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Fundamentalisms and Women's Human Rights

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Introduction

In tandem with the emergence of a transnational movement for women's human rights (WHR), the past three decades have also seen the proliferation of fundamentalist political projects that actively resist and obstruct the promotion of women's equality and rights. The story of transnational advocacy for WHR, therefore, is incomplete without a discussion of the nature and methods of fundamentalist projects in local and global contexts. This is especially important given the role of fundamentalist forces in leading the backlash against implementation of WHR commitments, particularly those agreed at the International Conference on Population and Development (ICPD) (Cairo, 1994) and the Fourth World Conference on Women (FWCW) (Beijing, 1995). In taking a critical stance on all forms of fundamentalism as political projects, however, I do not dispute the positive role that religious belief and practice can play in people's lives and communities. Rather, my concern is to highlight the gender-specific implications of fundamentalist projects that use the political and legal infrastructure of states and, more recently, the United Nations to promote particular understandings of religious beliefs and practices in public and private domains and to bring (global) public policy in line with particular religious values regardless of the beliefs of the people affected. I especially want to foreground the responses of women's movements to such projects in local and global contexts where

fundamentalist projects have become influential and, in doing so, identify core tenets of anti-fundamentalist feminist praxis.

The term ‘fundamentalism’ is problematic. It was first used as an affirmative self-designation by protestant groups in the United States of the late nineteenth century (Freedman 1996). Today it is used mainly in the West to signify irrational and violent forces in Islam. Particularly evident in a pervasive ‘moral panic’ in the West that reduces the question of women’s human rights and religion to one that applies only to Islam, this world-view casts Islam as inevitably at odds with ‘Western values’. Feminist scholars have noted how, especially in the context of Europe, the ‘veiled Muslim woman’ is invoked instrumentally as confirmation of the incompatibility of ‘backward/fundamentalist Muslims’ and ‘progressive/ secular Europeans’ (Scott 2007). This ignores how Christian Religions are intertwined with the state to varying degrees in most European countries (Klausen 2005) with consequences for WHR on a variety of levels. At the same time, growing research (especially by Muslim and non-Western scholars) continues to problematize the negative impact on women of rising religious traditionalism globally and the instrumental use of religion/culture to discredit promotion of gender equality and WHR in ‘non-Western’ contexts (Shaheed 1989, 1995, 2001, 2008; Othman 2006; Narayan 2000; Hom 1992). These developments pose complex challenges for conceptualizing and operationalizing WHR in multicultural and cross-cultural contexts – where recognition of women’s differences, and respect for cultural diversity and religious freedoms, are also central concerns.

This paper is primarily concerned with exploring the particular challenges to the promotion of women’s human rights posed by ‘fundamentalist’ forces, which operate in all religious traditions and cultural contexts. From this perspective, it is

important to continue naming and challenging the phenomenon of fundamentalism in its changing forms. In doing so, however, the term ‘fundamentalism’ must be used critically and be consciously unlinked from the many false binaries that constitute the West’s view of Islam, and the global South more generally, as ‘backward’ and ungovernable, and, therefore, legitimate targets for the imposition of ‘civilizing’ Western agendas (Said 1978). Using the plural term ‘fundamentalisms’ contests this worldview and signals recognition of the heterogeneity of fundamentalist projects, which exist across all religions and regions. In recent decades, however, fundamentalist Christian and Islamist movements have had the most dramatic and extensive impact in women’s lives.

The United States, in particular, has seen major growth in the political influence of the Christian fundamentalist lobby since the Reagan era. This is reflected most strikingly in the ‘gag rule’ – recently rescinded by US president Barack Obama – which had prohibited primary and family-planning healthcare programs in countries that receive US federal aid from providing information and counseling on abortion services, even if this work was funded from a separate financial source. [1] Similarly, fundamentalist Christian agendas have disproportionally shaped US international policy on HIV/AIDS prevention, which in recent years promoted abstinence from sexual activity rather than condom use as its primary strategy (Susskind 2005). This has catastrophic implications, especially where power differentials make it impossible for many women and girls to enforce ‘abstinence’, even if this was their preference. Within the USA, despite a modest global trend in favor of easing restrictions on access to abortion services, new laws disproportionately affecting poor and young women have been introduced to restrict access to abortion (CRLP 2005, 6). Catholic influence on national law and policy is also reasserting itself in some countries,

especially in Latin America. Recently, for example, El Salvador and Nicaragua joined Chile by introducing total bans on abortion regardless of risks to the life of the woman or whether the pregnancy is a result of a crime. [2] I will return to these trends again in the context of global efforts to secure recognition of reproductive and sexual rights. For the moment, I note these examples of the growing influence of Christian fundamentalism to underline the heterogeneity of fundamentalisms and caution against equating fundamentalism with Islam, as is often the case in mainstream discourses on the topic.

While much anti-fundamentalist feminist advocacy has a significant transnational dimension, it is important to note that the bulk of efforts by women's movements to counter fundamentalist forces originate in and/or are led by women who are living in situations directly affected by fundamentalist forces. Indeed, since the 1970s, well before Huntington's idea of the 'clash of civilizations' (1993) was popularized in the aftermath of the September 11 attacks, women's movements around the world have been at the forefront of efforts to defend precarious rights commitments and emerging democracies against burgeoning fundamentalist forces. In doing so, anti-fundamentalist feminist praxis necessarily engages with two key areas of contestation in mainstream human rights discourse. The first is the tension between universal rights claims and respect for cultural specificity and the need to articulate the conditions under which women's rights and gender equality are upheld or not within this nexus. The second concerns the particular challenges involved in simultaneously deepening gender and other critiques of mainstream human rights, democracy and the 'rule of law', while also using them to contest fundamentalist forces. Ultimately, I argue that the responses of women's movements to fundamentalist forces discussed in this paper demonstrate the imperative of retaining a

commitment to the universality of human rights, democracy and the rule of law – albeit as contested categories – from bottom-up, transformative, feminist standpoints.

