

Double Standards and Dissonance: Women's Rights and Freedom of Religion in the Global North¹

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ABSTRACT

In this article, I explore the complex intersection between women's rights and religious freedom in liberal democracies, particularly focusing on the Global North. I demonstrate how both religious freedom and women's rights have been instrumentalized by Western powers, often as tools of foreign policy. I highlight the dissonance between Western nations' rhetoric, which promotes these rights globally, and their domestic practices, which sometimes impose restrictions, especially on Muslim women. Through case studies, including countries in the Middle East, France, and the United States, the article underscores the hypocrisy of Western democracies that criticize religious restrictions in authoritarian regimes while enforcing their own limitations on women's religious expression. In the conclusion, I emphasize the importance of consistent application of human rights to avoid reinforcing cynicism and authoritarian practices.

KEYWORDS

human rights, religion and politics, women's rights, gender-washing, Middle East

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INTRODUCTION

Freedom of religion is one of the most important characteristics of liberal democracy and one of its aspects that the international community has emphasized at least since the adoption of the UN Declaration of Human Rights in 1948. Article 18 of this declaration clearly states that everyone is entitled to freedom of religion, which includes freedom to change one's religion, and to "*manifest [it] [...] in teaching, practice, worship and observance.*" In recent years, women's rights have also been understood as an element of democracy promotion by the international community, especially in the West (DONNO ET AL. 2022). This has led to abuses such as the weaponization of women's rights by authoritarian regimes (BJARNEGÅRD – ZETTERBERG 2022), but the West is also guilty of instrumentalizing women's rights.

The intersection of these two types of rights (freedom of religion and women's rights) is often understudied. However, it is important to examine these rights jointly because they often constitute cudgels used by the international community/West to dismiss if not attack countries and societies of the Global South. In addition, it is important to discuss freedom of religion and women's rights together, especially in the cases I highlight, because freedom of religion is a gender-based right that is often threatened.

Precision in language is important, so I will define how I understand these two concepts. *Freedom of religion* is the fundamental human right of everyone to worship, and practice and observe their religious beliefs so long as those practices do not infringe on the rights of others. I understand *women's rights* to be an umbrella concept simply stating that women should have the same social, political, and economic privileges as men. This includes the entire corpus of rights and protections that should be supported under the law, such as freedom of movement; access to education, work, and healthcare; economic and environmental security; the right to vote and hold public office; the right to bodily autonomy (e.g., the right to choose one's own mode of dress); and the right to bodily integrity (control over decisions relating to one's own body, e.g., reproductive rights and the right to make other medical decisions about oneself) (HERRING – WALL 2017; FELDMAN 2002). When we combine these two perspectives together, it leads to the basic conclusion that women should have the same right to practice their chosen religion as men.

In this analysis I emphasize that women's rights are infringed upon in many parts of the world. This is the case especially in authoritarian regimes, but also sometimes in liberal democracies. Sometimes women's rights are constrained in the name of religion, and sometimes they are constrained in pursuit of an anti-religious ideology. The examples that I use are drawn from the places I know best: the Middle East, France, and the United States.

The hypocrisy of the West, which positions itself as the locus of rationality, enlightenment and moral authority, is manifest in its treatment of women's rights and religious rights. The double standard in that treatment is often a fig leaf for racism, Islamophobia and a utilitarian approach to international politics where women's rights and freedom of religion become bludgeons used to disparage non-Western societies and label them as outside the norm. It is therefore not surprising to see regimes from the Global South resort to performative attempts at presenting themselves as corresponding to Western norms of human rights and women's rights to avoid Western opprobrium. The performance of women's rights in this case has rightly been called "genderwashing."

The following discussion regarding the status of women's rights and freedom of religion in the contemporary world is divided into three parts: (i) the phenomenon of "gender-washing," (ii) the persistence of double standards, and (iii) the importance of unconstrained choice. This is to illustrate the weaponization of women's rights by authoritarian regimes as an answer to Western norms, to demonstrate the dissonance between the West's discourse aimed at the Global South and its practices at home, and to show that women's choices are regulated in the West in the name of religion.

