Introduction

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The relationship between secularism, democracy, religion, and gender equality has been complex across Western democracies and still remains contested. When we turn to Muslim countries, the situation is even more multifaceted. In the view of many Western commentators, the question of women’s rights is the litmus test for Muslim societies in the age of democracy and liberalism. The Arab Awakening in particular, the issue is usually framed as the opposition between liberal advocates of secular democracy and religious opponents of women’s full equality.

This book intends to critically re-engage this too simple binary opposition by reframing the debate around Islam and women’s rights within a broader comparative literature that examines the complex and contingent historical relationships between religion, secularism, democracy, law, and gender equality. In fact, history tells us that there is no systematic connection between secularism and democracy: secular authoritarian regimes such as Turkey under Mustafa Kemal Atatürk or Iraq under Saddam Hussein have advanced women’s rights, while curtailing democracy and civil rights. Post-secularist Muslim democracies, in turn, may have expanded electoral rule and some civil rights, while curtailing others, particularly on issues of sexual equality.

THE UNEXPLORED NEXUS OF WOMEN’S RIGHTS, ISLAM, AND DEMOCRACY

The rights of women in Islam are the topic of an impressive body of literature. Simultaneously, the question of Islam and its compatibility with democracy

1 Leila Ahmed, Women and Gender in Islam: Historical Roots of a Modern Debate (New Haven, CT: Yale University Press, 1992); Margot Badran, Feminism in Islam: Secular and
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has also been the focus of a considerable amount of work. Interestingly, the nexus of women’s rights, Islam, and democracy has been little analyzed, with the notable exception of Steven Fish’s (2002) article, which considers the rights granted to women in Muslim societies to be a predictor of democracy. Fish argues that the status of women’s rights explains the lack of democracy in Muslim societies, providing a provisional theory which links women’s rights with regime type and therefore discards Islam as a cause of women’s oppression. This would be quite relevant except that the deficit of women’s rights in Muslim countries is actually linked to religiously based legislation, especially in the domain of civil law. Consequently, there is a need for a more nuanced analysis that considers the correlation between secularization and gender equality mediated by the rule of law and, when it comes to the influence of Islam, differentiates between civil law, political rights, and social rights (work/education).

In these circumstances, the aim of this collaborative project is to examine the complex relationships between democracy, secularism, Islam, and women’s rights in order to make a critical and more fruitful contribution to the current debate on women and politics in Muslim countries. Our edited volume fills a gap in the existing literature by: (a) bridging two currently distinct threads of scholarly work: surrounding women’s rights and Islam on one hand and Islam and democracy on the other; and (b) locating the current intersection of Islam, gender, and democracy in the broader field of women’s rights, religion, and democracy in other countries, such as India, Israel, Spain, Poland, and France.

SECULARITY, DEMOCRACY, CIVIL LIBERTIES, AND WOMEN’S RIGHTS

The academic consensus is that modernization, democratization, and secularization are inextricably linked in any process of political development, and that the advancement of women’s rights is the “natural” outcome of these intertwined processes. This consensus operates on the premises of the secularization theory, whose core claims are twofold. First, the social significance of religion in modern societies is weakening in comparison to previous


periods. Second, this decline of the social importance of religion is attributed to diverse processes of modernization. Three pillars: separation of religion and state, privatization, and decline of individuals' religiosity are usually considered to be the main features of secularization.

Our volume builds on the rich body of literature that has critically addressed these core assertions of the secularization paradigm. Most of the critique is aimed at the claim that religion is losing its significance in the modern era. Alternative approaches of secularization focus on social differentiation, which insists on the increased autonomy of social segments (economics, sciences, education, etc.) that were previously under the influence of religious doctrines or organizations. Reduction of secularization to state-church institutional relations has also been criticized and even proven wrong. For example, recent sociological data shows that democratization is not dependent on the separation of church and state—and that, in fact, government involvement in religion often increases as democracy grows, especially in Christian nations. In the same vein, it has been argued by scholars such as Kaplan that the growth of democratization and secularization, even in the West, was not actually as smooth and linear as the narrative wants us to believe, and setbacks were inevitable. Others reject the idea of an irreversible process of privatization of religious actors and institutions (José Casanova). The most recent thread of these renewed approaches is the focus on religious pluralism and egalitarian individualism (Steve Bruce, Charles Taylor).

