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

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Introduction

That religions can threaten gender equality is hardly controversial. Religious leaders through the centuries have preached that women's primary role is the care of their husbands and children. They have represented women's sexuality as a dangerously disruptive force, sometimes countenancing the punishment of transgressions by death. On a milder (but 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. Religions have segregated the sexes for the purposes of worship, and while segregation does not always imply hierarchy, the treatment of all women as one kind of human being and all men as another is closely linked to notions of female inferiority. 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 frequently 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, dating 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 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 (though evidence is mixed even on that score, and there have been notable reversals, as in periods in post revolutionary Iran or Afghanistan under the Taliban). 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 2005.² 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 theological 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, he is more circumspect, acknowledging that both Catholicism and Islam have tended to support versions of patriarchal fundamentalism, 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' (p.3)(this is his description of recent US developments) and challenging the legitimacy of authoritarian regimes. In the

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

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.

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) The focus on civil society is already 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 private 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 (sometimes) 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 years³) 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 (for one review of this shift, see Moghadam, 2002). These

³ 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.

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 (for example, 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 affirmations’ 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 then 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.⁴

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. Acknowledging that believers can and do seek self-transcendence is an important challenge to arguments that misrepresent religious commitment or simply 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 can threaten the scope for gender equality. 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? We need at least to be able to ask these questions.

Casanova's answers do not, however, convince me, mainly because I feel 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 fundamentalist Mormon churches, 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.

⁴ 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.

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 gendered 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 first issues of demarcation, then the politics of internal reform, and finally questions of alliance. The first set of issues is mostly state-centric: what should be regarded as a 'private' matter of conscience, what an appropriate matter for state policy, and what 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 or 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 compatible 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.) Since most of us are not policy makers, we are more likely to confront a further range of issues relating to our 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 diffuse question of the relationship between religious and political belief. I have formulated this first, as a discussion of the politics of internal reform, and then of 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. A more useful question is how much autonomy can be conferred on religious communities without undermining equality of rights; and what kind of constraints can be legitimately imposed on religions, for example, 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 associated 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 clearly 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. 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 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 a more secure basis for thinking about the relationship between religion, politics and gender equality. But it does not settle the matter – here things get murkier - because of continuing uncertainty about what counts as individual choice or belief. Consider two questions: to what extent should secular states recognise the authority of private religious law? to what extent should legislation against sex discrimination be applied to the internal affairs of religions? Both questions draw on the politics of broadly secular states. They are not then intended to represent the full range of issues, or provide detailed prescriptions about what should be done. Both, however, elucidate some of the difficulties in what counts as choice and what as coercion.

(a) private religious law

Religions commonly regulate sexuality, marriage, and the relationship between parents and children: as Casanova puts it, ‘religions have frequently been involved in the task of regulating sexuality, biological and social reproduction, family structure and gender roles in accordance with some transcendent principle posited as natural, sacred or of divine origin’ (p22). Very often, regulation according to religious principles delivers a less favourable outcome (for at least 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 both men and women, 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 broadly secular states, there is no issue about whether members of a religious minority should continue to have the same access as anyone else to a more favourable civil code. (In fact, this should not be an issue anywhere.) Religious leaders 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 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 (Bano, 2007). But one could also plausibly describe the councils as providing women with a religiously sanctioned way out of unhappy or 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.

It is, in my view, inappropriate either to ban these arbitration councils or to give them formal authority: neither of these approaches would adequately recognise 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 of course many of their fellow believers have 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 councils 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 in the context of religious belief there is an element of truth to the notion that individuals should not

expect to find their own balance between religious and civil requirements. People who identify themselves as believers do not normally feel they can pick and choose which aspects of their religion to embrace. This is not to say they accept without question all they are told by religious teachers: were this the case, the very notion of internal reform movements would lose its meaning. People may feel authorized by their own interpretation of key doctrines or texts to reject some standard requirements; 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 (unusually) belong to a religion where no such authority figures exist. They may, like the young Catholics described by Casanova, dissociate their sexuality and their religiosity, and claim that their religion has no influence at all on their attitudes towards sexual morality. But even with all this, it is hardly coherent to be religious, and feel entitled to select which practices to follow or which beliefs to embrace entirely according to what suits one's convenience. Even the most decentralised and least authoritative of religions sets certain boundaries and imposes certain disciplines: 'beyond this point, you cannot be considered a believer'; or 'beyond this point you cannot be considered a believer in this religion'.

