



## Not the Church, Not the State? Gender equality in the crossfire

Deniz Kandiyoti, 23rd July 2010

The challenge to platforms for gender equality comes not just from actors with fundamentalist agendas, but from a conjuncture where women's rights have been opportunistically instrumentalized to serve geopolitical goals, and neo-liberal policies have severed social justice from gender equality concerns

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In his [address](#) [9] delivered to the Catholic Bishops of England and Wales on February 1st, 2010, Pope Benedict XVI deplored the effects of equal rights legislation in the UK on the grounds that it imposes "unjust limitations on the freedom of religious communities to act in accordance with their beliefs".

This intervention gave rise to two diametrically opposed but entirely predictable responses. On the one hand, there was [outrage](#) [10] at this meddling with the laws of the land which, in multi-party, parliamentary democracies, are subject to the deliberations of the elected and accountable representatives of the people. On the other hand, the Equality Act itself was [denounced](#) [11] by some as an instance of heavy-handed social engineering that subjugates the right to religious expression beneath state imposed rights. To complicate matters further, LGBT

Catholics [countered](#) [12] the Pope's stance with an internal critique, presenting it as a reactionary move to claw back the reform of the second Vatican Council and to seek retrenchment behind a uniformly united church "identified by systemic abuse of power, subterfuge and dishonesty". This last contribution transcends the liberty vs. equality debate and engages with the more [vexing question](#) [13] of whether the Vatican- and its current politics- adequately represents the moral choices and preferences of diverse Catholic constituencies.

This episode goes to the heart of a complex set of issues concerning the entanglements of religion and politics and their implications for pluralism and gender equality. A comparative, [cross-national project](#) [14] carried out by UNRISD initiated a much needed

exploration of these issues by posing some critical questions. How to evaluate the public role of religion – in relation to the state, to political society and to civil society- and its effects on gender equality? How to square the circle of accommodating both freedom of religion and freedom from religion? What are the relations between religion, nation, community and identity? What burdens do these place on women and men? To what extent do neo-liberal policies that promote the retreat of the state and encourage alternative forms of social provision enhance the power and resources of faith-based groups? With what effects? This cluster of questions do not necessarily centre around the growth of religious fundamentalisms [15] - however defined [16], but highlight the urgency of coming to grips with the everyday interactions of religion and politics and their consequences in different contexts.

An obvious but often overlooked point concerns the influence of what might be loosely defined as clerical interests. These interests came into sharp focus during the International Conference on Population and Development in Cairo in 1994 when the representatives of the Holy See entered into an alliance with Islamic conservatives to resist the adoption of the ICPD Programme of Action [17]. Above and beyond the details of their substantive objections, this trans-national alliance aimed to establish the principle that matters relating to sexuality, to the control of female bodies and to reproductive choice do not belong to the realm of civic deliberation, public choice or human rights, but to the domain of morality defined by doctrinal imperatives (and conceptions of sin and virtue).

Such alliances also manifest themselves in different national contexts. For example, the passage of the Shiite Personal Status Law (SPSL) in Afghanistan [18] (initially signed by President Karzai in March 2009 and passed with revisions in July 2009) represents one such instance. Ostensibly giving recognition to the persecuted Shia minorities by according them separate legislation, the SPSL introduced significant restrictions on the rights of Shia women. This initiative was spearheaded by a group of Afghan Shia clerics with ties to Iran, particularly the Shia scholar Sheikh Asif Mohseni who was making a bid for the leadership of the Shia population (although he was not a member of the ethnic Hazara community, who account for the majority of the Shias of Afghanistan, and many of whom resented his initiative). However, a cross-factional alliance of religious interests was able to assert authority over lawmaking, sidelining due legislative process and attempting to intimidate women's and human rights activists [19] who protested. Most significantly, the acceptance of the law by a hard-line Sunni leader Abdul Rasul Sayyaf, who had initially opposed it, signalled an arrangement whereby Sunni and Shia actors would recognize each other's exclusive jurisdiction over their respective co-religionists. This move was designed to delegitimize any other source of authority, notwithstanding the fact that Afghanistan became a party to CEDAW in 2003 and that the 2004 Constitution stipulates that the government must abide by the international treaties and conventions to which it is a signatory. The passage of this law was, at least initially, met with total passivity on the part of members of the international community who were wary of standing in the way of expanding minority rights and making a gesture towards pluralism, even if that implied a raw deal for Shia women.