To contextualize this discussion, it is important to note the common methodologies and transnational links of the feminist advocates and researchers whose work and analyses I draw on in this paper. Most significantly, all have ongoing associations through the international solidarity network Women Living under Muslim Laws (WLUML). [3] A primary objective of the WLUML network is to expose the myth of a single, homogeneous Muslim world. This is achieved primarily by documenting and disseminating gender-specific information and analyses on the wide variation in interpretation and practice of Muslim laws affecting women across different contexts. In doing so, WLUML demonstrates that religious dictates are not timeless truths but, like all cultural practices, expressions of particular historical and social conditions and power relationships. The knowledge gained and exchanged through this comparative approach enables women to question the use and misuse of religion and religious arguments to discriminate against and limit the freedoms of women relative to men in the same communities. Moreover, it draws attention to the common features of all fundamentalist movements as anti-democratic political projects seeking to control public and private life, wherein the subordination of women is a pivotal strategy and goal.

Through its work, WLUML is committed to generating situational analyses rather than ‘one size fits all’ solutions to the complex issues it addresses. At the same time, however, the vast documentation and commentary generated under the auspices of WLUML since the mid 1980s reveal an unambiguous commitment to defending WHR across all regions and cultural traditions, albeit from a contextualized standpoint that is highly critical of mainstream human rights discourse. Anti-

fundamentalist feminist initiatives, exemplified by the work of WLUML members, therefore, have at least two dimensions. On one level, they directly challenge fundamentalist projects because of their treatment of women. At the same time, they are constitutive players in wider struggles to advance critically interpreted human rights, democracy and the rule of law. Here, I consider the links between both dimensions of anti-fundamentalist feminist advocacy. In doing, so I highlight the gendered impacts of fundamentalist forces in specific contexts and the responses of locally situated feminist critics and activists in challenging them.

The next section begins by highlighting important commonalities – origins, key features and methods – in the rise of fundamentalist projects. This is followed by a discussion of the damaging interplay of cultural relativist arguments coming from both the traditional Western ‘left’ and the fundamentalist ‘right’ – especially regarding contemporary responses to ‘the Muslim headscarf’ in the West. The remaining sections illustrate how the wider debates informing this paper have played out in particular national contexts as well as at the transnational level. Specifically, I draw on examples from Bangladesh, Malaysia and Nigeria, which have seen a rise in the political influence of fundamentalists from the 1970s, 1980s and late 1990s, respectively. In this context, I also consider feminist quandaries about the limits and advantages of negotiating within fundamentalist structures and logic. Finally, I return to the global policy arena to consider the operation of fundamentalist forces in UN forums since the mid 1990s and the implications of these developments for advancing WHR agendas in the early twenty-first century.

Fundamentalist projects: origins, features and methods

The specific forms that fundamentalism takes vary from context to context; however, it is possible to make some general points about the roots, key features and methods used. In particular, as already noted, it must be emphasized that fundamentalist projects are not about religion per se. Rather, they are deeply political projects that mobilize around religious, ethnic and/or nationalist visions and identities in the pursuit of wider power and influence (Shaheed 2001, Yuval-Davis 1997).

Fundamentalist movements tend to emerge in situations of rapid social change. Around the world, processes of decolonization, national independence, modernization and globalization have generated a 'bewildering pace of change' and a need to construct new histories and (re)create identities and ways of belonging at the individual, community and national level (Shaheed 1989, 4). In the global South, most fundamentalist initiatives have roots in a legacy of Western 'colonisation and hegemonic rule and control' (Shaheed 2001, 3). After the initial optimism prompted by decolonization processes in the 1950s and 1960s, disillusionment set in as it became clear that none of the available paradigms – nationalism, capitalism or communism – could meet most people's material, social and spiritual needs (Imam and Yuval-Davis 2004).

Another period of positive expectations at the end of the Cold War also gave way to skepticism as the hegemony of neo-liberal globalization produced widening global inequalities and the events of September 11, 2001, were used to justify a reassertion of unilateral global politics and many examples of a flagrant disregard for human rights in the name of the 'war on terror'. Disenchantment has been reinforced at the local level as many governments failed in their obligations to meet the most basic human rights of their populations, including adequate food, water, shelter,

healthcare and education (2004). Furthermore, the corruption and repressive practices of many governments also eroded people's belief in the 'modernization' project (2004). Under such conditions, fundamentalist leaders often appear to offer meaningful alternatives. Moreover, as noted earlier, the spread of fundamentalisms is not limited to the global South or to minority communities in the 'developed' world. Christian fundamentalist movements in the USA and other ultra-right nationalist movements throughout the West are also symptomatic of the 'need for defensive identity communities' in the face of globalization and rapid social change (2004).

