

From Belief to Liberation: Religion and Gender Justice

Ankaj Aryan¹, Prof.(Dr.) Dharmendra Kumar Singh²

¹Research Scholar, Faculty of Law, Mahatma Gandhi Kashi Vidyapith, Varanasi

Email: ankajaryan09@yahoo.com

²Principal, U.P. College, Varanasi, (affiliated to Mahatma Gandhi Kashi Vidyapith)

Email: principalupc@gmail.com

ABSTRACT

This paper explores the complex interplay between religious beliefs and gender justice, examining how spiritual frameworks can both perpetuate and challenge gender-based inequities. This study examines the intersection of faith, gender, and justice, showing how religion has simultaneously entrenched patriarchy and enabled resistance. By tracing how women and gender minorities reinterpret doctrine, it highlights religion's dual role as both a source of subordination and a vehicle for dignity, equality, and liberation. By integrating feminist theology, reinterpretations of sacred texts, and contemporary reform movements, the study suggests that gender justice within religion involves reimagining core values to create inclusive, equitable, and emancipatory spiritual communities. This approach reconciles faith with gender justice, promoting a more equitable and just society. The role of faith-based activism in promoting gender justice, advocating for inclusive hermeneutics and reclaiming religious narratives for liberation. It suggests that transforming religious discourse is crucial for achieving true equity and bridging the gap between spiritual belief and feminist praxis. The paper proposes pathways for aligning spiritual beliefs with equitable gender practices, emphasizing religion's potential to inspire social change and promote justice.

KEYWORDS: Religion, religious reform, faith and equality, social justice, law and religion.

Introduction

Religion has historically been a powerful force shaping human societies, providing meaning, community, and moral frameworks to billions of people. However, it has also been used to legitimize hierarchies, including those of gender. Women and gender minorities have often reclaimed, challenging patriarchal structures while rediscovering liberating liberation. The struggle for gender justice within religion involves both critique and embedded in belief itself. The phrase "From Belief to Liberation" signifies a journey from belief to liberation, involving interrogating history, exposing structures of domination, and opening pathways to reinterpret faith traditions in ways that affirm gender justice.

India's unique approach to religion and governance balances respect for religious beliefs with fairness, ensuring equal treatment for all citizens, regardless of religion. Over time, India has developed harmonious ways for religion and government to coexist.¹ Gender justice aims to dismantle structural inequalities that shape women's and marginalized genders experiences. Gender is a social construct derived from biological sex and is shaped by behavioural norms imposed by culture and religion. Traditionalist societies often depict women as dominant, exclusion from public power, and subjugated within the family under patriarchal authority. Women's

¹ Mahammad Ali, "Personal law and gender justice and its controversy perspective of uniform civil code in India" 6(1) *International Journal of Political Science and Governance*, 255- 256 (2024).

equality gained momentum in the twentieth century, but traditionalist cultures and monotheistic religions continue to hold patriarchal values, with appeals to cultural preservation or religious freedom often used to resist progress.²

The equality of marriage under Muslim personal status laws, focusing on polygamy, obedience, marriage contract conditions, property ownership, and unofficial or temporary marriages.³ The gender perspective is crucial in promoting gender equality, as it helps to balance the rule of law and ensures equality, as outlined in the 2030 Agenda for Sustainable Development.⁴

Religious doctrines have been historically interpreted in ways that subordinate women, whether through family laws, inheritance rights, or bodily autonomy. Yet, feminist scholars and activists within religious traditions have also demonstrated that these texts are not static; they can be reinterpreted to promote justice and equality. This article explores how feminist theory engages with religion to reform law, analysing both the obstacles and possibilities for achieving gender justice. Gender justice is the pursuit of equality among all sexes, encompassing social, economic, political, environmental, cultural, and educational factors. It's crucial for progress as half of the population remains marginalized.⁵

Religion and Gender: A Historical Overview:

Religious traditions—polytheistic, monotheistic, and philosophical—have historically defined gender roles, often reinforcing patriarchy through texts, rituals, and teachings. Yet, they also contain counter-narratives: goddesses, female saints, and reformers who challenge dominant norms and offer alternative models of empowerment.

