Women, Faith and Human Rights

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I. Introduction: Women, Faith and Human Rights: At the Intersection of Sexual and Reproductive Health and Rights and Population Dynamics

Women's rights in general, and sexual and reproductive health and rights in particular, continue to be among the most contentious national, regional and global issues. They are especially so in intergovernmental settings where texts of agreements, outcome documents and statements have to be affirmed by multiple national delegations. The Programme of Action from the International Conference on Population and Development in Cairo (1994), the Beijing Declaration and Platform for Action from the Fourth World Conference on Women (1995), the annual Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women (CEDAW) are constantly and increasingly challenged by some governmental positions, as well as by some vocal religiously inspired advocacy groups interacting with the UN system.

Issues relating to women, families, children or sexual identity often cause prolonged debates, both in formal discussions among UN Member States and with civil society representatives. The global political space for initiatives aiming at expanding women's human rights, which has certainly expanded since the UN World Conference on Women in Nairobi in 1985, appears increasingly to be filling with voices that would detract from and attack the agenda of gender equality and women's empowerment. In fact, momentum has grown behind limiting what is regarded as a "secular," "Western-driven" and "liberal" rights agenda.

Yet many women and men of faith—believers in their respective religious traditions—do not agree with those who advocate for backing down from the Beijing and Cairo commitments. Many also do not agree with those who advocate for limitations on women's participation and rights in the recently endorsed global 2030 Agenda with its 17 Sustainable Development Goals (SDGs). In fact, religious women advocates of the human rights agenda are rarely heard in global intergovernmental dialogues and negotiations, and when they are present, their voices and perspectives are often on the sidelines rather than integrated within official events. This happens in spite of the important contributions they can—and do—make in public spaces and religious narratives.

The language of faith matters to many, if not most, of the world's peoples. And the language of human rights underpins all international agreements that frame engagement and accountability within and between nations. It is therefore critical to ensure that there is a time and place deliberately set aside for various faith traditions to engage in serious reflections on the interlinkages between human rights and faith, based on solid theological and sociological knowledge, and grounded in actual experiences in human development.

Thanks to the Norwegian Agency for Development Cooperation (Norad), the United Nations Population Fund (UNFPA) has been systematically engaging with faith-based partner

organizations and religious leaders since December 2013. In 2015, the Church of Sweden and UNFPA co-convened a consultation on “Women, Faith and Human Rights” from 25-26 November at the Sigtuna Foundation near Stockholm. Participants reviewed a series of papers expressing the knowledge of diverse actors, herein compiled, as part of efforts to mobilize a broad constituency of faith actors who clearly support the human rights agenda—especially sexual and reproductive health issues.

These faith-based actors were also convened during key intergovernmental moments, around the nexus of religion, sexual and reproductive health, and women’s human rights.

The need to position sexual and reproductive health and rights as a critical component of the agenda of diverse religious actors as they work to realize the new development agenda has increasingly emerged as requiring specific and deliberate focus by both secular and faith-based governmental and non-governmental proponents. The consultation enabled a convening of men and women of faith, from different regions, religions and professional backgrounds (theologians, development practitioners, religious leaders, diplomats, human rights activists) to critically assess the nexus between women’s rights, human rights and religious values. The discussions and presentations had the following objectives:

- To contribute to a broader and deeper understanding of the relation between faith and human rights, particularly around issues of sexual and reproductive health and rights, and population dynamics.

- To challenge the notion that there is a conflict between faith and human rights in general and women’s rights in particular.

- To make the positions of faith-based women in leadership visible, and to convey their experiences and views to UN missions and UN agencies.

- To inspire women leaders to build networks that add an important voice to the global women’s movement engaged in active UN advocacy around gender equality and women’s and girls’ rights.

Written reflections were requested to address four key and recurrent themes: the dissonance between religious institutions and frameworks, and human rights; the links between notions of family and religious values; the extent to which faith-based language could be seen to oppose or to endorse human rights; and the specific role that faith-based actors play in the debates around sexual and reproductive health and rights.

i. Religious Traditions or Human Rights?

At times, arguments are put forward suggesting that there is an intrinsic conflict between universal human rights and religious values. This notion is present in the general debates in and around the United Nations on sexual and reproductive health and rights, and also with regard to children’s rights. Combining and contrasting perspectives of academics, community leaders, educators and women religious leaders working from within their respective religious traditions would add value,

particularly in contributing to a deeper understanding of how a global normative system interacts with religious values, both positively and negatively.

ii. Family and Religious Values

There are some voices who are actively challenging the UN rights agenda.[1] Among them are those who demand that the United Nations adopt the concept of the "natural family."[2] They suggest that there has to be a specified reading of Article 16(3) of the Universal Declaration of Human Rights: "the family is the natural and fundamental group unit of society and is entitled to protection by society and State."

Historically, "families" have come in many shapes and sizes and forms, and continue to do so. Instances include grandparents living with grandchildren, extended families, widows or widowers living in family units with children or relatives, polygamous families, rainbow families, and single mom or dad families. Even religious communes are examples of how "family units" are constituted in real life. Those who advocate for the "natural family" want to reduce the rights of those living in other family constellations. Given different perspectives, participants reflected on some of the intersections between religious discourse and family realities.

iii. Faith-Based Language—Opposing or Endorsing Human Rights?

Questions covered here include what obstacles and possibilities there are for secular and faith-based human rights discourses to become mutually supportive, and to what extent there is value-in faith-based communities' capacities to strengthen the discourse of universal human rights. Some scepticism remains, particularly on behalf of some in the secular international development world, as to whether local and national leadership of faith-based institutions and communities can indeed join forces to realize rights-based justice work, particularly where it concerns more sensitive issues such as sexual and reproductive health and rights.

[1] See the Scanteam report provided to the Norwegian Ministry of Foreign Affairs on February 2013, entitled "Lobbying for Faith and Family: A Study of Religious NGOs at the United Nations."

[2] A resolution on "Protection of the Family" was brought forward by a core group of 12 Member States (Bangladesh, Belarus, China, Côte d'Ivoire, Egypt, El Salvador, Mauritania, Morocco, Qatar, Russian Federation, Saudi Arabia and Tunisia) as a follow-up to a voted resolution adopted at the Human Rights' Council in June 2014. Deliberations on the resolution, which was eventually adopted, proved highly contentious, with some governments arguing that it sets back the advancement of the human rights of individuals, as it seeks to elevate the family as an institution in need of protection, without acknowledging the harms and human rights abuses that are known to occur within families, or recognizing that diverse forms of family exist.

iv. Role of Faith-Based Actors to Promote Sexual and Reproductive Health and Rights and the Development Agenda

There is a debate in some countries on the unique contribution faith-based organizations can offer to promote development. Mainly male faith-based actors are being heard, however, in discussions or reflections with international secular organizations. Women directly involved in faith-based social service work and the bulk of those actually providing developmental services should also have chances to offer their views. After all, those within faith-based or faith-inspired organizations with "hands-on" experience of service delivery and actual community-rooted activism provide unique perspectives based on their contextual understandings of how they relate their faith to their daily work for justice and health. The question remains: How can women of faith have a voice and a key role in the realization of the 2030 Agenda?

v. Realizing a Faith-Inspired Human Rights Agenda of Sexual and Reproductive Health: Some Reflections and Recommendations

Human dignity—human rights

Many of the participants reflected on the concepts of human dignity and human rights. There is an ambiguity attached to how the concepts are used. Sometimes there is a tendency to talk about human dignity instead of human rights. Over the last years, this has been a noticeable argument in contexts where tradition, culture and religion are stressed as the parameters within which to understand and interpret human rights.

But human dignity is also referenced by those who want to underline that there is no fundamental difference between a religious understanding of human dignity and what is codified in the global frameworks as human rights. This line of argument maintains that all human beings are, by their close relation to the highest, God, the creator, the lord of the Universe, meant to live in dignity. To violate the dignity of a human being is thus equivalent to violating the Divine/God/the creator. In other words, human rights are part of the gift of being human, God-given and an indivisible part of the essence of humanness.

Some would argue that this is a strong justification for non-discriminatory understanding of every human being's fundamental rights. According to this understanding, the discourse on human dignity has the potential to strengthen the concept of universal rights, rather than to undermine them. The justification for universal human rights is thus to be found not in a negotiated text between treaty parties, but in the basic patterns for what human beings are supposed to be, and with that comes the responsibility to protect the rights and, indeed, dignity, of all human beings.

Fostering a nuanced discussion on the links between human rights and human dignity is a complicated and complex endeavour. Conflicting interests between nations and peoples in rich and poor countries, systematic prejudices such as patriarchy, and ongoing struggles for egalitarian societies charge the atmosphere around such discussion with a general air of distrust. Against the backdrop of critique against the religious (conservative) right's agenda at almost all UN-related meetings, there is a legitimate fear that a more tentative discussion on the relation between human rights and human dignity could strengthen those who aim at limiting the universality of human rights for women, children, and lesbian, gay, bisexual and transgender (LGBT) people.

Indeed, religion may well have the potential to give legitimacy to the conservative right's agenda. More often than not, discrimination against women, children and LGBT people is being justified by relating to religion and tradition. But the interaction between tradition, culture and religion is not static. Religion can also have the opposite effect: that of strengthening the argument for human dignity and freedom.

At the heart of the discussion is the question as to whether the discourse on human rights is compatible with that on human dignity. Are human rights instrumental to promote and uphold human dignity, or is the discourse on human dignity a way for those who want to limit the universality of human rights (for women, children and LGBT persons) to justify their opposition to universal and indivisible human rights for all? Or is there a yet-to-be-explored possibility to bridge the alleged Western discourse on human rights and the religiously rooted discourse on human dignity? Could there be a space for jointly exploring if and how universal human dignity (as perceived in many religious traditions) and universal human rights (as codified in the global frameworks) can, in fact, have the potential to express the same fundamental values, although in slightly different languages?

In many ways these questions are a journey of constant exploration. For just as understandings of human rights and their applicability to myriad issues expands, so too do the contexts in which human dignity is demanded continue to evolve and change. To address these issues, therefore, requires the creation of spaces where scholars and faith leaders with deep understanding and knowledge of faith, theology and gender may get together with human rights experts and political scientists for in-depth discussions.

The tentative conclusion was that all religious teachings, pending interpretation and contextualization, can and do strengthen universal human rights. At the same time, religion is being used to undermine some of these universal rights. It takes systematic work to challenge the discourse on tradition, religion and culture both within the faith communities, and in and around the global meetings where issues related to human rights and human dignity are discussed.

Safe spaces

Many actors who seek to bridge the rights and faith discourses find themselves being constantly questioned. In “secular” spaces, their faith is questioned, while in religious contexts, feminist commitments are questioned. The gathering in Sigtuna had participants from some of the major religious traditions (Christian, both Catholic and Protestant; Muslim; Hindu; Jewish and Bahá’í) and the need for “safe spaces” was expressed by all.

Many emphasized that such spaces allowed for tentative discussions, for voicing and sharing ideas that are not yet totally thought through, for expressing frustrations, but also for sharing discursive and pragmatic successes in argumentation and implementation. Many expressed the need for laboratories and workshops to build and try new alliances, and to articulate new initiatives. Negotiating a position requires reaching joint language and confirming a shared narrative, with all that may entail in terms of compromise. A safe space does not substitute for the policy tables where positions are carved and eventually adopted—whether in academia, the NGO world or indeed international development contexts. But it can be a space to jointly test lines of argumentation, with a view to strengthening the discourse supporting women´s rights as it is challenged by religious perspectives and narratives.

Who is invited to speak?

It is not controversial to argue that it is necessary to make the voices of religious leaders heard in and around UN-related processes, including when human rights are discussed and positions are negotiated. There are many initiatives linked to faith and culture to which religious leaders are invited to address some of the crucial issues at stake.

The formal religious leadership is important, and valuable dialogue between global organizations and influential religious leaders should get space and attention. If global organizations only listen to the voices of those who hold formal leadership positions, however, people who can speak to many of the lived realities of faith communities will be absent, and thus, silenced.

Religious communities are organized in different ways, from rather monarchical structures to more independent local entities; some are even corporate look-alikes. Yet, in spite of these differing structures, it is men who predominantly—and formally—govern faith communities. Women, let alone their perspectives and lived realities, are either not present or only minimally so when religious leaders gather around the world to reflect on topical issues. While this may not necessarily reflect a willing lack of inclusion, the fact remains that the absence of women in rooms and tables where doctrine is shaped, and where statements based on faith are being drafted, will inevitably lead to rather myopic views on the realities of those who are not present or represented around the table.

In many ways governance structures in faith communities are not that different from other male-dominated power structures. The added challenge generated in religious power structures is that they often give legitimacy to positions that confuse theology and cultural traditions, particularly where issues concerning women’s empowerment and gender are involved.

Secular women's organizations have played a critical role—and continue to—in and around the meetings of the UN Commission on the Status of Women and the CEDAW Committee. There are those who would maintain that the progress of two UN agencies (UN Women and UNFPA) would not have been possible had the women's movement not been so present and vocal on the global stage over the last 20 years. The formal leadership of Member States of the United Nations would arguably not have agreed on many gender-related issues if they had not been challenged by women's organizations in their own countries as well as in New York and Geneva.

While women in religious organizations are and have been present in and around the United Nations, they often speak to the "victimhood" and oppression suffered by women, or on idealistic roles and responsibilities of women and men. It remains a rare occurrence to see such women in UN and other international developmental fora who actually occupy leadership positions as scholars, religious leaders or writers—or any other position that allows them to be "norm shapers." These women are seldom invited to interact with UN Member States or the general women's movement. Women leaders with roots in faith communities tend to be seen with suspicion by both the faith leadership and the secular women's movement. Faith leaders often do not approve of their way of challenging theology and tradition, and at times "secular" feminists tend to suspect they want to undermine the struggle for women's rights.

Women in faith communities can offer added value in relation to formal religious leadership. At best, some religious leaders can be persuaded to support a women's agenda, as elaborated by the United Nations. Women religious leaders have the ability to bridge theological and rights language, and should be invited to take an active part in panels, dialogues, working groups and such in order to contribute "from within" to challenging discourses allegedly based on a contradiction between universal human rights and respect for freedom of religion.

The need for religious literacy

During the discussions, the issue of literacy came up several times. Some pointed out that the secularization in the Nordic hemisphere has eroded general religious literacy among civil servants in development agencies of the United Nations and of Member States. The problem was not described as the absence of religious faith or that secularism has turned people away from religious beliefs and traditions. Rather, the challenge is the increasing inability to analyse and understand the nature of faith, and the role faith plays in shaping not only the identity of individuals but also communities. Yet it would seem self-evident that for civil servants, diplomats and development practitioners, knowledge about religion and the role it plays in 80 per cent of people's lives is quintessential.

The knowledge of religious narratives and shaping of lived realities is pivotal for understanding when religion plays a negative and oppressive role, as well as when it inspires people to claim justice and equality. To be able to effectively implement the newly adopted SDGs, therefore, it is important to actively promote religious literacy among those who will be involved in development initiatives, globally and regionally. Indeed, there was a stark warning leveraged in the discussions:

If actors in the "development industry" deliberately ignore the role of religion, they may, by default, contribute to strengthening the more conservative and fundamentalist versions of religious traditions. There is an imminent risk that the most conservative religious readings become normative, if they are not challenged and put into perspective. The ones who will have to pay for this are poorer women and girls in patriarchic societies. Women in the North, where stronger and relatively more accountable legal and social systems prevail, are far less likely to be affected by a polarization between women's rights and respect for conservative expressions of religious beliefs.

There are scholars around the world who actively contribute to increasing religious literacy among staff in organizations promoting the universal human right's agenda. *Mutatis mutandi* they have a role to play in encouraging women in faith communities to revisit their religious texts and traditions in order to find bridges between their faiths and the universal human rights agenda. Several examples of this are offered in the following papers. Universities, international agencies, civil society organizations, national development organizations and others should cooperate in initiatives for building capacity and literacy in the field of religion.

Continuing to work together

Based on a literature overview and discussions which have taken place including at the meeting in Sigtuna, between various constituencies regionally and globally, two concrete and actionable recommendations have emerged.

Establish an NGO for joint reflection and action directed at the United Nations and other intergovernmental fora.

There is a general perception that a safe space is needed where experts in theology, feminism and development praxis can dialogue and jointly address challenges related to women's rights and religion as they unfold in intergovernmental settings. An non-governmental organization (NGO) would support this objective. With or without an NGO, however, there is a keen sense that moments such as the UN Commission on the Status of Women are important for these same experts to systematically, and in an organized and deliberate fashion, set up side events and convene dialogues around religion and women's human rights.

Create initiatives for joint studies and increased religious developmental literacy.

Some the experts who contributed to these recommendations are experienced researchers with access to broad academic networks. It was suggested that some themes related to women and religion could be jointly researched through an interreligious lens. One theme mentioned was how *Shari'ah* law and Canon law relate to scripture, context and tradition. A case was strongly made for jointly organized seminars on the nexus of religion and development, to be simultaneously informed by the mélange of experts on theology, human rights and social development. This form of religious developmental literacy should take into account the lived reality of religion and faith traditions, but should not be focused on or confused with an introductory theological discourse.

Rather, geared for civil servants in global and national organizations, its purpose would be to review and inform on why and how religious considerations influence—and can be influenced by—development praxis.

The papers that follow have been minimally edited. They are presented in the words of their authors/speakers, articulating perspectives that are often rarely voiced in one space. All opinions expressed are entirely those of the authors and do not represent any institutional position. They are the perspectives of informed and learned voices and actors, who are working in the midst of one of the most volatile intersections of human rights, gender equality and faith—the domain of sexual and reproductive health and rights.

II. Discussion Papers

i. Religious Traditions or Human Rights?

The Bahá’í Faith and Gender Equality

By Bani Dugal

The full and intrinsic equality of women and men is a central tenet of the Bahá’í Faith. This equality springs from the spiritual dimension of human reality. “Women and men have been and will always be equal in the sight of God,” stated Bahá'u'lláh, the Founder of the Bahá’í Faith, in the late 19th century. “Equality of men and women,” the Bahá'í writings further state, “has been fully and categorically announced."

