made in the name of religion carry an additional force that makes their consequences for gender equality especially burdensome. Religiously inspired principles regarding the sanctity of marriage and the sanctity of life have weighed heavily on women, because it is women who are most likely to be trapped in violent or abusive marriages, and women whose bodies bear the consequences of multiple pregnancies. Religious practices regarding marriage, adultery, and divorce are often explicitly discriminatory, as when men are permitted multiple marriage partners, but not so women, or when divorce is permitted to the man, but to the woman only with her husband's consent. Some major religions have segregated the sexes for the purposes of prayer. With few exceptions, religions have signalled their lack of confidence in women's virtues or capacities by excluding them from participation in the clerical class.

It is not surprising, then, that campaigners for gender equality have found themselves at odds with religious authorities, or that feminists have looked to the spread of secular principles and attitudes as a welcome engine of change. The fact that many early feminists drew their inspiration from religion is not, of itself, a contradiction, for neither atheism nor agnosticism was a respectable alternative in the beginnings of organised feminism (in Europe and North America, this dated from the mid nineteenth century). A striking proportion of those nineteenth century feminists belonged, moreover, to religions that positioned themselves outside the mainstream –Quakers or Unitarians, for example - and were known for their more radical views regarding the position of women. In the course of the twentieth century, even that association between feminism and religion largely dropped away. While individual women continued to locate their commitment to gender equality in their religious faith and beliefs, the public discourse regarding the rights of women and equality of the sexes became almost entirely secular, and was more often linked to socialist or communist ideals. It was no longer considered necessary to seek normative justifications for gender equality from within religious doctrines. It was, moreover, widely assumed that the declining public authority of religions, measured in their reduced role in circles of government, and reduced authority over their (also reducing) flock, would produce a more welcoming environment for feminist ideas.

It is clear by now that this narrative of declining faith, diminished public role for religion, and enhanced prospects for gender equality, had only a partial and localised significance; and that neither socialist ideas about the dissipation of religion, nor liberal dreams of a wall of separation between religion and politics are to be realised in the foreseeable future. Jose Casanova's useful differentiation (1994) between secularisation as religious decline, secularisation as institutional differentiation, and secularisation as the privatisation of religion, is part of what has enabled a more rigorous analysis. Contemporary societies do indeed, he argues, exhibit greater institutional differentiation between the spheres of state, market, and science, and religious institutions and norms. But institutional differentiation is not intrinsically linked either to the decline of religious faith and practice, or the withdrawal of religious discourse and practice to a private sphere. Outside Western Europe (plausibly represented by Casanova as exception rather than norm), possibly also China, (this depends on one's understanding of

Confucianism), religious ways of being and thinking continue to exert considerable influence over people's lives. Figures from the World Christian Database indicate that religious attachment has increased, not fallen, over the last century, with the proportion of the world's population attached to one of the four major religions – Christianity, Islam, Buddhism, and Hinduism - rising from 67% in 1900 to 73% in 2005.<sup>2</sup> It is evident, moreover, that religions are not being confined to a private zone of individual conscience and practice, but are being actively invoked in political life. Religious beliefs furnish the substance for many political interventions, as when they are mobilised in debates about homosexuality or abortion or to justify constraints on women's freedom of movement. In a number of countries, religion provides the basis for state law.

The movement, if any, has been in the opposite direction: not the steady retreat of a diminished religion to a private zone, but a global trend towards the 'de-privatisation' of religion and its increasing salience on the political stage. Does this matter? Casanova argues that de-privatization is both empirically irrefutable *and* normatively defensible. In 1994, he presented the process almost as proto-feminist: 'the deprivatization of religion ...simultaneously introduces publicity, that is, intersubjective norms into the private sphere (analogous to the feminist dictum "the personal is political") and morality into the public sphere of state and economy (the principle of the "common good" as a normative criterion.)' (1994: 217). 'Public' norms of transparency or gender equality thereby spilt over into the religious zone – meaning, among other things, that churches came under pressure to accept women as spiritual leaders – while 'religious' norms helped tame the starker brutalities and inequities of the market. In the current essay (2009), he is more circumspect, acknowledging that both Catholicism and Islam have tended to support versions of 'patriarchal fundamentalism' or 'fundamentalist patriarchy', and that, as 'high religions', they have institutionalised an unequal division of gendered roles. He nonetheless insists that Christianity and Islam alike offer equal access to salvation to both women and men, and that their core ethical norms can be seen as anticipating modern understandings of gender equality.

In representing religion as a possible force for progressive democratic change, Casanova has looked particularly to its role in what he terms 'the undifferentiated public sphere of civil society'. Here, in open debates about the direction of public policy, religious arguments can engage with what is necessary for the common – rather than particular – good, thereby 'enlivening democratic politics' (this is his description of recent US developments, p.3) and challenging the legitimacy of authoritarian regimes. In the earlier version of his argument, he claimed that only this aspect of de-privatisation was ultimately compatible with modern universalistic principles, contrasting it with the more dubious engagement of religion in 'political society' (as when political parties or social movements are based directly on religions), or the official recognition of religion in state institutions (as with an established state church, or when religious leaders are accorded a specific constitutional role). He now describes this preference as reflecting his 'modern Western secular prejudices' (p.14). The better approach, he argues, draws on Alfred Stepan's notion of twin tolerations, which requires religious authorities to 'tolerate' the autonomous decisions of democratically elected governments; and democratic institutions to 'tolerate' the autonomy of religious individuals and groups, and takes this last to include both freedoms of worship and the right to advance religious values in civil and political society, constrained only by the requirements of civil law.

---

<sup>2</sup> Reported in John Lloyd *Financial Times Weekend*, October 25/6, 2008: 34.

So far as gender equality is concerned, Casanova continues to stress the public sphere of civil society: ‘What is desirable is to subject religious discourses legitimating patriarchal customs or discriminatory gender practice to open public debate and to political contestation’ (p.20) This focus on civil society is already over-optimistic, for civil society is not a neutral zone, and the movements or associations that constitute civil society can reproduce social hierarchies and exclusions as often as they contest them. We certainly cannot assume that the kinds of religious contestation we might find in civil society will favour gender equality rather than obstructing it. Casanova now wants us to consider even more extensive engagements of religion in politics as potentially compatible with gender equality. He rejects the more conventionally secular thesis about gender equality depending on the separation of religion from politics, or religion from state, offering instead the mutual responsibilities and self-imposed limitations of religious authorities and democratic institutions, combined with reform movements inside each religion, and a principle of minority rights.

The question is whether such mechanisms adequately address what Casanova himself acknowledges to be blatant discrimination against women in the organisation of churches, a ‘very strong misogynist strand in the Christian tradition’, and difficult and heated debates about such matters as abortion, polygamy, and systems of personal religious law. If we are to abandon the idea of a strict separation of religion from politics – as unlikely to happen and anyway not normatively required - what other kind of protections need to be in place to secure the best conditions for gender equality? Are Casanova’s twin tolerations, combined with the vitality of internal reform movements, enough?

### **Secularism, agency, and respect**

Though my answer, in the end, is negative, I want to start with one important area of agreement. Like Casanova, I do not think we can usefully represent religion as the nemesis of gender equality or secularism as the precondition for feminist politics. We need a more nuanced, less oppositional, understanding of religion and secularism. This, indeed, is increasingly the consensus within both mainstream and feminist literature. There remain powerful voices stressing the dangers of religious ‘fundamentalism’ and extolling the virtues of secular reason; and in some quarters, what Saba Mahmood (2008: 448) describes as a ‘shrill polemic’ continues to characterise discussion. Elsewhere, however, there has been a sea change in political and social thinking, with a growing concern about ‘the strains of dogmatism in secularism’ (Connolly, 1999:4); a renewal of interest in the way religious belief has inspired participation in movements for gender, racial, and economic equality; and a greater willingness to conceptualise religion as an ally of progress. A number of theorists have queried the binary rhetoric influential through much of the twentieth century, where it became commonplace to presume a choice between a religious right and a secular left (Asad, 2003; Scott and Hirschkind 2006; Jakobsen and Pellegrini, 2008). Though religious leaders *have* often deployed their authority to resist movements for social change or promote passivity in the face of violence, religiously grounded claims about the fundamental equality of all human beings have also provided important inspiration in challenges to slavery, movements for women’s emancipation, civil rights activism, and mobilisations of the poor and landless. As the narrative of secular modernity came to be associated with globalisation or the arrogance of the West, religion additionally became one of the vehicles for challenging the global distribution of power.