During the pre-Independence era in India, the British imposed their laws and legal principles, recognizing Indian society's religious roots and practices. They studied Indian traditions, but viewed some as inhumane and needed legal intervention.⁶ India's rich social and cultural diversity, particularly its reverence for Goddesses, has been a significant part of its religious traditions since ancient times. However, religion and feminism often face challenges in harmonious coexistence. Spirituality is often sought more deeply than organized religion, and religion remains a primary pathway for many women to connect with it. If women perceive patriarchal elements dominating a particular religion, they may choose not to adhere. Recognizing the freedom women should have in deciding their engagement with religion is crucial.⁷

Religion can empower and legitimize feminist values by reinterpreting sacred texts through egalitarian lenses, reclaiming spiritual spaces, and influencing community influence. Scholars like Islamic feminism and Dalit feminism in Hinduism reinterpret sacred texts, while women reclaim spiritual spaces through female priests and women-led rituals. Faith-based movements can mobilize grassroots support for gender equality, as seen in the Bebaak Collective & Bhartiya Muslim Mahila Andolan in India and the Shaheen Bagh protest in 2019-20. Religion and gender equality often involve conflict, with one side focusing on culture and tradition, while the other emphasizes equality between men and women. In India, this tension is particularly evident in the "personal law" system, where individuals are governed by family laws of their religious communities. Debates over religious

² Meena Shivdas, Sarah Coleman, "Without Prejudice CEDAW and the determination of women's rights in a legal and cultural context" 23 (2010).

³ United Nations Development Programme, "Gender Justice & Equality before the law Analysis of Progress and Challenges in the Arab States Region" 60 (2019).

⁴ UN Women "Justice and Gender", in Gender and Security Toolkit. Geneva: DCAF, OSCE/ODIHR, UN Women (2019).

⁵ Dr.Sushila Dubey, "Gender Inequality to Gender Justice: The Indian Perspective", 5(1) *International Journal of Research and Analytical Reviews*, 75 (2017).

⁶ Omkar Upadhyay, "Law, Religion and Gender: Reformation of Religious Practices for Achieving Gender Justice" 1(1), *Pimpri Law Review*, 3 (2022).

⁷ Dr Aradhana Nair and Mr Stalin Arnold, "The Theory of Intersectionality, Feminism and Religion" 9(3) *Pramana Research Journal* 538 (2019).

freedom and gender equality are further entangled with issues of identity, nationality, modernity, and secularism. This paper argues that no single feminist position exists on the matter, as there are multiple, diverse feminist viewpoints regarding personal laws.⁸

Religious doctrines have historically shaped legal frameworks across cultures, from the Code of Hammurabi in ancient Mesopotamia to modern family laws in many societies. In many legal traditions, religious texts and interpretations have provided moral and ethical guidelines, often reinforcing patriarchal structures. For instance, in Judeo-Christian traditions, biblical narratives have been cited to justify gender hierarchies, such as the notion of male headship in family law. Similarly, in Islamic legal systems, interpretations of Sharia have influenced personal status laws, sometimes limiting women's autonomy in marriage, divorce, and inheritance.

Aristotle, a pioneer in Western jurisprudence, linked equality and justice, stating that the just is lawful and equal, while the unjust is unlawful and unequal.⁹ These religious underpinnings have perpetuated gender inequalities in legal systems. For example, in some jurisdictions, religious laws have upheld practices like child marriage or restricted women's access to property rights. While religion can inspire justice and compassion, its institutional interpretations have often prioritized male authority, marginalizing women's voices. Understanding this historical context is crucial for feminist legal reform, as it reveals the entrenched norms that must be addressed to achieve gender equity.

The internal diversity present within every religion opens possibilities for coalition-building, grounded in the shared visions and values of progressive voices across faiths—and even among those with no religion. Fundamentalist groups have formed cross-religious coalitions to oppose women's reproductive and sexual rights, while also challenging the universality of human rights.¹⁰ The lack of clear legal frameworks for addressing religious inequalities in freedom of religion or belief, coupled with uneven and gradual efforts to incorporate gender sensitivity into development, necessitates a more comprehensive approach to track progress and address religious inequalities.¹¹

Religion and the Legal System: A Double-Edged Sword

After independence, there was lots of Hindu personal law enacted which are related to gender equality like Hindu Marriage Act 1955, Hindu adoption and maintenance act which are somehow helps in gender justice. But it is not enough. Same as in Islam, they are lots of law in action which were very strict on women. But due to change in time, there was lots of judgement come in favour of women. Shah Bano judgement one of them whose decision results that there was attack on Muslim community.