PART I: GENDER-WASHING

In September of 1995, at the UN's Fourth World Conference on Women, Hillary Clinton famously declared that "*women's rights are human rights*" (CLINTON 1995). This conference came to be recognized as a turning point after which Western powers began emphasizing women's rights as part of their international agenda. An emphatic connection between aggressive "democracy-promotion" and women's rights was soon enunciated in US foreign policy, particularly in relationship to the invasions of Afghanistan

and Iraq. For example, a public appeal made by First Lady Laura Bush in November of 2001 foregrounded the conditions of Afghan women and their rights to dignity and freedom as a justification for the war. In that speech she says: *“Civilized people throughout the world are speaking out in horror [...] because, in Afghanistan, we see the world the terrorists would like to impose on the rest of us. All of us have an obligation to speak out... Fighting brutality against women and children is not the expression of a specific culture; it’s the acceptance of our common humanity, a commitment shared by people of good will on every continent”* (BUSH 2001).

The speech was rightly criticized by observers and scholars for instrumentalizing women’s rights to legitimize the administration’s broader goals; that is, for putting a “feminist glow” on a brutal bombing campaign (FLANDERS 2001). Along with subsequent statements by the US administration where it positioned itself as the defender of women in Iraq, this rhetoric has been described as portraying brown or Muslim women as needing to be “saved” by white men from brown men, to use Lila Abu-Lughod and Gayatri Spivak’s terminology (ABU-LUGHOD 2002; SPIVAK 1985). Encompassing a universal scope, it portrayed US military action anywhere in the world as justifiable if the aggressor state deems it necessary to come to the aid of such women. It’s not surprising, therefore, that many people felt non-Western women were becoming “symbols and pawns” of US power, a phenomenon that continued to expand as wartime justifications transitioned into a focus on women’s lives in subsequent diplomatic and state-building endeavors (AMIRI 2001).

The European Union has also expressed a connection between women’s rights and democracy-promotion since 1995, particularly in relation to its “southern neighborhood,” which includes the Middle East and North Africa. Indeed, the EU views gender equality as being *“at the core of European values,”* and it seeks to be a *“global gender actor”* by promoting women’s rights internationally (DEBUSSCHER – MANNER 2020: 1). While the EU relies more on soft power than on military violence to achieve these goals, the increasing centrality of women’s rights as a moral justification for its political influence mirrors the rhetoric of the US.

In other words, both the EU and the US have used both hard and soft power to promote women’s rights in the world ostensibly as part of their

democratization agenda. However, that promotion of women's rights has had a counter-intuitive impact in the targeted countries, where local authoritarian regimes have used these rights as a legitimating tool.

THE RISE OF GENDER QUOTAS

The norms of gender equality promoted by Western powers became so influential they swayed the thinking of many authoritarian leaders in the Arab world. The leaders' aspiration to be perceived as conforming to these imposed norms is the main explanation for the sudden moves by Arab states to grant rights to women after the turn of the millennium. During this period there was a particularly dramatic increase in the use of gender quotas as an instrument to increase women's political participation. Primarily as a result of these quotas, the percentage of women in parliaments in the Arab world expanded from less than 7% in 2005 to over 18% in 2022 – although this regional percentage is still one of the lowest in the world (INTER-PARLIAMENTARY UNION 2023). Some Arab countries, such as Egypt, Saudi Arabia, and Tunisia, however, have seen the representation of women in legislative or advisory bodies rise as high as 30%.