At a philosophical level, secularism has been accused of a false neutrality that employs a language of impartiality to impose inappropriate restrictions on public life. It has been a common theme in discussions of Islam, for example, that the secular separation of religion

from state derives from a Judeo-Christian tradition, disadvantaging those whose religion does not operate in such terms. More generally, it has been argued that restricting religious practices and pronouncements to a private sphere makes life easier for non-believers but harder for believers, thereby introducing an inequity of treatment. In their reflections on this, many political theorists have come to reject what was previously understood as the Rawlsian prohibition on arguments that appeal to religious authority ('arguments not open to argument') in debates about public policy (for example, Spinner Halev, 2000).

We can certainly see why people might want to exclude arguments that threaten to go nowhere: to tell people they must come up with a more compelling line of argument for a particular policy than 'this is what my religion says'. There is also legitimate anxiety about a growing recourse to religious language in the public sphere (notable in the US, for example, over the last twenty years<sup>3</sup>) that has many politicians adopting a 'prophetic' posture, implying they have privileged access to God's wishes or intentions. But a prohibition on religiously derived arguments wrongly implies that religious people are immune to argument. As Lucas Swaine (2003; 2006) stresses, even the most theocratic devotee has an interest in distinguishing between right or wrong interpretations of her religion, and has to engage in argument and judgment in order to achieve this. The notion that 'secular' arguments are based on evidence and sustained by logic is far too complimentary to the complex ways in which most people develop their political and moral views. The contrasting image of 'religious' arguments as based on authority or faith is equally over-stated. If we are concerned about dogmatism, we should perhaps be most worried about a pre-emptive exclusion of religion from politics, which 'in effect establish(es) secularism as the theory of government' (Nussbaum, 2008: 265).

This re-evaluation has been paralleled in the feminist literature by greater attention to women's engagement with religion, and an emphasis on empowerment, resistance, and reform from within (Moghadam, 2002). These developments are often informed by a post-colonial critique of the modern/traditional dualism that had come to permeate feminist as well as other thinking, generating an image of the 'third world', over-exploited, mostly powerless, woman, and implicitly contrasting her with the secular, liberated, proto-feminist from the West (Mohanty, Russo and Lourdes, 1991). In the literature on multiculturalism, writers have queried exaggerated discourses of cultural difference that represent women from minority or non-Western cultural groups as uniquely in need of protection from their oppressive cultures (Narayan, 1998; Volpp, 2000; Phillips, 2007); or opportunistically deploy principles of gender equality to justify a retreat from multiculturalism. The logic of these arguments is widely applied to religion as well. A previously dominant opposition between religion and equality, with religion cast as a major source of gender oppression, has given way to a focus on the empowerment of women, and consideration of the scope for resistance and reform within the various religions.

Questions of agency have been central here: the need to respect the choices women make, not dismiss those of religious women as evidence of victim status or illustrating their false consciousness; but also the recognition that resistance takes many and subtle forms, and that what looks to an outsider like submission can sometimes be better understood as empowerment or subversion. Put generally, both points are compelling, though in their detailed interpretation, they have provoked extensive debate. For some writers, 'extravagant affirma-

---

<sup>3</sup> According to an analysis by Coe and Dourke, Ronald Reagan and George W Bush adopted the prophetic posture in an unprecedented 47% of inaugural and state of the union addresses. This compared with 0% for pre-Reagan Democrats, and only 5% for pre-Reagan Republicans. Cited in Smith, 2008.

tions' of empowerment and agency (Moghissi, 1999) blind analysts to the often violent force of politicised religion, particularly in Islamic regimes in North Africa and the Middle East, and misrepresent as choice what is self-evidently coercion. For others, the co-option of women's agency in neo-liberal discourses of development focuses attention on the individual rather than the collective, on strategies for survival rather than transformation, and encourages states to withdraw from social provision (Wilson, 2007) For others again, the search for agency looks uncomfortably like another cultural imposition: 'we have to ask what Western liberal values we may be unreflectively validating in proving that "Eastern" women have agency, too' (Abu-Lughod, 2001:105).

In their respective writings on Quaker women in eighteenth century England and women in the mosque movement in late twentieth century Egypt, Phyllis Mack and Saba Mahmood alert us to a tendency - even within the most sympathetic readings - to reframe religious experience in a more comfortably secular register: to translate terms like sacrifice, redemption, ecstasy, or repentance into the categories of modern social science (Mack, 2003: 153); or 'explain the motivations of veiled women in terms of the standard models of sociological causality (such as social protest, economic necessity, anomie or utilitarian strategy) while terms like morality, divinity, and virtue are accorded the status of the phantom imaginings of the hegemonized' (Mahmood, 2005:16). When this happens, women's religious participation is treated primarily in terms of the avenues it opens up for action, the main focus being on the subversion of traditional interpretations of religious doctrine or the challenges women offer to patriarchal norms. Yet for the women themselves, religion may be primarily about virtue and piety, involving submission or 'the desire to be controlled by an authority external to oneself' (Mack: 174). If we are to think seriously about agency, in ways that respect the meanings people themselves give to their practices and beliefs, we may have to 'detach the notion of agency from the goals of progressive politics' (Mahmood: 14), and query that presumed opposition between submission and agency.<sup>4</sup>

These arguments resonate widely in contemporary feminism, partly because they echo an anti-elitism that insists on the integrity of all participants, and distrusts claims to superior understanding when these are employed to differentiate the unenlightened from those in the know. As a corrective to accounts that either represent religion as inherently at odds with agency, or offer to resolve the seeming tension by identifying moments of resistance and subversion, they are, I think, broadly correct. It should go without saying that religious women must be accorded the same respect as those who are non-religious. It should also go without saying that one element in that respect is taking seriously their own self-descriptions, and the meaning they themselves attach to their practices and beliefs. I see this, however, as an ethical rather than political stance. The key point, as I take it, is that we should allow religion to be religion, not endlessly translate its practices into the more comfortable register of empowerment or resistance or subversion, and not require of it that it promotes democracy or egalitarian social movements. Well, certainly, if the question is framed as whether 'we' 'require' or 'allow'. But if the implication is also that we import inappropriate questions when we ask whether women's religious engagement better empowers them to resist oppressive social norms, or imposes those norms more rigidly, this is a more troubling restriction.

---

<sup>4</sup> In her discussion of this, Mahmood gives the (secular) example of the virtuoso pianist who submits herself to a rigorous programme of practice, and a hierarchy of power that makes her the apprentice and her teacher the authority, in order to acquire the ability to play: 'her agency is predicated on her ability to be taught, a condition classically referred to as "docility".' (2005:29) Arguably, this does what she warns us against, in that it re-describes submission as empowerment.

Acknowledging that believers may seek self-transcendence is an important challenge to arguments that misrepresent religious commitment or refuse to engage with it seriously. But when a desire for self-transcendence puts religious injunction beyond the realm of negotiation – as it sometimes does – it threatens the scope for gender equality. And when the entanglement of religion with politics authorises the most conservative interpretations of a religion – as appears often to be the case – it can seriously affect women’s opportunities and position. So while we should not *assume* that gender equality is at odds with religion, the political questions remain. Has the explosion of politicised religion made it harder for women to pursue equality with men? What are the possibilities and limits of working through faith-based movements in promoting greater gender equality? What kind of separation of religion from politics is most conducive to gender equality?

Casanova’s answers to these questions do not convince me, mainly because he does not engage sufficiently with the severity of the issues. While he recognizes the problem of gender discrimination within religious regimes, he considers this primarily in terms of differential access to religious power and authority: the refusal, for example, of the Catholic Church to permit the ordination of women priests. He has little to say about more pressing areas of gender discrimination, like the toleration of polygamy in Islam and breakaway Mormon sects, or the greater ease of access to divorce for men than for women in Islam and Orthodox Judaism. He also has little to say about coercion, whether the official coercion practiced in countries that incorporate discriminatory religious principles into law; the unofficial violence against women sometimes countenanced and encouraged by local religious leaders; or the insidious forms of coercion practiced in families and civil society that require women to conform to what are said to be religious principles and norms.