It may be argued that doctrinally based interpretations are not necessarily set in stone and may be subject to modifications through time. Indeed, although detailed provisions exist in Islamic texts, for instance, concerning the rights of slaves and their progeny not even the most literalist interpreters suggest that slavery could be regarded as an acceptable practice in the 21st century. The stubborn resistance to modifying practices that result in discrimination based on sex and the readiness with which these are presented as articles of faith cannot be taken at face value and requires further exploration.

Anne Phillips proposes a stark explanation [20] when she speaks of “a wider lack of consensus about sex discrimination being wrong.” The suspension of sex discrimination legislation in relation to religions points to the fact that large numbers of people find discrimination on the grounds of sex entirely appropriate, giving laws and conventions for gender equality a very fragile hold. This is undoubtedly true. It is also an invitation for candid reflection on the social and economic processes that have expedited the marginalization of platforms for gender equality.

Gita Sen noted quite correctly that movements for gender justice and social justice have increasingly been drifting apart [21]. Many social movements with conservative agendas have, concurrently, taken up platforms for social justice. For instance, the movement to cancel the “odious” debts of Southern countries often worked in alliance with the Catholic Church whose current hierarchy is extremely conservative in matters pertaining to gender and sexuality [22]. This is by no means unique to the Catholic hierarchy and many instances may be found of other faith-based organizations generally opposing [23] the use of condoms among high HIV/AIDS risk populations. The hard-line positions adopted by Northern negotiators on economic issues— such as the right to development, issues of debt, trade and financing—undoubtedly provided fertile soil for a growing rapprochement between the Vatican and some Southern actors. The Church began to use its growing clout to argue against global economic inequality whilst opposing women’s rights and gender equality in every possible international forum.

It would be fair to suggest that global dispositions for gender equality, promoted and monitored by institutions of global governance and international donors (and mediated through very imperfect state action), became increasingly aligned and identified with a neo-liberal regime favouring North over South and the rich over the poor. Populist and religious movements claiming to speak on behalf of the poor, the marginalized and the powerless in different regional contexts increased their appeal regardless of the often authoritarian or dogmatic overtones of their political messages.

It is to geopolitics, however, that we must turn to fully grasp the extent to which the normative ideal of gender equality was transformed into a debased currency after the events of 9/11 in the United States and Operation Enduring Freedom that led to the overthrow of the Taliban. The invocation of oppressed Muslim women as part of the rationale for military action provoked a predictable reaction to the naked instrumentalism [18] behind the feminist conversion of the Bush administration. Not since Lord Cromer’s exhortations to unveil women in Egypt whilst he was

combating suffragettes at home had this level of hypocrisy been reached. It was under successive Bush administrations that the neo-conservative agenda came into its own, threatening to roll back the rights of women and sexual minorities in the United States whilst curtailing aid programmes for women of the South that fell foul of Moral Majority principles. Meanwhile, the identification of feminism with imperialism worked to the detriment of those women of Afghanistan who, both in the diaspora and at home, toiled tirelessly to expand their rights as citizens. Not surprisingly, when NATO powers started making overtures to the Taliban as part of their exit strategy, women activists, who had been promised a new dawn [24] after the Bonn Agreement in 2001, were enjoined to find virtue in their “own culture”. The gender equality platform had become tainted with the political opportunism of the powerful.

Set against this global context, the “lack of consensus” on gender equality appears not as a lingering remnant of less enlightened times, but as an issue actively kept alive by a conjuncture that favours politicized religion, retrenchment behind antagonistic identities, and an opportunistic approach to human rights.

In a debate framing some of the central concerns of the UNRISD project, Jose Casanova gave voice to a new conventional wisdom [20] by suggesting that “Strategically, 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.” This invitation to vacate secular spaces that sanction the principle of gender equality *without* seeking endorsement from religion is met with justifiable scepticism by Anne Phillips who remains mindful of the coercive potential of public religions and the considerable power that religions can wield against any dissident voices. The now increasingly hegemonic view - endorsed by numerous mainstream actors - that any ameliorative or reformist alternative can only be legitimately articulated within religious traditions themselves raises the troubling prospect of communitarianism masquerading as pluralism, empowering clerical establishments, religious entrepreneurs and power brokers to claim legitimate control over those who are least able to protect their rights.

In the end, the slogan “Not the Church, not the State” turns out to be somewhat misleading. The women’s movement in the UK was, in fact, appealing to the state to change abortion laws in favour of wider choice. There is, however, no reason to believe that states are necessarily more responsive to demands for greater gender equality especially in the numerous cases when state laws are derived from the most conservative interpretations of religion. The issue of demarcation and the various ways in which states accommodate religion is clearly crucial. But this is the subject of another article.

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