I argue that by adopting these gender quotas, the regimes were seeking to appropriate and work within the legitimizing framework that Western powers had previously set up for their own authoritarian adventures. The emerging norms around using women's rights to justify political and military power allowed these autocratic Arab regimes to similarly "weaponize" the rights rhetoric to support their continued rule. This is a form of what the French scholar Amelie Le Renard has called "women's rights washing" (LE RENARD 2019) and what the Swedish scholars Pär Zetterberg and Elin Bjarnegård have described as "autocratic gender-washing" (BJARNEGÅRD – ZETTERBERG 2022). Its primary goal was to encourage Western powers, donor organizations, and domestic progressives to believe that continued autocracy was in the citizens' best interest.

Such legitimization strategies became even more prevalent in the aftermath of the Arab Spring protests of 2010–2011, when they became a part of counterrevolutionary movements and projects of "authoritarian renewal" (PRATT 2020). These years in particular saw a striking upsurge in women's quotas, including in countries that had not previously used them.

Algeria, for example, implemented a 30% gender quota for the 2012 legislative election before canceling the quota system altogether in the next legislative election cycle. It seems reasonable to suggest that the reason for implementing this quota was to defend and legitimize the continued rule of the regime in the face of popular protests.

In general, the use of quotas for women in political positions in Arab countries has tended to swing widely during the past two decades, with little evidence that it has contributed to more substantive social impacts. In Egypt, for example, the parliamentary quota system was removed in 2012 after the overthrow of Hosni Mubarak, resulting in women's representation plunging to 2%. Egypt quickly changed course and reinstated the quotas in the 2015 legislative session, mandating a 15% representation, which was then further increased to 28% in the most recent elections.

I do not believe that these quotas should be dropped as a means of promoting societal change, since the presence of women in prominent positions has an important symbolic value. It helps habituate the public to the presence of women in such positions, while providing role-models and points of aspiration for younger women to see themselves as potential leaders. However, when responding to these policy changes it is important to keep in mind the phenomenon of authoritarian gender-washing and to carefully evaluate the extent to which such policies are associated with actual, substantive improvements in women's rights.

GENDER-WASHING AND RELIGIOUS FREEDOM

The dramatic and often temporary rise in women's political representation in the Arab world has not been accompanied by similarly broad changes in rights, including the right to religious freedom. Saudi Arabia is often mentioned as a hopeful example in this regard, particularly after that country granted women the right to drive in 2018. This change was part of the current Crown Prince Mohammed Ben Salman's turn away from the severely patriarchal interpretations of Islam that had previously defined the country's policies. It was accompanied by an easing of other aspects of Saudi Arabia's male "guardianship" system and a curtailing of the power of the "morality police" (officially the *Commission for the Promotion of Virtue and Prevention of Vice*), who lost their authority to pursue, question, and arrest

citizens who violated gender segregation or religious dress codes. The US Commission on International Religious Freedom heralded the changes, stating that *“the Saudi government understands that freedom of religion and belief, especially for women, is a right and not a privilege”* (WEINER 2020: N.P.).

However, I do not believe that the Saudi government has truly understood that freedom of religion is a right or acknowledged it as such. Simply granting women the right to drive and a reprieve from certain forms of harassment does not entail the full freedom of religious practice. Furthermore, these policy changes are presented by the regime as being allowances rather than rights. In fact, women who had previously fought for the right to drive in Saudi Arabia were imprisoned and tortured, and remained imprisoned even after the new law was passed. Loujain al-Hathloul, a persistent driving advocate, was arrested and charged with “attempting to destabilize the kingdom” in May of 2018, just one month before the new policy change was announced, and she remained in prison until April of 2021 (TANIS 2021).

Thus, the Crown Prince seemed determined to clarify that this new expansion of women’s freedom of movement was a grace given by the royal family, not a recognition of inalienable rights, which would have required a release and reparations for the wrongly imprisoned advocates. While the new policies in Saudi Arabia are welcome changes, they also need to be understood in the context of gender-washing and authoritarian renewal. The fundamental purpose of these policy adjustments is to put a modernizing, benevolent veneer on what remains a system of formal religious authoritarianism, while emphasizing citizens’ dependence on a generosity that can be rescinded at any time. Such allowances do not go nearly far enough in providing freedom of religion, and they are not the same as a recognition of human rights.