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4 Ibid.
6 Ibid.
7 Benjamin Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2007), pp. 333–58. For example, the European experience of democratization was part of a reaction to the religiously induced Thirty Years' War and to the rise of Enlightenment principles, which resulted in various forms of church and state separation. In other words, the differentiation of church and state experienced throughout Europe was the solution to end several decades of bloody religious wars during the sixteenth and seventeenth centuries. Ultimately, the matrix of long-term ideas—such as the necessity of separating religion and politics, the perception of religion as a disturbance in public spaces, and the idea that intertwining politics and religion creates absolute power—shapes political imaginary and cultures. This imaginary is continuously utilized by European political actors to build ideological arguments that secularization goes hand in hand with a decline of religion in the public space.
At the end, all these critiques are highly significant and have contributed to address secularism as a political negotiation over the accepted role of religion in public life rather than as an a priori category.\textsuperscript{10} Interestingly, these sociological analyses of secularism have not yet been taken into account in political science, especially not in the studies that address Islam and democracy. In other words, when it comes to Islam and democracy, a quantitative/institutional approach to secularization dominates, which dismisses historical evolution and continuous struggle between political and religious actors over the meaning and boundary between religion and politics.

It is not surprising then, that most non-Western experiences of secularization have been measured and evaluated in comparison to secularism, which in this book will refer to the Western model of secularity. In other words, we consider secularism to be the Western political culture produced by multiple and imperfect embodiments of two principles: protection by law of all religions, and equidistance of the state vis-à-vis all religions. These principles are interpreted within specific political cultures that ultimately frame social expectations about the status of religion in public space. In the case of the West, these expectations are the separation of church and state, and privatization of religion, leading to its social decline as well as the decline of personal religiosity.

Consequentially, Turkey, Tunisia under Ben Ali, and Iraq under Saddam have been defined as secular, with the implicit assumption that they are (or were) aligning themselves on the Western principles described. These "secular" states have certainly attempted to diminish the role of religion in the public sphere. However, an irreversible decline of the social and political presence of Islam did not occur in any of these countries. Moreover, none of these states properly implemented a separation between Islam and the state, nor the recognition or protection of religious diversity, which, more than separation, is a critical factor in a secularization process. As described by Alfred Stepan, in "The Twin Tolerations," secularization entails a dual process of differentiation, in which "the minimal boundaries of freedom of action must somehow be crafted for political institutions vis-à-vis religious authorities, and for religious individuals and groups vis-à-vis political institutions."\textsuperscript{11} In other words, states would not use religions for political purposes and grant equality to all religions, while religious groups would refrain from capturing state


institutions and politics for their specific religious purposes. While such equilibrium is never completely achieved, even in Western nations,\textsuperscript{12} it can serve as a criterion to evaluate processes of secularization. In these conditions, almost all Muslim countries, even the ones dubbed as secular, fail on both accounts: that is, state equidistance vis-à-vis all religions and no encroachment of religion upon politics. We are therefore in dire need of reconsidering or at least broadening the existing approaches to regimes of secularity in order to make sense of their particular political experiences.

In these conditions, secularism too often refers to the dominant and taken-for-granted approach of the Western experience, which is a separation of state and religion, and non-religious references in the legal system. In such a classification, although some Muslim countries like Tunisia or Turkey are defined as secular, the status of citizens, the family life, and the definition of the nation involve a dominant religious element imposed on all members of the political community. Furthermore, it can be argued that, in these countries, Islam was indeed confined into private spaces, but this is not a sufficient condition to define them as secular because state actions did not translate into the neutrality and equidistance of the state vis-à-vis all religions.

Thus, the use of Western terms or Western techniques or cultural styles should not fool us into thinking that some of these countries went through a differentiation between Islam and politics, as experienced in Western democracies. Actually, quite the opposite occurred. The use of Western secular techniques in the law and the constitutions created a strong connection between Islam and politics, and contributed to the redefinition of Islam as a political norm in ways unknown under the Muslim empires.\textsuperscript{13}

In order to have a better grasp of the regimes of secularity of Muslim countries, the different contributions in this book operate within an alternative approach that distinguishes between political secularization and social secularization. Political secularization refers to different forms of state–religion arrangements that grant equal treatment of religion by the state. Separation is only one of these arrangements and is not even the most common. Contrary to the dominant perception, all states, including the democratic ones, are involved in some form of regulation vis-à-vis religion (regulation/funding/

\textsuperscript{12} For instance, please see the current debates on the status of Islam in Europe or the ongoing debate in the US on the First Amendment.