Casanova recognizes that reactive movements in all religious traditions are mobilizing to contest what they see as threatening transformations in gender norms and gender relations; but he is, in my view, too easily reassured by his reading of these as themselves a measure of how far the transformations have gone. In his analysis, everything that has been identified as cause for concern is turned around into evidence of progress. The greater visibility of veiled women in Muslim societies is a sign of increasing gender equality (because the women are attending mosques and making themselves more visible in the public sphere). The greater political visibility of Islam is evidence of energetic internal debates that are fashioning Muslim versions of modernity. The obsessive focus on gender relations in fundamentalist religious movements is evidence that relations between women and men have already undergone enormous change. For secularists threatened by the de-privatization for religion, this offers a reassuringly optimistic vision. I do not think it adequately addresses the problems of religious politics and gender equality.

In what follows, I address (1) issues of demarcation; (2) the informal impact of religion on attitudes and lives; (3) the politics of internal reform; and (4) questions of alliance. The first set of issues is the most state-centric: what should be regarded as a private matter of conscience, what is an appropriate matter for state policy, and what is best left to religious bodies to decide for themselves? What authority, if any, should states cede to religious communities and groups? What exemptions, if any, are legitimate from legislation that bans discrimination on the grounds of gender? In essence, who or what has the right to decide? In considering these questions, I stress the importance of disaggregating religions and religious communities. Even as shorthand – and even in the context of internal movements for reform – these terms are too slippery. When assessing what degrees of autonomy or authority are com-



patible with gender equality, we have to be especially careful about what is meant by ‘the religion’ or ‘religious community’.

When considering quasi-constitutional matters of demarcation, it is largely a matter of working out appropriate normative principles that might legitimately regulate a division of authority and rights, and then hoping that state policy will be implemented in line with these. (Policy is not made like this, but we can always hope.) However, political endorsements of religious authority have wider effects than are indicated in official policy or law. Even when policy is carefully balanced, or a legal regime appropriately restrained, a general endorsement of religion or greater dominance of religious discourse in public debate can still work its way through people’s attitudes and opinions to constrain women’s lives. This is the focus of the second section.

In the third and fourth sections, I turn to a range of issues relating to engagement in political or civil society. We are religious feminists, for example, confronted with a choice between working among our fellow believers for internal reform of discriminatory practices, or joining forces with secular feminists and working on a different terrain. We are secular feminists, deciding whether to join forces with a religious organization committed to many of the same principles of gender equality but entirely opposed to abortion. We are critics of the war in Iraq, deciding whether to ally with a religious organization whose members regard homosexuality as an abomination against nature. In these kinds of choices, it is not a matter of demarcation – what is to be a private matter of individual choice, what is to be left to the discretion of religious authorities, what is to be determined by a (hopefully) democratically elected government - but a more general question of the relationship between religious and political belief, religious and political action. In the third section, I address this as the politics of internal reform; in the fourth, as the politics of alliance.

### **(1) Demarcation**

I shall simply assert – without argument - that a fusion of state and religion is not favourable to gender equality. Religions are not democracies, and a preemptive requirement that the laws of a country must follow particular religious prescriptions closes down the space for living as well as the space for debate. The more useful questions are how much autonomy can be conferred on religious communities without undermining equality of rights; and what constraints can be legitimately imposed on religions through legislation banning discrimination on the grounds of sex? I agree with Casanova that gender equality does not require a strict separation of religion from politics. I also agree that there may be a wide range of possible combinations, along an axis from greater to lesser religious engagement in politics, compatible with strong regimes of gender equality. I am not convinced, however, that we can identify the limits of that compatibility through diffuse notions of toleration, democracy, or the rule of law. This is an arena where the rights of the individual move to centre stage.

Rights figure for Casanova primarily as the right to religious freedom and the rights of religious minorities: ‘the protection of the rights of the minority, religious or secular, and equal universal access should be central normative principles of any liberal democratic system’ (p.15). This focuses attention on a relationship between democratic political institutions on the one side and religious minorities/religious authorities on the other, a relationship, that is, between two corporate entities, with too little attention to the ways in which each of these may misrepresent or coerce its members. When the issue is gender equality, that corporatist understanding of religious authority is precisely what is at stake. Much of the coercion associ-

ated with religion arises when spiritual leaders insist on followers of their religion abiding by principles that discriminate against women. The rights of the individual must include the rights of individual women voluntarily to embrace principles or practices that discriminate against them: respect for agency requires that. But uncritical reference to religious authorities does not sufficiently protect individuals from claims that are made in their name.

I have my own reservations about the discourse of rights: the way it directs attention towards individual autonomy and away from collective forms of engagement; the way it constitutes others as threats to our privacy or freedom, and seems to build walls against them; the tendency to define as fundamental rights and freedoms what turn out to be more parochial requirements of particular societies and histories; and so on. (For some of the feminist literature on this, see Kiss, 1997 and Gould, 2004.) But suspect as it may be in other contexts, the very individualism of rights becomes its strength when what is at issue is precisely the relationship between individuals and their religion or culture. I do not, moreover, consider a discourse of rights as inherently secular, or think it necessarily weights discussion of the relationship between religion and politics in ways that favour a classically secular resolution. A growing literature suggests, to the contrary, that rights can be formulated and argued in religious as well as in non-religious language (Sunder, 2003; Madhok, 2008), and that secularism has no monopoly on the notion of women's rights. Rights matter: particularly when considering claims by religious communities for autonomy over 'their' internal affairs; and situations where a religion has assumed such social or political dominance that there is no longer a convincing possibility of determining whether its precepts are being voluntarily embraced.

To say this is not to present the individual as the unit of analysis. Apart from anything else, individual rights are defended and secured mostly through collective action. But it is important not to drift into thinking of the relationship between religion and gender equality as a relationship between two corporate entities - religions and the state - with the state then standing in for principles of gender equality. That corporatism is suspect on both sides. It is suspect so far as religions are concerned because we cannot assume that religious establishments speak for all those who count themselves as members of that religion. It is also suspect so far as states are concerned, because even the most democratic of states cannot claim to represent all its citizens, and even the most secular of states cannot be said to embody ideals of gender equality. Governments and religions often coexist in symbiotic relationship, with governments readily divesting themselves of responsibilities they had only half-heartedly assumed - the burden of promoting gender equality often being one of these - and delegating these responsibilities to religious or other groups.

When we take the rights of individuals - rather than the rights of religions or religious minorities - as the starting point, this delivers two broad principles. Individuals should not be forced by secular rules to abandon key aspects of their religious practices or beliefs; individuals should not be forced by religious authorities to accept discriminatory practices. This inserts a useful wedge between individuals and either secular or religious authorities. We know that the mechanisms of majority rule do not guarantee protection for those in a religious minority, even in the best run of democracies. We know that the hierarchical institutionalisation of many religions can immunise spiritual leaders, leaving them to become thoroughly detached from the conditions in which their followers live their lives. Taking the beliefs and choices of *individuals* as the starting point provides the more secure basis for thinking about the relationship between religion, politics and gender equality.

This is the important starting point that protects us from dogmatic secularism on the one side or incipient corporatism on the other. But things are never that simple, and broad principles will not settle the matter. There are always difficulties, for example, in defining what is a ‘key’ aspect of a religious practice or belief (who determines this?), what counts as a discriminatory practice (again, who determines this?), and running through both of these, what counts as individual choice or belief. There are also questions about indirect harm. Where the choices I make directly harm you, there are clearly grounds for government intervention, preventing me from doing what I have chosen to do. But what if what I choose has *indirect* effects on you, because it sustains or reinforces values that put pressure on you to behave in particular ways? What if my choice to wear hijab reinforces the social pressures on you to do the same, and so contributes to your harassment? (This was the argument French progressives used to justify their support for legislation banning Muslim girls from wearing headscarves to school). Can we continue to say that we support the rights of religious women *and* the rights of non-religious women, or do we have to make a more definite decision between these two?

I do not promise to resolve these issues, for my guiding principle, if any, is that there *is* no simple principle, and that judgments must be made in a contextual way. (See Carens, 2000, for a discussion of contextualism). But I hope to clarify through two illustrations. Consider two questions: To what extent should states recognise the authority of personal religious law? To what extent should legislation against sex discrimination be applied to the internal affairs of religions? We can formulate answers to both that derive their legitimacy from the notion of equal individual rights – and should do this – but the answer in each case will be complicated by problems about what counts as choice and what as coercion.