The Shah Bano¹² case underscored both the promise and the tension of advancing women's rights within minority communities. Shah Bano sought maintenance under CrPC Sec. 125, but her husband argued that Muslim personal law confined his obligation to the *iddat* period—pitting constitutional equality against religious deference. The All-India Muslim Personal Law Board intervened on Khan's behalf, asserting that the judiciary had no authority to interfere with religiously sanctioned provisions for the maintenance of divorced Muslim

⁸ Tanja Herklotz, *Feminist Dilemmas: The Challenges in Accommodating Women's Rights Within Religion-Based Family Law in India*, Rapoport Center Working Paper Series, University of Texas at Austin, 1 (2018).

⁹ Savitri W. E. Goonesekere, "The Concept of Substantive Equality and Gender Justice in South Asia" United Nations Women South Asia Office 8 (2011).

¹⁰ Caroline Sweetman, "Introduction: gender, development and fundamentalisms", 25(1) *Gender & Development*, 12 (2017).

¹¹ Mariz Tadros, Catherine Shutt, "Gender in development: What lessons for addressing inequality on the grounds of religion or (non)-belief?" *World Development* 9 (2024).

¹² *Mohd. Ahmed Khan v. Shah Bano Begum & Ors.*, AIR 1985 SC 945.

women. The case reached the Supreme Court of India, raising questions about the relationship between personal laws and uniform civil law and whether religious laws can be scrutinized in a secular democracy.¹³

The principle of equality mandates that the state should not favour any religion over others, while the principle of neutrality prohibits state interference in religious affairs or community organizations.¹⁴ In other religion, which are in very population even less than 1% to 5% still they support the concept of women empowerment and gender equality. Whether they are Christianity, Judaism, Buddhism, Sikhism and others. Legal positivism is the main cause of many people accepting law without investigating it, despite its numerous problems.

Demanding equal rights alone is insufficient in a society dominated by patriarchal norms. Indian society often confines women to roles of marriage, childbearing, and family care. While men typically advance in their careers by their early thirties, women remain constrained by domestic responsibilities until their mid-thirties, limiting their opportunities to acquire skills, earn income, and achieve personal independence. Religion and gender politics are deeply intertwined across all societies, regardless of income level. Religion often influences the public sphere and gains political power, making gender issues central to its agenda. Patriarchal gender norms are often framed in religious terms, making them seem divinely ordained and immutable. Understanding the context-specific ways in which religion and gender interact can expose deeply rooted patriarchal power structures, making addressing this intersection fundamental to the pursuit of genuine gender equality.¹⁵

Religion significantly influences identity, with interpretation largely controlled by authority figures within religious institutions. Institutionalized religions have historically favored men over women, despite feminist scholars and theologians' efforts to rectify these imbalances. The interpretation of religious texts is influenced by these institutions. India, known for its religious tolerance, faces challenges in maintaining harmony among its diverse faith communities due to communal conflict, riots, and discrimination. The rise of extremist ideologies, divisive political narratives, and inconsistent legal enforcement further strain the balance between religious liberty and social stability.¹⁶

Hindu philosophy affirms the equality and inseparability of masculine and feminine elements, with Shiva, the masculine principle, being incomplete without Shakti, the activating feminine force. The tradition features representations of the divine feminine, such as Saraswati embodying wisdom and the arts, Lakshmi symbolizing prosperity, and Kali or Durga manifesting power. Hindu men worship these goddesses, but this does not necessarily translate into less patriarchal behaviour in their social lives. Hindu practice reflects this fluidity, with many men bearing names that invoke both masculine and feminine principles, such as Radhe Shyam, Sitaram, or Lakshmi Narayan. During the colonial period, goddess worship was dismissed as lacking value, but the feminine force, Shakti, was deeply empowering for Hindus. In contemporary times, goddess-centred spirituality has influenced Indian ecofeminism, drawing on the Hindu concept of Prakriti (feminine, nurturing principle) in contrast to Purusha (masculine principle).¹⁷

¹³ Siobhan Mullally, "Feminism and Multicultural Dilemmas in India: Revisiting the Shah Bano Case" 24(4) *Oxford Journal of Legal Studies* 678 (2004).