Thus, the international community should approach with caution claims made by authoritarian and aggressive regimes, in any region of the globe, who say they are spearheading women’s rights or serving to defend those rights. There is a fundamental dissonance between autocratic power and the concept of inalienable rights, and progress that can be bestowed or retracted at whim by an authority is not fully genuine. Policies and rhetoric that appear positive on the surface may simply be a way for regimes to

consolidate and justify their control of society. Ultimately rights are only truly secure when they achieve a saturation of broad public acceptance.

PART II: DOUBLE STANDARDS AND HYPOCRISY

The lack of religious freedom in theocratic regimes should not blind us to the ways in which secular states can also sometimes limit the expressions of belief, a phenomenon which again seems to focus inordinately on the comportment of women. There is a significant problem of double standards in this area, as some Western countries decry constraints on women's public dress and behavior that occur in the Middle East, while simultaneously imposing state-mandated dress codes in their own countries. This lowers Western countries' credibility when they argue that women's rights are universal. The examples of Iran and France show how these Western double standards play out in regard to women's right to choose what to wear in observance of their personal faith.

WESTERN OPPOSITION TO FORCED VEILING IN IRAN

Soon after the Islamic revolution of 1979 in Iran, the new regime implemented a compulsory hijab law, which forced women to cover themselves in public with a semicircular cloak called the *chador*. Many Iranians did not welcome this imposition, and as time went by some women started to push the limits of what the government would accept, for example by wearing coats and scarves instead of the traditional garment. The state tolerance for such divergence has fluctuated over time, with administrations such as those of President Khatami and President Rouhani demonstrating a relatively lax enforcement of the dress codes, and others, such as those of President Ahmedinejad (ZAHEDI 2007) and the current president Ibrahim Raissi, reacting brutally to dissenters.

Most recently, international observers and domestic critics in Iran have focused on the death of Mahsa Amini (also known by her Kurdish name, Jina), who was arrested in Tehran because a part of her hair was showing from under her scarf. Amini's arrest and subsequent death while in the custody of the police led to widespread protests, during which hundreds of additional Iranians were killed by the state (AL JAZEERA 2023). Women protestors played a central role in these events, as demonstrators from all

backgrounds came together to chant, “*zan, zendegi, azadi*” (women, life, freedom) in opposition to the regime. These demands for religious freedom were heard all over the world and received a sympathetic ear, especially as prominent women in the Iranian diaspora, in addition to politicians such as the Belgian foreign minister Hadja Lahbib and the Swedish member of the European Parliament Abir al-Sahlani (both of Arab origin), gave voice to the cause by cutting their hair ^(REUTERS 2023). In 2023 the Nobel Peace Prize was awarded to one of the champions of women’s rights in Iran, Narges Mohammadi, with the committee heralding “*her fight against the oppression of women in Iran and her fight to promote human rights and freedom for all*” ^(NOBEL PRIZE COMMITTEE 2023).

Among those who expressed the strongest support for religious freedom in Iran were members of the French Republic, where prominent figures such as the movie stars Juliette Binoche and Marion Cotillard performatively cut their hair in solidarity with the Iranian protestors. What was surprising is that these European women did not seem to have a similar understanding of or concern for the ways in which their own country had constrained women’s freedom to choose their dress and religious expression. Their performative haircuts were quickly labelled “white savior outrage” by netizens on Twitter, and their hypocrisy flagged ^(DAWN NEWS 2022). This kind of hypocritical behavior was not limited to movie stars. President Emmanuel Macron hailed the protests as a “revolution” and met with Iranian women’s rights activists ^(FRANCE24 2022). The French National Assembly also adopted a resolution condemning the repression of the protestors and affirming its “*support for the Iranian people in their aspirations for democracy and respect for their fundamental rights and freedoms*” ^(RFI 2022).