#### ***(a) personal religious law***

Religions commonly regulate sexuality, marriage, and the relationship between parents and children. Very often, regulation according to religious principles delivers a less favourable outcome (for some members of the religion) than regulation according to civil codes. The law of the country may permit divorce, while the religion forbids it. The law may allow divorce on identical grounds to women and men, while the religion normally requires the consent of the husband before a marriage is dissolved. The law may establish an equal division of family property on divorce, while the religion permits a distribution more favourable to the men. The devout Catholic is then as free as any non-Catholic to get a divorce and re-marry according to the laws of the land, but will only feel able to remarry if the first marriage has been annulled by the church. The devout Muslim or Orthodox Jew can divorce according to both civil and religious law, but if the husband refuses to cooperate, will find it much harder to get a religious divorce.

In societies that practice strong versions of religious pluralism, there may not even be recourse to a civil code. In Israel, for example, matters regarding marriage and divorce are determined according to the religious affiliations of the parties involved, and while a significant minority of Israelis have civil rather than religious marriages, these are only recognised when they were conducted abroad (Halperin-Kaddari and Yadgar, 2009), and still have to be dissolved under religious law. In India, there *is* provision for civil marriage, but only where people have explicitly opted for a secular code. Social pressure means that few make this choice, and for the vast majority of Indians, questions of family law are settled within the personal law systems associated with the different religious communities. One compelling question for Indian feminists has therefore been whether to work for a uniform civil code that pro-

vides women with equal rights regardless of their religious affiliations, or for reform of the personal law systems, either through internal mobilisation or external, state-imposed, regulation.

Before the much discussed Shah Bano ruling (1985), when a divorced Muslim women brought a case for maintenance under the universally applicable Criminal Procedure Code, and a Supreme Court Justice used the occasion to criticise Muslim family law, Indian feminists tended to favour replacing the systems of religious family law by a uniform civil code. In the aftermath of Shah Bano, that strategy became almost impossibly tainted by the political battles between Hindu majority and Muslim minority. Muslim outrage at the criticism of family law led the Congress Party to pass the *Muslim Women's (Protection of Rights On Divorce) Act (1986)*, reinforcing rather than reducing the requirement for Muslim women to work within personal religious law. Meanwhile, the Bhartiya Janata Party opportunistically advocated a uniform civil code as part of its general anti-Muslim politics. The rights of the individual and principles of gender equality do point in the direction of a uniform civil code. But with that strategy hijacked by Hindu nationalism, most feminists turned to notions of internal reform (Sunder Rajan, 2003; Hasan, 2009).

At a practical level, there has been significant improvement since these events. The *Muslim Women's Act* had deprived Muslim women of their right to claim maintenance under the Criminal Procedure Code, establishing that they were entitled according to principles of Islamic law only to the dowry they brought with them to the marriage and 'reasonable and fair provision' during the *iddat* period, the three months or so before a divorced woman is able to re-marry. This effectively reduced their rights. Attempts to have this declared unconstitutional have not so far succeeded, but the Supreme Court ruling in *Danial Latifi and Anr v. Union of India, 2001* interpreted the law as meaning advance provision for future needs, not just during the *iddat*, and this substantially increased the requirements regarding maintenance. That judgment therefore helps address some of the most pressing practical concerns. But it still means Muslim women are uniquely denied access to the maintenance provisions of the Criminal Procedure Code, and have fewer legal rights than other women in India.

Outside contexts of strong religious pluralism, there is rarely any issue about whether members of a religious minority should have the same access as anyone else to a more favourable civil or criminal code. Religious leaders in contemporary Europe sometimes lobby for a system of legal pluralism that makes religious family law the default system for their members, but any proposal that reduces women's legal rights discriminates against them, and would be at odds with a wide range of both national and international law. The more serious issue here has been what recognition, if any, to give to unofficial legal bodies that may come into existence to provide arbitration in line with religious precepts on matters of family law: the Sharia Councils, for example, established in Britain under the auspices of local mosques, and heavily involved with matters of marriage and divorce (Shah-Kazemi, 2001; Bano, 2007). One could plausibly describe these bodies as exerting pressure on women to give up the stronger rights they have been accorded by civil law, and accept the less favourable terms offered by their religion. There is certainly evidence from Britain that women have been pressured to agree less favourable divisions of family property, or more generous access for ex-husbands to the children, than they might have achieved in civil divorce proceedings; or, indeed, pressured to remain within abusive marriages. (Bano, 2007). But one could also plausibly describe these councils as providing women with a religiously sanctioned way out of unhappy and abusive marriages. Again, evidence from Britain indicates that it is the women rather than the men who take the initiative in approaching Sharia Councils, largely because

their husbands have refused to grant them a divorce; and that the outcome is very often in their favour, with the religious scholars issuing a certificate of divorce (Shah-Kazemi, 2001).

It is, in my view, inappropriate either to ban such arbitration councils or give them formal authority: neither approach adequately recognises the rights of the individuals concerned. Banning private religious councils would, in effect, mean women having to choose between their religion, as they currently interpret it, and their rights. They would have access, as before, to the civil courts, and many of their fellow believers have of course felt perfectly satisfied with that. But their dilemma arose precisely because their own religious beliefs – their own interpretation of their religion - meant this was not really an option for them. Banning religious arbitration is, in effect, saying these women need to rid themselves of their overly rigid or overly orthodox views, and learn to live by a strictly civil code. This is the kind of coercive secularism that both Casanova and I would want to avoid. It attaches too little weight to the beliefs and choices of the women themselves.

The alternative strategy of making religious courts the primary courts for religious believers would be even worse, for this would deprive those belonging to the religion of the more favourable guarantees in the civil code. It would no longer be available to individual believers to find their own balance between religious and civil requirements. Everyone would be either in the religion or out; and if in, no longer able to avail themselves of the civil code.

This, however, is where the difficulties come into sharper focus, for the deeply felt choices of some women can contribute to a climate of opinion in which other women feel obliged to follow the same rules. Meeting the needs of those who cannot conceive of themselves as genuinely divorced unless this is confirmed by their religious authorities may then put indirect pressure on those who might otherwise have felt perfectly satisfied with a civil divorce. It is not only explicit state regulation– as in India or Israel - that legitimates a particular system of personal law. Religious courts are also legitimated by the very fact that people apply to them. Even if entirely voluntary, the decisions of some women to apply to religious courts are likely to enhance the authority of those courts within their community. In doing this, they may exert pressure on those who had not previously regarded them as so important. The indirect effect on one person's choices may then be to constrain the choices of another.

In the context of religious belief, moreover, there is an element of truth to the notion that individuals should not expect to pick and choose between religious and civil law. People who identify themselves as believers do not normally feel they can select which aspects of their religion to embrace. Or rather, they *may* pick and choose, but the closer the entanglement of religion with politics, the more pressure they will encounter not to act in this way. The principles I have offered as my way of resolving points of tension then start to appear somewhat disingenuous. So individuals should not be forced by secular rules to abandon key aspects of their religious practices or beliefs. So individuals should not be forced by religious authorities to accept discriminatory practices. They should not be forced by secular rules to consider themselves divorced when their religious beliefs tell them they are not; nor forced by secular rules to follow dress codes (like a ban on headscarves) at odds with their own understanding of their religion. They should not be forced by religious rules to give up their legal rights to a fair division of family property on divorce; or required by religious rules to dress in ways they do not regard as a necessary component of their religion. Each of these should, in other words, be a matter for uncoerced individuals to decide.

But this is too simple, for religions *are* institutions, and typically involve the recognition of external authority. Whether hierarchically organised or not, religions always involve prescriptions about what is acceptable behaviour, and it is hardly coherent to be religious yet feel entitled to select which practices to follow or which beliefs to embrace according to what suits one's convenience. And when – as in both the Indian and the British case – the religion in question is being scrutinised and criticised within the wider society for its alleged discrimination against women, its followers may become reluctant to give weight to these criticisms by questioning their religious authorities. In such contexts, it becomes difficult to determine what is active support and what resigned acceptance. Fantasies of the entirely uncoerced individual do not fit.