¹⁴ Ananya Mukherjee Reed, "Religious Freedom Versus Gender Equity in Contemporary India: What Constitutions Can and Cannot Do" 25(2) *Atlantis: Critical Studies in Gender, Culture & Social Justice*, 43 (2001)

¹⁵ Nora Khalaf-Elledge, *Scoping study: Looking back to look forward—The role of religious actors in gender equality since the Beijing Declaration*, 44 (2021).

¹⁶ Meera Kumari, Dr. Madhu, "Religious Freedom and Human Rights in India: A Critical Review" 7 (11) *Anveshana's International Journal of Research in Regional Studies, Law, Social Sciences, Journalism and Management Practices*, 143 (2022).

¹⁷ Dipti Nath, *Unit-5: Gender and Religion Interrogating the Nation*, Block-2. IGNOU. Retrieved from the eGyanKosh repository, 180 (2017).

Religion's Role in Gender Inequality:

Religion has historically reinforced patriarchal systems, subjugating women and gender minorities through doctrines, rituals, and institutional structures that prioritize male authority. This can be seen in texts like the Manusmriti in Hinduism, Paul's letters in Christianity, and selective readings of the Qur'an in Islamic jurisprudence. Religious structures have also regulated women's sexuality and reproductive roles, with practices like female seclusion, enforced celibacy for nuns, and restrictions on menstruating women in temples. Clothing has often served as a marker of religious identity and male control, with reproductive rights being contested.

Women often act against unequal treatment or justice based on religious differences, believing that they are all humans and that these differences should not justify unequal treatment. However, politicians and malicious individuals exploit these differences to divide society.¹⁸ Religious authority has historically been male-dominated, with women largely excluded from priesthood, monastic leadership, and scriptural authority. In Catholicism, women cannot be ordained; in Hinduism, female priests remain few; and in Buddhism, nuns are often denied full ordination. Spatial segregation reinforces these inequalities, as women are frequently barred from temples, altars, or designated mosque areas. Religious leaders must create a culture of trust and support for survivors of abuse or violence, offering spiritual and emotional healing, and empowering them to reclaim dignity. Survivors of gender-based violence can play a crucial role in transforming injustice systems. Religious patriarchy intersects with caste, class, and race, exemplified by Dalit women in India and Black women in Christian churches. These intersections show how religion can simultaneously reinforce multiple hierarchies, perpetuating systemic injustice.

Faith as Resistance: Seeds of Liberation within Religion:

Religion has never been a uniform force of oppression, but it can act as a chain and a key to freedom. Feminist theologians across faiths have re-read sacred texts through lenses of equality and justice, advocating for reclaiming the liberatory potential of religion rather than rejecting it outright. Scholars like Rosemary Radford Ruether and Elisabeth Schüssler Fiorenza emphasize the egalitarian spirit of the early church and call for inclusive interpretations. In Islam, Amina Wadud demonstrates that Qur'anic hermeneutics can affirm gender equality when freed from patriarchal readings. In Hinduism, reinterpretations of goddess traditions highlight women's strength and creativity as divine attributes. Gender liberation is a crucial aspect of the ongoing struggle for equality, aiming to address inequalities that significantly impact the lives of individuals across all gender identities.¹⁹

Historically, women have emerged as powerful religious figures challenging norms. Medieval Christian mystics like Hildegard of Bingen and Teresa of Ávila became influential spiritual leaders despite restrictions. In India's Bhakti traditions, saints such as Mirabai, Akka Mahadevi, and Andal asserted spiritual autonomy through devotional expression. In Islam, the Sufi mystic Rabia al-Basri exemplified divine love and equality, highlighting that women's rights to gender equality and religious freedom are intrinsically linked to personal autonomy. These rights aim to create a society where women can live authentically, exercise free choice, and have dignity, respect, and equal power. They represent women's ongoing struggle for emancipation and their collective aspiration for liberation from oppressive structures.²⁰

Beyond individuals, movements have linked faith with liberation. Latin American liberation theology connected Christian teachings with struggles against poverty and oppression, including gender injustice. Dalit

¹⁸ Stacey Burlet, "Gender relations, 'Hindu' nationalism, and NGO responses in India", 45, In *Gender, Religion, and Spirituality*, Edited by Caroline Sweetman, Oxfam GB, 1998.

¹⁹ Himangshu Ranjan Nath, "Gender Justice in India: A critical Appraisal" 5(3), *Journal of Juridical and Social Science*, 3 (2015).