Fundamentalist projects generally share the following defining features: (1) they are an expression of identity politics where religion is a primary locus of identity; (2) unequal gender relations and the control of women are core agendas; and (3) they seek to use the law and state institutions to achieve their ends. Regarding the first point, in situations where religious practices are already integral to everyday life, fundamentalist leaders, mobilizing around ethno-religious identity, are well positioned to gain a political foothold. In the context of internal power struggles in postcolonial situations, Shaheed explains the dynamic as follows: 'Religion provides a useful vehicle through which the losers can express their alienation and antagonism vis-à-vis the ruling elites, who in ex-colonial states are condemned not for being exploiters but for *being Westernized*. Alternatively, religion can be the vehicle adopted by an emerging class that, having gained economic status, is making a bid for political power' (Shaheed 1989) (my emphasis). In these processes, fundamentalist leaders claim the monopoly on the authentic and definitive version of collective identity and set about imposing this vision on the wider community, often extending beyond the immediate constituency they claim to represent (Imam and Yuval-Davis 2004). Ironically, while promoting a vision of fixed and timeless cultural values and

identities, the actions of fundamentalist leaders exemplify the fluidity of culture as they purposively seek to introduce new and often alien practices in the name of reviving a community's supposedly lost traditions. In the context of Malaysia, for example, Othman notes that 'the imposition and importation of Islamic fundamentalist ideology and practices is also coterminous with the delegitimation of Malay . . . traditions . . . [that are being] gradually replaced by . . . politicised versions of an Arabised Islamic identity' (Othman 2006, 343).

Further, as the above quote from Shaheed suggests, fundamentalists in the global South often present their worldview as an antidote to all that is problematic with modernity and Western hegemony. However, in reality, 'they are far from being pre-modern' and make astute use of the modern state, new media and advanced technologies (including military technologies) to promote their project (Imam and Yuval-Davis 2004). Importantly, problematizing the imposition of monolithic cultural identities in this way does not in any way undermine the validity of self-ascribed cultural/group identity or the human rights claims of groups that are subject to discrimination and abuse on the basis of that identity. Rather, it highlights the imperative of viewing all cultures as complex and changing. As such, they must be seen as sites of internal contestation and struggle and not solely loci of resistance vis-à-vis oppressive external hegemonic forces.

The second defining feature of fundamentalist projects is their focus on gender relations and the control of women. Whether they invoke traditionalist Muslim, Christian, Jewish or Hindu precepts, the collective identity and vision of the 'good life' envisaged by fundamentalist leaders inevitably demands a subordinate role for women in relation to men. In particular, religious fundamentalisms entail an explicit preoccupation with controlling sexuality – especially women's sexuality, which is

constructed as dangerous and the root of social chaos and disorder. As Norani Othman notes, fundamentalist movements target ‘first and foremost women – women’s rights and status in the family and society – and woman’s body’ (2006, 341).

Fundamentalisms that mobilize around a confluence of religion and ethnicity doubly construct women as the principal bearers of culture and locus of collective identity.

The detrimental impact on women of this symbolic logic is demonstrated most graphically when women’s bodies literally become the battleground in ethnic conflicts. Under such conditions, sexual violence and forced pregnancy are used as strategies of military conquest or genocide, for example, in conflicts in the Former Yugoslavia, Rwanda or, more recently, in Darfur.

Using the law to bolster gender inequalities and undermine democratic freedoms is the third defining feature of fundamentalist forces. Feminist observers of rising fundamentalisms over more than twenty years have identified several warning signs of their growing grip in any society. [4] These include:

- Changes in family laws that diminish women’s rights in relation to marriage, divorce and child custody
- Imposition of new laws, dress codes and gender segregation requirements designed to control women’s sexuality, reproduction and freedom of movement
- New limits on progressive media
- Restrictions on freedom of association, especially in relation to the activities of women’s and human rights organizations

Where Muslim fundamentalist forces gain power, Muslim or Sharia laws are introduced or strengthened and policed by state and/or non-state actors with differing levels of intensity. Over the past three decades, this trend has been evident in a wide range of countries – some formerly secular and/or democratizing states – including Afghanistan, Algeria, Bangladesh, Chechnya, Egypt, Iran, Iraq, Malaysia, Nigeria,

Pakistan and Sudan. Legislative ‘reform’ is another mechanism used to spread fundamentalist ideologies across countries/regions. In South Africa and Mauritius, for example, ‘advisers’ from other Muslim states were brought in to help draft new laws to regulate the Muslim community in ways that are detrimental to women’s rights (WLUML 1997, 10). Within a normative framework of Western multiculturalism, there has also been growing pressure from minority Islamist communities in the United Kingdom and other Western democracies to accommodate customary and religious practices that potentially open the door to parallel legal systems that erode women’s equality and human rights more generally. In addition, as noted earlier, the Christian fundamentalist movement in the USA has expended enormous resources lobbying for increasingly restricted access to abortion. For example, a proposed ‘Teen Endangerment Act’, if passed, could jeopardize the safety of girls and young women by requiring parental notification and criminalizing friends and other relatives who attempt to assist a young woman to obtain an abortion (CRR 2006).