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 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. Equally, 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 far too simple, for religions *are* institutions, and even when they do not involve what Phyllis Mack describes as the desire to be controlled by an external authority, they usually involve at least the recognition of some external authority. Religions involve prescriptions about what is acceptable behaviour, and since there is a limit to how much one can package these prescriptions to suit one's own convenience, it becomes more difficult to determine what is active choice and what resigned acceptance. The woman who says she cannot feel happy with a civil divorce because she does not consider herself divorced until this is sanctioned by her religion is expressing her own understanding of her religion. But she is also conforming to what she has been told. Fantasies of the entirely uncoerced individual do not really fit this situation.

(b) Sex discrimination laws

My second example comes from the other direction: not so much the ways in which religion has been thought to threaten gender equality, but ways in which gender equality is said inappropriately to threaten religion. I am thinking here of 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)*, for example, 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 certain aspects of employment and training. 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 ethnic and religiously based discrimination. In the US, religious associations are routinely exempted from prohibitions on employment discrimination; and a number of legal cases have tested out whether this applies only to the employment of ministers (a position commonly reserved to men) or also to employment within religious universities or schools. It seems that 'religious communities may discriminate as long as such discrimination is rooted in religious belief.' (Skjeie: 473)

Should religion be privileged in this way? Can the rights of gender equality be downgraded in this fashion? One argument is that this is what is required by freedoms of religion and conscience, for the claims of religion weigh more heavily than those of culture on the one side or deeply held political belief on the other, and religion just *is* special. Martha Nussbaum argues that 'law-imposed dilemmas involving religion are unusually horrible, because they involve issues that touch on a person's conscience or search for the ultimate meaning in life' (Nussbaum, 2008:117). Conscience, however, hardly provides an adequate basis for differentiating religious from non-religious beliefs. We can usefully employ the notion of conscience to distinguish between being forced to act in ways that cause us intense discomfort and being forced to act in ways we consider wrong. But it is not evident that we can use the notion to distinguish between religious and non-religious beliefs. That religion might involve a search for the ultimate meaning of life also seems an inadequate basis on which to privilege religion, for it potentially excludes a conscientious objector who has strong convictions about what is right and wrong, but has concluded that there is no ultimate meaning to life; or the many conscientious objectors who never even embarked on that search.

The other argument returns me to my worry about religious injunctions taking the form of absolute requirements. Someone who is a vegetarian for health reasons or because of a concern for animal rights might nonetheless eat the meat dish carefully prepared by a much loved ageing relative who can never remember that she is vegetarian. Someone whose religion forbids pork is less able to compromise.

This does convey something of the specialness of religion. It does not, however, answer why it is gender equality that is so often sacrificed to religious principle or belief. As Cass Sunstein (1999) has noted, 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. There are also examples of countries interpreting their legislation against race or caste discrimination as legitimating state interference in internal religious affairs. The Indian Constitution (1949) provides for the right of religious denominations to manage their own affairs in matters of religion (thus exempting them in the normal way from the full scope of sex discrimination law); but explicitly retains for the state the right to require Hindu religious institutions to make themselves open themselves to Hindus of all classes and castes. The exclusion of lower

caste Hindus from the temples was not viewed as a purely internal matter for religions to decide for themselves, but as a sufficiently compelling problem of discrimination to require state regulation.

There is an all-too familiar hierarchy here, with discrimination on the grounds of caste or race considered more indefensible than discrimination on the grounds of sex, and a lesser weight attached to laws regarding gender equality. This reflects, I would argue, not just notions about the specialness of religion, but a general lack of consensus about sex discrimination being wrong. Outside explicitly feminist circles, I would guess that 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 may think even that an inappropriate restriction), they still think it very strange not to make a difference between women and men in allocating responsibilities in the household. At some level, that is, many people continue to think sex discrimination entirely appropriate. 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, and we can see how fragile the hold of laws and convention against sex discrimination when it comes to religious institutions.