SUPPORT FOR FORCED UN-VEILING IN FRANCE

While the French elites, both cultural and political, were criticizing Iran, they were wrapping themselves in the mantle of an alleged French exceptionalism when it comes to the separation between Church and state. There is a strict constitutional separation between political power and religion in France; this separation dates back to the revolution of 1789 and is further enshrined in the Law of Separation of Church and State of 1905. This resistance to theocracy has, unfortunately, developed to the extent that many individual public expressions of religious faith are severely curtailed.

The French tradition of secularism, or *laïcité*, has come to extend not only to prohibiting state-sponsored religion but also to limiting individual expressions of faith in public spaces.

In 2004 France passed a law barring the individual display of “ostentatious” religious signs in public schools. While this law applies equally to the symbols of various religions, such as Christian symbols of the cross or Jewish yarmulkes, many people believe that the law was a specific response to the increasing presence of traditional Islamic dress in French society. The controversy over this clothing began in earnest in France in 1989, when three teenage girls were excluded from school for wearing headscarves. The school principal argued that such attire was incompatible with the good functioning of a school and that the girls should respect the secular character of the institution. Eventually the girls were allowed to return under the condition that they remove their scarves upon entering the school and not put them back on until they leave ^(BOWEN 2010). The issue was heavily debated in the media, and the French public was divided over it, which eventually culminated in the formation of a government committee to discuss the topic and the subsequent passage of the 2004 law.

Justifications of curtailing individual expressions of faith in this fashion generally focus on protecting individuals from social pressure to participate in a religion, and especially on providing underage children with the opportunity to experience a secular lifestyle and freedom of self-determination outside of parental influences. Even so, the outright banning of religious dress strikes many as simply substituting one prohibitive regime for another. In subsequent years, the secular dress codes in French public schools were interpreted in a broad fashion that almost always focused on Muslim women, to the extent that students wearing long skirts or dresses perceived as having a culturally Islamic appearance were often sent home. Such interpretations of the law were recently formalized when the then French Minister of Education (and later Prime Minister) Gabriel Attal forbade the wearing of abayas and kaftans to school. This decision was upheld by the French Council of State in September of 2023, which described such dresses as participating in a “logic of religious affirmation,” and thus being unacceptable ^(BREEDEN 2023). The ruling was regarded with much derision on social media, especially in the Middle East, with some commentators posting photos of famous French actresses and public

figures wearing similar attire and pointing out that kaftans had long been sold by major French haute couture fashion houses.

The view that these laws were intended to protect children and other vulnerable people from religious indoctrination is undermined by the minority status of Muslims in France and the simultaneous targeting of adult practitioners. In October of 2010, France passed a law that forbade any woman from wearing religious face-coverings in public, despite the fact that such dress was preferred by only an estimated 0.003% of the country's population (DAVIES, 2010). It seems absurd to suggest that these adult women's choice of dress posed any meaningful threat to the rights and security of other French citizens, or that the women had no opportunities for exposure to a secular lifestyle or making free and informed choices. Taking note of this, the UN Human Rights Committee found the French law to be in violation of women's freedom of religion (FRANCE24 2018).

BODILY AUTONOMY AND THE BURKINI CONTROVERSY

The dissonance between the French behavior at both the elite and popular level in France and the French behavior vis-à-vis non-Western states is also visible in another ridiculous infringement on women's bodily autonomy and religious freedom which occurred in France in the summer of 2016. During that summer, 20 cities in the Mediterranean (including Nice and Cannes) issued local ordinances banning "burkinis" on public beaches. The burkini – a playful portmanteau of the words "burka" and "bikini" – is a full-body swimsuit often incorporating a small skirt around the waist, created in 2004 by the Australian-Lebanese fashion designer Aheda Zanetti. The banning of this garment occurred amidst anti-Muslim sentiment in the wake of a terrorist attack in Nice that killed 86 people. It was endorsed by several mainstream French politicians, including then Prime Minister Manuel Valls, who referred to the burkini as *"the expression of a political project, a counter-society, based notably on the enslavement of women, [and] [...] not compatible with French values"* (KROET 2016). Essentially, those who enacted the ban were declaring that a few women's choice of swimwear was an act of terrorism and an unacceptable threat to the nation meriting a constraint on their right to bodily autonomy. This view was fortunately not universal in France, and within a few months the courts