In addition to using mainstream and parallel legal systems (as well as international flows of money and arms), fundamentalist projects everywhere use a variety of more subtle methods to strengthen their position. In particular, many actively seek to meet the social needs created by the absence of state services in order to gain support among increasingly marginalized sections of the population whose governments must conform to austerity measures imposed by international financial institutions (WLUML 1997, 10). Significantly, fundamentalist movements often cultivate women supporters (p. 10). As a result, it is important to be clear about the line between feminist advocates (including those who work within a religion) and fundamentalist women (who often describe themselves as supporters of women’s rights). While both groups of women are ‘activists’, the dividing line is in the

endorsement or rejection of gender inequality and support for governance based exclusively on religious principles rather than human rights and equality. Moreover, because many fundamentalist leaders are skilled in the use of a human rights discourse to express their claims, it is especially important to look closely at who their partners are on the ground in order to assess their credibility in terms of a basic commitment to democratic governance and to women's equality and human rights.

Cultural relativism and fundamentalist politics

The nexus of relativist multiculturalism and fundamentalist politics creates particular challenges for proponents of WHR, especially in the context of the 'war on terror'. Fundamentalist politics feeds on the relativist logic explored earlier in this book. It construes human rights solely as a Western-defined paradigm that promotes atomistic individualism and undermines non-Western cultures and values – not least by lending support to feminism. At the same time, Western multicultural politics of the 'left' also endorses forms of cultural relativism. This confluence of rising fundamentalisms, crude hegemonic Western responses that demonize Muslim cultures, and counter-hegemonic multiculturalism can be inimical to promoting and protecting WHR.

The US–UK-defined 'war on terror' paradigm is infused with gendered and racialized perceptions prevalent in the West, which equate Islam with fundamentalism and 'terrorism'. This makes Muslim and other minorities more vulnerable to intolerance, discrimination and state-sponsored abuses of human rights, especially in the West (Fekete 2004). In addition to affecting women as members of targeted minority communities, these trends have wider gender-specific implications. For example, minority women are generally the ones who engage directly with the mainstream population on a daily basis (for example, around accessing housing,

education, healthcare and other services) and, therefore, bear the brunt of discrimination against their wider community. Further, in situations of heightened tension between minority and majority communities, minority women who are experiencing abuse within the family or community are extremely unlikely to seek assistance if they fear they will be stigmatized for betraying the community and/or that they or their abuser will be subject to maltreatment by the authorities.

Against this backdrop, multiculturalist positions, ostensibly aiming to redress harms caused by imperialism and contemporary forms of racism and xenophobia, must be carefully scrutinized. Gita Saghal, for example, has critiqued multiculturalist British policy, which initially allowed many social policies to be determined by conservative male community leaders. In response to secular Asian feminist pressure to address crimes against women in these contexts (especially forced marriage), British politicians and policy-makers, still operating within a particular multicultural frame, looked for religious arguments (Hindu, Sikh, Muslim) to justify legal and policy interventions against forced marriage. In doing so, however, Saghal argues they ‘resorted to developing support amongst the very people [they] wanted to criticise, and thereby helped increase their hold over “their” communities’ (Saghal 2004, 58).

Another example is found in the renewed preoccupation in Western societies with the issue of Muslim women wearing headscarves or not, and the ways in which some leaders on ‘the left’ are keen to be seen supporting Muslim women’s freedom to wear different forms of veiling. Blatantly intolerant and xenophobic responses from the extreme right are the easiest to rebut in human rights terms. Responses from the progressive left of the political spectrum to the current moral panic around ‘the Muslim head-scarf’ can also be problematic, albeit in other ways. Western proponents

of the right of Muslim women to wear a form of head covering generally operate within liberal logic that uncritically presumes the act of wearing a headscarf to be a voluntary expression of a woman's personal identity. Alternatively, they espouse a communitarian logic that treats the issue as an organic expression of cultural or religious collective identity. In the first case, the universe of culture is treated as a special category of the private sphere – except the usual liberal alarm bells about the possibility of harms caused to individuals by the exercise of arbitrary power fail to be raised. In the second case, the culture of 'others' is constructed as timeless and immutable, usually at the expense of women's agency, in ways that, arguably, are 'naïve and ultimately . . . racist' (Winter 2006, 386).

This is a complex terrain, so each 'Muslim headscarf' situation needs to be considered separately in context. However, some general points apply. First, prohibitionist responses to different forms of head or body covering are clearly at odds with the human rights principle of freedom of expression (including, but not necessarily, religious expression). As Norani Othman notes: '[W]hether there exists a ruling to force women to cover or to prevent them from donning a head covering . . . the impact on their human rights is still the same in that it takes away the right . . . of a Muslim woman to choose for herself' (2006, 342). The second point implicit in Othman's statement, however, is that progressives who defend women's freedom to cover their heads or bodies must also contest coerced 'veiling' and seek to articulate the conditions of respect for human rights under which the choice to wear various forms of head and body covering or not is indeed 'free'. As one WLUML advocate notes: 'When Muslim women in the West raise their voices in support of the hijab and proclaim their right to wear it, they must also acknowledge the reality of the oppression faced by those Muslim women who refuse to wear it' (Zakaria 2006).