Gender equality is therefore a central and explicit component of Bahá'í religious understanding, one which every believer, man and woman alike, strives to understand more deeply and exhibit more fully in his or her life. But the implications of this principle are not confined to the personal and theological alone. Indeed, the Bahá'í writings clearly relate the equality of women and men to social, institutional and legal conditions. They enjoin, for example, women’s “full and equal” participation “in the affairs of the world.” They speak to the need for women to enter “confidently and capably [into] the great arena of laws and politics.” And in cases in which a choice must be made, they prioritize the education of girl children over boy children, for “through educated mothers, the benefits of knowledge can be most effectively and rapidly diffused throughout society.”

For movement in this direction to proceed apace, overarching societal values must be carefully considered and, in many cases, adjusted or completely transformed. Assessing the qualities that have so far shaped efforts to order the affairs of society, the Bahá'í writings state:

“The world in the past has been ruled by force, and man has dominated over woman by reason of his more forceful and aggressive qualities both of body and mind. But the balance is already shifting; force is losing its dominance, and mental alertness, intuition, and the spiritual qualities of love and service, in which woman is strong, are gaining ascendancy. Hence the new age will be an age-less masculine and more permeated with the feminine ideals, or, to speak more exactly, will be an age in which the masculine and feminine elements of civilization will be more evenly balanced.”

Of course, no Bahá’í community can claim to have implemented the countless implications of the principle of the equality of women and men, nor even fully grasped them. To uphold high ideals and to have become their embodiment are clearly not one and the same. Nevertheless, the unequivocal assertion of the equality of the sexes and its foundational role in the progress of humanity is of central importance to Bahá'í efforts to contribute to the betterment of society.

For Bahá'ís, the concept of the equality of women and men can be best understood within the larger context of the oneness of humankind—the pivotal principle around which all of the teachings of the Bahá’í Faith revolve. Deceptively simple in popular discourse, the concept that humanity constitutes a single people presents fundamental challenges to the way most of the institutions of contemporary society carry out their functions. Of particular relevance to gender

relations is the degree to which conflict has become accepted as a mainspring of human interaction, whether in the form of the adversarial structure of civil government, the advocacy principle informing much of civil law, a glorification of the struggle between classes and other social groups, or the competitive spirit dominating so much of modern life. Resistance to unjust social systems and various forms of institutionalized oppression have led to notable advances for many marginalized groups, not least women and girls. And yet normalizing conflict as a foundation for social interaction and a path towards social change gives rise to severe challenges itself. Antagonism and hostility can never provide a firm foundation from which goals such as peace, social cohesion, equity and equality can be pursued.

In this light, Bahá'í efforts to advance gender equality are based on the premise that endeavours for social change must, in their methods and approach, foster unity and collaboration, rather than division and opposition. “The well-being of mankind, its peace and security are unattainable unless and until its unity is firmly established,” state the Bahá’í writings. In this, they give expression to the principle that means should be consistent with ends; noble goals cannot be achieved through unworthy means. It is therefore in the pursuit of greater degrees of solidarity and unity—rooted in justice—that Bahá'í contributions in the area of gender equality must be understood.

The principle of the oneness of humankind calls not merely for cooperation among peoples and nations, necessary as this is. It calls, rather, for a profound reconceptualization of the relationships that sustain society, including those between the individual and the institutions of society, between humanity and nature, and between the many sectors of an emerging global economy. It also calls for fundamental transformation in the family unit, which the Bahá'í community sees as the nucleus of human society. It is in this setting where children’s identities are shaped, and where they come to understand their worth and place in the community and in the world. The habits and behaviours nurtured within the family are carried into the workplace, the local community, the social and political life of the country, and the arena of international relations. Fostering a dynamic of family life that acknowledges the equality of women and men, cultivates a loving and respectful relationship between members of the family unit, and promotes the principles of peaceful and constructive decision-making is therefore of critical importance.

Internalizing such dynamics from the earliest years is of great benefit to daughters. But it is equally indispensable to sons—a truth that suggests the vital role to be played by boys and men in the advancement of girls and women. Appreciation for this role is growing year by year, especially in specialized areas such as combatting violence against women. But the full degree to which the welfares of both men and women are intertwined and indivisible from one another often remains overlooked. At one extreme are those who stubbornly cling to understanding power in zero-sum terms and see every advance of women as a setback for men. But even those men who actively support equality can unconsciously view their efforts merely as expressions of goodwill or benevolence, rather than as critical contributions to the health of society as a whole.

Viewed through the lens of the spiritual oneness of humankind, the advancement of women benefits men as directly as it does women. “As long as women are prevented from attaining their

highest possibilities," the Bahá'í holy writings state, "so long will men be unable to achieve the greatness which might be theirs." Men, in this view, are not independent, self-sufficient actors who help women out of a feeling, however well-meaning, that it is "the right thing to do." Rather, men and women are interdependent in ways that are fundamental and inescapable. Only as men work for the advancement of women can their own long-term future be secured. And only as men and women labour together, shoulder to shoulder, for the welfare of all can the advancement of society be assured. "Until the reality of equality between man and woman is fully established and attained, the highest social development of mankind is not possible," the Bahá'í writings state. "Let it be known once more that until woman and man recognize and realize equality, social and political progress here or anywhere will not be possible."

Bahá'ís believe that progress towards a more just and peaceful society requires profound changes in the social and institutional structures of society. But attitudes, thoughts and conceptions will also need to be reshaped as a truly global community emerges and develops in its understanding of the nature of human flourishing. A key part of the transformation that is required must therefore occur at the level of thought.

In this re-shaping of humanity's conception of itself, religion has a central role to play. Religion has been a feature of human civilization since the dawn of recorded history, and has prompted countless multitudes to arise and exert themselves for the well-being of others. It offers an understanding of human existence and evolution that lifts the eye from the rocky path to the distant horizon. And when true to the spirit of its transcendent founders, religion has been one of the most powerful tools for the creation of new and beneficial patterns of individual and collective life.

It must be acknowledged, however, that organized religion, whose very reason for being entails service to the cause of solidarity and peace, has often stood as one of equality's most formidable obstacles. Religious rationales have been used to justify the persecution of those seen to be "other" or "less." Religion continues to be invoked in defense of customs that perpetuate oppression and violence against women. And prejudice of sect, creed, denomination and faith has fueled hostility throughout history and around the world.

Such reflections, however painful, are less an indictment of religion than a reminder of the unique power it possesses. They do, however, offer a glimpse of the great weight of responsibility religious leaders bear toward their followers and to the people of the world. Given their profound influence at the level of culture, values and behaviour, religious leaders have an important role to play in helping to create an environment in which men and women alike have equal access to information, to knowledge and to opportunities to prosper spiritually, socially, intellectually and materially.

Religious leadership has a particular responsibility to promote the advancement of women. The history of patriarchy and paternalism practiced in the name of religion is well documented. Women have been systematically excluded from decision-making. Their potential contributions have been dismissed, and the possibilities for them to apply religious teachings to the life of society to affect positive transformation have been severely curtailed. But at each stage of humanity's

development—and certainly in the midst of the present emerging global community—religion has acquired new meanings, functions and expressions. Today, as the critical role of women is increasingly recognized, their voices must inform exploration of the nature of religion and its role in contemporary life. Religion has also demonstrated remarkable power to release the capacity of women to promote a more just organization of human society and more equitable relationships among women and men.

The issue of violence against women illustrates the pressing need for, and potential benefit of, new patterns of religious action and engagement. Women and girls in communities throughout the world, materially rich and poor alike, are enmeshed in a culture that enables violence against them. This can be seen as one symptom of a wider social order distorted by conflict and injustice. The exorbitant resources allocated to military spending, the deepening environmental crisis, the deterioration of the home environment, the exploitation of women and children worldwide, the persistence of corruption and the gross inequality in the allocation of material wealth are just a few manifestations of these deeper cultural issues. Eradicating violence against women and girls therefore requires not only changes in law and policy, but also transformation at the level of culture, attitudes and beliefs. And it is here again that religious leaders and communities have a key role to play. If they are to be worthy partners in the construction of a more just and peaceful society, they must unhesitatingly raise their voices against all forms of violence against women, and against inequality perpetrated in the name of religion. They must examine the ways in which their words, their actions or their silence have enabled the status quo.

This raises the very practical question of implementation. How can the vision emerging from so many faith communities, from their women as well as their men, find expression in day-to-day life? What are the means for achieving this kind of transformation of our present-day social order, which currently gives rise to numerous injustices perpetrated against women and girls?

For Bahá'ís, the generation, application and diffusion of knowledge is of vital importance to the process of social transformation. Over the past two decades, the global Bahá'í community has therefore established a decentralized, worldwide process of spiritual and moral education open to all. Structured in stages to meet the developmental needs of differing ages, the system tends to the moral education of children, facilitates the spiritual empowerment of young adolescents, and assists youth and adults to explore the application of spiritual principles—including the equality of women and men, unity in diversity, the elimination of prejudice, global citizenship and the independent investigation of truth — to daily life and to the challenges facing society. Crucially, the system's organizing principle is service to society; the desired outcome is not for participants to simply learn things, but to build their capacity and increase their desire to be of tangible service to society.

Growing experience in implementing this system of education in cities, towns and villages around the world has suggested that a number of elements are particularly important in transforming deep-seated elements of culture. These include a deep awareness of the spiritual nature of human reality, a conviction that happiness and honour lie in integrity, the ability to act with moral courage, the ability to participate in non-adversarial decision-making, striving for excellence in a

productive skill through which one can meet one's needs with dignity, the ability to analyse social conditions and understand the forces that shape them, the ability to express ideas eloquently and wisely, the capacity to foster collaboration and an emphasis on service to the community.

The importance and benefit of access to knowledge extends to all areas of life. The sometimes challenging issue of sexual health and reproductive rights provides one example. If access to knowledge is the right of every human being, that right must include a girl's or boy's knowledge of their own health and that of their family. Such knowledge can be informed by access to the teachings of their respective faith traditions and the findings of scientific inquiry. But no longer can an emerging global civilization maintain that education and understanding assist in the resolution of most social challenges, while allowing ignorance and confusion to persist on issues related to the human body. Knowledge is central to all social progress, and the inviolable right of each person to seek truth for themselves must be maintained.

The concepts addressed so far assert that issues of women, faith and development are inextricably linked to human rights. If we reach back into history and consider the ideals and vision that led to the creation of the United Nations, the spiritual dimension of human life—the longing for peace, justice and virtue—comes plainly into view. The process of drafting the Universal Declaration of Human Rights was, after all, much more than a dry and technocratic exercise. For nearly two years, the Commission on Human Rights delved deeply into the teachings of the world religions as well as diverse schools of philosophy, sociology and jurisprudence. Numerous philosophers, writers, scholars and theologians contributed to the drafting process. And as a result, the Declaration is among the most translated documents ever produced. In his address to the United Nations in October 1995, Pope John Paul II called the Declaration "one of the highest expressions of the human conscience of our time." Similarly, the necessary connection between religion and gender equality must achieve such a degree of coherence at the United Nations and other international fora. This conference itself and the space for deliberation it offers is a step forward towards the integration of religion, human rights and gender equality, and will no doubt serve as a catalyst for addressing one of the pressing challenges of our time.

Hinduism and Women's Rights: A Dowry of Knowledge

By Meera Khanna

No one is superior or inferior; all are brothers; all should strive for the interest of all and progress collectively (Rig Veda, Mandala-5, Sukta-60, Mantra-5, compiled 3,500 years ago and probably existed as oral literature even before that).

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (First Article of the Universal Declaration of Human Rights enunciated 67 years back in 1948).

The Universal Declaration of Human Rights is a very beautiful and very uplifting document, but it is certainly not earth-shattering. The prevalent view that human rights are Western concepts articulated when nations got together and gave an international recognition needs to be dispelled. Religious scriptures, written or oral, are probably the first human rights documents that human civilization has seen. This assertion is rooted in the two basic premises common to almost all known religions.

First, every religion through the scriptures emphasizes the uniqueness of human beings due to their relationship with God.

I am the Cosmic force is asserted in unequivocally in Hinduism.

Imago Dei, God made man in his own image, is the positive and underlying foundation in Christianity.

Second, the human person's most basic property is the right to dignity because of the close connection to God. According to this view, human dignity entails that human beings are entitled to be treated as worthy of respect and concern, because they stand in a special relationship to God. And it is precisely this relationship with God that endows humans with qualities such as personhood, self-awareness and self-determination. The human being is created with certain structural possibilities, so that he or she can indirectly manifest and reflect the virtues of God on earth.

The right to life, autonomy and equal respect are three of the most basic components of the theological concept of human dignity. Without life, no person can possess dignity or exercise rights. These three components, reflected in a multitude of manners in religious scriptures and traditions, are really the basis of human rights as we understand them today

The Hindu religion, due to the much maligned and much misunderstood caste system, is often considered to be devoid of an understanding and acceptance of human rights. Hinduism upholds human equality on the basis that all are God's creatures. Nontheistic Hinduism emphasizes the cosmic identity of the essence of all humans. Mahatma Gandhi, the most well-known advocate of the human rights movement within traditional Hinduism, stated once, "I learnt from my illiterate but wise mother that all rights to be deserved and preserved came from duty well done. Thus, the very right to live accrues to us only when we do the duty of citizenship of the world. From this one

fundamental statement, perhaps it is easy enough to define the duties of Man and of Woman and correlate every right to some corresponding duty to be first performed."

What Mahatma Gandhi's mother was emphasizing was the very foundation of Hinduism, **Dharma**, which is a Sanskrit expression of the widest import, but can briefly be said as "**that which contains or upholds the cosmos**." Dharma is what is right in a given circumstance, moral values of life, pious obligations of individuals and righteous conduct in every sphere of activity. Dharma is the law that maintains the cosmic order as well as the individual and social order. Dharma sustains human life in harmony with nature. When we follow dharma, we are in conformity with the law that sustains the universe. So deriving a notion of human rights within the Hindu tradition of Dharma implies justice and propriety as does the word "right" in the UN Declaration, although the connotation of a "just claim" is only implicitly present.

Dharma is the duty by virtue of one's birth, gender, profession, status. Every right accrues from the dharma performed. The right to life of a female fetus is dependent on the dharma or the duty of her parents to protect the unborn regardless of the gender. The right to equality is governed by the dharma of everyone doing his ordained duty. A woman is equal to a man in her access to education, in her right to own property, in her right to security. It is the dharma of her parents, her husband, the state to work towards that. But conversely, it is her dharma to use her capacity as a creator to nurture, to use her talent and capacity for the family, community and the nation.

Gandhi was not advocating "individual rights" in the Western sense, but rather dharma: "an ethic of community, responsibility and loyalty, because every human right is dependent on the fair action of the family, the community, the state and vice versa. Hindu concept of human rights is a multi layered, multifold, multi dimensional network of dharma which when performed to the best of our ability will ensure the sanctity of every right. The thought of dharma generates deep confidence in the Hindu mind in cosmic justice. This is reflected in the often-quoted maxim: **'The entire world rests on dharma'."**

Now into this worldview of fairness, justice, equality and propriety of individual and cosmic responsibility, how did the notion of discrimination, degradation and devaluing of human life, dignity and rights come about, especially for women? The dynamics of power work insidiously and surely within human institutions. They are often justified by emphasizing the values of care and protection. Thus positive soft concepts are reconstructed to justify hard concepts like power and patriarchy. Power and patriarchy become synonymous because as human civilization has progressed, power became vested in masculinity. What probably began as convenience in an agricultural pastoral community, given the time-consuming exigencies of child-bearing and child-rearing, soon was embedded in the family and community as the power construct of patriarchy.

The four Vedas, Atharva Veda, Rig Veda, Yajur Veda and Sama Veda, in totality (supposedly *sruti* literature, in the sense they were heard through metaphysical sources around 6,000 BCE, but compiled as a text around 3,500 years BCE) are a great window to the Vedic society, which is the earliest record of the existence of Hinduism. In the way they treat the position of women, the various stanzas read like a feminist document. Interestingly, in ancient India and even today, the Sanskrit words used by the husband for the wife are *Pathni* (the one who leads the husband through life), *Dharmapathni* (the one who guides the husband in dharma) and *Sahadharmacharini* (one who moves with the husband on the path of dharma—righteousness and duty). This is how ancient Vedic culture viewed the partnership of husband and wife. It seems that the husband constantly needs guidance that only the wife can provide. More than equality, this seems to underline the superiority of women, as further emphasized by the following stanzas:

Atharva 7.47.2 Oh woman! You know everything. Please provide us strength of prosperity and wealth.

Atharva 2.36.3 May this bride become the queen of the house of her husband and enlighten all.

Atharva 14.2.71 Hey wife! I am knowledgeable and you are also knowledgeable. If I am Samved then you are Rigved.

Yajur 20.9 There are equal rights for men and women to get appointed as ruler.

There is a categorical assertion on the equality of woman to man, her role as the guide and her partnership with her husband in the realm of the home. At the same time, her contribution outside the realm of the home is recognized and accepted as the last quote indicates. Her dignity is closely linked to the health of the society.

Manu Smriti:3.56 The society that provides respect and dignity to women flourishes with nobility and prosperity. And a society that does not put women on such a high pedestal has to face miseries and failures regardless of how much noble deeds they perform otherwise.

In contrast is the present situation where India faces a declining sex ratio, violence against women is on the rise, women are objectified and commodified, and language, customs and ritual consistently demean her and erode her dignity. This has not happened overnight, nor can patriarchy be the single reason for the change. A purely agrarian society changed into a mixed society combining an agrarian economy with military occupations and service providers. When agrarian economies flourished, the need for increasing landholdings was a necessity born out of greed. So a standing army became vital in which women with their care responsibilities did not fit. This is coupled with the recurrent theme of invasions in India from the Central Asian and Mediterranean regions.

