This essay is an exploration of the field of religious studies and the possible contribution it can make to interdisciplinary studies. I describe religious studies as a field rather a discipline because it is inherently interdisciplinary in its orientation. That is, there are many disciplines that are included in the study of religion—anthropology, history, literary theory, psychology, sociology, and philosophy, to name the most prominent. Yet, interestingly, religious studies is rarely mentioned in any discussion of interdisciplinarity. The orientation that religious studies follows at the University of Calgary, where I teach, is that of a non-normative and non-apologetic one, grounded in the same roots from which other disciplines in the human sciences emerged. Thus I believe that it has much to offer on topics where an interdisciplinary approach helps to clarify and refine certain problematic cases and questions. From this perspective, this essay is a case study of sorts, in that it illustrates how religious studies can contribute to present debate on the contentious subject of religion and human rights or, more specifically, women’s rights. One of the principal difficulties in approaching this particular issue is that it is usually presented as a strict dichotomy, where religion and rights are regarded as
mutually exclusive, along similar lines to those of the private and public domains of existence. Another related opposition is that between the individual and his or her community. I think that there is a need to move this debate beyond the simplistic dualisms that frame the issue so that a more nuanced discussion can occur. This is not to say that I think the public/private distinction should be totally abolished but that, in certain instances, the basic binary structure needs to be adjusted. Often such binaries only serve to exacerbate the situation rather than lead to a more informed awareness.

To state the problem starkly, there are many secular thinkers today who profess that no one in their right mind would have anything to do with religion. On the other side, there are fundamentalists from various religions who wish to allow religious attitudes and doctrine not only to encroach on the public domain, but even to dominate it. It is unfortunate that the public treatment of the two sides seems to allow these two extremes to control the coverage in much of the popular media. It would seem that it is time to move beyond these stereotypes and examine what other possibilities could be proposed from a moderate point of view, so that not every woman who wears a veil is regarded as a fundamentalist, nor every secularist is assumed to be a dogmatic atheist.

So where to begin? The situation with regard to women’s rights and religion today is a somewhat complicated and troubling one. This is because such rights are opposed not only by fundamentalists, but also by traditionalists, as well as by postcolonial thinkers and by critical social theorists who think that rights as a concept is just another facet of late capitalistic American imperialism, or globalization. It is thus difficult to address all of these aspects at once in order to clarify the beginnings of a more constructive approach, but I think they all need to be addressed. This can only be done, I believe, by taking an interdisciplinary approach where religious studies features as one of the contributors.

By way of introduction, so as to illustrate further complexities of the issue, I would like to turn to two Canadian situations that are extremely instructive. One is the long-standing ignominious treatment of the Indigenous women in Canada and their struggle for recognition, and the other is the recent case of the proposal to adopt Shari’a law in Ontario and
its consequences. I will not go into great detail in either of these cases, as I have written on them at length elsewhere (Joy 2008), but what is most of interest is the way that they are played out in the media and also within their respective jurisdictions.

TWO CANADIAN EXAMPLES

Many narratives written by the Aboriginal women of Canada testify to injustices suffered not only because of prejudices resulting from perceived differences of pigmentation or genetic inheritance, but specifically because of gender difference. This is evident in an ongoing failure to recognize Aboriginal women’s rights in many parts of Canada to community or band membership and to respect their position as trusted guardians of the tradition. It is also manifested in the disproportionate rates of Aboriginal women subjected to judicial procedures and subsequent incarceration. But, most especially and tragically, it is all too obvious in the very numerous acts of violence and murder that are inflicted upon them. These are forms of discrimination that contemporary justice has failed to rectify, and their continuation indicates a pattern of enduring injustice and racial prejudice. As if to emphasize the seriousness of this situation, in 2004 Amnesty International issued a report entitled “Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada” (Amnesty International 2004).

The president of the Native Women’s Association of Canada (hereafter NWAC) at that time, Beverley Jacobs, a Mohawk member of the Six Nations of the Grand River, wrote one of the reports presented to Amnesty. In documenting the untold instances of violence against the Indigenous women of Canada, Amnesty states: “The social and economic marginalization of Indigenous women, along with a history of government policies that have torn apart Indigenous families and communities, have pushed a disproportionate number of Indigenous women into dangerous situations that include extreme poverty, homelessness and prostitution.” The report also states: “Despite assurances to the contrary, police in Canada have often failed to provide Indigenous women with an adequate standard of

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protection” (Amnesty International 2004, 2). This stands in sharp contrast to Indigenous women’s status in precolonial days when they were held in respect and honoured as guardians of their traditions. In their world, it needs to be stressed, religion was not regarded as a separate sphere from other domains of life, as it tends to be in modern, liberal societies.