\textsuperscript{13} M. Hakan Yavuz, \textit{Islamic Political Identity in Turkey} (Oxford: Oxford University Press, 2003), p. 52. Specifically in the Turkish case, Hakan Yavuz explains, “As a result of nation-building and militant secularization, society came to be divided along the now familiar cleavages of Turkish versus Kurdish and state versus society. In contrast, the caliphate, abolished in 1924, had represented an Islamic sanctioned union of multi-ethnic groups and had recognized ethnic diversity without assigning it any political role. In other words, the caliphate was the symbol of a multi-ethnic polity and authority; it symbolized the unity of Muslims as a faith-based community and allowed space for diverse loyalties and local autonomy for the periphery.”
restrictions). In other words, what dominates are actually multiple ways of accommodation between state and religion that are related to the history of the state in each country and how the nation-state interacted with existing religions. Accommodation is the way the state moved away from an historical privileged relation with one church to the recognition of equal rights for all religions, without automatically cutting off links with religions. Accommodation takes multiple forms, from the equidistance of state and religions, to regulation of religions by the state (authorized religions, state support of religions). In contrast, hegemon refers to the situation where the state maintains exclusive privileges with one church or religious organization and does not recognize others. More specifically, hegemonic religion refers to lack of institutional separation, the exclusive social role of one religion, and limited recognition of religious pluralism at the individual level; this characterizes most Muslim countries, including ones, like Turkey or Tunisia, dubbed as secular.

Sociological secularism entails all forms of social visibility of religion: political debates based on religious claims (abortion, contraception, blasphemy, dress code, environment, welfare, political rights), social activism of religious groups, and the presence of religious symbols in public discourses. Degrees of privatization and social legitimacy of all religions in public spaces define the status of social secularism.

No country is at the same point on each of these levels, making it impossible to have a “one size fits all” model of secularity. For example, it can be said that France and the United States share institutional secularity, but differ greatly on the status of religion in society or at the level of individuals. The same is true for the regimes of secularity specific to Muslim countries. Thus, we can say that France and Turkey share a certain illegitimacy of religion in social life, but do not provide the same legal and institutional status to religions. Finally, there is certainly a stark difference between the French and Turks when it comes to the importance of religion in their daily lives.

Women’s rights straddle both political and social secularization: when religion and the state are connected institutionally, this translates into laws that can limit women with regard to politics, employment, civil laws, and reproductive rights. When religion is socially relevant, it also translates into a gendered perception of public space that affects women’s mobility and social interactions. Introducing these two levels of secularization and showing how they interact sheds light on a more complex and contextualized approach to secularity than simply the separation of religion from secular institutions in public life. It is in this continuously evolving site of interactions between institutional and social secularization that the relationship between women’s rights and democracy will be analyzed. In this regard, José Casanova points out, in Chapter 2, that the question of women’s rights did not arise during the second and third wave of democratization in Catholic countries because the state and the church had become “disentangled,” while Islam remains
hegemonic in most Muslim countries. In the same vein, the privatization of religion, often seen as a condition for the advancement of women’s rights, does not seem as clear or straightforward once the social dimension of secularization is introduced. For example, Joan W. Scott shows that the private/public divide introduced by the secularization of state–religion relations in France actually favored women in the private space and therefore impacted on their political and social rights. In Muslim countries, on the contrary, the secularization process introduced by postcolonial nation-states led to the advancement of political, economic, and social rights of women. This means that while secular state actors gained control of religious organizations and personnel, they also undermined the legitimacy of Islamic practices and signs in public spaces, notably by unveiling women and granting them rights. Interestingly, the promotion of women’s rights did not clash with traditional Islamic interpretations or necessitate reinterpretations of the religious traditions to justify it. That is why, contrary to the common perception, Saudi Arabia or Afghanistan under the Taliban are actually not representative of the Islamic tradition when it comes to women’s status. The contestation of these rights in most Muslim countries has been a recent turn, brought by the growing Salaf interpretation of Islam, embodied in transnational movements. At the same time, in most countries, we witness a distinction: economic/political/social rights being advanced while rights related to divorce and family retain gender inequality and are often based on Islamic precepts. Iran is a case in point: under the Islamic Republic, the education, economic, and political rights of women have not been curtailed (quite the opposite in fact), but the rights to marry and divorce are still constrained by Islamic rules, maintaining a gender inequality in the family that does not match the social advancement of women. Interestingly, in the non-Muslim countries, like India and Israel, presented in this volume, the limitations on women’s rights when it comes to religion are also at play in the laws about marriage, divorce, polygamy, and so on. In this regard, it is important to identify which domains of rights are negatively affected by religious prescriptions. Except extreme cases like Afghanistan or Iraq under ISIS, it seems that individual rights about education, employment, and politics have gradually been granted to women, while reproductive rights as well as sexual rights remain under religious influence, even in democratic countries. In other words, individual rights seem distinct from the rights of the self. It is exactly on such issues that the Catholic Church is also resisting complete equality between genders, even in advanced democracies.