While wearing a veil can be a benign choice and/or a positive signifier of identity vis-à-vis a dominant or hegemonic culture, frequently the actual choice that women face is between wearing some form of veiling, being confined to their homes, and/or risking social censure, harassment or violence at the hands of extremists inside or outside of their families. This experience is cogently captured by the author of the Riverbend blog, [5] which documents life in war-torn Iraq from a young feminist's perspective, including the impact of new forms of fundamentalism:

Females can no longer leave their homes alone. Each time I go out, [my brother] and either a father, uncle or cousin has to accompany me. It feels like we've gone back 50 years. . . . A woman, or girl, out alone, risks anything from insults to abduction. . . . [B]efore the war, I would estimate (roughly) that about 55% of females in Baghdad wore a hijab or headscarf. Hijabs do not signify fundamentalism. That is far from the case – although I, myself, don't wear one, I have family and friends who do. The point is that, before, it didn't really matter. It was my business whether I wore one or not – not the business of some fundamentalist on the street. (Riverbend 2003)

By side-stepping the coercive conditions that often mediate gendered religious practices such as wearing Muslim headscarves, and by failing to comprehend the nuanced perspectives of feminist Muslim voices in relation to this and similar issues, Western cultural relativist positions effectively undermine women's counter-fundamentalist initiatives in contexts where fundamentalist politics are gaining ground. Cultural relativist arguments from global South perspectives draw on a similar gendered logic. They rely on a false dichotomy that permits only two possibilities: the defense of authentic local culture or the neo-imperialist imposition of Western values and agendas. Within this logic, which is at the heart of contemporary Islamic fundamentalist projects, internal dissent is not simply absent but impossible as critical voices are instantly dismissed as 'Westernized' betrayers of Islam and local culture (Mukhtar 2003; Shaheed 1989, 2). This disingenuous position denies the agency and 'belonging' of locally situated dissenting political actors who both (1)

articulate human rights claims in their own contexts and (2) firmly reject the imposition and false universalization of human rights values from various dominant standpoints, internally and externally. The following section explores examples of women's movements that embody this dual perspective in the effort to resist fundamentalist projects. In doing so, they foreground the similar origins and strategies of fundamentalist movements in different locations. Equally, they highlight common ground between local anti-fundamentalist feminist movements and wider, transnational feminist struggles to re-envision human rights, democracy and the rule of law.

Feminist resistance to fundamentalisms

In this section I draw on three contexts where Muslim fundamentalist forces have become central to national politics in recent decades. These are Bangladesh, Malaysia and Nigeria, all of which have seen a rise in the political influence of fundamentalists from the 1970s, 1980s and late 1990s, respectively. In each case, fundamentalist leaders have sought to use the state to impose their version of Islam and morality on as wide a population as possible. Women pay an especially high price in these processes, which challenge the basic principles of democracy and the rule of law, including recognition of equality regardless of gender, race, religion and so on; the separation of church and state; and freedom of association and expression. Countering the rise in fundamentalist forces, however, significant feminist movements have also emerged in each case. These provide a window on feminist modes of resistance to fundamentalisms and how they relate to international human rights discourse and transnational feminist activism (TFA).

In Bangladesh, fundamentalist forces initially gained a political foothold under conditions of weak democracy. While an explicit commitment to secularism in the 1972 Bangladesh Constitution posed an obstacle at first, the entry of fundamentalists into political life was ultimately enabled by ‘a history of military dictatorships and fragile democracies’ (Amin and Hossein 1994–5, 1338). In particular, successive military governments played ‘the religious card’ to win popular support (p. 1339) and introduced a series of constitutional amendments that effectively brought about the Islamization of the constitution (p. 1348). Significantly, however, despite these gains at the constitutional level, fundamentalist ambitions for wider influence were curtailed by counterforces, including development NGOs whose activities in rural areas revolved around women’s empowerment (Amin and Hossein 1994–5, 1339; Guhathakurta 2003).

Indeed, the growing visibility of women in community development and employment, and new assertions of women’s reproductive rights following the ICPD (Cairo, 1994), prompted fundamentalist leaders to target single women who were deemed to have violated social and moral norms. Exploiting fears of social change and disorder, they began to use traditional courts (*shalish*) to issue *fatwa* accusing women of ‘adultery’ and sentencing them to stoning, caning or burning (Amin and Hossein 1994–5, 1340). It is important to note that these developments were not a revival of traditional practices but a new departure. By trying and convicting women for acts that are not criminal offences under Bangladeshi law and by imposing punishments not sanctioned by the state, the ‘shalish authorities . . . stepped far beyond their traditional bounds’ of mediating family or land disputes and responding to petty crime (p. 1340). It is also significant that after an initial focus on repressing women’s sexual and reproductive autonomy, fundamentalist attacks shifted to the

staff and beneficiaries of development and healthcare projects and secular schools attended by large numbers of girls. These developments demonstrate how fundamentalist rhetoric around defending cultural and religious integrity serves to justify aggressive attacks on women, erode respect for principles of the freedom and equality of individuals and their right to fair and equal treatment under the law, and obstruct the development of civil-society participation and other manifestations of bottom-up democratization.

Norani Othman similarly highlights how women are the main losers in the ongoing wave of Islamization in Southeast Asia. While Sharia law has been a feature of most Muslim societies, she notes that recent decades have seen the introduction of 'more and more Muslim laws that are retrogressive for women' (Othman 2006). In Malaysia, the process began in the 1980s when the National Front coalition government led by Mahathir Mohamad endeavored to win the support of the majority Muslim population and keep the more radical Islamist party, the Pan-Malaysian Islamic Party (PAS), out of power. A process of systematic administrative and legal reform ensued, which put over 100 Islamic scholars at the centre of federal policy-making mechanisms. At the same time, the Sharia judicial and legal system was strengthened and extended to the detriment of women (p. 344). In particular, 'polygamy and divorce have been made easier for men' and, increasingly, women who have been 'divorced, abandoned, beaten up or neglected by their husbands . . . complain of injustice and discrimination in their search for redress through Malaysian Sar'iah courts' (p. 344). In response, Othman argues, feminism in Malaysia must be a two-tiered struggle against gender discrimination and oppression emanating firstly from 'secular patriarchy' and, secondly, from more recent manifestations of 'Muslim patriarchy' (p. 347).