One specific case which provides graphic evidence of Aboriginal women’s diminished status is that of Sandra Lovelace, a Maliseet woman from the Tobique First Nation in New Brunswick. Sandra married a non-Indian man and as a result was no longer regarded as a status Indian under the provisions of the Indian Act of 1876. When she subsequently divorced this man, she was barred from returning to the reservation, which meant that she and her sons had no shelter or means of support. (No Indian man who marries a white woman loses his status.) After her legal appeals were disregarded in Canada, Lovelace took her case to the United Nations Human Rights Committee. In July 1981, the committee judged in her favour, decreeing that:

Sandra Lovelace, because she is denied the legal right to reside on the Tobique Reserve, has by that fact been denied the right guaranteed by Article 27 to persons belonging to minorities, to enjoy their own culture and to use their language in community with other members of the group. (Lovelace v. Canada, 2 H.R.L.J. 158 [U.N.H.R.C.], 1981, para. 13.2, quoted in Jacobs [2005, 183])

In contemporary Canada, since the inclusion of the Canadian Charter of Rights and Freedoms in the Constitution Act in 1982, Aboriginal women such as Teressa Nahane, a lawyer and member of the Squamish Nation, think that the status and rights of Indigenous women would be better protected under the Canadian Charter of Rights and Freedoms rather than the Indian Act (Nahanee 1997). Today, then, certain Aboriginal women are demanding that recognition of their previous status be restored in terms of the Charter. At the same time they also wish to be free from discriminatory practices and have access to basic human rights, such as freedom from violence, and adequate protection under the law.

Yet this strategy has not been welcomed in some communities. Joyce Green, a Métis scholar, has described the negative reaction to Aboriginal
women who adopt this position: “Women advocating the explicit protection of women’s equality rights were attacked for undermining the greater cause of Aboriginal rights” (Green 1993, 114). Nahanee also understands the situation to be particularly fraught, but she refuses to allow the situation to be framed as an opposition in terms of rights versus the Indigenous community, which she understands to be counterproductive. “As long as the dominant forces within the Canadian and Aboriginal patriarchy continue to use the prison of collective rights to denigrate the Aboriginal women’s struggle for sexual equality rights as a dichotomy of individual/collective, women will be unable to capture popular support inside and outside the community” (Nahanee 1993, 370). Both Nahanee and Green consider the individual rights/community issue to be a false dichotomy. Nahanee declares: “Each and every individual comprises the collective; there is no collective without them” (370). She believes that individuals are inextricably interconnected with their community in extremely complicated ways that are not always in accord with the dominant view.

What needs to be stressed in this case is that in asking that their previous status be restored, Aboriginal women insist that their former religious status of parity be included. This, then, is a particular set of circumstances, where in contrast to the debate in Canadian society at large, human rights and religious rights are not at variance but actually, in fact, coincide. Unfortunately, however, the issue of the individual versus the community looms large.

This situation can be contrasted with the terms of the debate in Ontario concerning the recommended adoption of Shari‘a in Family Arbitration courts to settle family disputes. (Since the Arbitration Act of 1991, such courts had existed for Jews and certain other religious groups. This arrangement was viewed as a way of alleviating heavy caseloads in the civil courts.) After further consultation, with strong protests being registered by many women’s groups—including those of Muslim women—and sensationalist coverage by the media, the premier, Dalton McGinty, decided not to allow this recommendation to be put into effect, and all such courts were disbanded. What was both fascinating and alarming about the whole procedure was the language of polarization that dominated the popular terms of the debate. And it is this aspect on which I would now like to focus.
A Canadian professor of law, Natasha Bakht, has commented on the situation. She is worried that the move to arbitration reflects an attitude on the part of the government to wash its hands of dealing adequately with the status of women in religions—particularly in a time when fundamentalism is increasing. This mirrors the fact that courts seem to be increasingly unwilling to make decisions on matters of religion. The state seems to be reluctant to take responsibility for matters that are considered private. In her article, Bakht invokes the words of Nicola Lacey: “The ideology of the public/private dichotomy allows government to clean its hands of any responsibility for the state of the ‘private’ world and depoliticizes the disadvantages which inevitably spill over the alleged divide by affecting the position of the ‘privately’ disadvantaged in the ‘public’ world” (Lacey 1993, 97; emphasis in the original). Bakht notes that Lacey views such non-regulation by government as amounting to a maintenance of the status quo, that is, “support of pre-existing power relations and distributions of goods within the ‘private’ sphere” (Bakht 2004, 23). Bakht arrives at this conclusion because, in Canadian law, the burden of proof for a breach of the Charter of Rights and Freedoms falls on the person who is making a charge of such a breach. Such an onus places women in a difficult and demanding position.