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14 After the 2011 Revolution, in an attempt to counter the Salafi political rise, Al-Azhar University issued, in 2012, a Bill of Rights of Women, reminding Egyptians that, in the Islamic tradition, women are allowed to work, be citizens, and receive an education.

Additionally, while the implementation of these individual rights has been problematic everywhere, it has been notably more difficult in Muslim-majority countries because of the resilience of patriarchal cultures, especially in rural areas.

Another interesting feature that clashes with the dominant view of secularism is that these advancements were made by authoritarian regimes, contrasting with the development of women’s rights in European countries that followed closely the democratization process. Therefore, the political development in Muslim countries brings a more complex and multilayered approach to democracy that resonates with current debates in political science on hybrid regimes. Most Muslim countries qualify as hybrid in the sense that some elements of democracy are present (elections/judiciary), while others are missing or weak (separation of power, rule of law). In this perspective, the distinction between procedural and substantial democracy helps us to understand how the status of civil liberties and human rights are critical to women’s rights. More specifically, accepting elections, division of power, rule of law, and individual rights does not translate into the acceptance of a complete formal equality between genders. In other words, accepting democracy does not lead automatically to ideological liberalism when it comes to women’s rights, religious minorities’ rights, and freedom of speech. Therefore, the different contributions reveal the central role of the state, not only in the modernization of women’s rights, but also in the reshaping of religious norms on women’s status.

STATE, WOMEN, AND ISLAM

Since the 1960s, the state has become a central, if not the most important, agent redefining Islamic law and religious orthodoxy, leading to a reshaping of Islamic norms. Such a redefinition of Islamic norms is at odds with the dominant perception of secularism as a disassociation between public behavior and religious norms. The female body has become the main site of this politicization of Islam, by state and non-state actors alike. The politicization of the female body has been a general feature of Muslim societies from the colonial to postcolonial periods. A consistent theme throughout has been the idea that women are the symbolic embodiment of morality, and therefore are the key to securing familial, national, and religious values in the uncertain maelstrom of social change.

This political discipline imposed on women’s bodies has taken opposite directions. As we will see in the examples of Turkey and Tunisia in Chapters 2 and 11, state intrusion led to an unveiling of women as citizens of the modern nation. More recently, however, Islamic dress code has been imposed on women as part of a redefinition of citizenship. Iran after the Islamic Revolution
of 1979 is a case in point, as morality police enforced strict Islamic dress codes, including the hijab and the chador. In some ways, the chador was actually a symbol of the success of Khomeini and the Islamic Revolution, and women wore Islamic dress as a sign of support. At the same time, when women wanted to express their individuality through Westernized clothes, this was also interpreted as a political stand and was therefore repressed. Nowadays, the ways Iranian women wear their headscarves reflect political positions from “liberal” and “free” to conservative. Instead of wearing the black scarf as traditionally instructed, women began to wear again the brightly colored scarves that revealed more of their hair, especially in urban areas such as Tehran. As a result, there have also been a growing number of reports of arrests and citations for women wearing “bad hijab.”

The same trend emerged in Afghanistan under the Taliban, or in Chechnya, where women have been harassed and abused by individuals and law enforcement agents, and some have even been shot at by paintball guns if they were seen without the hijab. After the overthrow of former president Alu Alkhanov and the rise of Ramzan Kadyrov as “head” of the Chechen Republic in 2007, an Islamic “virtue campaign” has become a priority for the Chechen state. Kadyrov has been known to support de facto “modesty laws” and “headscarf rules” that prohibit women from working, going to school, and going out in public if they do not wear headscarves. Furthermore, he has openly acknowledged polygamy and honor killings as valid parts of Chechen society.