The contribution of women to society was devalued as the need for an aggressive climate became apparent. In an aggressive climate, the need to protect the progeny and consequently the receptacle of the progeny became a necessity. The construct of protection is based on the principle that the protected is the weaker and the receiver, while the protector is the stronger and the giver. From this construct rises the inferior status of women as is seen today. When woman is the weaker gender then she is also a burden as her protection becomes a responsibility. When she is a burden then the preference for sons sets in. When the man is valued, his accessibility to resources is higher. In proportion, the women's status is more and more devalued. Somewhere along the line, the concept of dharma changed from respecting the dignity and strength of the woman to protecting her as she was perceived as weak.

Interestingly, patriarchy and the consequent devaluation of women are highest in those parts of India that faced external invasions. Interestingly again, it is in these regions where there is the highest son preference, and the concept of goddess worship is also the highest. Hinduism has a goddess for every resource. Annapoorna is the goddess of food, Lakshmi for wealth, Sarsawathi for knowledge, Durga for power. How is it possible to justify the concept of goddess worship in a country where female feticide is practised? (The Hindu scriptures consider killing of the fetus regardless of gender as one of the greatest sins.) Where the girl child may not have the same accessibility to learning as her brother, where women do not have the same inheritance rights today as men and where women are often considered powerless? Though the 10th century CE composition "Saundarylahiri" composed by the saint poet Shankaracharya unequivocally states

that Shiva (the dormant masculine energy) is incapable of moving an inch without Shakti (the kinetic female energy), symbolically personified through the deification of Ardhanareeshwar (half man and half woman), women's dignity and rights have been consistently eroded through the centuries. I do feel the deification of women goddesses was a means to save the collective racial consciousness on the unequal treatment meted out to women. The construct of "protection" is followed by the need to restrict mobility.

> *Manu Smriti:9.12 A woman who is kept constrained in a home by noble men (husband, father, son) is still insecure. Thus it is futile to restrict women. Security of women would come only through her own capabilities and mindset.*

This is a stanza that would please the most die-hard feminist since it devolves the responsibility of personal security and integrity on the woman herself. She should be so empowered both physically and mentally that she is capable of her own protection. This is in complete contrast to the climate in India where women and girls are constrained, confined and their mobility curtailed in the name of protection.

Eight different forms of marriage are indicated in the ancient texts, which cover almost all types of heterosexual marriage, from duly arranged marriages to marriages by force or capture. The most common types of marriage, however, were the arranged marriage (*brahma* marriage) where the parents choose the groom and the marriage where the girl herself makes a choice (*gandharva*) The scriptures are replete with exhortations that it is advisable that a woman remains unmarried rather than marry an unsuitable man. It is to be noted that even when the parents arranged the marriage, the choice remained with the girl as in *swayamvar,* which meant that the parents arranged for a number of suitable grooms and the girl selected one of them by putting a garland of flowers on him. Arranged marriages were much like a benign modern dating service where the parents did all the spade work.

This reality changed over the centuries into forced marriages, child marriages and even honour killing when the girl made her choice of groom. Historical and economic conditions changed the dynamics of society, and from a position of acknowledging and respecting women's status and personhood came the framework of patriarchy, for whatever reasons. In this framework, honour of the family, the community and the nation state were invested in the bodies of women. Sexual purity and sexual exclusivity were prized virtues. So to prevent sexual transgression, early marriages were encouraged. Women are the prey and man the sexual predator. Patriarchy is a double-edged sword. As much as it curtails the rights of a woman, it impinges on the man's human right to dignity. It has reached a point that *Khap Panchayats* (an informal assembly of caste elders) order honour killings in states with the highest quotients of patriarchy and lowest levels in terms of the dignity of women.

The Hindu society understood and valued knowledge as power, but it also accepted that every individual had the right to knowledge or skill. Herein comes the uncomfortable dimension of caste. Caste was a devolution of duties, and a delegation of responsibilities and assertions of rights within a profession or service, and was never meant to be hereditary. The records are replete with examples of how individuals changed their profession according to their own characteristics and interests. The priest became a soldier and vice versa. The soldier started a trading business and hence became a trader. But as it is today, where more often than not, the son of a lawyer pursues law or a doctor wishes his daughter to take up the medical profession, then too by default the system of *varna* or caste became hereditary.

Knowledge was democratic and boys and girls had a right to acquire knowledge

Atharva 14.1.6 Parents should gift their daughter intellectuality and power of knowledge when she leaves for husband's home. They should give her a dowry of knowledge (Atharva Veda).

A Jewish Perspective

By Deborah Weissman

Let me clarify at the outset that as an observant modern Orthodox Jew, I try to integrate commitments both to Jewish law and to human rights. I do not see a necessary contradiction between the two. I would like to take as my basic text the following passage from the *Mishna,* a Rabbinic text compiled at the end of the second century CE:

> *"Therefore but a single person was created in the world, to teach that if anyone has caused a single soul to perish, Scripture imputes it to him as though he had caused a whole world to perish; and if anyone saves a single soul, Scripture imputes it to him as though he had saved a whole world. Again, but a single person was created for the sake of peace among humankind, that none should say to his fellow, 'My father was greater than your father;' […] Again, but a single person was created to proclaim the greatness of the Holy One, blessed is He; for people stamp many coins with one seal and they are all like one another; but the King of Kings, the Holy One, blessed is He, has stamped every person with the seal of the first man, Adam, yet none of them is like his fellow. Therefore everyone must say, 'For my sake was the world created'"* (Tractate Sanhedrin 4:5).

Thus, the Biblical story of the creation of the human being in the image of God (Genesis 1:26) is the basis for the ultimate worth, equality and uniqueness of all people. In this Rabbinic text, ultimate worth is implied in "a whole world"; equality in that we all have the same "father"; and uniqueness, in the metaphor of the coins. My belief in the **equality of all human beings** as created in the Divine Image means for me that any movement that strives to enhance the dignity of human beings—such as, for example, feminism or human rights—I must take very seriously as a religious Jew.

I am also cognizant of the fact that some of the speakers at this gathering will be dealing with actual matters of life and death, such as violence in general and family violence in particular. My topic is far less violent and might even be perceived as the luxury of the relatively privileged. I take this line of criticism seriously as well. But I believe that all our struggles are related on a deeper level, and that we can and must learn from one another.

My academic expertise in this area relates to the question of gender equality within Judaism. I would like to focus on one subset of this question, the question of inequality of educational opportunities for women. My goal in this paper is not only to describe the changes that have taken place within Jewish communities throughout the world, but also to see if there are some general principles we may derive from this study that could be helpful to our sisters in other faith communities.

For Jewish men, education and, specifically, study of our sacred texts, more than just intergenerational transmission of tradition, is one of the primary modes of serving God. The *Mishnah*, for example, in *Peah* 1:1, states, "These are things whose fruits a man enjoys in this world while the capital is laid up for him in the world to come: honoring father and mother, deeds of loving-kindness, making peace between man and his fellow, and the study of Torah is equal to them all."

However, women were exempted by the Rabbis from this important commandment of *Torah* study.[3] Various explanations have been offered to account for this exemption. Some have compared it to the general exemption from certain positive commandments that might interfere with practical considerations for the woman's domestic role in society. A feminist analysis might explain the exclusion as an attempt to exclude women from the centres of power and decision-making in the traditional Jewish community. Beyond that, certain classical religious authorities posited sources of women's inferiority in their inferior cognitive skills or in their inferior moral natures. Positions such as these tend to spawn self-fulfilling prophecies; if you don't educate girls, because you think they are not intellectually suited to learn, then they will never be given the opportunity to develop their skills and understanding.

More critical than the reason for the exemption is the question: "Does being exempt from the study of Torah mean being excluded from it as well?" There were some communities in which it was forbidden to teach Torah to girls from books. But since women must keep many of the commandments, and since if a Jewish wife didn't know anything, it would be difficult for her husband to live with her—for example, to trust her to observe the dietary laws properly in their kitchen—girls had to be given at least a rudimentary education. This could be accomplished informally in the home, through observing what their mothers or other older female relatives were doing. Thus, the norm in most Jewish communities and in most periods of history was that while girls did not generally attend institutions of formal learning, they were also not kept totally ignorant.

Throughout Jewish history, there were some exceptionally learned women, beginning in the Talmud and continuing into modern times. But the big change for the vast majority of Jewish women did not take place until the late 19th and early 20th centuries. This happened partly as women's general, secular education improved, and it was felt that their Jewish education had to keep up with the changes in society. Since I wrote both my master's thesis and my doctoral dissertation on how these changes came about and how they were legitimated within the tradition, I can hardly presume to describe them within the limits of a five-page paper. What I would like to point out is the role of both men and women in bringing about the change. In this case, the change developed from the bottom up, with rabbinic leadership approving of a move on the part of the grass-roots.

We must recognize that there have been some very promising changes just in the last 40 to 45 years, during which there has been an active Jewish religious feminist movement. Certainly great

[3] See, for example, V. Ochs. 1990. *Words on Fire: One Women's Journey into the Sacred.* San Diego: Harcourt, Brace Jovanovich.

strides have been made since the late 1960s or early 1970s, in the Orthodox, Conservative, Reform and other movements within Judaism. At first, the main issues under consideration were those of law and ritual; by the 1990s, issues of theology and liturgy had moved into prominence. Today, even the modern Orthodox are ordaining women as rabbis. All of the movements are emphasizing women's education and women's leadership. There is still an educational gap within certain segments of the Orthodox world, particularly among what we often call the "ultra-Orthodox." But the exceptionally learned women of the past have become far less exceptional.

Many of our faiths have developed in patriarchal societies. We are involved in struggles against patriarchy and for equality. Still, I think that many of us find great strength in the traditional religions or cultures in which we have grown up—they are sources of identity, a sense of belonging and community, and texts and stories and customs and festivals and other cultural artefacts that have become precious to us. And yet sometimes these very artefacts and treasured traditions cause within us a sense of alienation.

I will attempt to propose a five-pronged strategy for Jewish women that my Jewish feminist colleagues and I have been working on for four decades. If this strategy is in some way applicable to other religious cultures, or can at least be useful to our Christian and Muslim sisters, that would be wonderful.

First, among the Jewish traditions that historically were developed almost exclusively by men but have now been appropriated by women is "the **tradition of intellectual pluralism** within the normative *halakhic* (Jewish legal) community fostered by its skeptical approach to truth-claims." Our tradition is one of debate and wrestling with texts. A classic Jewish joke maintains that if you put two Jews in a room, you already have three opinions. The Talmud puts it very well:

> *"These are the sages who sit in assemblies and study the Torah, some pronouncing unclean and others pronouncing clean, some prohibiting and others permitting, some declaring unfit and others declaring fit. But a person might say: How, then, shall I learn Torah? Therefore the text says, all of them 'are given from one shepherd.' One God gave them, one leader proclaimed them from the mouth of the Lord of all creation, Blessed be He […] So you listen with great attention and seek to acquire an understanding heart to grasp the words of those who defile as well as of those who purify, of those who forbid as well as of those who permit, of those who reject as well as of those who accept."*[4]

Thus, we might say that though there is one divine source—the source of Truth with a capital "T"—there may exist several truths on the human level.

Second, most of our religious texts and traditions—and here I mean both Jewish and other—are not monolithic. The Bible, for example, is a polyphonic work. In our study of history and tradition, we should try to pick out **role models from the past**. These can be outstanding women or creative interpretations of sources. By way of example: If we mistakenly assume that opposition

[4] Hagigah 3a-b.

to sexist stereotyping is only a contemporary phenomenon, we have the example of Bruriah in the Talmud to help us understand that this opposition has a rather long history. In at least two cases mentioned in our sources, Bruriah mocks the rabbinic dicta that make light of women and our intellectual capabilities.

Third, women's agency, particularly outside of the home, is enabled through **education**. Never again should the Jewish community squander the talents and abilities of half of its population. The community can ill afford to let go of this leadership potential. The obstacles to women's communal leadership should be studied and identified, and steps should be taken to eliminate them.

Fourth, equality should be seen through **recognition of difference**. We do not all have to be the same in order to be equal. I would like to give as an example of this that bothers me about some of the more liberal movements within Judaism. Traditionally, a boy reached the age of religious majority at 13. This is called a "Bar Mitzvah," "son of the commandment." The traditional age for a girl or "Bat Mitzvah," "daughter of the commandment," has been 12. The reason for the difference is obvious, if one simply looks at a group of 12-year-old boys and girls. On the average, the girls of this age are already young women, while the boys are still boys. Within a year, many of the boys have begun to catch up. With physical maturity comes religious responsibility. In many "egalitarian" Jewish frameworks, girls have a Bat Mitzvah at 13, because that is when boys have a Bar Mitzvah. This non-Orthodox practice of doing the Bat Mitzvah at 13 ignores the blatant differences between the physical growth rates and patterns of the two sexes. It imposes a male-based model on the females.

Fifth and finally, what are we to do with the **negative texts**, that do not seem to admit of any positive reinterpretation? The first thing of course is to admit their existence. I would like to make reference to the work of a great Bible scholar and teacher from Hebrew University, the late Professor Moshe Greenberg of blessed memory. Greenberg was the first Israeli male Bible professor I know of who took a deep interest in feminist scholarship and adapted his syllabi to include feminist perspectives. He was also one of the founders of an interfaith dialogue group in Jerusalem known as the Rainbow, of which I am a member. Several years ago, the theme for the group's discussions was, "Embarrassing Texts in our Respective Religious Traditions." Greenberg opened the year's discussions with an outstanding presentation on the embarrassing texts in the Jewish tradition that relate to non-Jews in a negative light. I would venture a generalization that all of our traditions include certain texts we'd rather they didn't.

So, what are we to do with them? Greenberg himself has suggested, "Even the choicest vine needs seasonal pruning to ensure more fruitful growth."[5] We can bracket them historically, balance them with alternate texts, emphasize others at their expense—but, ultimately, we must also admit that they do exist within our cherished traditions. Jewish educators must invest time and effort in developing ways of dealing with the problematic texts of the Biblical, Rabbinic and

[5] As quoted in S. Fox, I. Schefler and D. Marom, eds. 2003. *Visions of Jewish Education.* Cambridge: Cambridge University Press, p. 145.

later, traditions. Rereading old texts in a new light should not delude us as to their original intent, but as it has in the past, tradition may yet prove rich enough and resilient enough to sustain inventive and contemporary interpretations.

We cannot change the way Jewish women were perceived and the way they lived in the past—but we must change the way they live in the future. This can be done only through contextualizing the past and giving students a way of coping with its difficulties. Changing Jewish education in a direction more sensitive to feminist issues must involve the men as well as the women, the boys as well as the girls. Much more work must be done in rabbinic preparation and in teacher education—both pre-service and in-service training—in order to deal with this challenge.

When Jewish women's historians Paula Hyman and Dalia Ofer wrote a preface to the *Encyclopedia of Jewish Women,*[6] they had this to say:

> *"Believing that knowledge empowers, we were particularly eager to provide this and future generations of Jewish women the tools to become, as much as possible, agents of their own situations. We also recognized the importance of this knowledge for Jewish men."*[7]

I wish to conclude my brief remarks with a quotation from a very pro-feminist man, a historian of American Jewry, Jonathan Sarna of Brandeis University. Not only is he the spouse of someone who is perhaps the pre-eminent Jewish scholar of Christian-Jewish relations today, Ruth Langer of Boston College, but he is also the father of a young woman named Leah who is studying for ordination to the Orthodox rabbinate. He has written:

> *"Orthodox women produced no less a revolution in the late twentieth century than women did in so many other realms, religious and secular alike. By challenging Judaism, they ended up strengthening Judaism. The discontinuities that they introduced into Jewish life worked to promote religious continuity."*[8]

[6] P. Hyman and D. Ofer, eds., and A. Shalvi, associate ed. 2006. *Jewish Women: A Comprehensive Historical Encyclopedia.* Jerusalem: Jewish Women's Archive-Shalvi Publishing.
[7] As quoted in *NASHIM,* no. 14, fall 2007, p. 244.
[8] J. Sarn. 2004. *American Judaism: A History*. New Haven: Yale University Press, p. 344. His footnote directs us to S. B. Fishman. 2000. *Changing Minds: Feminism in Contemporary Orthodox Jewish Life.* New York: American Jewish Committee, pp. 26, 74.

ii. Family and Religious Values

A Muslim Perspective on Challenging the Gap between Text, Interpretation and Praxis

By Zainah Anwar

Diverse perspectives on Islamic realities

Many laws, policies and practices related to families in Muslim contexts are discriminatory and unjust, and need to be changed.

Most Muslim family laws and practices are based on an assumption that men are, and should be, in charge of women. This assumption is encapsulated in two legal concepts that place women under male authority. One is *qiwamah*, which entails a set of fixed rights and obligations in marriage: Husbands have a duty to protect and provide maintenance for their wives; wives, in turn, must be obedient or submissive to their husbands. The other, *wilayah*, refers to the right and duty of male family members to exercise guardianship over their dependent wards (female or male).

Qiwamah and *wilayah* in the sense of male authority over women are not Qur'anic concepts, but were developed through a process of human interpretation of sacred texts based on the cultural norms and understandings of specific jurists in particular times and places.

This centuries-old *fiqh* (Islamic jurisprudence) framework persists in contemporary family laws and practices in most Muslim-majority countries. The core concepts of *qiwamah* and *wilayah* have also led to societal norms that enshrine male superiority and female inferiority within and beyond the family, and thus further contribute to discrimination against women. They directly or indirectly justify many restrictions, discriminations and injustices against women, including:

- Women often do not gain any legal rights from financial contributions to their families or their caregiving work in the family.
- Working women in some contexts do not enjoy the same benefits as their male co-workers because of an assumption that they have the financial support of their husbands or fathers.
- Male guardians can sometimes contract marriages for minor wards, and young women may be coerced into marrying at an early age, which can affect their mental and physical health, education and general well-being.
- Spousal violence against women is often not prohibited outright. Some laws implicitly or explicitly recognize the husband's right to "discipline" a disobedient wife as long it is not "severe" or "harmful" to the wife.
- Rape and sexual violence within marriage are not criminalized because marital sex is considered a husband's right and a wife's duty.
- The practice of polygamy is often unjust to wives and children both financially and emotionally.