Casanova's approach encourages us to follow the movement of the moral consensus. He notes that things once thought tolerable later come to be regarded as intolerable; and I take his contrast between the now near universal consensus against slavery and the lesser moral consensus against polygamy (p32) as a suggestion that we rely more confidently on movements in public moral opinion, rather than leaping into regulation. I am not entirely at odds with him on this. I do not, for example, think sex discrimination legislation should be invoked to force the Catholic Church to ordain women priests, or synagogues and mosques to desegregate their places of worship; and this is not so much because governments should not interfere in theological matters (that presumes we know what is a theological matter), but because external regulation, rushing ahead of a current consensus, can be highly counter-productive. But the very fragility of ideas of gender equality also warns against simply following a general consensus. Like Sunstein and Skjeie, I see no defensible grounds for a *general* exemption of religions from legislation banning sex discrimination, though, like them, I can anticipate situations in which a religion might make a good case for a particular exemption. Even in acknowledging this, however, we should challenge the general tendency to understate the significance of laws against sex discrimination, and to overstate the legitimacy of religious intervention in relationships between the sexes.

2. Internal reform movements

In his review of past transformations in the Catholic Church, and projection of developments in Islam, Casanova attaches particular weight to the role of internal reform movements. This is something now widely endorsed. Some of the support is pragmatic, perhaps mirroring his comment that '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' (p25). Some of the support has been superficial: Madhavi Sunder (2003) notes a tendency among secular feminists to accept the importance of working with rather than against religion, while continuing to

frame this as a transitional stage that will eventually resolve itself into a fully secular understanding of gender equality. But much of it reflects genuine recognition of the importance and potential dynamism of religion, and an awareness that women should not be required to choose between their religion and their rights.

Casanova does not, however, just endorse such 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 well be one of these - that should not lead us to exaggerate what can be achieved by internal reform alone.

I want here to raise some questions about one common strategy in the politics of internal reform, which is to deploy the religion/ culture distinction to separate out 'genuine' religious requirement from 'merely cultural' accretions. If it can be demonstrated, for example, 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, after all, 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. Indeed much of what is currently described as fundamentalist religion (and not seen as especially 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, then, 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 *mis*interpretations, 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 can play in promoting ideas of gender equality. But it is not helpful to set up an opposition between internally and externally generated change, or to 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 careful 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 favoured progress.

3. 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 have sometimes found 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 have found 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 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. The first has obvious attractions (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 aspect 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 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 can be 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 or modification or compromise is mistaken –and yet there is still some basis 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, will be less open to a deliberative outcome than might be the case with very strongly held non religious beliefs.

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, which revolved at one level around the inequitable treatment of women in religious family law (a unilateral divorce that left Shah Bano with little more than the dowry payment she brought to the marriage 43 years before), but became bound up with attacks on India's Muslim minority. Before these events, Indian feminists tended to favour the introduction of a uniform civil code to replace the religious codes that gave varying degrees of mostly inadequate protection to women on marriage and divorce. But with promotion of a uniform code taken over as a campaign issue by the Hindu right, feminists turned instead to strategies of internal reform (working within the various personal law systems), or to the idea of a civil code that could operate alongside continuing systems of personal law (Sunder Rajan, 2003). Against a background of tense Hindu/Muslim relations, and a heavily disadvantaged Muslim minority, it was no longer just a question of what would best promote gender equality, but how best to intervene in a context where

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 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. Here, again, I would argue for a disaggregation of ‘the’ religious community’, and a refusal to treat religions as unified or static wholes. But even with such disaggregation, the problem does not disappear. It remains as one of the difficulties of alliance.

Conclusion

It is not especially useful to conclude with detailed prescriptions about what should or should not be done. History matters, context matters, and what is an obstacle to gender equality in one context may be an enabling mechanism in another. What is possible in one context may prove impossible in another. But four points have, I hope, become clear. The first is that gender equality means equality between women as well as equality between women and men. 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.

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 widely invoked to justify violence against women. A strong discourse of individual rights provides an important tool in addressing these problems.

The third point is that religion *is* different, differing from culture on the one side, and non-religious political belief on the other. The differences can be and often are overstated: I have suggested, for example, that attempts to disentangle a pure religion from a time-and-place specific culture are epistemologically implausible; and that strongly held non-religious belief can be more resistant to evidence or counter-argument than strongly held religious views. But 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. In conforming to one's religious beliefs, one is, in an important sense, conforming to requirements imposed on one from outside. 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.

The effect is to complicate the initial simplicity of my first points about agency and rights. Political judgment would be considerably easier if we could employ a simple 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 external 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 experience of religions – and even more so, 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 what the militant face of gender equality, the way the rights of women are invoked in civilising missions, the way ideals of gender equality are 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.

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