### **(b) Sex discrimination laws**

The second illustration comes from the other direction: not so much the ways in which religion has been said to threaten gender equality, but ways in which gender equality is said inappropriately to threaten religion. Consider the widespread suspension of anti-discrimination legislation as applied to the internal affairs of religious organisations and groups. The UK's *Sex Discrimination Act* (1975) permits 'an organised religion' to limit employment to one sex 'so as to comply with the doctrines of the religion or avoid offending the religious susceptibilities of a significant number of its followers'. Its more recent *Equality Act (Sexual Orientation) Regulations* (2003) allows organised religions to discriminate against gay and lesbian people in aspects of employment 'if necessary to comply with the doctrines of the religion' or 'to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers'. (Note the interesting shift from susceptibilities to convictions.) Norway's *Gender Equality Act* (1976) exempts the internal affairs of communities of faith from its provisions. Later legislation exempts communities of faith from workplace bans on discrimination on the grounds of sexual orientation and from prohibitions on ethnically based discrimination. The First Amendment to the US Constitution, guaranteeing the free exercise of religion, has been interpreted in subsequent court judgments as exempting organised religions from aspects of anti-discrimination legislation. This has been applied not only to the appointment of ministers, where courts are understandably reluctant to interfere, but also to the appointment of lay persons where the primary duties involve significant spiritual or pastoral work.<sup>5</sup> As Hege Skjeie (473) puts it, it seems that 'religious communities may discriminate as long as such discrimination is rooted in religious belief.'

Is any of this justified? Cass Sunstein (1999) notes that it is rarely considered problematic to apply ordinary civil and criminal law to religious institutions. Religious bodies are expected to abide by laws against animal sacrifice. Deeply felt religious belief is not thought to exempt people from laws against libel or deception. Why then the asymmetry when it comes to laws prohibiting sex discrimination? The most plausible explanation is that it is not for governments to dictate on matters involving religious doctrine, and that while it may be entirely appropriate for governments to insist that even private clubs must stop selecting people on the grounds of sex, race, or sexuality, it is not appropriate for governments to tell the Catholic Church it must ordain women priests. I have some sympathy with this, but who then determines what counts as doctrine? Presumably, it must be the religious authorities themselves, but what if what they regard as core doctrine or key defining practice is no more than

---

<sup>5</sup> For example, in *EEOC v Catholic University of America*, 83 F.3d 455 (DC circ 1994), where a Catholic nun who had been employed in the Department of Canon Law for a number of years was denied appointment to a tenured position. Though she had previously been appointed associate professor, the promotion to a tenured position was said to bring the nature of the work under the 'ministerial exception'.

the sedimentation of previous prejudice? What if what is described as religious doctrine is no more than 'religious susceptibilities' (to quote the UK's Sex Discrimination Act)? Is this enough to justify a suspension of anti-discrimination law?

When the Indian Constitution was drawn up in 1949, it provided for the right of religious denominations to manage their own affairs in matters of religion, thus exempting them in the now standard way from the full scope of sex discrimination law. But it explicitly retained for the state the right to require Hindu religious institutions to make themselves open to Hindus of all classes and castes. However well established as a practice, the exclusion of lower caste Hindus from the temples was not viewed as an internal matter for the religion to decide for itself, but as a sufficiently compelling problem of discrimination to require state regulation. We might say, of course, that caste practices are a matter of culture, while the acceptability of women in clerical positions is a matter of religious doctrine. But given the embeddedness of all religions within historically shifting cultures, and the demonstrated capacity of many religions in recent decades to change their position as regards the appointment of women to the clergy, this culture/religion distinction becomes harder to sustain. Saying – as I did earlier – that individuals should not be forced by secular rules to abandon key aspects of their religious practices or beliefs suggests that working out what is a 'key' aspect is a relatively transparent affair. In truth, it will be hotly contested, and claims about what is key and what is peripheral will often be employed precisely to discourage reforms regarding gender equality. As Narayan (1998) argues, claims about what are core defining values in any particular religion or culture are routinely deployed to immunize those practices that are most to the disadvantage of women.

I do not, as it happens, think laws against sex discrimination should be invoked to force the Catholic Church to ordain women priests, or synagogues and mosques to desegregate their places of prayer; though my reasons are not so much that governments should not interfere in doctrinal matters (this presumes we know what is a doctrinal matter), but that external regulation, rushing ahead of a current consensus, can be counter-productive. In general, however, I see the greater willingness to suspend sex discrimination legislation in its application to religions as reflecting a wider lack of consensus about sex discrimination being wrong. Outside explicitly feminist circles, many people continue to think men and women very different in their talents and capacities. Even when they consider it wrong for employers to select workers on the basis of their sex (many think even that an inappropriate restriction), they still think it strange not to make a difference between women and men in allocating responsibilities in the household. At some level, that is, large numbers of people around the world - including in countries that have regarded themselves as committed to gender equality - continue to think discrimination on the grounds of sex entirely appropriate. When we add to this what is probably also a widely held view about religions having a legitimate interest in the respective roles of women and men or the nature of the relationship between them, we can see how fragile is the hold of laws and conventions against sex discrimination when it comes to religious institutions. Simply reducing things to a matter of individual choices and rights may then provide insufficient protection for gender equality.

I am conscious that my discussion has worked its way round in circles, from an affirmation of individual rights to a complication of that notion that threatens to make it disappear. This may appear contradictory, but I see it as crucial both to recognize the centrality of rights and accept the problems in their interpretation and implementation. When I affirm equal individual rights, I am stressing the equality of rights for both believers and non-believers, and rejecting as particularly problematic for gender equality corporatist rights attached to relig-

ions. But that distinction is less clear-cut in practice, for individuals sometimes employ their rights to affirm the power and authority of corporate bodies (like religions), and corporate bodies often exert pressure on individuals to make their choices in a particular way. This is not something that can be resolved at a purely theoretical level. It alerts us, rather, to the political issues.

## 2. Religion' s informal power

This brings me to religion's informal power. When considering the entanglement of religion with politics, official principles of demarcation can only take us so far, for the more telling impact of religion will often lie in its everyday effects on people's attitudes and lives. The power of religion may make itself most felt, not through a formal recognition of personal religious law or explicit incorporation of religious principles into state legislation, but through informal sanctions legitimised by a religion or the way it re-shapes public opinion. The official settlement between religion and women's rights might then be reasonably favourable to gender equality, but the unofficial impact of religion still far-reaching.

I suggested above that people who identify themselves as believers do not normally feel they can pick and choose which aspects of their religion to embrace. In fact, there is plenty of evidence that people *do* pick and choose, especially as regards sexual morality, but the capacity to do so will be affected by the extent to which a religion or religious community is being endorsed, courted, or invoked by leading political figures in the country. Survey evidence from the US suggests that as many as 97% of US Catholic women have used contraception, and that 58% do not see themselves as under an obligation to follow the teachings of their bishop on abortion (Jakobsen and Bernstein, 2009: 16n). Evidence from Poland, where over 90% still describe themselves as Catholics and believers, suggests that nearly two-thirds of the population nonetheless think modern contraception should be available, with 80% of young people thinking the priests should not dictate sexual behaviour. (Heinen and Portet, 2009: 11) People do feel authorized by their own interpretation of key doctrines or texts to reject some standard requirement. They may become convinced that these requirements are cultural not religious and feel emboldened by this to challenge the authority figures of their religion; or they may belong to a religion where no such authority figures exist. The closer the entanglement, however, of religion with politics, and the more public the discourses of religion, the harder it may be to sustain this. The problem lies less with the religion per se, for individuals have demonstrated considerable capacity for making their own accommodations, and more with its political presence.

In a review of the power of the Orthodox Church in contemporary Serbia, Rada Drezgic (2009) notes that the Church was not enormously successful in persuading political parties to restrict the availability of abortion. A new law passed in 1995 did introduce significant restrictions, but still left abortion available on request up until the tenth week of pregnancy. Since 98% of abortions in Serbia are carried out within this period, the legislation then remains among the most liberal in Europe. The more lasting impact of the religious/nationalist discourses mobilised in the public debates about abortion and related issues may lie in the marked re-traditionalisation of gender roles within Serbian households in the course of the 1990s, and the very striking movement away from principles of equal participation to a division of labour in which most household chores are done by women. Though this re-traditionalisation can be partly explained by labour market factors, Drezgic argues that the intersection of nationalist ideology with religion was a particularly important element in promoting social and political conservatism. Judging the impact of the Church by legislation



passed or policies adopted does not sufficiently capture the impact on gender attitudes and roles.