Bakht also makes an intervention, however, on behalf of Muslim women who may want to accept arbitration by Shari'a. She states that one cannot automatically presume that such women are either ignorant or oppressed in making such a choice. To do so would be to “infantilize” Muslim women in discriminatory ways. She further declares: “In fact, making an overly generalized argument regarding women’s capacities or experiences homogenizes women and potentially eliminates important differences based on intersecting grounds of oppression” (22). In support of her stance she quotes Farida Shaheed of the network “Women Living Under Muslim Law” (WLUML): “WLUML recognizes that living in different circumstances and situations, women will have different strategies and priorities. We believe that each woman knowing her own situation is best placed to decide what is the right strategy and choice for her” (Bakht 2004, 22).6

Another feminist scholar, Sherene Razack, who is a professor of sociology and equity studies in education at the Ontario Institute for...
Studies in Education of the University of Toronto, and whose principal areas of scholarship concern race and gender issues in the law, warns against a strategy that she believes was all too prominent in the debate. Though she concedes that something positive may have resulted from this exercise, in that the “plans of a small conservative religious faction may have been upset,” she believes that there has certainly been a narrowing of focus and attitudes that she understands as damaging for all concerned. This is because of the harmful dualisms that have been reinforced. These dualisms are: “Women’s rights versus multiculturalism; West versus Muslims; enlightened Western feminists versus imperiled Muslim women” (2007, 29). From her perspective, such divisions have rather pernicious consequences, especially as they concern feminism. “I argue that in their concern to curtail the conservative and patriarchal forces within the Muslim community, Canadian feminists (both Muslim and non-Muslim) utilized frameworks that installed a secular/religious divide that functions as a colour line, marking the difference between the white, modern, enlightened West, and people of colour, and in particular, Muslims” (6). In a post–9/11 climate, such a facile distinction serves to “keep in line Muslim communities at the same time that it defuses more radical feminist and anti-racist critique of conservative religious forces” (6). It also does not leave any space for negotiation with Muslims who hold moderate faith-based views. Such discussion could have resulted in a more productive public and governmental interchange, rather than allowing only extreme and exclusionary voices to dominate.

As is evident from this review of the process as it has developed in Ontario, where there was a clash of rights, the decision was made in favour of women’s rights to freedom of expression rather than freedom of religious practice. Nonetheless, there remain vastly differing evaluations of the decision, and many of the issues remain unresolved, so the debate will no doubt continue. The hope is that, in further reflection, the opinions of Bakht and Razack will prevail, so that the discussion will not necessarily continue in such a markedly dualistic format.
FURTHER COMPLICATIONS

One of the refrains that is particularly noticeable in the above descriptions is the prevalence of dualisms in place of mediation or dialogue. This is particularly problematic because it is occurring at a time when human rights, and specifically women’s rights, are under attack from a number of other quarters. I would now like to survey these instances and the additional complications that they could cause. The different proponents of these criticisms consist of a number of disparate groups. One is a fluctuating coalition of fundamentalist religions whose members focus principally on the topic of reproductive issues. Another group consists of postcolonial critics of the Eurocentric heritage of human rights. The members of a third group are women critical theorists who take to task globalizing, US-oriented interests, including what they view as a cynical exploitation of human rights. Nevertheless, I believe that to characterize the debate as one where it is basically political liberalism and secularism that are positioned in opposition to fundamentalism is to opt to continue with the present impasse.