Importantly, Othman argues that the women's movement in Malaysia must directly address the impact of fundamentalist politics on the integrity of constitutionalism and respect for human rights and democracy. When fundamentalist forces permeate state power, breaches of religious or moral ethics, as determined by local religious leaders, are treated as 'criminal behavior', while state-sponsored or self-appointed vigilantes use violence to enforce the new codes of behavior (Othman 2006, 346; Imam 2003). For Othman, a more participatory democracy is vital to contesting this slide into the arbitrary exercise of power which has been so detrimental to women. She notes that in Malaysia a 'pernicious state of silence' – flowing from the fear of being labeled anti-Islamic – has prevented politicians and the general population from challenging fundamentalist politics and has created a political environment characterized by the absence of open discussion, debate and participatory decision-making. This confluence of identity politics and the erosion of constitutionalism enabled the retrogressive Shariah Criminal Offences Act to be adopted by fourteen states without any protest or discussion – not because people were in favor of the Act but because they were afraid to speak out against it (Othman 2006, 346). Reflecting a feminist reading of An Na'im's cultural legitimacy thesis (CLT), Othman urges Muslim women to reflect critically on the role of 'Islamic knowledge' in 'reclaiming the space for substantive democracy and justice' and to find a 'language of protest and resistance to religious and state authoritarianism' (p. 347). Moreover, she stresses, the extent to which 'internal debate among Muslims can help to . . . re-constitute women's rights and gender equality in Islam *depends on the democratic space . . . that exists in Muslim societies*' (p. 352) (my emphasis).

Ayesha Imam's account of Islamization in Nigeria from 1999 onward reveals a similar pattern. Widespread disillusionment caused by the failure of 'independence

and the nationalist promises’, corruption in politics and the judiciary, and ‘poverty and social problems exacerbated by the World Bank structural adjustment programs’ (Imam 2003, 22–3) prompted a turn to identity politics. This created new openings for the religious right to influence disproportionately the tone and direction of the civil political culture. State governors, mainly in Muslim majority states, fearful of appearing ‘anti-Sharia’, moved quickly to extend the reach of Sharia law beyond its traditional confines of marriage and family life to criminal justice. This precipitated a proliferation of cases of women sentenced to death by stoning for ‘adultery’ by local Sharia courts, with the case of Amina Lawal being the best known internationally. Imam’s organization BAOBAB for Women’s Human Rights played a lead role, taking successive appeals through Sharia courts on behalf of Lawal, culminating in 2003 in Lawal’s conviction being overthrown by the Katsina State Sharia Court of Appeal.

Also employing a version of the CLT, Imam defends BAOBAB’s legal strategy of working within the Sharia system as part of a process of internal critique: ‘If we only criticize from the outside, it doesn’t do anything for the victim of the charge. If we go to court and win an appeal, it demonstrates that the victim should never have been charged . . . We must establish that even when abuses are perpetrated in the name of Islam, they can and must be challenged’ (Imam 2003, 23). Other critics of Islamization in Nigeria, however, highlight the dangers of this approach. They argue that battles won within the Sharia courts to date have had little impact beyond the individual cases and have not helped the ‘vast majority of women who still live under imminent threat of the Sharia legal system’ (Ewelukwa 2003, 25). Echoing Othman’s argument, such critics urge instead the pursuit of legal cases that explicitly challenge the constitutionality of aspects of Sharia penal legislation in order to

establish precedents with wider applications (p. 25). In addition, they underline the imperative of proactively reasserting universal human rights principles that are ‘absent in Sharia’, especially that of ‘equality between men and women and between Muslims and non-Muslims’ (Mukhtar 2003, 26). Mahnaz Afkhami makes a related point when she questions the possibility of combining Islamic and feminist principles: ‘I call myself a Muslim and feminist. I not an Islamic feminist – that’s a contradiction in terms’ (Moghadam 2002, 1152). Similarly, regarding Iran, Valentine Moghadam notes that: ‘Any reform movement . . . that takes for granted the legitimacy and permanence of an Islamic state and of Qur’anic edicts is at best a very limited project and at worst a way of legitimizing the Islamic legal, political, and moral framework (p. 1151).

These criticisms express very valid concerns and highlight strategies that are vital to pursue. However, in taking these critiques on-board it is important not to overstate the either/or choice vis-à-vis working inside/outside Islam and the Sharia system. Doing so potentially misses a compelling aspect of Imam’s argument: the critical importance of paying attention to process and ‘doing human rights’ in ways that are sensitive to local contexts, while also maintaining a commitment to the realization of universal human rights. BAOBAB – a frontline legal literacy and support organization and part of the international network WLUML – coordinates a wide range of activities and campaigns with local groups to make people aware of ‘women’s rights whether in Muslim, secular or customary laws or in international human rights conventions’ (Imam 2003, 23). As such, the work of BAOBAB illustrates a bottom-up, critical and ultimately transformative approach to human rights. Imam explains that the organization does not simply focus on ‘legal texts, but on ways in which people can actualize rights acknowledged in them’ (p. 23–4).