This political discipline of the body is far from being a specificity of Muslim-majority countries. The legislation against the hijab and niqab in European countries proceed from the same logic. The specificity lies in the conflation between the moral hierarchy of gender roles and the legitimacy of the national community; this connection has been severed in most Western countries. In Chapter 2, we will show how, in Egypt and Pakistan, Islamic prescriptions can be used to redefine the good citizen, particularly during periods of political instability. As greater social mobility for both men and women threatens existing governmental structures and power, the principles of family are evoked in order to mitigate social change. These principles feed into the dominant status of gender hierarchies, thus politicizing what had

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18 It should be noted that these so-called laws are not actual legislation, but social and political codes that were instated in 2007 by a public television announcement by Kadyrov. However, Kadyrov has made enforcing these dress codes a matter of national duty and part of a new form of citizenship, commending men who harass women for not wearing modest Islamic dress.
been strictly the social sphere in premodern Muslim societies. As conceptions of family are implicated in the political consciousness and the formation of national identity, Islam becomes construed in a way that permits gender inequality as a means of maintaining social harmony. The control of women and maintenance of gendered moral hierarchies render a sense of national security and authority over conditions of social change that cannot be easily controlled. However, through this process, Islam becomes incorporated as a means of political ideology to serve the state.

In sum, to restitute these complex social processes between the state, women's groups, and Islamic actors, this volume will pay particular attention to state policies vis-à-vis women and draw comparisons with the situation of women's rights in some Western (Catholic countries) and non-Western democracies (India, Israel). It will also highlight the influence of transnational movements and feminist discourses, both Islamic and secular, on women's rights debates and policies in different national contexts.

**Outline of Content**

Part I of the book will specifically address the nexus of religion, law, gender, and democracy through different disciplinary perspectives (sociology, anthropology, political science, law). The common point of all contributions in this section will be to question the taken-for-granted religious/secular divide across countries by addressing the two following questions:

1. **What are the dominant religious and secular conceptions of women's rights of both civil society and state actors and how do they interact with different political forces and institutions to shape democracy?**

As discussed in this Introduction, the state has been a central actor in the shaping of women's rights, advancing them by law in some domains (work/education), curtailing them in others (civil law), often by using religious references. This centrality of the state shapes women's rights agendas for both secular and feminist activists, as well as their relation to religious discourses and figures, unlike the progressive dissociation between political actors and religious authorities that characterizes the discourse and politics on women's rights in Western democracies. The chapters in Part I examine state actions, including the rule of law and what kind of interactions and political mobilizations it generates among religious movements and feminist activists and how it contributes to the shaping of religious interpretations of women's rights. Looking at state actions vis-à-vis women's rights, Joan W. Scott argues in Chapter 3 that even in democracies like France, the secular state adopted a gendered approach to justify the separation of church and state. In Chapter 1,
Jocelyne Cesari shows that the state has been the major agent in the evolution of religious discourses about women’s rights in Muslim-majority countries like Egypt, Turkey, and Pakistan. In Chapter 4, Robert W. Hefner emphasizes the continuous tensions between the state actions vis-à-vis women’s rights in Indonesia and hermeneutics or legal-religious communities, including feminist ones that advocate an advancement of women’s rights within the religious framework. In the same vein, in Chapter 7, Yüksel Sezgin argues that the position of the religious group vis-à-vis the state is a major factor in the changing interpretation of Islamic law and women’s rights.

(2) How do women’s rights activists shape international efforts to exert pressure for human rights upon particular countries?

The last decade has seen a concerted effort by international organizations to remove women’s rights from the sole jurisdiction of nation-states. In Chapter 5, Susanne Schröter will explore the role of religious factors in the strategies of states and international institutions around these questions, as well as the pressures exercised by religious actors themselves. A key issue is how transnational religious activism relates back to both religious approaches to government policy and to the basic understandings of human rights in general and women’s rights in particular. Another aspect is how this transnational religious activism competes with transnational secular feminist groups and what the respective political influence of these two trends is in different national contexts and specifically on state actions and legal systems.

Part II will localize the implementation of this nexus between law, gender, and democracy, and provide contextualized responses to the questions mentioned in different cultural and political settings: Iran, Malaysia, Tunisia, Morocco, Senegal, and Bangladesh. It will also explore the situation of Muslim women’s rights in minority conditions both in the West (USA/Europe) and outside the West (India, Greece, and Israel). The common denominator of Chapters 6–11, by, respectively, Katherine Marshall, Yüksel Sezgin, Vrinda Narain, Ziba Mir-Hosseini, Valentine Moghadam, and Maila Stivens, will be to shed light on the gender politics in the modernization of the nation and to ponder over the role of Islam in gender inequality across different Muslim countries.