First, then, a quick overview of fundamentalisms is needed. Fundamentalist religions, during the early 1990s, became aware of, and began to interfere in, the progress that women had been making on human rights as women’s rights at the United Nations during the previous decades. Coalitions were then formed by reactionary movements from different religions to counter the advances made. Judith Butler describes her astonishment when she learned of the manoeuvrings on the part of the Vatican in the lead-up to the Beijing conference on the status of women that took place in 1995: “The Vatican not only denounced the term ‘gender’ as a code for homosexuality, but insisted that the platform language [of the conference] return to using the notion of sex” (2001, 423), in an apparent effort to secure a link between femininity and maternity as a naturally and divinely ordained necessity. Joan Scott, a noted historian and theorist of gender, also reports on another occurrence in the United States around the same time, when a subcommittee of the US House of Representatives entertained submissions warning that morality and family values were under attack by “gender feminists” (Scott 1999, ix). Both the Vatican and the neo-conservative groups in the United States
had seemingly been informed of Butler's work questioning traditional gender roles in the book *Gender Trouble* (1990). In their depiction of this threatening situation, the opponents of "gender" insisted that "gender feminists" regarded manhood and womanhood, motherhood and fatherhood, heterosexuality, marriage and family, as "culturally created, and originated by men to oppress women" (Scott 1999, ix).

The resultant interventions at the UN, however, marked the beginning of a backlash against any further progress on women's rights at the UN. In another move, fundamentalist elements of a number of religions are using an evasive ploy, resorting to terms such as "tradition" or "culture," which are code words for religion, to challenge the enactment of new declarations by the UN. From their viewpoint, women's increasing demands for self-determination are seen as nothing more than attempts at selfish self-fulfillment. As a result, struggles continue to restrict the expansion of women's rights in various UN committees. Some scholars are beginning to wonder if it is even worth continuing the struggle for women's rights at the UN, so effectively organized has the opposition become (Posadskaya-Vanderbeck 2004). Courtney Howland, a lawyer, has documented this movement well in her article "The Challenge of Religious Fundamentalisms":

Religious Fundamentalism is premised on the notion that religious law takes precedence over all other law and defines, *inter alia*, relations between different religions and between men and women. Thus, some states have argued, in the context of human rights treaties, that religious law takes precedence over international human rights even when the state has not entered reservations to the treaty on this basis. (1997, 371)

Again, but coming from the other direction this time, religion and rights are posed in a binary that appears to situate them as mutually exclusive. Here religion triumphs over rights. Another exacerbating factor, however, that is working against women's rights concerns the views of certain contemporary postcolonial theorists, who criticize the human rights movement insofar as it assumes certain universals or even essentialist claims on behalf of all the women of the world. Speaking from a
postcolonial perspective, Inderpal Grewal, who teaches in women’s, gender, and sexuality studies at Yale University, has strong reservations about the development of women’s rights. She charges that, what with their emphasis on individual rights, “the hegemonic forms of Western feminisms have been able, through universalizing the discourse, to propose the notion of common agendas for all women globally, and to mobilize such discourses through the transnational culture of international law that can serve the interests of women globally” (Grewal 1999, 340). At the same time, however, Grewal will concede that, while “human rights may remain Eurocentric in many of its assumptions and goals,” they may be “one of the very few tools to struggle for the rights of the disenfranchised” (341). Basically, Grewal’s view is that the language of women’s rights fosters an essentialism that takes as a basis the Western understanding of the individual as the subject of human rights. They charge that this understanding is then applied in all contexts, without any consideration of the divergent views and values in specific regions of the world. Another problematic position often voiced in this connection is that by thus assuming a commonality among all women, specific local structural anomalies are overlooked. On this score, Grewal draws attention to the fact that the “discourse of rights has been more popular in struggles for civil and political liberties by elites, whereas the struggle for social justice has been the discourse of more mass based movements,” such as NGOs (339). Postcolonial critics such as Grewal are also mindful of the fact that human rights also depend for implementation on international law and tribunals. They view these institutions, as well as their national equivalents, as biased in favour of the male of the species, situated as they are within the purview of nation-states. This is because they also view the founding impulses and subsequent concerns of such institutions as being predominantly masculinist in tone. (A graphic illustration of such bias was the difficulty encountered in getting the case of rape as a war crime to be added to the agenda of the International Court.) Another concern often expressed is that, in some countries, the institutions or agencies to which women must appeal for redress are the very bodies that are responsible for the activities that have violated their rights.
A final and telling postcolonial complaint by Grewal is that “human rights is based on linear notions of progress and relies on notions of the south as Other—utilizing North/South inequalities to claim that the North has human rights (with a few aberrations) and the South needs to achieve them” (338). What she recommends instead is that careful attention be paid to the regional variations and the particular socio-economic, political, and cultural conditions that are inevitably always interrelated in unique combinations. As a result, human rights and their violations can never be solely defined or implemented only in accordance with a Northern-generated model—or with any unreconstructed universal formula, for that matter.