Further, she argues: ‘If people don’t recognize rights at an everyday level, then international rights treaties and covenants are dead letters. People must say, “that’s our right and we are going to do something to get it”’ (p. 23). In this process, Imam acknowledges that international campaigns are often very helpful to local causes but cautions against the potential of external influence to produce a backlash that could inhibit local ownership of human rights values. She also highlights the fact that international human rights law is deficient in many ways and that the development of rights discourses from the global to the local is always a work in progress. This critical approach to human rights should not be construed as a relativist stance. Imam notes that Muslims have helped to craft contemporary human rights thinking and insists on ‘being able to reclaim and contribute to international human rights discourse rather than allowing it to be seen as only western’ (p. 23). Hence, the end goal is not to bolster relativist readings of human rights but to foster ‘true universalization’, which Imam believes calls for ‘all organisations and activists . . . [to] work together, respecting diversity, while developing solidarity and common understanding of principles, and not just assuming it’ (p. 24).

The following section turns to the global arena where international human rights standards are ultimately negotiated and agreed (or not). In particular, it highlights how fundamentalist forces have moved into the global policy arenas since the ICPD and FWCW, and the major challenges they pose to safeguarding WHR around the world – in principle and in practice.

Fundamentalist agendas at the United Nations

In the global arena, the norm-setting UN conferences of the 1990s and their follow-up meetings became prime targets of highly coordinated fundamentalist campaigns

seeking to roll back or prevent the further development of WHR agendas, most particularly in the realm of reproductive and sexual rights and recognition of non-traditional family formations. The unprecedented alliance of the Vatican, the US Christian right, [6] and sympathetic states (Egypt, Iran, Pakistan, Libya, Sudan and others) against WHR agendas in UN forums has been well documented and analyzed by academics and activists alike (Buss 2004, Petchesky 2003, Druelle 2000, Nankani n.d., Stephenson 2005). This coordinated backlash began to gather momentum after the Vatican and US Christian fundamentalist leaders became aware of the magnitude of the global movement for WHR and its impact at the World Conference on Human Rights (Vienna, 1993) and preparatory meetings for the ICPD and the FWCW. In Cairo, the Vatican vigorously – but, ultimately unsuccessfully – opposed applying a human rights framework to reproductive health, seeing it as a step towards a global right to abortion (Buss 2004, 63). Similarly, in Beijing, fundamentalist alliances resisted further elaboration of commitments to reproductive rights and the introduction of text prohibiting discrimination on the grounds of sexual orientation (Bunch and Fried 1996).

After Beijing, the scope of the fundamentalist agenda widened to oppose an array of measures that threatened ‘traditional’ patriarchal and heteronormative social structures (Petchesky 2003, 37). Hence, at the five-year UN meetings to review implementation of the Cairo and Beijing programmes of action, and at the Children’s Summit (2002) (the UN General Assembly Special Session (UNGASS) on Children), fundamentalist actors united across religions, countries and regions to oppose language that explicitly or implicitly appeared to endorse: (1) access to legal abortion; (2) reproductive or sexual autonomy on the part of women and/or young people, including in regard to protection against HIV/AIDS; (3) family formations other than

the male-headed, heterosexual, nuclear family; and (4) the extension of concepts of reproductive and sexual health to adolescents or to gay and lesbian people (Petchesky 2003). As highlighted earlier, the UN ten-year progress reviews on implementation of Cairo and Beijing commitments saw the rehearsal of similar battles. Post-September 11, the global climate was increasingly characterized by US unilateralism and a disregard for international norms. The zealotry of the Bush administration exemplified in the ‘gag rule’ and the USA’s persistent opposition to ‘new rights’, and to reproductive and sexual rights in particular, ensured that these events did little to strengthen the political will of world governments to implement global commitments to gender equality and human rights.

The confluence of fundamentalist forces in contesting sexual rights was also evident at meetings of the UN Commission on Human Rights (UNCHR) in 2003 and 2004 when a resolution on sexual orientation was debated. Introduced by Brazil in 2003 (supported by the EU, Canada and Australia), the resolution called on governments to recognize sexual-orientation-based discrimination as a violation of human rights and to take actions to eliminate it. The resolution was strenuously opposed by the Vatican and the Organisation of the Islamic Conference (OIC) [7] countries, particularly Pakistan, Malaysia, Saudi Arabia and Bahrain, as well as by Zimbabwe and others, and further discussion was deferred to 2004. In 2004, however, Brazil did not resubmit the resolution for debate due to intense pressure from the OIC, the Vatican and the US Christian right (Obando 2004). In addition to bitter debates on reproductive and sexual rights, the global consensus that violence against women (VAW) is a violation of human rights was also called into question at a session of the UN Commission on the Status of Women (CSW) in 2003. At that meeting, Iran and Egypt objected to a call on governments to ‘refrain from invoking any custom,

tradition, or religious consideration to avoid their [human rights] obligations' to eliminate VAW (Merry 2006, 26).

These examples of the backlash against WHR, following the successes of Vienna, Cairo and Beijing, reveal much about the complex and shifting nature of fundamentalist forces and their key players on the global stage. They forge alliances across NGO and state lines, across religions and religious denominations, and across countries and regions in ways that rarely, if ever, occur around other global policy issues where gender relations are not (ostensibly) at stake. This extraordinary display of unity begs many questions. What is it that unites disparate fundamentalists – Protestant, Catholic, Muslim and others – across the North and South, from the poorest to the richest nations? They unite in their intense opposition to women's empowerment, to reproductive and sexual rights, and to the radical transformation of gendered power relations that recognition of such commitments implies. This sobering insight underlines how the struggle against fundamentalisms and the fight for gender equality and WHR are inextricable.