One could add here evidence from countries where religious principles regarding sexual morality or the respective roles of women and men *have* been more directly incorporated into the legal and political framework: Pakistan, for example, after the Islamicisation presided over by General Zia in the 1980s, or post-revolutionary Iran. The impact of direct incorporation often goes further even than the official legislation, for it makes it more likely that people will take the law into their own hands, will harass women in the streets, for example, for failing to conform to new dress codes, or, in extreme cases, organise public stoning for alleged sexual offences. (For some evidence of this, see Shaheed, 2009, on Pakistan; and Hoofar and Sadr, 2009, on Iran) Commenting on the situation in Pakistan, Farida Shaheed (2009: 21) suggests that ‘in retrospect, the most damaging legacy of Zia period may not be the laws, but the reshaping of the social fabric that reconfigured people’s psyche and everyday norms, such as the premise that all citizens were not equal’.

Evidence from the World Values Survey shows a strong correlation between degrees of religiosity and what would be deemed conservative attitudes to gender equality (Seguino and Lovinsky, 2009). Those who participate regularly in religious activities and describe religion as important in their life are more likely to think women need children in order to live a fulfilled life, more likely to think men should be favoured over women when there is a scarcity of jobs, less likely to regard homosexuality, divorce, or abortion as justifiable, and so on. These are general findings, obscuring important differences both within and between religions, but the overall results are still salutary. The effect of religiosity in encouraging gender inequitable beliefs is stronger even than the effect of being male (Seguino and Lovinsky: p40). One can see, at this point, where some simpler secular arguments derive their appeal. Recognising the rights of religious believers alongside the rights of those who are not believers can appear disingenuous, for this no longer looks such a neat egalitarian balance if public recognition of the importance of religion makes the equality rights of women as a whole less secure.

Again, I do not take this as justifying a dogmatic secularism or pre-emptive embargo on the public role of religion – and anyway, think such an embargo virtually impossible to police. My point is just that while we should take the principle of equal individual rights as the crucial starting point in addressing tension between religion and gender equality, we should not expect to derive transparent solutions.

### **3. Internal reform movements**

The impact of religions on gender equality depends, of course, not just on the extent to which religions are able successfully to shape public opinion and policy, but how amenable they are to internal debate and change. The position of women within various religions has changed markedly over past decades, with an increasing number permitting women to act as spiritual leaders. The position *on* women is also changing, as evidenced in the emergence of ‘Islamic feminism’ (Moghadam, 2002; Razavi, 2006), or the reassessments of Catholic religious imagery referred to by Casanova. The ordination of women remains a highly contested issue, but many Protestant churches now recognise women as ministers, with a few even allowing them to become bishops. Women have served as rabbis in Reform Judaism since the 1970s, though this is still regarded as unacceptable within the Orthodox tradition. Women are permitted to lead women-only congregations in prayer in a number of the schools of Islam. The Catholic

Church continues to hold the line against the ordination of women, but women are now permitted to assume what would have been an unthinkable role in the mass, including reading the lessons and giving the communion wafers. None of this happened by chance – women had to press for these reforms, often against substantial opposition – but the last forty years, in particular, has witnessed what could be described as a sea-change in many religions.

In assessing points of tension between religion and gender equality, many stress the vitality of internal reform movements as the best way forward for change. A strident secularism that treats all religions as beyond repair is unlikely to endear itself to believers, while denunciations of particular religions as discriminatory, patriarchal, and backward is more likely to provoke conservative counter-movements than encourage reflection on the position of women. ‘Strategically at least, internal critiques aiming to reform certain aspects of tradition would seem to have better chances to succeed than external frontal attacks against any religious tradition’ (Casanova, 2009: 25). This seems right. Casanova does not, however, just endorse internal reform movements as a promising avenue for egalitarian change. He additionally suggests that they provide a *more* promising avenue than a state centred insistence on women’s equality and rights. This is more contestable. While there are undoubtedly contexts in which state intervention in pursuit of gender equality can become counter-productive – insisting on the ordination of women priests might be one of these - that should not lead us to exaggerate what can be achieved by internal reform alone.

In fact, the vitality of internal reform may well depend on what is happening at the level of the state. As Shahra Razavi (2006) shows, the often radical endorsement of human rights, democracy, and gender equality by religious intellectuals in Iran in the 1990s was enabled by the weakening power of conservatives in parliament and the more liberal presidencies of Khatami. This period also saw the publication of women’s papers and magazines that drew relatively freely on material from both secular and religious feminists, and made links with global feminism. The subsequent political reversals do not mean that all strands of internal reform immediately dried up – but certainly meant a much less conducive context. Where the rights of women are accorded more weight in a country’s politics and legislation, the prospects for internal religious reform are much enhanced.

It is also worth stressing that if reform movements become *entirely* internal, they may be forced onto an epistemologically suspect distinction between religion and culture. One common strategy in movements for internal reform – and sometimes a highly effective one – is to separate out what are accepted as genuine religious requirements from the merely cultural accretions. If it can be thereby demonstrated that a prohibition on abortion is *not* required by Catholicism, or that legal procedures treating the testimony of a man as equal to that of four women are *not* required by Islam, this opens up space for a woman-friendly, yet still religious, politics. An organisation like Women Living Under Muslim Laws, founded in 1984 to contest the restrictions religious law placed on women’s movements and activities in Algeria, does not call on women to choose between their religion and their rights. As its remit has stretched beyond Algeria, it has come to employ detailed comparative studies of legal systems and interpretations in different parts of the Muslim world, using these to highlight the *cultural* rather than *religious* grounding of more repressive versions. (WLURL website; Sunder, 2003)

Individual religious women across the world pursue similar strategies of differentiation, often embracing what they see as the requirements of their religion, while repudiating the cultural accretions that have grown up around these. Younger women have been able to

employ the culture/religion distinction to particularly good effect, using it to overcome parental resistance to their continuation into higher education or parental pressure to accept an unwanted marriage. A British study indicates that young women may employ their (often superior) textual understanding of Islam to challenge what they regard as the cultural restrictions placed on them by their parents, to the point where one reported that ‘the more Islamic I become the less likely it is that I will be pushed into an unwanted marriage’ (Afshar et al, 2006: 278). Another study indicates young British Muslims as more insistent than their parents on separating religious from cultural or ethnic considerations when it comes to the choice of marriage partner, and critical of their parents for continuing to muddle the three (Samad and Eade, 2002).

The religion/culture separation can be highly effective, but it is not something that can be claimed as intrinsically empowering for women. Returning religion to its purer forms has been a theme in reform movements through the history of religions, and that history warns against any automatic assumption about the process promoting greater gender equality. Later modifications sometimes reflect successful modernising movements that opened a religion up to greater participation by women or eased severe restrictions on daily life. Purging the religion of these is likely to curtail rather than promote women’s freedom. Much of what is currently described as fundamentalist religion (and not normally seen as favourable to gender equality) is engaged precisely in the process of rescuing a religion from its later, more degenerate, forms: throwing off the distortions and compromises associated with corrupt regimes in the Middle East; or challenging the liberal tolerance of ‘evil’ in the US. The separation of ‘real’ religion from its cultural accretions is a political, therefore always contestable, act. Epistemologically, it is perhaps as impossible to achieve as the separation of the real self from its social context and influences. There is no self existing prior to and independently of that context and those influences - and if there were, why should we consider it more authentic or real? By the same token, religious beliefs and injunctions can only be articulated in the historically specific discourses of their day, which means they are permeated through and through by ‘culture’. If this is the case, no amount of stripping away the cultural accretions will deliver the essential truth.