Finally, Wendy Brown, a professor in political science and women’s studies at University of California at Berkeley, has certain misgivings about human rights, especially as they have featured in the recent American political landscape. Brown’s Marxist-inspired radical critique does not recommend the elimination of human rights, but she believes that their purview is limited. In one sense, they have been tarnished by their implication in the Bush political platform—albeit misinterpreted or cynically manipulated. She quotes Donald Rumsfeld’s declaration that “the war on Terrorism is a war for human rights” (2004, 460). Secondly, in an earlier essay, Brown had enumerated her qualifications of the value of human rights language for women. She appreciates that there are certain paradoxes involved in the deployment of human rights. One of the most prominent is “that rights that entail some specification of our [women’s] suffering, injury, or inequality lock us into the identity identified by our subordination, and rights that eschew this specificity not only sustain the invisibility of our subordination but potentially even enhance it” (2002, 423). Nonetheless, similarly to Grewal, Brown concedes that though flawed, rights talk and action are necessary. As a result of her reflections on the dilemmas involved, she concludes with a vision—posed in a number of rhetorical questions—that evoke their yet (or maybe never)-to-be-achieved ideals. Such a vision helps to prevent premature closure. Perhaps the most compelling of these questions is: “How might attention to paradox help formulate a political struggle for rights in which they are conceived neither as instruments nor ends, but as articulating through
their instantiation what equality and freedom might consist in?” (2002, 432).

One scholar who is particularly helpful as a respondent to these various criticisms is Uma Narayan, a professor of philosophy at Vassar College. She is extremely suspicious of any essentialized definitions of culture and tradition in the interests of religion and in opposition to rights, be they “East” or “West.” In her book Dislocating Cultures, Narayan issues a warning: “We need to be wary about all ideals of ‘cultural authenticity’ that portray ‘authenticity’ as constituted by lack of criticism and lack of change. We need to insist that there are many ways to inhabit nations and cultures critically and creatively” (1997, 33). From this perspective, Narayan first takes issue with Western colonial impositions in India, where she was born, especially with misleading gender analyses by Western feminists, such as Mary Daly, who falsely oversimplify by decontextualizing certain Indian practices, such as satī.¹⁴ Narayan, however, also takes to task India’s own attempts to invoke essentialist categories in connection with idealized projections of a “national and cultural identity,” particularly as has been done in the Hindu form of fundamentalism (or Hindutva). She is particularly articulate about the exploitation of exalted depictions of women as central components of “cultural identity.” She describes how, in consequence, women who stray from such models, specifically those who support the notion of human rights, are labelled as cultural betrayers. Narayan expands on this: “Third-World feminist criticisms of practices and ways of life that are harmful and oppressive to women are depicted as mere symptoms of an antinationalist cultural disloyalty and as forms of ‘cultural inauthenticity’ rooted in an adoption of ‘Western’ ways and values” (20).

Narayan takes a strong stance against any idealized forms of cultural and religious essentialism and the inevitable dualisms that they entail. One such manifestation, a hallmark of many fundamentalist religious movements, is a manipulation of history in order to promote a glorious past from which contemporary society has sadly fallen and which needs to be re-established. It is women’s deviance from the ideals of this past that is largely held responsible for the supposed decline. As a result, women need to be rescued from their fallen ways and returned to male supervision and appropriate forms of “femininity.” Narayan will have none of this.
drawing her own conclusions about such directives, she states that just as there can be no one essential description of the female gender, so there is no authentic cultural identity, let alone religion. In expanding this position, Narayan’s finally rejects not only the idea that there is anything that can be regarded as quintessentially “Indian culture” but also the notion of “Western culture” (187–88), especially in connection with religion. Yet Narayan is not completely dismissive of religion, allowing: “Many religious traditions are in fact more capacious than fundamentalist adherents allow. Insisting on humane and inclusive interpretations of religious traditions might, in many contexts, be crucial components in countering the deployment of religious discourses to problematic nationalist ends” (35). Narayan’s critiques of both “gender” and “culture,” including their faulty appropriation by religion, help to counteract the effects of their being invoked in idealized and inflexible formulas that promote duality and prevent constructive exchange between feminist thinkers from different backgrounds.