- Wives who are ruled to be in a state of *nushuz* (disobedience) can lose their right to maintenance during the marriage and right to claim for arrears in unpaid maintenance after the breakdown of the marriage.
- *Nushuz* can be grounds for male-initiated divorce, which results in women losing the legal right to post-divorce financial dues (e.g., waiting period maintenance or '*iddah,* and the deferred portion of the dower or *mahr*).
- Married women sometimes cannot leave home or travel without their husband's permission. In some cases, women are not able to study, work, obtain travel documents, or travel outside the country without permission.
- Mothers are often given physical custody (*hadanah*) of their children, but cannot hold guardianship (*wilayah*), so they need the guardian's consent for medical treatment, obtaining identity documents, travel, enrolment in or transfer to new schools, etc.
- Many women cannot exercise their right to manage their own property out of real or coerced deference to male family members or as a result of negotiated arrangements with the family.
- Women in some contexts are barred from holding certain positions (e.g., being judges), are prohibited to drive, or are subject to other restrictions under the logic of male guardianship and women's diminished legal capacity.

The gendered rights and obligations created by these two concepts can result in injustice for all family members. Women's basic citizenship rights are diminished, contravening the constitutional guarantees of equal citizenship adopted by almost all modern states. Husbands and fathers can suffer from anxiety when they are unable to undertake the role of the provider/guardian, which can contribute to marital conflicts. All of these negatively affect children and harm the well-being of the entire family.

This model of male authority and female submission contradicts contemporary notions of justice and human rights norms, and cannot be justified on religious grounds. In addition, it is inefficient and unworkable given present day economic and social realities. Many men are unable or unwilling to protect and provide for their families. Women often serve as the protectors of their families, provide essential income for their families and contribute through unpaid labour.

It can be deduced therefore, that protecting the family requires acknowledging, examining and addressing the structural and institutional inequality, discrimination and abuses within family laws and practices that persist until today.

Discriminatory laws, even if based on religion or culture, can be changed to ensure equality and justice for all individuals within the family.

Concepts like *qiwamah* and *wilayah*, developed centuries ago in vastly different times and circumstances, no longer respond to the needs, experiences and values of Muslim women and men today. But the idea of changing laws and practices that are rooted in religion or culture is often met with resistance. In the case of Muslim family laws, however, there are a variety of theories and methods within Islamic jurisprudence that can be used towards reform.

- There is a distinction between *Shari'ah*, the revealed way, and *fiqh*, the human effort to derive rulings from the *Shari'ah*. Much of what is deemed to be "Islamic law" today is *fiqh* and not divine law, and therefore is human, fallible and changeable.
- Muslim jurists have always considered legal rulings related to marriage and family as social and contractual matters (*mu'amalat*) rather than spiritual or devotional matters *('ibadat*). As such these rulings have always been open to consideration and change.
- Diversity of opinion has always been accepted and celebrated in Islamic legal thought, and this led to the growth of multiple schools of law. The fact that different Muslim countries have different Muslim laws demonstrates that there is no unified, monolithic "divine" law. We must recognize that contemporary codified laws are not God-given, but were adopted by humans serving in legislatures or committees, and can therefore be changed by humans to be more just and equal.
- Laws or amendments introduced in the name of *Shari'ah* and Islam should reflect the Islamic values of equality, justice, love, compassion and mutual respect for all individuals and among all human beings, which corresponds with contemporary human rights principles.

It is vital to consider the possibilities for achieving equality and justice within family laws and practices, and to advise governments that such reform is both necessary and possible.

Diverse institutional realities

First, religious institutions in most Muslim-majority countries are dominated by conservative patriarchs, still steeped in the discriminatory classical legal framework and ideological belief that Islamic law is divine law that cannot be changed

Second, there is a lack of political will at the national leadership level to push for reform towards equality and justice for women, even when relatively more open-minded leaders are in decision-making positions.

Third, there is growing conservatism within several social contexts, occurring alongside the politicization of religion, itself happening in order to win popular support and increase the legitimacy of political actors.

Fourth, there is a clear rise in the phenomenon of non-state actors with the capacity to mobilize young actors, using race and religion against progressive groups.

At the same time, there is a growing awareness in civil society of how much is at stake. More people are speaking out, especially in social media and online newspapers, challenging the dominant patriarchal misogynistic narrative.

Challenges of linking religion with human rights

In order to showcase these challenges, here is a brief overview of the key findings from Musawah's research on "CEDAW and Muslim Family Laws: In Search of Common Ground":[9]

Fifty-seven countries from among the members of the Organisation of Islamic Cooperation have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), except Iran, Sudan and Somalia. Twenty-eight have ratified with reservations.

The most commonly reserved article is Article 16 on marriage and family relations. All 28 countries reserved all or parts of Article 16; Article 9 on equal right to nationality of children; Article 5 on modifying social and cultural patterns; and Article 2 on taking all appropriate measures to eliminate discrimination, e.g. repeal laws, customs, etc.

Examples of reservation language:

- ***Egypt***: Reservations to Article 16…*without prejudice to the Islamic Sharia's provisions whereby women are accorded rights equivalent to those of their spouses so as to ensure a just balance between them*; *[…] out of respect for the sacrosanct nature of the firm religious beliefs which govern marital relations in Egypt and which may not be called in question […]; equivalency of rights and duties […] ensure complementary which guarantees true equality between the spouses.*
- ***Iraq****:* Reservation on Article 16 *shall be without prejudice to the provisions of the Islamic Shariah according women rights equivalent to the rights of their spouses so as to ensure a just balance between them.*
- ***Kuwait****: not bound by provision of Article 16(f) inasmuch as it conflicts with the provisions of the Islamic Shariah, Islam being the official religion of the State.*
- ***Malaysia****: [A]ccession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic Sharia' law and the Federal Constitution of Malaysia.*
- ***Maldives****: Article 16 (whole article) will apply without prejudice to the provisions of the Islamic Sharia, which govern all marital and family relations of the 100% Muslim population of the Maldives.*

Justifications for non-compliance during the constructive engagement process before the CEDAW Committee include:

- ***Shari'ah*** **is the principal source of law defining rights, duties and responsibilities of men and women.** Explicit or implicit view that Islamic law is unitary and fixed in content, and cannot be changed. For example, ***Egypt****: Islamic law "is a settled matter."*
- **Cannot implement if inconsistent or in conflict with Islam/*Shari'ah*.** Most countries state their laws cannot be changed as that would "transgress the Islamic shariah." For example, ***Pakistan***: *No law could stand if inconsistent with basic law in the Qur'an, which*

[9] See: www.musawah.org/cedaw-muslim-family-laws-search-common-ground.

provided the basis for Pakistan's traditional respect for women and protection of their rights.

- **Islam provides sufficient or superior justice for women.** For example, ***Pakistan****: "There was no need to be concerned about any conflict between the Convention and Muslim principles, as Islamic law provided even more effective protection of women's rights than the Convention.* ***Bahrain:*** *"Islamic Shariah, which is an integral system, achieves true equality between women and men based on justice that transcends the demand of formal or numerical equality."* ***Saudi Arabia****: Qur'an and Sunnah… "contain unequivocal rulings in favour of non-discrimination between men and women, desiring that women enjoy the same rights and duties on a basis of equality."*
- **Complementarity of rights between men and women does not constitute discrimination**. For example, ***Egypt, Malaysia, Pakistan and United Arab Emirates:*** *A man is responsible to support his family, whereas a woman has no such obligations*. ***Egypt***: *A man is obligated to pay alimony, not a woman.* ***Bahrain****: Even if a brother and sister divided inheritance equally, the brother is still obligated to financially support his sister.*

The dream: what religious discourse will look like in 10 years

Given these challenging realities, and taking into account the myriad efforts organizations and actors such as Musawah undertake, below are the parameters of an emergent alternative rights-based discourse on Islam that would dominate the public space and feed into the international human rights system:

- A global discourse that upholds equality and justice for women living in Muslim contexts, and recognition of the possibility and necessity of reform in Islam.
- The recognition that what is regarded today as Islamic law, and supposedly divine and unchangeable, is in fact human-made law, fallible and adaptable to changing times and circumstances.
- The recognition of the diversity of voices within the Muslim community; some segments of society might not want change, but others want change. Whose voice do governments and the international human rights system accord legitimacy and listen to? This is what political will—including the voices and aspirations of women jurists and theologians and human rights actors determined to affirm their faith knowledgeably—will ultimately determine.
- An open and inclusive public dialogue on Islam and women's rights within Muslim societies, with States Parties in the treaty body system, and within the international and regional human rights systems.
- The recognition that when religion is used as a source of law and public policy, everyone has a right to speak out on how the religion is understood, practised and codified into law that makes sense to the realities of families, and women's and men's lives today. Religion as it intersects with law and gender is not the sole preserve of the *ulama* class.

Catholic Approaches to Gender Equality, Human Rights and the Family

By Julie Clague

Across Christianity, there exist attitudes, beliefs and practices that undermine Sustainable Development Goal (SDG) 5 on gender equality, and that are in conflict with fundamental human rights. In what follows, we will: (i) explore the nature of global Christianity; (ii) examine Christian approaches to gender equality and the family, and ask how Christianity continues to attract liberal and conservative women; (iii) unpack Catholic teaching on human rights; and (iv) examine the "Pope Francis effect" through the failure of the Synod on the Family.

The context: understanding global Christianity

Christianity is the great survivor. As the world's largest religion, its power, resilience and plasticity have allowed it to flourish for 2000 years. Christianity has an astonishing ability to adapt to circumstances, accommodate new ideas, embed itself across cultures and reinvent itself in every new era. Richly varied and versatile, its many faces enable it to appeal to widely divergent constituencies. Christianity is a religion of the good, the bad and the ugly, of the oppressor and the oppressed, the powerful and the vulnerable, the successful and the struggling, women and men, black and white, rich and poor, liberal and conservative, fascist and communist. Christianity is a religion of contradictions and paradox.

One in three of the world's people are Christian (2.2 billion adherents). While it is in decline in the global North, there is burgeoning growth in the global South. Sixty per cent of Christians (1.3 billion) are based in the global South; 40 per cent (0.85 billion) are based in the global North.

By denomination or movement:[10]

- Roman Catholics (1.1 billion)
- Protestants (0.8 billion)
    - Anglican
    - Lutheran
    - Methodist, etc.
- Eastern Orthodox (260 million)
- Other (28 million)
    - Seventh Day Adventists
    - Jehovah's Witnesses
    - Latter Day Saints, etc.
    - Trans-denominational and non-denominational movements
- Evangelicals (285 million)
- Pentecostals/charismatics (585 million: mainly Protestants, some Roman Catholics)

[10] See: www.pewforum.org/2011/12/19/global-christianity-exec/.

Linda Woodhead's three-fold typology comprises:[11]

- Church Christianity (Roman Catholic, Orthodox and many Protestant churches)
- Biblical Christianity (some Protestant churches, the evangelical movement)
- Spiritual/mystical Christianity (Pentecostals/charismatic Christians)

Christianity's diversity and cross-cultural variation makes it difficult to generalize about how different groups of Christians respond to questions of gender equality, human rights and woman's role in the family. Liberal/progressives and conservative/traditionalists are found in all regions and in most denominations. Biblical Christians and Pentecostals tend to be conservative.

Christian approaches to gender equality and the family: Why do women stay Christian?

Despite the mixed messages found about marriage and family in the Bible and Christian tradition, Christianity today presents "the family" as a divinely ordained means to human flourishing and the fundamental unit of society. The role of parent (especially motherhood) is praised as a central Christian responsibility. Too often, the *idea* of family takes precedence over Christian support for families and family members in crisis. Women, especially, have been sacrificed at the altar of the idealized Christian family. In various ways, Christianity has "co-opted and colonized" marriage and family to reinforce and strengthen the Christian message. Christianity needs the family, not least because Christian families promote the survival of Christianity.

In a world of gender equality, the Bible is a problematic text. As Linda Woodhead states: "Nowhere in the Bible is it clearly and unambiguously stated that women and men are of equal dignity and worth, that women should never be treated as men's inferiors, that the domination of one sex by the other is a sin, or that the divine takes female form."[12] In a world of gender inequality, the Bible and its injunctions can offer powerful support to patriarchal culture and male domination.

Christianity teaches the equality of females and males. However, sexual difference plays a far greater role in shaping Christian theology and Christian approaches to sex and gender than sexual equality. Christian emphasis on the complementarity of the sexes (as "equal but different") is frequently used to reinforce gender-specific roles that leave patriarchal cultures and male dominated churches intact.

Gradually, women have recognized the patriarchal character of Christianity and its images of God, and the influence of this in perpetuating gender inequality in the Church and wider society. Mary Daly, the most important feminist critic of Christianity, wrote: "If God in 'his' heaven is a father ruling 'his' people, then it is in the 'nature' of things and according to divine plan and the order of the universe that that society be male-dominated…if God is male, then the male is God."[13]

[11] L. Woodhead. 2004. *Christianity: A Very Short Introduction*. Oxford: Oxford University Press.
[12] Ibid., p. 129.
[13] M. Daly. 1973. *Beyond God the Father: Towards a Philosophy of Women's Liberation*. Boston: Beacon, pp. 13 and 19.

What do women get out of conservative Christianity? Many female Christians accept male headship in the family and male leadership in church. In this arrangement, women gain respect by taking charge of the domestic sphere. Men may rule, but they may also care for and protect their wives. Female-only spaces (such as Bible/prayer groups) can offer mutual support.

Woodhead wrote: "Though Christianity endorses male power, it cautions that it must be exercised in a 'fatherly' way by serving God and others rather than the self. […] [N]one of the markers of machismo – sexual, material, physical, and political dominance – are given unequivocal support in the Christian tradition, whilst the 'womanly' virtues of love, gentleness, obedience, and self-sacrifice receive more explicit endorsement."[14]

Woodhead also wrote: "If Christianity seeks in some ways to 'unman' males, by the same token it has much to offer women. Women benefit in two ways: first, by the restraint that appeal to Christian values may place on the unbridled exercise of male power; and second, by the recognition and affirmation of the value of typically feminine roles, virtues, and dispositions. […] Women with children have much to gain from an institution like the church that supports the family, exalts the domestic role, offers support and companionship in the task of rearing and educating children, and, once children have left home, can find other caring roles for women to perform."[15]

For some women, like Daly, who left the Church, Christianity is irredeemably patriarchal. Other women—especially those in liberal Christianity—stay because they believe that, despite the patriarchal heritage of Christianity, Christian beliefs and practices are (or can be made) compatible with the moral and social humanitarian values of the modern world (equality, justice, etc.). Woodhead said: "Of the many threats that Christianity has to face in modern times, gender equality is one of the most serious, though perhaps the most underestimated by the churches. […] An obvious consequence of the churches' continuing failure to support gender equality—in practice if not in theory—is the alienation of women and men sympathetic to the ideal."[16]

Woodhead noted: "The success of Christianity across the centuries may lie, in part, in the delicate balance it has managed to maintain between male and female interests. […] By appealing to greater numbers of women than to men, but in retaining and supporting male control, it may have achieved the best possible outcome in the male-dominated societies of which it has been an integral part."[17]

Woodhead wrote: "Outside the West…where full gender equality wins far less support, Christianity's delicate balancing act continues to prove effective. One might say that Christianity is most successful as a 'woman's religion' when it finds itself in a 'man's world' – a world it helps to reinforce, whilst ameliorating its excesses."[18]

[14] Woodhead, 2004, pp. 135-136.
[15] Ibid., pp. 136-137.
[16] Ibid., pp. 141, 143.
[17] Ibid., p. 145.
[18] Ibid.

Unpacking Catholic teaching on human rights

In common with other philosophies of human rights, Catholicism bases its understanding of human rights around the foundational concept of the dignity of the human person.

Catholicism does not regard the person as just a "free agent," making autonomous choices about their well-being. There are more strings attached.

For Catholicism, the person has various relational and social roles and responsibilities, which require the fulfilment of duties. Our social nature creates a network of interconnected rights and responsibilities.

For Catholicism, persons are created by God as embodied and gendered subjects. A person's 'bodiliness' (i.e., biological sex and human sexuality) imposes responsibilities, limitations and restrictions at the same time that his or her very personhood confers rights and freedoms. In Catholic teaching, the person cannot create herself or himself anew; one is never fully free of the determining qualities of body, gender and sexuality. These impose moral constraints on behaviour and constitute an indelible imprint on persons that cannot be erased at will. These biological givens of sex and sexuality determine one's rights; for example, the right to marry applies to one man and one woman; the right to found a family applies to husband and wife. This approach attracts strong support in Africa, where family ties and social roles are the bedrock of communitarian forms of social life, and matters of gender and sexuality remain centrally important in the construction of social meaning and identity.

Thus, the *Compendium of the Social Doctrine of the Church* states: "'Male' and 'female' differentiate two individuals of equal dignity, which does not however reflect a static equality, because the specificity of the female is different from the specificity of the male, and this difference in equality is enriching and indispensable for the harmony of life in society" (n. 146).

The following three rights are the ones defended most vociferously by Catholicism:

- The right to life (abortion, euthanasia)
- The right to marry and found a family (one husband, one wife)
- The right to religious freedom

The right to religious freedom has gained importance for the following reasons:

- Because of increasing violence against Christians in various parts of the globe.
- In response to equality laws across Europe, where implementation of the European Convention on Human Rights has generated conflicts between Catholics and other groups (such as lesbian, gay, bisexual, transgender, queer or LGBTQ persons).
- To guarantee Catholics the right to object on "religious conscience" grounds to participation in activities contrary to Catholic beliefs/principles.
- To allow Catholic institutions to discriminate in favour of hiring employees in sympathy with Catholicism.