suspended the burkini bans, stating that they “*seriously, and clearly illegally, breached fundamental freedoms*” (BBC NEWS 2016).

As these examples show, it is hard to believe that the recent movement toward suppressing religious dress in France is anything other than a smokescreen for anti-Muslim sentiment. These laws remind me of a discussion I had with a fellow graduate student when I was doing my doctoral studies in France. She was a sociology of religion student, and argued that the country was not actually secular, but rather “*Catho-laïque*,” in a play on the words “Catholic” and “*laïcité*.” Other scholars have made similar observations, such as John R. Bowen’s argument that the French dress codes are intended not to protect citizens’ freedom from indoctrination but rather to enforce a specific cultural and religious identity (BOWEN 2011: 344). Anxieties about cultural difference have been rising in France, as in most Western nations, as highlighted by the popularity of Renaud Camus’s 2011 book *The Great Replacement*, which theorizes an intentional plan by elites to replace white, Christian European populations with Muslim immigrants. An October 2021 survey found that 67% of the French respondents were worried that the “Great Replacement” would happen (LE FIGARO 2021). Although Muslims currently make up a very small portion of the French population, these cultural fears of a potential decline in Christian hegemony are the most likely explanation for the spate of new laws limiting women’s freedom to dress as they choose.

Similar laws constraining Islamic women’s dress have been enacted in, among other European states, Austria, Belgium, Denmark, and Germany (JUSTICE INITIATIVE 2022). In all these cases, the number of women affected is vanishingly small – for example, the BBC estimated that a total of 30 women in Belgium wore the full-face veil at the time when that country banned it (BBC NEWS 2010). Nonetheless, politicians in these nations have seized upon anti-Islamic discourse as an issue that resonates with voters and have taken the opportunity to pass laws limiting religious freedom. Westerners who are outraged by constraints on such freedoms abroad often seem oblivious to the blatant hypocrisy.

The cases of Iran and France demonstrate different ways in which threats to women’s religious freedom can arise, either through theocratic consolidation or through secular suppression. Supporters of human rights

should maintain an awareness of both. If we are to argue for preserving women's bodily autonomy and freedom of religious expression, then these principles need to be applied consistently. The extent of physical repression and state violence faced by dissenters in authoritarian theocracies such as Iran is much more severe than anything confronted by women today in the West; however, laws banning religious expression need to be taken seriously wherever they occur. The public in the Global South is highly aware of these issues, and the double standards of judgement that the West applies to "pariah states" such as Iran and "good states" such as France is a common topic of derision in the related social media discourse. The West should be careful not to reinforce these perceptions, as they encourage cynicism toward the human rights paradigm and enable authoritarian leaders to easily engage in practices such as gender-washing.

PART III: RELIGION AND CHOICE

While women's ability to dress and act according to their beliefs is unjustifiably constrained in many countries, these rights restrictions become even more problematic when they are applied to issues of basic bodily integrity, such as reproductive decisions and medical treatment. The US is currently experiencing tremendous backsliding in this area, as overtly religious arguments for state restrictions on reproductive rights, sexuality, and gender identity have become more commonplace there.