Such a critical perspective, which debunks idealized or unqualified statements, would appear to be extremely relevant to the problematic definitions and applications of universal women’s human rights. Yet, in my view, this does not mean that the concept itself needs to be abandoned or dismantled as beyond repair, as it has had a definite positive impact, as even some of its fiercest critics, such as Grewal, allow. In one sense, to abandon the idea of human rights for women would, to a degree, allow the fundamentalists to emerge triumphant. So, it then becomes necessary to survey some of the potential solutions that are being proposed by various scholars to the dangers implied by universal applications that tend to distort issues, by reification or essentialism, and lead to inevitable bifurcations.

A major part of the problem, as I described it in this essay, has been that the argument concerning women’s human rights has been conducted along the all-too-predictable lines of a binary opposition. It may not necessarily be the case, however, that an “all-or-nothing” solution is the appropriate response. A number of contemporary women thinkers, who belong to different religions and yet support human rights, would agree. And it is in relation to this development that I believe that the overall strategy has to change from the stand-off between the traditional secular, liberal camp
and the fundamentalist one. It is not necessarily the case that a political person, advocating for human rights for women, is anti-religious. Terms such as anti-dogmatic and/or anti-essentialist may be better qualifiers. Such terms would definitely apply to the many women, from different religions and regions of the world, who have been active on women’s behalf at the UN during the past thirty years, as Devaki Jain (2005) has wonderfully described them.

To develop this position, I would now like to turn to some of the solutions that are being presented by such women who do not think of religion and women’s rights as needing to remain separated.

A TENTATIVE RESPONSE TO THE CHALLENGES TO WOMEN’S RIGHTS AND RELIGION

One approach, taken by Madhavi Sunder, a professor of law at the University of California at Davis, advises women to claim their rights against religious oppression. She terms this approach “the new Enlightenment.” Her description of those who participate in the movement is as follows:

These individuals reject the binary approach of the Enlightenment, which forces individuals to choose between religious liberty (on leaders’ terms) in the private sphere and equality (without a normative community) in the public sphere. Rather, they articulate a vision of human flourishing that requires freedom within the context of religious and cultural community. This vision includes not only a right to equal treatment in one’s cultural or religious community, but also a right to engage in those communities on one’s own terms. (2005, 268)

In the present context, I cannot develop her ideas in detail and comment on them, but I see in her position a place for a renegotiation for women who find themselves in traditions that are resorting to fundamentalist dictates and trying to silence progressive voices. Sunder then refers to an earlier article she wrote: “Cultural dissenters, or ‘individuals within a community [who seek] to modernize, or broaden, the traditional terms of cultural membership,’ challenge the traditional liberal understandings
of liberty and equality as premised on a ‘thin’ theory of the self” (268 [2001, 551]). She then continues:

Their claims suggest that traditional liberalism takes too lightly the ease of exit from one’s community and the desirability of culture; I read in the rise of cultural dissent that human flourishing requires not only a liberty right to normative community, but access to a community free of the fear of discrimination within it. (268)

Such a development challenges the Western traditional public/private distinction, especially the assignment of human rights as belonging to the public sphere while religion is delegated to the private. It is in this private sphere, indeed, that much violence against women takes place and has been, until very recently, outside the reach of either law or rights.

Other women scholars are moving in similar directions, though they state the problematics of the situation differently. In her article “Will Dualisms Tear Us Apart? The Challenges of Fragmentation in Identity Politics for Young Feminists in the New Global Order,” Suzan Pritchett, a young America scholar, describes the problem eloquently:

When I speak of the New Global Order, I am referring to a world illustrated by the powerful forces of war and militarization, religious fundamentalisms and the spread of globalization and free-market [or late-capitalistic] democracy. I speak of my personal national landscape coping with the traumatic upheaval of the events surrounding 11 September 2001 and the subsequent re-masculinization of foreign and domestic policy. I am reflecting on an international climate characterized by increasing disparities between nations and between people, and continuing inequality between men and women. At every turn in this tumultuous climate, young women are being faced with dualistic politics and polarized identity politics. (2005, 9)

Perhaps what saddens Pritchett most is the fact that “the neutral middle ground where ideas and politics could once be contested has turned into an ideological battlefield where the consequences of militarization, fundamentalism and globalization are most felt” (15). Her recommendations
are of a more general nature, and not specifically directed at the rights and religion debate, but are nonetheless telling. She proposes that there must a movement of dialogue that seeks not to allow these ideological forces to dictate the dualistic terms of reference, and that dialogue rather than confrontation be pursued so that the difference of others is not allowed to be demonized in the way that it has been by the present lethal combination of politics and religious fundamentalism.