The *Compendium* (n. 155) contains the following statement of rights:

> *"[T]he right to life, an integral part of which is the right of the child to develop in the mother's womb from the moment of conception; the right to live in a united family and in a moral environment conducive to the growth of the child's personality; the right to develop one's intelligence and freedom in seeking and knowing the truth; the right to share in the work which makes wise use of the earth's material resources, and to derive from that work the means to support oneself and one's dependents; and the right freely to establish a family, to have and to rear children through the responsible exercise of one's sexuality. In a certain sense, the source and synthesis of these rights is religious freedom, understood as the right to live in the truth of one's faith and in conformity with one's transcendent dignity as a person."*

Pope Francis and the Synod on the Family

In October 2015, the Synod of Bishops in Rome discussed pastoral issues facing families. Pope Francis said the Synod "was about urging everyone to appreciate the importance of the institution of the family and of marriage between a man and a woman, based on unity and indissolubility, and valuing it as the fundamental basis of society and human life."[19]

The Synod stated that "some cultural and religious contexts pose particular challenges":

- "In some places, polygamy is still being practiced and in places with long traditions, the custom of 'marriage in stages'. In other places, 'arranged marriages' are an enduring practice."
- "A great number of children are born outside marriage, many of whom subsequently grow up with just one of their parents or in a blended or reconstituted family."
- "Fathers who are often absent from their families not simply for economic reasons need to assume more clearly their responsibility for children and the family."
- The sexual exploitation of children is a "scandalous and perverse reality."
- "Societies experiencing violence due to war, terrorism or the presence of organized crime are witnessing the deterioration of the family, above all in big cities, where, in their peripheral areas, the so-called phenomenon of 'street-children' is on the rise."
- Migration has "onerous consequences" on family life.
- "In western countries, the empowerment of women requires a rethinking of the duties of the spouses in their reciprocity and common responsibility towards family life."

On women, the Synod described the "emancipation of women" and better recognition of the rights of women and children across cultures as "positive" developments. However:

- "[T]he status of women in the world differs to a notable degree, primarily as a result of cultural factors."

[19] Speech closing the Synod.

- "The dignity of women still needs to be defended and promoted. In fact, in many places today, simply being a woman is a source of discrimination and the gift of motherhood is often penalized rather than esteemed."
- "Not to be overlooked is the increasing violence against women, where they become victims, unfortunately, often within families and as a result of the serious and widespread practice of genital mutilation in some cultures."
- "In developing countries, the exploitation of women and the violence done to their bodies and the tiring tasks imposed on them, even during pregnancy, are oftentimes compounded by abortion and forced sterilization, not to mention the extreme negative consequences of practices connected with procreation (for example, a womb 'for rent' or the marketing of embryonic gametes)."
- "Sterility in a woman, according to a prejudice in different cultures, is a condition which brings social discrimination."

The Synod described abortion as "a tragedy," stating that Church institutions "provide counsel to pregnant women, support to single, teenage mothers and assistance to abandoned children, and are close to those who have suffered through abortion."

Remarking on declining birth rates, the Synod stated: "Openness to life is an intrinsic requirement of married love." However, speaking in January 2015, Francis said: "This does not signify that the Christian must make children in series…God gives you methods to be responsible. Some think that - excuse the word - in order to be good Catholics we have to be like rabbits. No."[20] Referring to the Roman Catholic ban on contraception, the Synod placed strong emphasis on the role of conscience. It is noteworthy that countries with large Roman Catholic populations such as the Democratic Republic of the Congo and Uganda, which have high fertility rates (around six children born per woman) and low availability of modern methods of family planning, have the world's highest Catholic approval rates of the Roman Catholic ban on contraception (around 50 per cent).

On LGBTQ issues, Francis says, "Who am I to judge?" The Synod swept LGBTQ issues under the carpet, due to the ideological gulf between conservative African and more liberal European bishops. The Synod condemned discrimination against LGBTQ people. However, compared to heterosexual marriage, the official line is that gay relationships are—at best—second best.

What emerged during Synod debates is a moral and cultural gulf between liberal and conservative bishops. The cultural context of the bishops can be significant; many African bishops are conservative. Francis said: "[W]hat seems normal for a bishop on one continent, is considered strange and almost scandalous – almost! – for a bishop from another; what is considered a violation of a right in one society is an evident and inviolable rule in another; what for some is freedom of conscience is for others simply confusion. Cultures are in fact quite diverse."[21]

[20] See: http://ncronline.org/news/francis-lambasts-international-aid-suggests-catholics-should-limit-children.
[21] Speech closing the Synod.

Francis criticized bishops who “judge, sometimes with superiority and superficiality, difficult cases and wounded families” and those “who would ‘indoctrinate’ [the Gospel] in dead stones to be hurled at others.”

Francis is genuine about creating a more merciful, more compassionate and less “hardline” Roman Catholic Church: “The Church’s first duty is not to hand down condemnations or anathemas, but to proclaim God’s mercy, to call to conversion, and to lead all men and women to salvation in the Lord (cf. *Jn* 12:44-50).”[22]

Francis has made a number of statements criticizing “gender theory” and “gender ideology”:
“Allow me to call your attention to the value and beauty of marriage. The complementarity of man and woman, the pinnacle of divine creation, is being questioned by the so-called *gender ideology*, in the name of a more free and just society. The differences between man and woman are not for opposition or subordination, but for communion and generation, always in the ‘image and likeness’ of God.”[23]

Despite its focus on the family and “women’s issues,” the Synod had only a handful of female participants. Catholicism lacks mechanisms to ensure the full inclusion and participation of lay Catholics in decision-making processes. Rome appears incapable of developing such participatory frameworks in the Church. Strong advocacy is required to press for change.

[22] Ibid.
[23] See: https://w2.vatican.va/content/francesco/en/speeches/2015/june/documents/papa-francesco_20150608_adlimina-porto-rico.html.

Swedish, Dominance and Woman

By Madeleine Fredell

Introductory note

Swedish-born and fully embracing Swedish gender equality policies, and at the same time being Catholic and a Dominican religious sister is sometimes to live in a continuous contradiction. Brought up by parents who encouraged me to become whatever I liked and in the ecclesial context after Vatican II, when everything was possible, has given me an unusual freedom of thought and action. Trained as a teacher in classics, having an exam in Biblical studies from Paris, theological studies in Uppsala and a master's in contemporary theology from London has taught me the ecclesial language of life, but also the conviction that I do not need to sign every statement of the Catholic Church but rather to scrutinize them. It is important to understand this background to what follows.

Present religious readings/perspectives on gender equality

The Roman Catholic Church has acknowledged the full equality, expressed as equal dignity, between men and women since the Second Vatican Council (1962-1965). In various official documents, the promotion of women in society and culture has been underlined and encouraged. All kinds of ill treatment of women have been denounced, including domestic violence, prostitution and trafficking. Rape, sexual abuse and harassment of women have been addressed generally but there is still a lot to do on local levels.

In the Catechism of the Catholic Church (1992), it is stated that discrimination against persons with a homosexual orientation "should be avoided."[24] Also, according to the Catechism, homosexual persons are supposed to live a celibate life. However, in many local parishes civil unions are accepted in practice, which leads to a rather arbitrary situation even within one and the same diocese.

The concept of "gender" has been and still is to a large extent impossible to use within an ecclesial context. According to the final document of the 14th Ordinary General Assembly (4-25 October 2015) of the Synod of Bishops, on the theme "The Vocation and Mission of the Family in the Church and in the Modern World"[25] (Synod15), "gender" is talked about in terms of "ideology" denying "the difference and natural mutuality of man and woman."[26] It is said to promote "a

[24] § 2358.
[25] There is no official English translation of the final document as of 15 November 2015.
[26] § 8.

personal identity and affective intimacy radically separated from the biological difference between masculine and feminine" and reduces the human identity to "individual choice, which can even be changed in time."[27] Officially, the Catholic Church accepts as its anthropological base only a heterosexual man and woman, while lesbian, gay, bisexual and transgender (LGBT) persons are talked of as "persons of homosexual inclinations," and unions between homosexual persons are totally denounced.[28] Not talking of LGBT people as such can easily make persons invisible, and weaken their legal rights and social acceptance in some countries.

Even if the Catholic Church acknowledges the equal dignity of man and woman in general, there is also an emphasis on the differences between man and woman. This is due to the anthropological vision of the complementarity between the sexes, developed by Pope John Paul II, and still used as an epistemological ground for all statements on equality in general and on women in particular. A slight change of language can sometimes be noticed today when complementarity is interchanged with mutuality or reciprocity.

Expounding the interpersonal communion between man and woman, John Paul II glides more or less imperceptibly to what is specifically masculine or feminine, and ascribes a divine authority to his statements: "… there develops in humanity itself, in accordance with God's will, the integration of *what is 'masculine' and what is 'feminine'*," *Mulieris Dignitatem*.[29] This also leads to a special "feminine originality," sometimes also expressed as "feminine genius."[30] In § 8 of *Mulieris Dignitatem,* we read that, "In the name of liberation from male 'domination', women must not appropriate to themselves male characteristics contrary to their own feminine 'originality'. There is a well-founded fear that if they take this path, women will not 'reach fulfilment', but instead will *deform and lose what constitutes their essential richness*. […] The personal resources of femininity are certainly no less than the resources of masculinity: they are merely different." Women are always talked of as "different" in ecclesial documents. In the Catechism § 2333 the complementarity is also emphasized.

In Synod15, we find two separate paragraphs on "woman," § 27, and on "man," § 28. There it says that the woman "plays a dominant role in the life of the person, the family and society" and an emphasis is put on her role as mother. It is as if a woman is only defined as a mother and that other parts of her personality are of less or even no importance. The main role of the man is also placed within the context of the family, however, with a totally different accent: "The man plays an equally decisive role in the life of the family, particularly in the protection and support of the wife and children." Indirectly, this says that the home is the sphere of the woman, and that the self-realization of the man lies in an external activity, albeit to support the wife and the children. Synod15 disregards the fact that every person, woman and man, has several vocations in life; being a father and a mother is but one of them. Both women and men have to develop a professional role as well. Both fathers and mothers should have equal responsibilities for bringing

[27] § 8.
[28] § 76.
[29] § 7.
[30] § 31.

up children and for developing a professional career and a social life outside of the family. There can be many social and economic incentives to help partners realize this.

During the last 5 to 10 years, the discourse on women has changed, albeit not to the extent needed. Pope Francis' talk about a "theology of woman" is strongly criticized by many women theologians. What is needed is a fresh theological anthropology done by women and men together. The hierarchy is still nervous about everything "feminist" whether in a social, theological or ecclesial context. In Synod15 we read, "Also to be mentioned is a certain vision of feminism, which denounces maternity as a pretext for the exploitation of a woman and a barrier to her full realization." This shows quite clearly that the main role, if not even the only one, ascribed to women is that of being a mother. That is the full realization of a woman. The same is not said about the man, that his full realization is being a father. Once again the professional and social role of a woman is not considered.

The present theology of womanhood by mainstream hierarchy can be summarized in the following points below. They are definitely not embraced by all Catholic women, still less by women theologians, but they represent the general view in ecclesial writings that are only produced by men:

- Women and men are equal in dignity.
- Women's characteristics come from their femininity: tenderness, care, humility, patience, sensitivity and understanding.
- Women are fulfilled by motherhood (biologically and/or spiritually).
- Women's most important role is within the family context.
- Women should have jobs that suit their nature and their main responsibility in the family.

Religious readings/perspectives on gender-based violence

The Catholic Church denounces all kinds of gender-based violence. However, there are some issues that are not receiving the attention they deserve today. These include, for instance:

- Rape and sexual abuse within marriage and families
- Sexual harassment
- Forced marriages taking place not only in poor countries and cultures prone to this phenomenon, but also in the West among groups coming from these countries
- Honour killings within families mainly from the Middle East
- "Virginity controls" mainly forced on young girls and women from the Middle East

Most women who are victims of the above-mentioned violence will probably receive good pastoral care if they turn to the right person in their respective parishes. But there is a lot of shame covering these abuses, and young women do not always have the courage to come forward. This will only happen when society at large and all religious denominations take this seriously and openly denounce it with a strong voice. From a Catholic point of view, we need the hierarchy to speak up with a louder voice on these issues.

Religious readings/perspectives on family

There were quite a lot of expectations of the Synod in 2015, but the result seems to be quite disappointing so far. The final document, voted by the bishops, is not the final word, though, as Pope Francis will write an apostolic exhortation as a conclusion. Some steps forward have been taken either by the Synod or by the Pope just before its opening. These are:

- The annulment process has been changed for the better and decentralized, which also means allowing for differences of diverse national and cultural contexts.
- An opening has been made for Catholics who have gone through a civil divorce and remarried in order to make it possible for them to receive the sacraments.
- During the year of mercy proclaimed by Pope Francis and starting on 8 December 2015, it will be possible for women who have had an abortion to obtain absolution in confession. This has already been the regular procedure in the Nordic countries and on the territory of the Bishops' Conference of England and Wales.
- Issues such as cohabitation, homosexuality, polygamy and many others have been addressed in a new way albeit without any changes to the doctrine or official praxis of the church.

The biggest challenge with the Catholic Church's teaching on the family is that its official view is still focused on the nuclear family of mother, father and child, and this within a homogenous society. It is the image of the ideal family of the industrial society in the West, but hardly the reality any longer anywhere.

Issues I feel should be addressed by the church include:

- Different constellations of a family must be dealt with and accepted—people live together for a host of reasons, mainly economic, but also emotional ones.
- We live in a mobile society with relatively open borders, at least in the West, which leads to change of workplaces for shorter or longer periods for one or both of the parents in a family.
- As people live longer and have better health, the parents will have several years together as only a couple, after the children have moved out, and a pastoral praxis is needed for this time in life.
- Families with parents of same sex orientation must be accepted and welcomed into the Church in order not to stigmatize their children.
- As most people have lived in cohabitation before receiving the sacrament of matrimony in the Catholic Church, this kind of family must also be integrated as an accepted way of living.

There are two dynamics concerning "the family" that the Catholic Church could take into account. First, in order to strengthen the equality between men and women, the Catholic Church should encourage states to introduce parental leave insurance. Research has shown that this leads to better equality between the partners, better professional opportunities and career possibilities for

both of them, and also to a better working climate in companies. Studies also show that especially girls have better results in mathematics and science later in life if they have been brought up by their fathers during their first years of life.

There are several biblical texts that could be used for a fresh view on the family, but which are rarely quoted. In Marc 3:31ff (and parallels in Matt and Luke), Jesus clearly breaks up the biological family bounds when referring to all those who are listening to and doing the will of God as his sisters, brothers and mother. The Christian community was never meant to be just a relatively modern nuclear family. The friendship communion described in the Johannine corpus is equally important as encompassing a mutual interdependence.

Religious readings/perspectives on sexual and reproductive health and rights

Synod15 does not directly condemn the use of artificial contraceptives. However, the final document describes artificial contraceptives as a mentality going together with an abortion mentality.[31] The document notes issues of industrialization, fear of overpopulation, economic problems and the sexual revolution, and allegedly contributing to a declining birth rate. Sweden has shown that a generous parental leave insurance and labour regulations that guarantee your job after giving birth can increase the birth rate. Studies have also shown that access to free contraceptives leads to fewer abortions. Moreover, reliance on natural family planning alone is creating havoc in poor countries, where women already live under patriarchal structures and in poverty. There are women who are dying every day as a result of either clandestine abortions or lack of basic medical care during pregnancy and delivery.

Today, the Catholic Church does not allow a married couple to go through in vitro fertilization to get pregnant. The reason is the same as above, the natural law or natural behaviour, i.e., it is prohibited as it is a procedure that takes place outside of the marital union. On the other hand, we must recognize and emphasize the Church's denunciation of exploiting a person's body for commercial purpose.

What are the diverse (religious) institutional realities around gender equality?

In spite of the Catholic Church's underlining of the equal dignity of woman and man, there is quite an overwhelming male leadership in the Catholic Church's institutions. This is mainly due to the fact that the decision-making processes are linked to clerical ordination. The Magisterium of the Catholic Church has the prerogative of interpretation of doctrinal and moral issues. However, according to Vatican II, it is obliged to listen to the *sensus fidei*, the common sentiment of the faithful, to exercise this prerogative of interpretation in an authoritative way.

There was a first try to do this in a structural way in view of the recently held two Synods on the family in 2014 and 2015. The Secretariat of the Synod put together questionnaires and sent them

[31] § 7.

to the bishops' conferences all over the world in order to spread them further to the dioceses and ordinary Catholic faithful. Some would say that the questionnaires were unsuccessful as some bishops found it challenging to understand the implications of the questions. But being the first time ever that ordinary people could share their opinions on issues that were their everyday concern was a success as it kindled open debates within local churches. We do not know if the answers had any kind of effect on the deliberations during the Synods, but the Church has become a place where people dare to express their opinions without being denounced or silenced.

The Magisterium is still holding on to its prerogative of interpretation not even allowing academic theologians to share a right of interpretation even if they are frequently consulted on specific issues. However, as long as the door to ordination will remain closed to women, the interpretation of the doctrine of the church will always be biased. There is a presence, albeit very small and fragile, of women in different councils and secretariats within the Roman curia. Not a single woman upholds a post of real decision-making and power, but a handful of women have some influence.

That ordination and power go together became particularly evident at the Synod15, where only men had the right to vote on the final document. All of them were ordained except for one religious brother. Only a small number of women took part in the Synod as *auditores*.

Pope Francis has promised change on the institutional point but nothing has been realized so far. Instead, he has warned women of careerism in the Church.

There are many networks, organizations and conferences working to find ways of making women's voices heard in the Catholic Church. Women theologians have been working on change of structures as well as on a new theological discourse since the Second Vatican Council. In my opinion, very little has been obtained on a structural and institutional level. On the other hand, all these women are each day adding new insights, new language and new praxis to the tradition of Christian thought, doctrine and life. And we must not forget that the Church has always been a mirror of the surrounding society. This means that social and political work is urgently needed as well, in order to realize full equality between the sexes.