I have my doubts, therefore, about the epistemological validity of the religion/culture distinction. I also see it as playing an ambivalent political role. The religion/culture distinction suggests that if something is indeed identified as a foundational part of the religion, then no further questions arise. Religions often derive their authority from a book or a foundational spiritual leader. In focusing attention on culturally inspired *misinterpretations*, or the way a subsequent institutionalisation as ‘high religion’ diverted it from its core egalitarian beliefs, a reform movement may implicitly commit itself to the view that those foundations do indeed set the terms. Valentine Moghadam notes in her discussion of Islamic feminism, that ‘while some reformers argue for period-based interpretations of the Qur’an, most seek to highlight the egalitarian tendencies within it as a way to frame contemporary legislation.’ Significantly, as she continues, ‘none so far has suggested the fallibility of the Qur’an.’ (Moghadam, 2002: 1160).

My point here is not to diminish the importance of internal reform movements, or the crucial role they play in promoting ideas of gender equality. But it is not helpful to set up an opposition between internally and externally generated change, or represent one avenue as superior to the other. In a parallel set of debates about state feminism, the inherently compromised engagement of feminists with state bureaucracies used to be contrasted, unfavourably, with the energetic radicalism of women’s self-organisation in civil society – until more care-

ful analysis revealed that ideas and individuals moved continuously between these supposedly separate spheres, and that it was the combination, rather than one or the other, that most consistently favoured progress.

#### 4. Alliances

For many, the linking of religion, politics, and gender equality primarily evokes dilemmas of political action, including dilemmas about what kind of organizational work to prioritize, and with whom. Thus, feminist campaigners against pornography may find themselves in alliance with those they regard as the religious right, sharing a platform with people who consider abortion child murder, and endorse a strict division of labour and responsibilities between women and men. Religious campaigners against headscarf bans may find themselves in alliance with libertarians who may despise religion but share the critique of state imposed restrictions. Feminists in countries where religion frames public political discourse may find themselves torn between what they suspect is an impotent secular feminism that cannot capture sufficient public support, and an Islamic or Evangelical feminism that is, by implication, committed to the view that gender equality is legitimate only to the extent that it is endorsed by religion. What kinds of compromise are possible in such contexts? What are the risks of alliance?

All political alliance involves compromise. Alliance means a willingness to work with others whose objectives are not identical to one's own, but who nonetheless share important areas of concern. Alliance often means modifying one's own sense of priorities to establish common ground with others, and avoiding areas of radical disagreement. What difference, if any, does religion introduce into this? Two plausible points of difference are that a religiously derived politics will consider political questions primarily from an ethical point of view, and that the scope for compromise may be determined in advance by the pronouncements of spiritual leaders. Considering things from an ethical point of view is no bad thing (certainly if compared with an immoral or amoral politics); and, anyway, there are many non-religious participants who consider things primarily from an ethical point of view. But when moral slides over into moralistic – commonly understood as rigid, judgmental, narrow – it can erect impenetrable barriers against compromise. The second point returns us to the question of the extra authority religions carry, and the additional constraints this can impose on negotiation and change. For the non-religious, one of the worries about alliance with a religiously-based movement is often the anticipated lack of symmetry when it comes to agreeing a compromise. It is thought that it will always be the non-religious who have to cede ground in disputes about policy or strategy, for they are the ones who will be perceived as having the most room for manoeuvre.

As so often in oppositions between religious and secular, this tension is overstated. Some secular activists are very much closed to counter-argument, while in religions with vigorous reform movements, there will, by definition, be a range of interpretations, and no single authoritative reading of religious principle or law. The notion that religiously based movements are inherently less open to negotiation, modification or compromise is mistaken – and yet there is still some cause for concern. Religious conviction *is* likely to involve a particularly strong commitment to a pre-defined cluster of ethical principles, and in so far as it derives authority from the interpretations of spiritual leaders, may be less open to a deliberative outcome than might be the case with very strongly held non religious beliefs. Where a religious authority is additionally endorsed by a political authority, this effect will be even stronger.

The other problem that arises in political action is the entirely unintended ‘alliance’ that threatens when arguments for gender equality become ammunition in attacks on cultural or religious groups. This was a central issue in the Shah Bano case, where it became impossible to settle strategy just on the basis of what promotes gender equality, and important also to consider the way ideas of gender equality were being employed to promote hatred between different communities. Similar issues have arisen in Europe, where much needed interventions against forced marriage and ‘honour’ killing have served to hasten the retreat from multiculturalism (Phillips and Saharso, 2008). The women at risk come from a variety of ethnocultural groups and a variety of religions, but their families are mostly of non-European origin. It has proved difficult, in this context, to mobilise effectively against forced marriage or honour killings without inadvertently mobilising anti-immigrant, often anti-Muslim, sentiment. This is not an ‘alliance’ of anyone’s choosing, but the claims people make and the discourses they employ have their own trajectory, and can be mobilised by others to very different ends. In the ensuing complexities, people sometimes feel compelled to choose between *either* defending the rights of women *or* defending the religious group. This is not a helpful binary.

This issue, however, is not one that arises only in relation to religion. On the whole, I would say that the worries that emerge in relation to alliances with religiously based organisations or movements are pretty much the same as those that arise in relation to *any* alliance that involves people or organisations with which one does not entirely agree. It may be, for example, that working with male religious leaders to discourage practices harmful to women gives legitimacy to an authority structure premised on gender inequality. True, but since authority structures in the vast majority of organisations are premised on gender inequality, this would cancel out a very wide range of potential alliances. Unless one regards religion as intrinsically hostile to gender equality – and I have argued against this view – questions about the limits of possible alliance with religious groups will mostly parallel questions that arise regarding alliances with non-religious groups. A useful guiding principle in both contexts is whether the alliance can be seen as transformative. Does it work not only for the immediate objective (to reduce this or that harm, achieve this or that change in government policy), but also have probable longer term effects (empowering more women, or encouraging more critical reflection on gender roles)? More negatively, is it likely that the immediate benefits of the alliance will be outweighed by the way it legitimises either structures or principles inimical to gender equality? These are questions we will ask regarding any alliance. It is not clear that they are specific to religion.

## Conclusion

Though I have offered some broad principles in this essay, I have also stressed the limits of principles, and do not then wish to conclude with detailed prescriptions about what should be done. History matters, context matters, and what is an obstacle to gender equality in one situation may be an enabling mechanism in another. But four points have, I hope, become clear. The first is that gender equality means equality between women as well as between women and men, and this means according the same level of respect to religious and non-religious women. Those women who are not religious should not assume false consciousness or attribute victim status to those who choose to live their lives by religious precepts. Those women who are religious should not assume that the others lack ethical conviction or are slaves to a material culture. Unless the choices each of us makes actively harms the others, we should recognise and respect each other’s agency and freedom of conscience. *Indirect harm*, as when

what I choose to do has the effect of reinforcing values that put pressure on you to conform, is also a compelling problem, and it makes some of my emphasis on recognising people's own choices look less convincing. But invoking indirect harm as a reason to interfere with individual freedoms and rights gives too much latitude for state interference. It is too vague a category to be employed in this way.

The second point is that the relationship between religion, politics, and gender equality should not be conceived in quasi-corporatist terms as a relationship between democratic and religious authorities, but always viewed through the lens of individual rights and needs. As Martha Nussbaum puts it, the protection of basic human rights has to be given 'a very strong degree of priority', where necessary at the expense of 'traditional religious discourse and practice' (1999: 102). There is a danger that this imports too much of the baggage of Western secular liberalism, but that danger is, in my view, overstated. The discourse of rights is not restricted to Western liberalism, any more than the practice of individual agency. When what is at issue, moreover, is gender equality, a quasi corporatist understanding of religions is particularly problematic. The authority of religions is widely employed to dictate to women what they can wear, what they can study, where they can work, and how they should relate to their parents, husbands and children. The language of religion is sometimes invoked to justify violence against women. Despite all the qualifications and complications I have outlined in this essay, a strong discourse of individual rights provides the necessary tool in addressing these problems.