Mahnaz Afkhami, a former minister of state for women’s affairs in Iran and an international activist now in exile in the United States, addresses another form of duality that needs to be dismantled. This is the one that pits individual rights against the community and views them as mutually exclusive:

We must move beyond the theory of women’s human rights as a theory of equality before the law, of women’s individual space, or a “room of one’s own,” to the theory of the architecture of the future society where the universality of rights and relativity of means merge to operationalize an optimally successful coexistence of community and individuality. This architectural theory will point to a dynamic design where broadly conceived human relations evolve with the requirements of the times as they satisfy the needs of both community and individuality. (2004, 66)

It is worth noting that this development does contain certain provisos deemed necessary for its success:

We must insist that no one, man or woman, may claim a right to a monopoly of interpretation of God to human beings or a right to force others to accept a particular ruling about any religion. The upshot of this position is that women ought not to be forced to choose between freedom and God. The same applies on the part of tradition. (65)

Finally, there has been a remarkable change of attitude on this issue in the work of that grand critical thinker and debunker of all false pretensions to essentialisms of any variety, Judith Butler. I have discussed this development elsewhere (Joy 2006), but I shall repeat it here, for I do think it has a particular relevance for the issue at hand. Butler has rejected those who
have associated her with an easy relativism and who blame Foucault’s influence on her. One of the influences on her change of approach was no doubt the machinations of the Vatican and other conservative religious groups prior to the World Congress of Women mentioned earlier.

In an interview in 2001, entitled “The End of Sexual Difference,” Butler admits that in her earlier work, *Gender Trouble* (1990), she may have played too fast and loose with the notion of gender as performance, as an optional mode of identity that just is up for grabs, at the expense of recognizing the physical body and claims that could be made on its behalf for protection from abuse and violence. She acknowledges that gender will always remain a contentious site and needs to be constantly questioned—because certain societies, groups and religions in particular will continue to employ it not only in a regulative manner, but even as invariable and non-negotiable. Aware of the gains that have been made by fundamentalists, however, and the contemporary inroads that have been made to reframe, restrain, and even cancel many of the rights that had been hard-won by former generations of women, she allows: “Although many feminists have come to the conclusion that the universal is always a cover for a certain epistemological imperialism, insensitive to cultural texture and difference, the rhetorical power of claiming universality for, say, rights of sexual autonomy and related rights of sexual orientation within the human rights domain appears indisputable” (2001, 423).

**CONCLUSION**

There are no easy answers or quick solutions to the complex and seemingly irreversible dynamics of the present world situation and its deadening effects on both the minds and bodies of many innocent people. Human rights, conceived in terms of respect and recognition of the other as a person with the same rights and entitlements as I have, and violations of such rights in the continued neglect, even refutation, of such respect and recognition, however, is an issue that I believe is situated at the very heart of the problem. Women’s rights are but one dimension of this overriding problem. There is a dire need, as the women contributors in this essay have articulated, to question, from an interdisciplinary perspective, the
prevailing world view and the simplistic dualisms that continue to dominate and perpetuate the universalisms and essentialisms that dictate the terms of engagement with the world.

From this perspective, it seems appropriate that the language of rights itself has to move beyond the notion of irreducible individual entitlement to one that is more diverse and nuanced in its appreciation of communal diversity and yet also founded on a solidarity resulting from a dialogue and communication that goes beyond a perfunctory theoretical nod in the direction of difference. Religious studies is strategically situated to contribute to these developments—both because of its hermeneutic study of texts that can weed out dubious claims to authenticity and because of the finely wrought examinations of fundamentalisms and their attempts to undermine a human and women’s rights’ agenda.

NOTES


2 The term “First Nations” is the preferred phrase used today by Indian bands who have status in terms of the Indian Act. In this paper, various words, such as “Indigenous,” “Native,” “Aboriginal” are also used, usually in connection with a specific writer’s preference. Each of these words has varying levels of acceptance among the Indigenous peoples of Canada. The Indigenous peoples of Canada—Indians, Inuit and Métis—are named in the Indian Act, which was enacted in 1876 by the Parliament of Canada under the provisions of s. 91(24) of the Constitution Act of 1867. It gave the Canadian government sole authority to legislate in regard to “Indians and Lands Reserved for Indians.”