CEDAW and Muslim Family Laws Glocally: Interaction and Common Ground

By Marwa Sharafeldin

Musawah[32] research objectives are:

- To understand States Parties' religious-based justifications for failure to comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and
- To share an alternative approach that constructs arguments based on Islamic teachings, human rights, constitutional guarantees of equality and social realities.

The most common articles of CEDAW to which reservations are made:

- Article 16 on marriage and family relations; all 28 countries that have made reservations did so on the whole or parts of Article 16.
- Article 9 on the equal right to nationality of children
- Article 5 on modifying social and cultural patterns
- Article 2 on taking all appropriate measures to eliminate discrimination, e.g., to repeal laws, customs, etc.

Examples of State Parties' approaches (derived from government reports)

Shari'ah is the principal source of law defining rights, duties and responsibilities of men and women. Existing explicit or implicit views that Islamic law is unitary and *fixed* in content are predominant. For instance, in Egypt: Islamic law is often noted, in all circles, legal and social, as "a settled matter."

CEDAW cannot be implemented if it is inconsistent or in conflict with Islamic law/*Shari'ah.* Most countries state their laws cannot be changed as that would "transgress the Islamic shariah." For instance, in Pakistan, no law could stand if inconsistent with the basic law in the Qur'an, which provides the basis for Pakistan's traditional respect for women and protection of their rights. Islam provides sufficient or superior justice for women when compared to CEDAW.

Complementarity of rights and duties between men and women is often used to justify different treatment because of *obligations* expected of men. Pakistan: "There was no need to be concerned about any conflict between the Convention and Muslim principles, as Islamic law provides even more effective protection of women's rights than the Convention."

[32] Musawah ("equality" in Arabic) is a global movement for equality and justice in the Muslim family. It was launched in February 2009 at a global meeting in Kuala Lumpur, Malaysia attended by over 250 women and men from some 50 countries from around the globe. Musawah is pluralistic and inclusive, bringing together NGOs, activists, scholars, legal practitioners, policy makers and grass-roots women and men from around the world. The movement is led by Muslim women who seek to publicly reclaim Islam's spirit of justice for all, using a holistic framework that integrates Islamic teachings, universal human rights, national constitutional guarantees of equality, and the lived realities of women and men.

Bahrain: “Islamic Shariah, which is an integral system, achieves true equality between women and men based on justice that transcends the demand of formal or numerical equality.” While yet another from Malaysia: “Islam is the key to women’s emancipation and liberation.”

According to the justifications provided by States Parties, there are obligations imposed on men, including the following:

- A man is responsible to support his family, whereas a woman has no such obligation (Egypt, Malaysia, Pakistan, United Arab Emirates)
- A man is obligated to pay alimony for a year, not a woman (Egypt)
- Even if brother and sister divided inheritance equally, the brother is still obligated to financially support his sister (Bahrain)

Culture, customs, or traditions prevent full implementation of CEDAW. Thus change is difficult and takes time. For instance, in the Maldives, amendments were envisaged, but impeded by the socio-cultural and political situation, and current interpretation of *Shari’ah* on matters relating to polygamy.

Respect for minority Muslim rights prevents full implementation. Discriminatory laws are made possible out of respect for cultural and religious diversity, and the rights of minorities to their own cultures and customs. Examples of this are found in several countries. In one country, change can be made without community initiative and consent. In Singapore, respect for Muslim religion and culture is upheld to preserve the harmony of a multiracial, multireligious and multicultural society. In another country, changes are difficult because of religious sensitivity in the Muslim community. Any state intervention to reform the law will need the approval of the community.

The application of the Musawah framework

The Musawah framework integrates Islamic teachings, universal human rights, national constitutional guarantees of equality, and the lived realities of women and men. It builds on historical, jurisprudential, and sociological arguments to support the assertion that equality and justice in the family are necessary and possible. Musawah sees it as necessary to disconnect between Muslim family laws and lived realities. The laws are based on assumptions and concepts that no longer respond to the needs, experiences and values of Muslims.

This disconnect is possible to bridge by drawing on Islamic legal theory. An important distinction is between *Shari‘ah* and *fiqh,* and the two main categories of legal rulings: *‘ibadat* and *mu‘amalat.* Diversity of opinion (*ikhtilaf*) has always been a part of *fiqh.* Further, Muslims tend to agree on equality, justice, love, compassion and mutual respect among all human beings as core values. Finally, interpretations and laws are human-made. The diversity of family laws in Muslim countries demonstrates that they are not divine; they can, and have, been amended several times, based on varying schools of thought and jurisprudence, and even political contexts.

Example: inequality necessary, different obligations, complementarity

States Parties argument:

- Men’s superior rights in Islam (e.g., inheritance, divorce) are offset by their increased burden (e.g., financial responsibility towards the family).
- Women are privileged, i.e., they have no obligation to support their family, even if wealthy, and all of their assets remain their own.

- Hence these inequalities do not amount to discrimination. They are reciprocal/complementary obligations.

Musawah response:

This is a legal fiction that has lost its logic over time. States Parties fail to point out the *human* juristic equation: "Husbands provide maintenance and wives obey husbands." This is a relationship founded on inequality between spouses, where the man gets the double share of the inheritance, has the right to divorce at will and has the right to demand obedience.

Moreover, in the evolving body of Islamic jurisprudence on the Qur'an, one will find Prophetic sayings and practices (i.e., the *hadith* and *sunnah*) as well as *fiqh* (jurisprudence) arguing for equality and shared responsibility.

Furthermore, this does not correspond with contemporary realities, given that fewer men are now sole providers/protectors of families, as larger numbers of women are today co-providers who contribute to support their family. In fact, more and more women are sole providers for their families.

There is, therefore, an inconsistency in States laws. These rights and privileges listed in their arguments are no longer linked. For example, men who fail to provide for their family, do not get punished or lose privileges, while women who do provide, still have to obey their husbands and do not get a fair share of the inheritance.

All of which leads to a disconnect between legal frameworks and realities.

Example: polygamy

Different State Parties' arguments for polygamy:

- A right in Islam, which cannot be questioned.
- A right in Islam, but there are conditions.
- Some men have stronger desires; polygamy prevents the temptation of adultery which is forbidden in Islam.
- Wives are infertile.
- Polygamy provides protection of widows and orphans in times of war.
- Culture, custom and tradition.
- Women themselves are supportive.

In Musawah's view, Islam promotes monogamy and only permits polygamy as an alternative in exceptional circumstances. Several Islamic sources and Muslim jurisprudence support this argument:

- Quran Surah an-Nisa' 4:3: "if you fear that you shall not be able to deal justly [with your wives] then marry only one…"
- Quran Surah an-Nisa' 4:129: "Ye are never able to be fair and just as between women, even if it is your ardent desire…"
- *Sunnah* of the Prophet: marriage to Khadijah

- *Fiqh:* Conditions in marriage contract giving option for divorce—recognized in traditional jurisprudence and many countries today

The arguments listed above are not in accordance with international human rights. The fundamental human rights principle of equality between men and women is clearly stated in numerous human rights instruments. Among other places, Article 1 of CEDAW defines "discrimination against women" on the "basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." The arguments also contravene the right to dignity for all human beings, which is an essential human rights principle. Further, they do not respect the right to free and full consent to marriage, addressed in CEDAW Article 16(1) and General Recommendation 21. Both are important human rights.

Constitutions in most Muslim countries guarantee quality before the law, with no discrimination on the basis of gender.

Lived realities are negatively influenced by laws that place women in a disadvantaged position and discriminate against both existing and future wives in a manner that affects women both on psychological and economic levels. This also places women in a subordinate position in term of power relations and decision-making. This harms women and children, something Sisters in Islam has documented in their groundbreaking study.

Lastly, human rights-based laws within Islamic countries regarding polygamy exist. Examples of such laws are found in Tunisia, where polygamy is prohibited based on the understanding of Surah 4:129 that no husband can treat multiple wives equally. Polygamy is also prohibited in the Kyrgyz Republic, Tajikistan, Turkey and Uzbekistan. In Bahrain, a new family law, applicable to Sunnis only, was enacted in May 2009. The law allows women to prohibit their husbands from taking second wives, and marriage contracts are negotiated. According to the law, a woman can stipulate that the husband cannot take another wife. If the husband breaches this term of the marriage contract, the woman has the right to divorce.

Egypt experience: NGO activism

Application for law reform in a local context mandated questions as to: "What happens when 'Islamic law' meets human rights? Effect on male authority and guardianship in Muslim families?"

The answer, in Musawah's view, is interaction, resistance, appropriation, negotiation, selection, re-working and transformation.

If these principles are applied, the result can be innovation, compromise and diminished resistance.

Interaction: Islamic law and human rights

Interaction means reworking and transformation for both Islamic law and human rights. Below are statements from women exemplifying this:

'*Because of human rights you start questioning things that were previously considered* thawabit *[constant] such as inheritance, guardianship…actually most issues related to women…Human rights made us look at religion in a different way, to bring out the positive in it*." An Iman

"*My knowledge of human rights…made me search in Islam to find these principles…These principles were already there in Islam*." Zebeida

However:

"*There are total clashes with* Shari'ah *such as the issue of legalizing homosexuality, and here I follow* Shari'ah*." Ahmed*

Suggested methods and tools:

- A historical, contextual and linguistic analysis of Qurʾanic verses
- Checking the verse or ruling against its purpose (*maqṣad*)
- A reinterpretation of Qurʾanic verses based on general Qurʾanic principles such as equality, justice and the preservation of human dignity
- Making a distinction between *Shari'ah* and *fiqh*
- A study of *hadiths,* sifting the strong *hadiths* from the weak
- Presenting elements of the Prophet's life and practice that support their demands
- Augmenting this religious discourse with facts and statistics from social reality
- Finding inspiration and guidance in the international human rights discourse

Proposals to improve relevance in the messiness of real life

Proposals for more egalitarian/gender-sensitive reform proposals

- Shared responsibility between spouses
- Shared financial guardianship of children
- Limiting polygamy
- Child custody after a woman remarries
- Shared wealth

Proposals that lead to less egalitarian/gender-sensitive reform

- Maintenance an obligation of the husband
- Obedience an obligation of the wife (changed terms)
- No prohibition of polygamy
- Silence on: inheritance and mixed marriages
- Vague on husband's unilateral divorce

Messiness of real life

A result of the suggestions above will be both advancements as well as compromises. Effectively, these are a mixed pot of propositions, practically appealing, but epistemologically problematic, such as shared responsibility and financial guardianship of children between men and women, and wealth versus obedience. The lived reality of women makes them both protectors and providers. They are citizens, and the state is party to conventions. In the state law, inequality is socially condoned and legalized simultaneously with a high regard for religion.

In Islamic law, the relationship with Qur'an and *fiqh* tradition are not clear. Further, should one place emphasis on the literal meaning or the purpose? A chaos of interpretation exists together with a sharp break with gender norms of *fiqh*. Within human rights, many forms of equalities are

addressed, such as formal/substantive/transformative. These can be contrasted with equity, which signifies coexistence.

Musawah recommendations for women and human rights' actors

The following are critical "to do's" for national, regional and global actors:

- Emphasize that even if family laws are derived from religious sources, this cannot justify inequality in the family.
- Recognize that resistance to reform of Muslim family laws persists not simply because of religion, but for other reasons, e.g., patriarchy and political pressure.
- Recognize the diversity of voices within the Muslim community; some segments of society might not want change, but others want change. Whose voice does the government listen to?
- Highlight the egalitarian, gender-sensitive and progressive provisions found in various Muslim family laws.
- Build the capacity and knowledge of state officials and activists on the reformist Islamic discourses that encourage gender-sensitive reforms in Muslim family laws that reflect the new realities of Muslim women and men today.
- Encourage open and inclusive public debate with States Parties, within Muslim societies, and within the international human rights system.
- Support the women and men who are engaging in processes of reform of family laws and protection of existing rights.
- Recognize the impact international human rights standards have on Muslim women by guaranteeing them a voice in defining their own culture and religion.
- Promote human rights standards as complementary to Islamic teachings, national guarantees of equality and non-discrimination, and the lived realities of men and women.
- Incorporate procedural changes to prioritize issues of Muslim family law during the CEDAW review process.

iii. Faith-Based Language—Opposing or Endorsing Human Rights?

Negotiating a Language of Gender

By Gillian Paterson

The Francis Chronicles 174, from *National Catholic Reporter,* 12 November 2015, http://ncronline.org/blogs/francis-chronicles/francis-comic-strip-174.

Summary

This paper argues that the concept of gender has acquired moral, sociological and political implications that undermine its usefulness, and that these implications are sometimes difficult to talk about. This is particularly evident where some religiously based discourses are involved. There is an urgent need to examine the language we use, address these no-go areas, and to work towards a more collaborative dialogue between international religious and secular bodies.

Why a Catholic view is important

The Roman Catholic Church is an influential player in the politics of world development. Its reach is global, and its programmes reflect a holistic, comprehensive approach to human need. It prioritizes poor, marginalized and powerless people who are not always well served by statutory services. It's no surprise, for example, that the Catholic Church (along with the Salvation Army) was at the forefront of developing coordinated localized responses to the HIV pandemic, especially (but by no means only) in Africa.

The Catholic Church is also disproportionately influential in the global politics of development, mainly because the Holy See, via Vatican City, has permanent observer status in the United Nations, supported by permanent missions in New York and Geneva. The only religious organization to enjoy this status, it has a level of influence on the world stage that some envy and others resent. Its delegations and missions to the United Nations have the right to speak, make alliances, lobby and in practice do anything they want to except to vote. In this role, the

Church has operated as a focal point for a number of (mainly conservative) religious leaders and religiously motivated pressure groups and governments. Consequently, Holy See delegations have tended to become something of a cause célèbre, especially where issues of gender were concerned. For example, at landmark international conferences in the 1990s (the Fourth World Conference on Women in Beijing and the International Conference on Population and Development in Cairo), this alliance of interests fought against proposed new approaches to women's rights, including the very idea that women might have identifiable rights, objecting even to such apparently anodyne language such as "safe motherhood" and "unwanted pregnancy."

The Catholic Church is a prime (though not unique) example of an institution where a culture of patriarchy has become so much a part of its DNA that many of its members are unconscious of it. I was at the Mass, in St Peter's, Rome, to celebrate the opening of the recent Synod on the Family. If you include the crowd outside in the square, almost half a million people gathered to witness and applaud and take selfies of themselves in the presence of this display of entrenched institutional authority and male power. Inside the Basilica, we watched a procession: rank upon rank of dour-faced men, elderly for the most part, dressed to the nines in long dresses and hats. I counted to 350 and then gave up.

It is easy to mock this kind of display. But that brings me to another reason for watching what is going on, at present, in the Catholic Church. One can criticize the Synod on the Family, despair over its almost all-male participants, and wring one's hands over the more hardline, inflexible views expressed. Nevertheless, the fact that the Synod has happened, that these conversations took place and were reported, that participants were free to disagree with each other and argue different points of view—all of that is, in itself, extremely hopeful. The message is that questions of sex and sexuality, gender and family *may be talked about by Roman Catholics* (rather than just accepted with dumb obedience).

CIDSE (International Cooperation for Development and Solidarity) is an influential international alliance of 17 Catholic development agencies from Europe and North America. With the blessing of the Pontifical Commission on Justice and Peace, it has recently published a position paper on gender, under the title, *Gender Equality: CIDSE's Understanding and Definition.*[33]

This paper sets out to begin the task of unpacking the language in which we talk about gender-related matters. "We believe that by adopting a common and clear language, not only are we contributing to addressing *one o*f the most, if not *the most* unjust of inequalities and its consequences, we are also…strengthening our political space and capacity to influence local, national, regional and international arenas."

[33] See: www.cidse.org/publications/rethinking-development/sustainable-development/gender-equality-cidse-s-understanding-and-definition.html.

The paper defines a gender approach as “opening the doors for a stronger analysis and understanding of the inequalities between women and men that crosscut all development areas (food security, climate change, economy etc.). This is by no means a concept that attempts to erase or deny the biological differences between women and men. It rather focuses on the social fabric that produces gender-based inequalities and questions the roles and activities seen as ‘natural’ depending on whether one is born male or female.

“Biological differences cannot mean the subordination or discrimination of one sex over the other, as much as they cannot justify the widespread domination of men over women. CIDSE and its [member organizations] strive to re-establish the power balance and justice between women and men.

“For CIDSE and its member organisations, the gender concept refers to the socially constructed roles, attributes, activities and opportunities that a given society considers appropriate for women and men, learned through socialization processes and institutionalized through education, political and economic systems, as well as legislation, culture, tradition and religion. It relates to the stereotypes that shape and condition the relations between women and men and their roles in society, affecting their access to resources, health, education and decision-making.”

This carefully expressed understanding is broadly shared by UN Women, which states: “[Gender] Equality does not mean that women and men will become the same.”[34]

The CIDSE paper distinguishes between *gender equality* and *gender equity. Gender equality* refers to “the equal enjoyment by women and men, girls and boys of rights, responsibilities, opportunities and resources.” Gender equality is “a prerequisite for poverty alleviation, human development, human well-being justice and dignity, and requires a commitment to challenging and transformative approaches.” *Gender equity,* then, should be seen as a means to achieve the goal of equality. It involves “fairness and equal treatment of women and men according to their respective needs considered equivalent in terms of rights, benefits, obligations and opportunities.”

The writers use bold type to make the statement: “Poverty is not gender-blind”: Women, that is, are disproportionately affected. The feminization of poverty is driven by a historically dense combination of cultural, institutional, political and economic factors. As examples, the paper cites economic systems based on GDP growth, the vulnerability of women to HIV and the prevalence of domestic violence against women, but one could have suggested many more. Hence, it says (again using bold type): “Promoting women’s rights and gender equality is a prerequisite for poverty alleviation, human development, human well- being, justice and dignity, and requires a commitment to challenging and transformative approaches.”

[34] See: www.un.org/womenwatch/osagi/conceptsandefinitions.htm.