The wall of separation between religion and the state in the US as outlined by Thomas Jefferson ⁽¹⁸⁰²⁾ was always a bit tentative, and it has been thinning over the past several decades. Recent studies have found that a large majority of US citizens (69%) now believe that the country's founders intended it to be a "Christian nation," and more than 60% of US citizens think that the US *should be* a Christian nation ^(SMITH - ROTOLO - TEVINGTON 2022). As a matter of fact this belief about the country's founding is inaccurate, since most of the US "Founding Fathers" did not hold orthodox Christian views and they expressed tremendous concern for preventing the rise of a state religion ^(VINEY 2010). Among other counters to religious influence included in the US Constitution was Article IV's prohibition on religious tests for political office. The very first sentence of the US Bill of Rights begins with "*Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof*" ^(AMERICAN BAR ASSOCIATION 2023).

Despite these guardrails, the US public has never felt comfortable with elected representatives who diverge from the country's white Protestant Christian norm. Even Catholic Christians long struggled for acceptance in the US, and were frequently portrayed as subversive outsiders, which was an issue that came to the forefront when the country's first Catholic president was elected in 1960 (JOHN F. KENNEDY PRESIDENTIAL LIBRARY 2023). Although President Barak Obama was an avowed Protestant, his political opponents made great efforts to cast suspicion on his religious affiliation, often emphasizing Obama's "Muslim" and "foreign"-sounding middle name (Hussain) to suggest an association with Islam (TARABAY 2008).

The growing politicization of evangelical Christians in the US, and their newly forged alliances with conservative elements in the Catholic Church, have in recent years led to a growth in Christian nationalist thinking and explicit attempts to apply religious doctrine through law. The current speaker of the US House of Representatives, Mike Johnson, is an avowed Christian nationalist who has described the separation of church and state as a "misnomer" and a "misunderstanding" of the US Constitution, and who flies a Christian flag outside of his congressional office (DAVIS 2023; PILKINGTON 2023). One result of this growing trend in the US has been a severe erosion of women's rights to bodily integrity. Christian nationalists have pressured political leaders to appoint judges who will roll back protections for women's rights (SMITH 2019), which most notably led to the recent "Dobbs" ruling of the Supreme Court² that rescinded the national right to abortion. This ruling allowed conservative local legislatures to ban abortion outright "*in recognition that Almighty God is the author of life*" in the words of the bill banning abortion in Missouri (COHEN 2023). It also allowed legislatures to impose severe penalties on women who seek abortion-related care and doctors who perform abortion procedures. For example, in Texas, doctors who perform abortions can now face up to 99 years in prison, among other penalties (BENDIX 2023). It has already led to horrific consequences for women living in the US, including several prominent cases in which women were forced to risk their lives to carry fetuses that were not viable or that had already died in the womb (COHEN 2023; BENDIX 2023; SIMMONS-DUFFIN 2023). Such consequences have been disproportionately felt by low-income women who cannot afford to travel to get an abortion (IBID.).

Religious groups have also successfully pressured public agencies in some regions of the US to take action against sexual and gender minorities, for example by removing books that contain positive representations of LGBTQ+ individuals from school libraries (SCHWARTZ 2023), and by enacting legislation that prohibits affirmative medical care for transgender people (HUMAN RIGHTS CAMPAIGN 2023; EQUALITY FEDERATION 2023). As with abortion rights the primary impetus behind these state actions is religious conviction, with legislators frequently quoting Christian scriptures in relation to the bills, citing their goal of limiting rights that conflict with Christian beliefs, and sometimes even working directly with religious organizations to draft the text of the laws (CRARY 2023; POPE 2023). In short, the rights of women and sexual minorities in the US are being severely curtailed through state applications of Christian religious doctrine.

In this context, some readers may be surprised to learn that Iran is one of the few countries in the world where gender-affirming medical care is officially recognized. In fact, it is subsidized by the government. Men or women with gender dysphoria can transition to social identities that reflect their preferred gender and receive new birth certificates and passports that are appropriate for their identity (ALIPOUR 2017). This policy is due to a fatwa (religious edict) issued by Ayatollah Ruhollah Khomeini in the 1980s after discussions with the Iranian transgender activist Maryam Khatoun Mulgara. After considering Mulgara's testimony and consulting with doctors, the Ayatollah declared that gender transition, including surgery, was permissible under Islam. Mulgara was even later presented with a chador (a traditional women's garment) by Ali Khamenei, the second supreme leader of the Islamic Republic (SAIEDZADEH 2020).