The third point is that religion *is* different, differing from culture on the one side, and non-religious beliefs on the other. These differences are often overstated. Attempts to disentangle a pure religion from a time-and-place specific culture are epistemologically implausible. Strongly held non-religious belief can be just as resistant to evidence or counter-argument as strongly held religious views. The problems that face us in deciding on appropriate alliances will be much the same whether we are considering alliances with religious or non-religious groups. That said, it is in the nature of religious belief that injunctions come, in some sense, from outside, and it is hardly coherent to live one's life according to religious precepts but treat these precepts as ones that can be modified at will. This is the grain of truth that feeds misconceptions of religious people as either subservient to their religious authorities (the victimised women) or incapable of compromise (the dogmatic men). These *are* misconceptions: a cursory glance at some of that 73% of the world's population that adheres, in however varied a manner, to the four major religions should be enough to dispel that prejudice. But to the extent that religion involves recognising the importance and value of something existing outside oneself, it makes it especially apparent the intimate ways in which choice can be bound up with coercion. The externality simultaneously provides the language for those exacting compliance and the motivation for those accepting the rules. Where religions are being courted or endorsed by political agencies, this becomes even more the case.

The effect is to complicate the initial simplicity of points about agency and rights. Political judgment would be considerably easier if we could employ a detector mechanism to identify coercion, if we could just ask people, 'is this *your* choice or not?', and decide which practices to support, encourage, regulate, or tolerate according to the answer. Often enough, however, the same thing will be simultaneously choice *and* a bowing to authority. It is not that there is a mindset peculiar to religious believers that makes them more likely than others to accept what they are told to do. To the contrary, I would say that simultaneously choosing *and* accepting characterises much of what everyone does in life. But the language and experi-

ence of religions – and particularly, the institutions of ‘high religion’ – bring this more to the fore.

My final point is that gender equality is considerably more precarious in its hold on public discourse and government policy than is commonly assumed. Gender equality is often the first thing to be sacrificed or compromised, because at some deep level, it is not really felt to matter. This fragility is partially masked by the militant face of gender equality, the way the rights of women are invoked in civilising missions, or ideals of gender equality co-opted as the measure of modernity and scourge of barbarian nations. But this co-option to promote other purposes should not blind us to the underlying fragility. Despite the many conventions of rights and legal commitments, gender equality remains a precarious ideal, easily dislodged by notions of essential sexual difference or the natural harmony of the sexes. In assessing the problems that various forms of religious politics can pose for gender equality, we should not exaggerate the solidity of the egalitarian commitment among the non-religious. This warns against a demonization of religions as inherently at odds with gender equality. It also warns against a complacency that too readily accepts compromise on matters of equality between women and men.

## References

- Abu-Lughod, Lila (2001) 'Orientalism and Middle East Feminist Studies' *Feminist Studies* 27/1:101-113
- Afshar, Haleh, Rob Aitken and Myfanwy Franks (2006) 'Feminisms, Islamophobia, and Identities' *Political Studies* 53: 262-283.
- Asad, Talal (2003) *Formations of the Secular* Princeton University Press
- Bano, Samia (2007) 'Islamic Family Arbitration, Justice and Human Rights in Britain' *Law, Social Justice, and Global Development*, issue 1.
- Carens, Joseph (2000) *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*. Oxford: Oxford University Press.
- Casanova, Jose (1994) *Public Religions in the Modern World* University of Chicago Press
- Casanova, Jose (2009) 'Religion, Politics and Gender Equality: Public Religions Revisited' second draft, UNRISD
- Connolly, William (1999) *Why I am Not a Secularist* University of Minnesota Press
- Gould, Carol (2004) *Globalizing Democracy and Human Rights* Cambridge: Cambridge University Press.
- Halperin-Kaddari, Ruth and Yadgar, Yaacov (2009) 'Religion, Politics and Gender Equality among Jews in Israel' UNRISD
- Hasan, Zoya (2009) 'Gender, Religion and Democratic Politics in India' UNRISD
- Heinen, Jacqueline and Portet, Stephanie (2009) 'Religion, Politics and Gender Equality in Poland' UNRISD
- Hoodfar, Homa and Sadr, Shadi (2009) 'Religious idioms and rights-based demands: Can women act as agents of a democratization of theocracy in Iran' UNRISD
- Jakobsen, Janet and Pellegrini, Ann, eds (2008) *Secularisms* Duke University Press
- Jakobsen, Janet and Bernstein, Elizabeth (2009) 'Religion, Politics and Gender Equality Country Report USA' UNRISD
- Kiss, Elisabeth (1997) 'Alchemy or Fool's Gold? Assessing Feminist Doubts over Rights' in Shanley, ML & Narayan, U (eds) *Reconstructing Political Theory: Feminist Perspectives* Penn State and Polity Press
- Mack, Phyllis (2003) 'Religion, feminism and the problem of agency' *Signs* 29 (1)
- Madhok, Sumi (forthcoming 2009) 'Five Notions of Haq: Exploring Vernacular Rights Cultures in Southern Asia', *New Working Paper Series, Gender Institute*, London School of Economics



- Mahmood, Saba, (2005) *Politics of Piety: The Islamic Revival and the Feminist Subject* Princeton University Press.
- Mahmood, Saba (2008) 'Is Critique Secular? A symposium at UC Berkeley' *Public Culture*, vol 20
- Moghissi, Haideh (1999) *Feminism and Islamic Fundamentalism* London: Zed Books
- Mohanty, Chandra Talpade, Ann Russo and Lourdes Torres, eds (1991) *Third World Women and the Politics of Feminism* Bloomington: Indiana University Press
- Moghadam, Valentine (2002) 'Islamic Feminism and Its Discontents' *Signs* 27 (4)
- Narayan, Uma (1998) "Essence of Culture and a Sense of History: A Feminist Critique of Cultural Essentialism." *Hypatia* 13 no. 2 : 86-106.
- Nussbaum, Martha (1999) 'Religion and Women's Human Rights' in *Sex and Social Justice* Oxford University Press
- Nussbaum, Martha (2008) *Liberty of Conscience* Basic Books
- Phillips, Anne (2007) *Multiculturalism without Culture* Princeton University Press
- Phillips, Anne and Saharso, Sawitri, eds, (2008) The Rights of Women and the Crisis of Multiculturalism, Special issue of *Ethnicities*
- Razavi, Shahra (2006) 'Islamic Politics, Human Rights and Women's Claims for equality in Iran' *Third World Quarterly*, 27/7: 1223-1237
- Samad, Yunas and John Eade (2002) *Community Perceptions of Forced Marriage*. London: Community Liaison Unit, Foreign and Commonwealth Office.
- Scott, David and Hirschkind, Charles, eds (2006) *Powers of the Secular Modern* Stanford University Press
- Seguino, Stephanie and Lovinsky, James (2009) 'The Impact of Religiosity on Gender Attitudes and Outcomes' UNRISD.
- Shaheed, Farida (2009) 'Gender, Religion and the Quest for Justice in Pakistan: Religion, Politics and Gender Equality' UNRISD
- Shah-Kazemi, Sonia Nurin (2001) *Untying the Knot: Muslim Women, Divorce and the Shariah* London: Nuffield Foundation.
- Skjeie, Hege (2007) 'Religious Exemptions to Equality' *Critical Review of International Social and Political Philosophy* 10/4: 471-490
- Smith, Roger M (2008) 'Religious Rhetoric and the Ethics of Public Discourse: The case of George W Bush' *Political Theory* 36/2: 272-300.

Spinner-Halev, Jeff (2000) *Surviving Diversity: Religion and Democratic Citizenship*. Baltimore and London: Johns Hopkins University Press.

Sunder, Madhavi (2003) 'Piercing the Veil' *Yale Law Journal* 112

Sunder Rajan, Rajeswari (2003) *The Scandal of the State: Women, Law and Citizenship in Postcolonial India*. Duke University Press.

Sunstein, Cass (1999) 'Should Sex Equality Law Apply to Religious Institutions?' In Joshua Cohen, Matthew Howard, Martha C Nussbaum (eds) *Is Multiculturalism Bad for Women? Susan Moller Okin with Respondents*. Princeton: Princeton University Press.

Swaine, Lucas (2003) 'Institutions of Conscience: Politics and Principles in a World of Religious Pluralism' *Ethical Theory and Practice* 6: 93-113

Swaine, Lucas (2006) *The Liberal Conscience: Politics and Principle in a World of Religious Pluralism* Columbia University Press

Volpp, Leti (2000). "Blaming Culture for Bad Behavior." *Yale Journal of Law and the Humanities* 12: 89 – 116.

Wilson, Kalpana (2007) 'Agency' in Georgina Blakeley and Valerie Bryson(eds) *The Impact of Feminism on Political Concepts and Debates* Manchester University Press.