The CIDSE paper is important because it explores a topic that Catholic organizations sometimes hesitate to address in public. It is important because it makes a welcome, well-argued proposal for defining gender. It is welcome because it has come from an influential, well-respected source. It is a sane, balanced, rights-based position paper, well in tune with the mood music coming from Rome, and capable of forming a basis for further discussion. And its careful attempts to define the English term “gender” are backed up by advice on how the terms translates (or fails to translate) into other languages.

It is, however, impossible to ignore what it doesn’t say. In practice, the CIDSE paper feels less like a free-standing paper than a “Chapter One,” designed to lead logically to “Chapter Two,” which, were it to exist, would pick up its more obvious implications and run with them. And these implications are:

- Gender equality and the de-feminization of poverty are empty dreams unless women are in a position to influence decisions about childbearing.
- Attempts to retrieve the language of gender are welcome and valuable, but doomed to failure unless we name the much broader meanings the term has acquired in recent years.
- Rights talk can breed suspicion and fear unless there is a clear agreement about the scope and agenda of the term.

Sadly, though, there is no “Chapter Two.” The next section reflects on why that might be.

Divided by a common language

The cartoon at the beginning of this paper is a telling example of people who are divided by a common language. While not an exact parallel, it can feel like something like this is moving between the cultures of Rome and the United Nations, academia and religion. I had an American friend who was told, on her first visit to London, "There are two words you will need in order to survive in London: ‘the tube’ and ‘the loo’.” One means the metro, the other means the toilet. She dutifully committed those words to memory. But when she arrived she found she could never remember which one was which, and she got into all sorts of trouble. So language can unite, but it can also divide.

And on that note, let us go back to the CIDSE document. What it doesn’t say is that in recent years, the language of gender, reproduction and sexual health has become increasingly coded and polarized. Let’s start with gender. I've worked in the field of development now since the mid-eighties, and for most of that time, gender-based analysis has been seen as an invaluable tool for analysing sociological, economic and political factors related to whether one is born a woman or a man: the sense, indeed, in which the CIDSE document is defining it. Today, in many circles, it is just as likely to refer to LGBT (lesbian, gay, bisexual or transgender) rights, or to a view that one’s sex (being born male or female) is not a biological given at all, but rather is determined by cultural factors, so that basically one can choose whether one wants to be female or male despite physical and biological attributes.

Of course, I fully support the need to reflect (and act) on injustices based on sexual orientation, which I am sure is also true of the CIDSE authors. However, the consequence of conflating these issues has been that gender theory has lost some of its capacity to target "gender inequalities" as defined above and in the CIDSE paper. Meanwhile, "gender-based rights" has become a more fluid term: what some regard as an untrustworthy, catch-all concept that can be used to smuggle in whatever the speaker wants it to.

Similar things may be said about the language of sexual and reproductive health[35] and reproductive rights.[36] The UNFPA definitions of these terms are clear. Despite fears to the contrary, advocacy for abortion is not part of them—except in the sense that where abortion is legal, it should also be safe. But there are, out there, those who believe that "reproductive rights" is an evil plot designed to encourage women to murder their unborn children, and that "gender" is an umbrella term to support advocacy for sex changes and to eliminate (God-given) biological differences. There is a powerful body of religious opinion that thrives on conspiracy theories, and that genuinely does believe that the United Nations is the great Satan.

So that's the task I am interested in: namely, to identify the meanings that are attached to these concepts, in particular how they are being misused, politicized or demonized, and how the task of communicating a coherent message is being lost in translation between groups with different interests. The question is: Do we have available the language that will allow us to have this kind of conversation? "I wish," you might say. CIDSE deals with the difficulty by not crossing the Rubicon and venturing into this territory. Some people in international organizations are reluctant to be too specific about the sexual and reproductive health/reproductive rights agenda because whatever they say is going to be misread. As I wrote the above paragraphs, I myself started worrying who would be upset, and if what I was saying would be misinterpreted as anti-gay or pro-abortion.

So what I am suggesting is that we need a piece of research that will:

- Review the ways in which the concepts of "gender," "reproductive rights," "sexual and reproductive health," and "sexual and reproductive health and rights" are commonly used by speakers/writers and received by listeners/readers.
- Identify the coded understandings, positions and beliefs the speakers/listeners are assuming they represent, and the fears they evoke in some quarters.
- Suggest ways in which increased consensus about these terms might reduce suspicion and facilitate a deeper engagement between international development and religious discourses on gender and reproductive rights.

Yes, I know: It's a minefield. But it does need doing.

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[35] See: www.unfpa.org/sites/default/files/pub-pdf/SRH_Framework.pdf.
[36] See: www.unfpa.org/sexual-reproductive-health.

UN and Governmental Experiences—International Conference on Population and Development Review and Commission on the Status of Women Dynamics

By Anne Skjelmerud

Norwegian NGO support through faith-based actors

The area of religion and development is in many ways a two-edged sword. Religion and faith actors may be a great resource, but may also represent serious obstacles in achieving results, particularly for gender equality and for marginalized groups.

Norway has a long tradition of supporting faith-based organizations (FBOs), at first because they (especially mission societies) were generally already "on the ground," with good knowledge about local culture, and delivering services in priority areas such as health and education.

Norwegian development bureaucracy is secular (or “neutral”), and looks for results and achievements. The Norwegian Agency for Development Cooperation (Norad) has no policy for supporting FBOs. The policy for Norwegian civil society support is to use partners that can deliver good results and demonstrate quality, and as many FBOs can do that, they are supported. We also acknowledge that it is important to work with the religious sector, including for peacebuilding and reconciliation in conflict situations. Religious organizations are often renowned for good service provision, not least in difficult areas and humanitarian crises.

We also acknowledge that religion plays an important role in society, and that religious leaders have power and influence in society, so through FBOs one may dialogue and influence their attitudes and practices, and thus achieve changes and results. Work through faith-based actors may thus mean added value to the development projects themselves.

Understanding the global resistance to sexual and reproductive rights issues

UN negotiations have been heavily influenced by certain groups over the last years:

- New conservative fundamentalist groups (“movement”)
- Alliances between fundamentalists: Christian (Protestant) groups, the Vatican/Holy See, and conservative Catholic and Muslim states. Working with some NGOs and lobbyists, their main inspiration is taken from conservative US-based religious actors.

These groups aim to limit the United Nations’ influence, in line with their values and viewpoints. They use opposition and obstruction as tactical methods in the work. They tend to speak in secular terms, using references to science as a basis for their arguments, plus reference to respect for national contexts and culture.

The "family values" lobby

This conservative block is often referred to as supporters of "family values." They use promotion of neo-traditional family values as a response to reach development goals. They try to build a permanent pro-family bloc among conservative Muslim and Christian Member States.

A key rallying point is "family values"—loosely defined, emphasizing biology, and a mother and father. The father is often seen as the head of the family. They stress "protecting" or controlling female sexuality. Christians rally particularly against abortion. In a broader context, anti-LGBT (lesbian, gay, bisexual, transgender) is a common denominator, especially same-sex marriage.

Key arguments:

- Protecting the autonomy of the family
- Social order and stability
- Demographic stability
- For the sake of the children's best interest

The "family values" movement rejects:

- **Independent rights** for children and youth, underlining the rights of the guardians to make decisions on behalf of their children.
- **Sexual and reproductive health and rights**, which are seen to promote abortion and homosexuality (LGBT)
- Comprehensive **sexuality education**; they want the parents and families to decide what to teach the children

The Holy See has had a key role, especially at the United Nations in New York, as they can take part in all negotiations, and may thus lead other conservative parties (note that their role may be changing after the new Pope took office). From their speech at the High-Level Meeting on AIDS in 2011:

> *"The Holy See rejects references to terms such as "populations at high risk" because they treat persons as objects and can give the false impression that certain types of irresponsible behavior are somehow morally acceptable. […] The Holy See does not endorse the use of condoms/commodities including as part of HIV and AIDS prevention programmes or classes/programmes of education in sex/sexuality."*

Norad support to work on sexual and reproductive health and rights and religion

Over the last years, Norway has supported several initiatives to strengthen agencies and organizations who support a rights-based approach to gender equality and sexual and reproductive health, and to strengthen faith-based voices that support these agendas.

We have also commissioned a series of small studies to understand more about the work of this lobby. The studies were carried out by Scanteam and have the following titles:

- Lobbying for Faith & Family: A Study of Religious NGOs at the UN
- Family Matters: Family Values in International Politics

- Islamic Cooperation and Reproductive Health: The Role of the OIC at the UN and in Africa

In addition to this, we have developed a portfolio of agencies to support, to create platforms for dialogue and strategic thinking (through UNFPA), to promote dialogues on sensitive issues among religious leaders, and to allow voices of young women engaged in local communities to be heard in regional and global fora.

Looking ahead

Our recommendations for how to work with issues related to gender equality, human rights and sexual and reproductive health, can be summarized as follows:

- Study and understand the arguments and logic of the " family movement."
- Use evidence to demonstrate the importance of the different aspects of sexual and reproductive health and rights.
- Actively use human rights instruments, not least the African instruments.
- Work with religious actors and voices that support gender equality and rights-based approaches.
- Inform government and civil society about the importance of the broad sexual and reproductive health and rights agenda.
- Do not avoid the term family! Acknowledge that families are important, but individual rights, such as freedom from violence and coercion, are needed to complement a family focus.
- Remind that there are so many different forms of families.
- Underline that a community focus is also needed.

Use bridges, escalators and corridors!

We need *bridges* between secular and faith actors, to build trust and work together for common agendas.

In all religions, some issues related to the status of women are quite similar. Build *bridges* between scholars and like-minded actors from the different religions, to share and learn and develop strategies.

Use the *escalator* to combine the local, the national and the global: Use experiences from local communities to develop and influence policies at different levels. Policies should be rooted in real-life experiences.

If each religion is a *corridor*, it has many rooms with different confessions or groups within each religion. Open the doors that may be opened for dialogue and increased understanding. Some doors may be left closed, if the teaching is too far apart.

Research and knowledge creation is important, both theological work, but also research on the realities of people’s lives, including how the practices of different laws or moral rules affect people.

iv. Role of Faith-Based Actors to Promote Sexual and Reproductive Health and Rights and the Development Agenda

Religious Institutions, Power and Female Leadership

By Pauliina Parhiala

A religious leader steps up to the podium. It is almost like a circle of contemplative solitude surrounds him. He speaks carefully, with a deep voice, with chosen words. His presence signals how he is called to this role of a leader. Distant, decisive, admired. He is joined on the podium by another religious leader who signals charisma and strong leadership presence. He comes with his family, who stands in the background.

Perhaps a familiar figure? Could be someone you know? Could it be a woman?

I want to talk about the relationship to power in religious institutions, and how we would need to evolve in how we address power and how it relates to female leadership in our organizations. There is a complicated and very varied relationship between faith and power. Religions and religious institutions continue to be directly and indirectly important in shaping the uses of power. The consequences vary in religions and in the way faith is embedded in and interacts with other aspects of social order.

Individuals strive to align with success and fear marginality. Criticism is often avoided and difference is not easily accommodated. In an attempt to fit in, individual needs and views can be suppressed. In faith-based organizations and institutions that I have come to know, the discourse of power has been always hidden. Power is represented as “power over” or “power to,” more than “power with” or “power within”—the latter would point to collective action, working together, self-worth and dignity. Visible power structures interplay with hidden faces of power. The faith-based organizations and the people in them often embed invisible faces of power; they internalize and reproduce norms and beliefs in keeping with the expected social order of power, even if it would be self-evident that “the emperor does not have clothes”—to quote an old children’s fairy tale. There can be “quotas” and designed space for women and young people, but the undercurrent and the invisible is still in the hands of those who make real decisions.

This hidden power makes it often difficult to address power issues—or even to discuss differences of thought in an open and transparent manner. One needs to develop strategies to address visible, hidden and invisible issues if one seeks to change things. That requires some serious time. Significant changes in leadership end up often being violent as there is little culture or space for honesty and open communication. Religious leadership looks often like “a totality” rather than a negotiated and light partiality.

Where does that leave women in such a leadership? Although women make up a large part of the congregation in many religious institutions, they rarely hold positions of institutional power.

A narrow masculine prism is still often used in faith institutions that does not necessarily recognize all skills and traits that could be helpful in leadership. Women who are not adept at “playing that game” may be less successful. Also, expectations around female leadership exclude easily those with children or elderly parents to look after. In a Christian setting, I have noticed that a single

female leader is somehow subconsciously considered a threat. Even if the culture is individualistic, a female leader who appears with a male spouse, who has not sacrificed too much of his own carrier for that of his spouse, is considered more acceptable. Work structure and culture is designed around those who can dedicate themselves humbly, preferably entirely, to work.

Communication and decision-making styles described as inclusive and collegial may be seen as lacking decisiveness and expediency. When a male religious leader “is called,” the female is ambitious. The appropriate female role is humble, caring and nurturing, and involves internalizing a strong sense of responsibility and duty. This is an effective strategy to adapt to the expected norms of the winning group.

For women to thrive in any business setting, including a faith-based organization, they often need male advocates. This renders women vulnerable. In order to retain the favour of “a champion,” a woman needs to tread a fine line to ensure that she is not perceived as a threat. It is for the woman to demonstrate good judgement, not to step over the line.

In 10 years, there is more diverse leadership in faith-based organizations. If they remain led by primarily elderly men, however, they will lose the dynamism that their diverse followers can offer. They will eventually lose buy-in as well and will shrink. But if such diversity does not come with an honest conversation about values and practices, which are brought to the fore and examined, very little will change. The invisible and hidden changes slowly, and faith-based organizations are masters in keeping it that way.

The faith-based institutions will benefit from a deep study of their homogeneity and exclusionist leadership culture, which excludes not only women, but many men too. They will benefit from re-examining the perception of what constitutes excellence in leadership and challenging the norms that determine leadership eligibility. It needs to be asked if there is an alignment of leadership and managerial attributes with gender stereotypes. All diversity initiatives, core to the overall strategy, will help faith-based organizations. But above all, what helps is honesty. This needs to be accompanied by constant and effective communication or a change to honesty and transparency will be resisted by both men and women.

On Bridging Human Rights and Religion for Women: The Experience of an Umbrella Faith-Based Organization in Norway

By Eli Storesletten

Introduction

Digni is a Norwegian umbrella organization, established in 1983, funded by the Norwegian Development Cooperation Agency (Norad), for the support of the long-term development work of 20 Norwegian mission and faith-based organizations (FBOs). They work in partnership predominantly with churches and FBOs in 40 countries in Africa, Asia and Latin America. Digni's members and their partners are engaged in different development projects ranging within a broad set of thematic areas such as: health/HIV and AIDS, education, gender equality, peace and reconciliation, human rights, environment, productive and income-generating activities, and strengthening civil society/organizational development.

Digni sees God as the creator of all human beings. As such, God has given women and men *the same worth*, and each gender is challenged in the same way to be good stewards and co-workers in building a better future. Digni and its member organizations are committed to promoting gender equality at the project level as well as inspiring change at the organizational level. Gender mainstreaming as well as rights-based approaches are being used to promote gender equality. However, putting an end to gender discrimination is a huge challenge. In this endeavour, religious, cultural, economic, social and political factors need to be considered. Digni in its approach to gender equality and empowerment will always emphasize the need for dialogue, culturally and religiously sensitive awareness-raising, using appropriate "language," and thinking long term.

The views/perspectives in this presentation represent Digni as an umbrella organization and do not necessarily reflect the specific views of each member organization or their partners.

Background

Digni and its members and partners have over the years been engaged in different processes to promote gender equality and women's rights mostly at project level in local communities, but also within their own FBOs. Digni has also been engaged in the Donor UN Faith Consultations in 2014 and 2015. This presentation draws upon and shares some of the learning, findings and experience gained from some main gender initiatives, and uses to a large part three main categories of sources for its information and analysis:

- The Women Empowerment and Gender Equality Program: From 2007-2010, Digni initiated a competence-building program in gender mainstreaming for its members and their partners. Projects and organizations from Bolivia, Ecuador, Ethiopia, Madagascar

and Norway participated. The programme report can be downloaded from Digni's homepage: http://digni.no/en/documents.

- Faith and Rights: A global learning evaluation with Digni members and partner organizations carried out in 2013-2014. The Faith and Rights report can be downloaded from Digni's homepage: http://digni.no/en/documents.
- Evaluation and project reports as well as consultations with partners and members in Digni regional meetings in East and West Africa, South-east Asia, East Asia and South America.

Normative level: What are the varied religious readings/perspectives on the issues of gender equality, gender-based violence, family, and sexual and reproductive rights now?

Human rights and the normative foundation of a FBO

For Digni's FBOs and their partners, it is their own interpretation of the Bible, religious values and theology that provide the normative foundation and justification for their action. However, many of the organizations see the *instrumental* value of using human rights as a common ground for action, as human rights represent and overlap to a substantial degree with their own understandings of their Christian values. The Faith and Rights evaluation points to some areas around sexual and reproductive health and rights that are controversial, in particular when it comes to abortion, condom use and gay rights, and that there is a conflict at the normative level.

> *"Digni members and regional partner organizations saw Rights Based Approaches as very relevant and in harmony with faith values. They saw convergence between faith and rights - noting that authority in the case of faith based organizations came from God and the Bible. They saw faith-based identity as influencing their perception of rights in positive ways. Members and partners emphasized the equality of all human beings, as created in the image of God, and that dignity was God-given to all human beings. Digni members and faith based partners raised concerns about clashes between human rights and faith values. In particular these clashes concerned abortion, condom use and gay rights. For the few secular partner organizations authority for rights work came from the UN Convention on Human Rights. These organizations addressed faith issues to do with freedom of religion, and were concerned about religious persecution and the need for understanding across faiths"* (Faith and Rights evaluation, p. 6).

> *"Ingredients that seemed to help achieve good results included: strong commitment to principles of dignity, participation, empowerment and equality with faith based biblical understandings of these principles serving as the basis for such commitment among project staff in faith based organizations"* (Faith and Rights evaluation, p. 7).