This feature of Iranian law needs to be understood in context, however, as hostility toward transgender individuals – especially transgender women – continues to be pervasive in the social realm in Iran. Iranians who are known to have transitioned usually struggle to find employment. In addition, shunning by peers and relatives, threats and acts of violence, and often a need to resort to survival sex are still daily realities for many transgender Iranians (IBID.). It should also be noted that while Iran permits gender transitions, all non-heterosexual forms of sexuality are firmly prohibited, and may result in sentences as severe as the death penalty (KARIMI – BAYATRIZI 2018). This leads many cisgender gay and lesbian Iranians

to reluctantly transition, and even undergo unwanted surgeries, so that they can live according to their sexual orientation (for example, a gay man who is otherwise comfortable with his gender may reluctantly transition to living as a woman so that he can openly partner with another man).

Iranian law allows abortions up to a gestational age of 19 weeks, but only in cases where there is a medical reason – that is, when there is a fetal abnormality/disease or when the health of the mother is threatened (ABBASI ET AL. 2014). While new restrictive laws aiming to boost the fertility rate have been ratified in 2021 (BERGER 2021), they are nonetheless more permissive than the current abortion regimes in some US states.

The theocracy in Iran continues to severely undermine women's rights to bodily integrity, even if the contours of these constraints are somewhat different from those in other nations such as the United States. Nonetheless, the laws discussed in this section should make it clear that a simple dichotomy of religious freedom as existent in the West and non-existent in the Middle East is too simplistic. The right of women to choose their own religious views and make their own decisions about their bodies remains tenuous throughout the world.

CONCLUSION

I draw several conclusions from this brief overview of the current intersections between religious freedom and women's rights. First, the distinction between authoritarian and democratic regimes when it comes to religious freedom is not as stark as some commentators would like to believe, especially when women's bodily integrity is considered. The West tends to present itself as morally superior in this area, but that claim cannot legitimately be made so long as women in Western countries face severe restrictions on their religious expression and rights to self-determination and choice. It would benefit advocates in the West to attend more to their own laws and societies in this regard before lecturing others.

Second, the perception of double standards when it comes to rights has the effect of generating cynicism and mistrust of the West in regions such as the Middle East. These publics are aware of the difficulties faced by women and minorities in the West, and particularly of the way Muslims

(especially Muslim women) are treated in countries such as France. The resulting view, namely that religious freedom and rights discourses are simply a bludgeon that the West uses to claim superiority, contributes to the willingness to instrumentalize those rights and the intractability of phenomena such as gender-washing. Rights advocates should carefully consider the ways in which these discourses have become linked to power dynamics and authoritarian legitimization strategies, and continually ask if the demand for nations to respect rights is being sincerely and equally applied.

I believe the West should be careful and avoid sounding hypocritical. It needs to practice what it preaches and stop giving itself a free pass. If religious freedom is important, then Muslim women in France and other European countries should not be forbidden from practicing their understanding of their religion and wearing outward signs of religiosity. If women's rights are important, then American women's choices should not be constrained by the religious beliefs of some in that polity. Alternatively, the West could avoid promoting freedom of religion or women's rights under the banner of universality.

ENDNOTES

- 1 This is the updated text of a keynote speech given on November 30th, 2023 at the International Religious Freedom or Belief Alliance Ministerial Conference at the Ministry of Foreign Affairs of the Czech Republic in Prague, <https://mzv.gov.cz/jnp/en/foreign_relations/freedom_of_religion_or_belief/international_religious_freedom_or.html>.
- 2 The ruling for *Dobbs vs. Jackson Women's Health Organization* was issued in June 2022.

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