Conclusion

While the precise character and expression of fundamentalist projects differ from context to context, this paper illustrates how they share common goals and use similar strategies to achieve their ends – whether at the national or international level. This includes broad-based mobilization around, and enforcement of, supposedly authentic and homogeneous religious (and ethnic) identities; targeted efforts to 'reform' secular law or to inculcate customary/religious laws; and the use of political power to infuse public and private life with religiously framed values and practices. Moreover, like their counterparts in progressive social movements, fundamentalists increasingly

cooperate in highly coordinated transnational networks of like-minded groups, despite an otherwise ideological stance against globalist values (Buss 2004, 58). Most importantly, however, fundamentalist projects share an intense preoccupation with policing gender roles, sexual behavior and ‘the family’ in ways that are inherently at odds with the gender equality and WHR norms. Hence, women’s lives and women’s movements – and lesbian, gay, bi-sexual and trans-gendered (LGBT) people and movements – locally and globally, necessarily constitute a primary battleground for fundamentalist projects in their pursuit of social, political and legal power to transform societies according to religiously framed constructions of ‘the good life’ and ‘the just society’.

At the start of this book, I offered an account of emancipatory cosmopolitan feminism as the normative and analytical framework that runs through my analysis. The examples of fundamentalist politics in action explored in this paper confirm the salience of such a cosmopolitan feminist framework in resisting the corrosive impact of fundamentalisms – both in seeking to deny the rights and dignity of women and other targeted groups and in displacing democratically grounded understandings of the ‘rule of law’. The law in its many forms comes into focus as a site of struggle that local and global women’s movements cannot avoid if they are to effectively counter fundamentalist influences. In doing so, however, as Othman notes, they must contest both ‘secular patriarchy’ (i.e. falsely universalized, top-down, secular ‘rule of law’) and ‘Muslim patriarchy’ (i.e. imposed customary or religious law) (Othman 2006).

Meeting this challenge, the cosmopolitan feminist resistance to fundamentalist forces, illustrated by the examples explored in this paper, maintains a focus on the radical promise of the ‘rule of law’. That is, they promote an understanding of the rule of law that is grounded in respect for formal and substantive equality and a practical

commitment to realizing all human rights, locally and globally. Moreover, this critical understanding of the law – as a site of contestation and potentially emancipatory action – presupposes the bottom-up participation of progressive civil society in realizing the transformative potential of the law, especially international human rights. In this regard, women’s movements at the forefront of battling actual fundamentalisms, especially from Southern perspectives, constitute a particularly comprehensive, practical critique of truncated understandings of democracy, human rights and the rule of law. Not only do they contest secular and fundamentalist patriarchal constructions of the law as noted above, but they actively deconstruct Western-centric interpretations that reproduce oppressive North–South binaries.

Such women’s movements are keenly aware of abuses of international law and global norms by Western powers and the insidious promulgation of anti-Islamic and racist thinking in mainstream global security and rights discourses. Yet, they have been most vocal in the call for ‘moderation and adherence to principles of international human rights and humanitarian law and standards’ in dealing with the September 11 attacks (Abeysekera 2001). This cosmopolitan position is informed by a firsthand understanding, in contexts of aggressive fundamentalist projects, of the inextricable links between: (1) local feminist struggles to reclaim/renew democracy and the ‘rule of law’ as integral to pursuing substantive gender equality and WHR; and (2) global women’s movements’ efforts to critically redefine international law and global norms from gender and other previously marginalized perspectives. In comprehending and acting on these links, strong local women’s movements and TFA come into focus not simply as targets of fundamentalist forces but as absolutely essential to halting their influence and to building emancipatory models of democracy and the rule of law.

Endnotes

[1] See 'In Response to Global Gag Rule, Britain Pledges Money for Safe Abortion Services', Feminist Majority Foundation, 7 February 2006. Available online at: <http://www.feminist.org/news/newsbyte/uswirestory.asp?id=9509>.

[2] See 'Case Challenging Manila Contraception Ban Dismissed', Center for Reproductive Rights, 15 August 2008. Available online at <http://www.reproductiverights.org/worldwide.html>.

[3] Established in 1984, WLUML links progressive women's organizations, activists and researchers from more than 70 countries that share a common concern about the detrimental impact of Muslim laws in women's lives, as well as anti-Muslim discrimination and racism affecting Muslim minorities around the world. For more information, see the WLUML website: <http://www.wluml.org>.

[4] In particular, see various essays in Imam et al. (2004), which feature the proceedings of a meeting of WLUML members held in November 2002.

[5] <http://riverbendblog.blogspot.com>.

[6] Doris Buss (2004) identifies the following organizations as playing a leading role in US Christian Right campaigns at the United Nations: the Catholic Family and Human Rights Institute, the World Family Policy Center, the Howard Center and the World Congress of Families. Anick Druelle's report (2000) also underlines the dominant role of North American (including Canadian) Judeo-Christian organizations in driving right-wing fundamentalist politics in UN forums.

[7] The OIC is an international organization with a permanent delegation to the United Nations. It has fifty-seven member states, mainly from Africa, Asia and the Middle East, and five observer states, including Russia and Bosnia and Herzegovina.

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