The learning from the Women Empowerment and Gender Equality Program was that religion became an increasingly important issue for all projects and organizations in regards to gender

mainstreaming. All projects and organizations were church or faith-based, and connecting theology to gender issues became central to all in one way or another.

> *"There has not been any theological barriers to work on gender within the Mission Alliance. Still it has been important for us to have a theological basis for our gender perspective. First of all it is important to tie our work on gender to our organizational identity. Gender is not an agenda that is imposed on us by Norad or Digni. It is in our own interest to work on gender to be faithful to our overall goals of promoting justice, fighting poverty and building the kingdom of God. It is an intrinsic part of loving our neighbours and being good stewards" (*Mission Alliance, Women Empowerment and Gender Equality Program report, p. 62).

Organization and context: What are the diverse (religious) institutional realities around gender equality, gender-based violence, family, and sexual and reproductive rights?

Context and faith-based organizations

It is difficult to state a general and specific view on these sensitive issues, bearing in mind the diversity and complexity of context and organizations. Still, Digni would point to a *few* learnings, findings and/or trends that seem to be emerging from our network of partnerships and contexts.

Gender equality and sexual and reproductive health and rights are sensitive and controversial issues in many contexts

For instance: In the Women Empowerment and Gender Equality Program, when asking for "acceptance" to introduce and work with the concept of gender mainstreaming and empowerment in the church constituency, FLM in Madagascar met resistance from the church leadership: "*(…) the challenge we face: [the programme] is taken as an instrument for spreading homosexuality and other vices and encouraging the ordination of women […]. We then had to explain and make clear patiently that our final goal is development not changing structure or introducing divisive idea(s) in the church"* (Women Empowerment and Gender Equality Program report, p. 61).

On family and gender roles

The description of contexts given in the Women Empowerment and Gender Equality Program publication still holds true to a wide extent within partner constituencies and contexts. "*The participants…work in contexts where religion is fundamental to how people live their lives. It is decisive for attitudes, the assignment of gender roles, power relations, norms, and value systems: Traditional patterns of male-female relationships and the roles that each one assumes in the family and social structure are generally assumed to be normal, natural and part of Christian conduct, without needing to be reviewed or questioned. Christian education is aimed at forming women as wives and mothers. Messages reinforce women's duties and obligations with regard to men, reinforcing subordination in the couple and family in general. (MAN-E)"* (Women Empowerment and Gender Equality Program report, p. 62).

"Agents of change" become "arenas for change"

Awareness-raising of gender equality and empowerment *at project level* leads to changes and push for change *at the organizational level*. Gender mainstreaming activities, work on HIV/AIDS, women's economic empowerment, gender-based violence, and women's right to participation and inclusion in decision-making at project level creates an awareness among project staff that creates a "push" and legitimizes discussing gender equality and women's rights issues *within* FBOs with positive results. For instance, in the Pentecostal Church of Kenya and the Ethiopia Evangelical Church Mekane Yesu in Ethiopia, women's representation within leadership positions have increased. In the Evangelical Lutheran Church of Congo, a pilot gender-based violence programme that started at community level in the next project phase will be working to address and engage church leadership, and building accountability structures and systems.

HIV/AIDS projects are developing into addressing gender-based violence

One participant in a Digni regional seminar working with HIV and AIDS said: " You know, HIV and AIDS have a twin sister. She is called gender-based violence. We need to acknowledge this fact, and bring her into our work." This is a clear trend among our partners who have transformed their HIV/AIDS projects into gender-based violence projects or included this dimension.

What are some of the challenges (if any) of linking these issues with human rights discourse?

Making gender and women's rights a priority: There is a need to set aside time and resources to raise awareness, make room for discussion, and create "space" and opportunity for change.

Understanding context: Donor agencies need to spend enough time and resources listening to local partners and understanding their contexts.

Strategic entry points: There is a need to find strategic entry points for discussion and change around women's rights, and sexual and reproductive health and rights.

- For example, HIV/AIDS provides opportunities to bring up issues regarding sexuality.
- The concept of human dignity is a very useful entry point for dialogue and analysis.

Long-term commitment: There is a need to be patient and not expect quick changes—thinking long term, recognizing that changes are slow. This is a challenge when donor agencies require measurable and planned outcomes. Digni's experience is that it is easy to underestimate the time you need to spend on awareness-raising, competence-building and dialogue using participatory approaches in order to get results.

Engaging both men and women, and committing religious leaders: At community and organizational level, they are the agents that will make change happen. This may take time when working with religious leaders and organizations. The projects and organizations saw that

in order to create change, leaders had to be sensitized and informed about gender equality work, because without their support not much would be achieved.

> *"After NLM had committed to the [*Women Empowerment and Gender Equality] *program, it turned out however that the leaders of the department and of NLM had perceived the program as working basically with gender issues in development projects, and not in our own organization. There was no local ownership of that part of the program, so all initiatives in that direction were seen as outside pressure on the organization, and consequently perceived negatively"* (Norwegian Lutheran Mission or NLM, Women Empowerment and Gender Equality Program report, p. 58).

There is a need to use appropriate language: Among all the challenges mentioned, this is one of the most important ones. When promoting women's rights one of the most important skills is to be multilingual in discourse. Depending on the constituency you are addressing, you need to communicate in a way that "opens up" and does not close or reject the dialogue. When addressing local communities, human rights language has to be supplemented or explained using the local language and simple words. In some contexts, using human rights terminology may be banned by the authorities, so you have to use other "development" terminology like gender equality, etc. When addressing religious institutions, the human rights discourse gains by being supplemented by or including an exchange of reflections with theology and religious books.

Below is an example from the Women Empowerment and Gender Equality Program:

> *"For some, the use of Bible texts was one way to begin the conversation on women's rights and gender equality. Bible texts were used as a starting point for discussion and sometimes dramatized to provide a clear illustration of a topic. This would often spark personal and communal reflections followed by a discussion.*
>
> *"Theology with a gender perspective has had a positive influence within churches that are local MAN-E counterparts; it has allowed members to review their actions. (MAN-E) […] concluded that we needed to work with a stronger emphasis not only on using Biblical texts to support fighting for women's rights and equality but also that we needed to emphasize presenting Jesus Christ. He is the only one able to change hearts, lives and preconceived notions and to allow men and women to relate to one another free of selfishness and the desire to oppress or harm one's neighbour" (ICEL, p. 63).*

Digni recognizes the importance of seizing the challenge of being a bridge builder between languages of human rights and faith.

What do you anticipate will/may be the dominant religious discourses/positions around these issues in 10 years' time?

Digni is hopeful that investments in development work and locally owned processes engaging FBOs around these issues will yield positive changes in favour of women's rights in the long-run. It expects conflicting issues within the agenda of sexual and reproductive health and rights still to be sensitive in 10 years, which is not a long time to change deeply rooted attitudes, gender roles and power structures.

The trend of European governments providing less funding for long-term development aid through the United Nations as well as civil society organizations may influence negatively the "progressive" stakeholders who uphold women's rights and sexual and reproductive health and rights in many networks and arenas.

Digni expects that Digni members and their partners will increase their engagement in gender-based violence in the years to come. The Norwegian Government development policy of prioritizing funding for girls' education will probably influence the focus of Digni's members and partners.

A final comment on the commitment to gender equality from Digni's Secretary General, Jørn Lemvik: "Digni may be culturally sensitive, but on the issue of equal rights and equal worth of men and women, we will never compromise."

Sexual and Reproductive Rights: Building a Consensus between and among Christian Churches

By Darli Alves de Souza

"We understand, as communities of faith, that there is close relationship between 'the image of God' and human dignity. When the 'image of God' is restored, the dignity of the person reappears. Equality between men and women is derived mainly from the notion that both are created in the image of God and therefore each have equal dignity. The 'image of God' therefore, has had a strong influence on the establishment of social rights as human rights and they reaffirm sexual and reproductive rights, as well as social equality" (The Havana Consensus 2013).[37]

Although this statement is a fundamental and important milestone for Christian churches and the ecumenical movement in Latin America, there is a long way to go for Christians to achieve gender equality, built on a notion of the full autonomy of women.

Addressing sexual and reproductive rights within a Christian religious perspective is quite complex. Indeed, the subject is surrounded by many taboos, and can be clouded by literal and conservative readings of sacred texts.

To begin with, Christianity centres on a dualistic concept of the human person, which separates the body from the soul. The body is intended to be controlled by and through a repressed sexual morality. The body's manifestations, especially those related to sexuality and human reproduction, are often also condemned. The soul is thus emptied of will and desires.

Patriarchy has been an important element within Christianity from its beginning. Historically, it has been an important element in defining independent and free exercise of sexuality, as sinful, in particular for women. This is because Christianity defines the role of males as 'whole', while women are portrayed as insignificant, or at most, as supportive of males. Most Christian sacred texts, and especially hermeneutical interpretations of such texts, will illustrate this. This mindset is steeped in centuries of traditions and remains present today in the dominant sexism in modern societies strongly marked by Christian notions that view woman as a "helper"—a person who cannot and should not have autonomy, who should always be protected and controlled, especially their sexuality.

Unfortunately, there are still religious leaders who do not admit to or recognize the importance of debate and action on this subject in the church. Little is seen in instructional materials and Christian education documents regarding sexual and reproductive rights. On the rare occasions

[37] See: www.unfpa.org/sites/default/files/resource-pdf/Overview%20of%20Inter-Religious%20and%20Inter-Cultural%20Activities%202013.pdf.

when reference is made, the approach embodied by much of this material tends to have a conservative bent.

Undeniably, much has been done to reverse this reality, especially during the 20th century. It is important to pay tribute to the efforts undertaken by women, various religious leaders and faith-based organizations (FBOs) seeking to overcome oppressive realities in their pursuit to exercise a liberating and healthy sexuality, accompanied by decision-making autonomy on matters of reproductive health.

I say, with conviction, that there is an urgent need to rescue human dignity, starting with fundamentalist Christian patriarchal categories, such as the father figure of God in the Christian tradition. This image has serious and complex implications, because it generates a notion of an alleged male supremacy, and does so at the expense of an appreciation of religion as promoting gender equality. The consecrated term "God the Father" and the constitutive elements of the trinity in Christianity are something else that should be debated and reinterpreted to bring forth a reading more in tune with reality. Many women theologians have already made important contributions in that direction, but we must move forward.

From there it is fundamental to completely deconstruct the Christian religious vision centred on man from his most sacred element, God.

I understand that this will be a difficult but necessary step to overcome views, behaviours and mistaken attitudes around human dignity. A fundamental step towards this is to assume that God is metaphorically father and mother at the same time, or simply God. According to the same religious tradition, that which has no sex is much larger than the human finitude because it constitutes a “higher reality” and is supreme to the human condition

Contemporary religious dynamics around sexual and reproductive health and rights indicate some progress. A good example is the "Churches and sexual and reproductive rights" guide launched by the Latin American Council of Churches (CLAI) in 2013, together with another publication launched by KOINONIA, in partnership with CLAI, entitled "AIDS and churches." Several ecumenical institutions and churches (FBOs), with the support of development cooperation agencies and multilateral organizations, have been working to overcome gender inequalities and to seek to reflect more openly on issues of sexual and reproductive health and rights.

Another important example is how feminist theology has brought critical contributions to gender equality and a less sexist reading of Christianity's sacred texts through simultaneously deconstructing distorted values, patriarchal interpretations of the sacred texts and various aspects of Christian praxis.

While these instances and actions record important advances in reflection and action on issues of gender equality and sexual and reproductive health and rights, there are backlashes consisting of an ever wider range of conservative initiatives on the subject of sexuality among the decision-makers of the Christian churches as well as in the general public. For instance, some conservative politicians take positions on public health policies informed by fundamentalist assumptions. In that

regard, they may also approve sexist laws hindering public policies that promote health and well-being.

Looking forward, there are several bold actions that need to be considered to:

- Appreciate the ongoing relative social vulnerability of women: smaller numbers of women participate in decision-making bodies, which contributes to the increase of their overall vulnerability. In many cases and situations, women are not empowered enough to exercise their rights.
- Discuss and propose solutions around values, particularly as each society tends to generate prejudice, discrimination, physical violence, subjugations, differences in treatment, harassment, femicide and condition of existence that subordinate women in a way that denies them their dignity, and their roles as human beings equal to men.
- Identify and break with all types of violence against women: physical, psychological, sexual and economic, both in social spaces (homes, jobs, etc.) as well as in faith communities.
- Systematically point out that patriarchy and machismo are based on a historical-social-cultural construction, which is being perpetuated and reproduced in all social spaces of interaction and human relationships.
- Deny the use of sacred texts as legitimizing intolerance and violence.
- Ensure greater engagement of faith communities on social issues.
- Have an awareness that the space of the church can be a place of promotion of citizens and inclusive education.
- Recognize and be prepared for dogmatic elements as impediments to the discussion within the church and society on issues such as sexual and reproductive rights, sexual violence and others.
- Position more intentionally the invisibility of issues involving sexual and reproductive rights in faith communities.
- Counter the taboo of sexuality.

Over and above these dynamics, here are some proposals for the years to come:

- Break the paradigm that human sexuality is not an element of theological reflection.
- Create spaces and mechanisms for dialogue and training (appropriate information to the appropriate audience) within public and religious spaces.
- Reaffirm that as communities of faith, we are challenged to be inclusive, and therefore sexual and reproductive rights are fundamental elements linked to the right to a full life.
- Overcome the distorted reading of sacred texts to legitimize intolerance, submission and violence, especially the naturalization of the subordinate role of women.
- Reframe religious spaces to promote events that emancipate citizens and promote better quality of life.
- Make efforts to realize the new possibilities that hermeneutical interpretations of sacred texts offer to contextualize the texts within the existing reality.
- Promote awareness and reflection of Christian action in the sphere of the world here and now, and not in the eschatological dimension.

- Add the above SRH themes to actions/issues of existing materials (newsletter, Sunday school material, Internet, etc.), as well as to produce alternative training materials (videos, texts, cartoons, etc.).
- The FBOs need to focus on the decision-making bodies at all levels of the constituted powers—namely, executive, legislative and judicial—and actively participate in purposeful way in the formulation of public policies.

In view of the above, I want to underline some commitments made by Christian leaders of CLAI in Panama in a statement dated July 2015:

- To proclaim prophetically that never, in our name, will we accept the practices validated by custom and patriarchal culture, and that legitimize consumption and production patterns that threaten sustainable life in all its forms.
- Critical segments of society must contribute to the design of public policies and contribute with transformational approaches that promote the defense of human dignity, especially the dignity of women, young people and vulnerable populations.
- Reframe religious spaces to catalyse meetings that emancipate citizens, and to promote a committed faith that transforms reality in order to ensure an equitable life with fairness, nurturing lives that are full, healthy and abundant.
- Take The Montevideo Consensus and use it as a tool for implementing the priorities set out in sections B, on rights, requirements, responsibilities and demands of children, adolescents and youth; D, on universal access to sexual and reproductive health services; and E, on complying with a commitment to strengthen institutional mechanisms for building equal development policies that ensure women's empowerment and gender equality.
- Strengthen and encourage partnerships with social movements and organizations working to create new paradigms for a life in justice, equity and solidarity with the planet and human well-being.
- Work towards the full guarantee of human rights and the elimination of violence in its many forms, fostering a culture of peace, gender equality and diverse opportunities for children and youth as recorded in The Montevideo Consensus in 2013, and the new post-2015 development agenda.

References

CLAI. 2013. Havana Consensus.

———. 2013. “Churches and sexual and reproductive rights: training guide on sexual and reproductive rights for churches and ecumenical organizations.”

———. 2015. Panamá Consensus.

De Souza, D. A. 2015. “Contributions from churches and ecumenical organizations to the goals of sustainable development from the Consensus of Montevideo.”

KOINONIA. “Gender equality and the barriers of religious conservatism.” See: http://koinonia.org.br/noticias/a-igualdade-de-genero-e-as-barreiras-do-conservadorismo-religioso/4189. Accessed on 19 November 2015.

———. 2008. “AIDS and churches: A call to action.”

Roberto, V. 2004. “Religion and Sexuality: An Analysis of Sexual Orientation Material from ecumenical organizations in Brazil.” Master’s dissertation. UMESP, São Bernardo do Campo.

UNFPA. 2013. Montevideo Consensus.

IV. ANNEX

List of Participants

WOMEN, FAITH, AND DEVELOPMENT

25-26 November 2015
Sigtuna, Sweden

Dr. Agnes **Abuom,** World Council of Churches

Prof. Fadwa **Al-Labadi,** Al-Quds University

*Rev. Darli **Alves,** Latin American Council of Churches

*Ms. Zainah **Anwar,** Musawah—Network for Equality of Muslim Women in the Family

Dr. Isabel **Apawo** Phiri**,** World Council of Churches/Circle of Concerned African Women Theologians

Prof. Tina **Beattie,** University of Roehampton

Father Adrian **Cardenas**

*Ms. Julie **Clague,** University of Glasgow

Mr. Geronimo **Desumala,** World Council of Churches

*Ms. Bani **Dugal**, Baha'i International Community

*Sr. Madeleine **Fredell**, OP, Swedish Justice and Peace

Rev. Dr. Cristina **Grenholm,** Church of Sweden

Rev. Dr. Gunilla **Hallonsten,** Church of Sweden

Archbishop Dr. Antje **Jackelen,** Church of Sweden

*Ms. Meera **Khanna,** Guild of Service, India

Rev. Phumzile **Mabizela,** INERELA+

Rev. Fr. Jape **Mokgethi-Heath,** Church of Sweden

Sr. Margret **Ormond**, OP

*Ms. Pauliina **Parhiala,** ACT Alliance

*Ms. Gillian **Paterson,** Heythrop College, University of London

*Ms. Marwa **Sharafeldin,** Musawah—Network for Equality of Muslim Women in the Family

*Ms. Anne **Skjelmerud,** Norwegian Agency for Development Cooperation

*Ms. Eli **Storesletten**, Digni

*Ms.. Deborah **Weissman,** International Council of Christians and Jews

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