3 See the “Sisters in Spirit” webpage at http://www.amnesty.ca/campaigns/sisters_overview.php. This page was set up by the Native Women’s Association of Canada (NWAC). They launched the national Sisters in Spirit Campaign in March 2004 to raise public awareness of the alarmingly high rates of violence against Aboriginal women in Canada. NWAC believes there continues to be an urgent state of affairs with regard to the safety of Aboriginal women in Canada.

4 Cora Voyageur describes the position of women prior to the European settlement: “Prior to colonization, women were a strong force in many Aboriginal societies. . . . In a number of North American Indian tribes, women traditionally selected male chiefs as political
chiefs and could remove them. . . . Also, in many tribes, women owned substantial property, including the marital home, and exercised exclusive dominion over the means of production and the products of major subsistence activities. . . . Women in many tribes held the power to initiate or to call off war” (2000, 86).

On 17 January 2005, a former Ontario Attorney General, Marion Boyd, who had been appointed by the provincial government to evaluate the situation, recommended that Islamic tribunals also be allowed to use Shari’a law to settle such disputes in that province. Boyd’s recommendation was not binding, however, and both it and the Arbitration Act itself were then submitted to review.

Bakht quotes from “Asian Women in Muslim Societies: Perspectives and Struggles,” Shaheed’s keynote address at the Asia-Pacific NGO Forum on Beijing+10 (Mahidol University, Nakorn Pathom, Thailand, 30 June to 3 July 2004); see http://www.wluml.org/node/1557.

Zillah Eisenstein, for instance, would argue that the former Bush administration perpetrated a cynical and superficial manipulation of human rights when, in their efforts to free Afghani women from subjugation, they portrayed them both simplistically and unproblematically. They did this at the same time as circulating images of their view of ideal (conservative) American womanhood and condoning violations of the rights of American citizens (2005, 110–17, 124–27).

I use this term in the plural because I do not believe fundamentalism manifests itself in the same way in different religions. See Marty and Appleby (1991).

As Amrita Basu comments in “Women's Movements and the Challenge of Transnationalism”: “Parallel to the evolution of transnational women’s movements, and equally important, has been the phenomenal growth of transnational networks of the religious right. We saw this in the 1994 Cairo conference on population and development, and again in the Beijing [women’s] conference of 1995. In both these contexts one found a thoroughly transnational alliance of groups on the religious right, not only official state organizations but also members of non-state organizations, including religious bodies like the Catholic Church” (Basu n.d.).

The Vatican again has been particularly active. It has attempted to influence members of the Catholic communities from a number of countries (especially in Central and South America) (Stein 2001). In addition, it has made strategic coalitions between Catholic and Islamist countries to support its own position. Part of its strategy is to argue that the idea of human rights for women, especially in the context of gender, is a “Western,” i.e., colonialist, imposition. This alignment by the Vatican with the colonized and underprivileged of this world, as well as with a non-exploitative stance, would seem to rest on a patently manipulative, if not ironic, interpretation of the concept.

On the side of tradition, religion is ironically posited as an endangered species of culture. Such an understanding of “tradition” and the “culture” that accompanies it, posits them both as pristine and transparent in their originary impulse, untainted by history.

This was especially apparent in the recent failure by signatory nations to pass a
resolution on the implementation of the Declaration of Elimination of Violence against Women, ostensibly on these grounds of protecting religious traditions. (Certain member nations were allowed to register reservations that meant, in effect, that they were not full signatories to these agreements.) Technically speaking, these reservations mean that such nations are in violation of certain articles of the UN Charter.

Further exploratory essays on these issues can be found in Bayes and Tohidi (2001) and Hawley (1994).

Narayan expresses her objections to Daly’s approach eloquently: “Thus, while Daly-type accounts of ‘tradition’ provide room to politically challenge such practices on the grounds of their harmfulness and oppressiveness to women, challenges that are not unimportant, they do not provide the tools additionally required to challenge the status of these practices as ‘indigenous traditions.’ . . . Western feminist work that forecloses the second type of challenge by buying into misleading views of the nature of Third-World ‘traditions’ might, with good reason, appear both inadequate and dangerous to Third-World feminists politically engaged in challenging these traditions” (1997, 78).

WORKS CITED


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