²⁰ Cochav Elkayam-Levy, "Where Is God When We Need Her? Women's Right to Freedom of Religion or Belief as Key to Promoting Gender Equality", 95, *Tulane Law Review* 1276 (2021).

theology in India reads Christianity through caste-based marginalization, emphasizing liberation, while Islamic feminism foregrounds justice and gender equality as core Qur'anic principles. The link between dowry practices and gender inequality in North and South India is complex, and religion's role in deepening these disparities should be examined.²¹

Religion as a Tool of Control:

Feminist legal scholars argue that religious laws often function as instruments of control over women's bodies and labour. For example:

- **Marriage and Divorce:** Many religious laws make divorce harder for women while allowing men greater freedom.
- **Reproductive Rights:** Religious doctrines frequently oppose abortion and contraception, limiting bodily autonomy.
- **Inheritance and Property:** Male heirs are often privileged, reinforcing economic dependence.

These structures persist because religious authority is seen as beyond human critique, requiring feminist interventions that challenge both legal and theological assumptions. Engaging with religious actors should encompass a wide range of belief systems, including smaller religious groups, indigenous traditions, atheists, and humanists, ensuring inclusivity beyond the dominant Christian, Hindu, Muslim, Jewish, and Buddhist communities.²²

Feminist Reinterpretations of Religious Texts:

Feminist theologians and jurists have sought to reclaim religious texts, arguing that patriarchal interpretations are not inherent but constructed. India, a predominantly Hindu nation, has diverse faiths like Islam, Sikhism, and Christianity. This diversity has led to religious conflict, particularly between Hindus and Muslims. Despite efforts to promote tolerance, scholarship is increasingly examining religion-based gender inequalities.²³

Hindu Feminist Reinterpretations:

Hindu traditions have historically depicted women's status as simultaneously revered and restricted. Ancient texts like the Manusmriti emphasized patriarchal codes, reinforcing women's dependence on fathers, husbands, and sons. Widowhood, dowry, and education restrictions further reinforced this hierarchy. Hindu cosmology celebrates powerful female deities like Durga, Kali, and Saraswati, symbolizing strength, knowledge, and creativity. Reformers like Raja Ram Mohan Roy and Savitribai Phule challenged oppressive practices, offering symbols and resources for liberation. Indian feminists like Uma Chakravarti critique Manusmriti while reclaiming Bhakti traditions that celebrated women's spiritual authority. These efforts show that religious texts are multivocal—capable of supporting both oppression and liberation.

The Rashtriya Swayamsevak Sangh (RSS), founded in 1925 to foster a strong Hindu community in response to both British colonial rule and Muslim separatism, is the movement's principal source of ideological doctrine. The Vishwa Hindu Parishad (VHP), founded in 1964, promotes the Hindu Right's religious agenda and

²¹ Mr. George L. Samte, "Review of Dr. Alice Evans Blogpost Why are North and South India so Different on Gender?" 22 In *Gender Justice* edited by Mr. Mangalapudi Ramesh Babu, EFICOR (2022).

²² The Danish Institute for Human Rights, "Promoting freedom of religion or belief and gender equality in the context of the Sustainable Development Goals: A focus on access to justice, education and health: Reflections from the 2019 expert consultation process". Copenhagen: The Danish Institute for Human Rights. 77 (2019).

²³ Pangri Mehta, "Religious freedom and gender equality in India" 25, *International Journal of Social Welfare*, 283 (2015).

mobilizes grassroots support, including its militant youth wing, Bajrang Dal (1984), and women's wing, Durga Vahini (1991). Other affiliates include the Shri Ram Sena, formed in the late 1960s and known as the Hindu Right's "moral police." In recent years, online "internet Hindus" and digital trolls have emerged as prominent actors in advancing the movement's ideology.

These groups share a militantly anti-Muslim stance and collectively promote Hindutva—the belief that Hinduism is not merely a religion but the defining identity of a nation and race indigenous to India. Although the Hindu Right's endorsement of women's equality and secularism appears contradictory to its core ideology, it redefines these terms to align with its broader vision. This reinterpretation idealizes women's roles as mothers and wives—positions portrayed as equal and revered in traditional Indian culture—while reinforcing notions of inherent, essential differences between men and women.

Ultimately, the Hindu Right uses gender strategically to advance its nationalist project: establishing India as a Hindu rashtra (Hindu nation) and marginalizing the Muslim minority.²⁴ The Hindu Right in India uses discursive strategies to alter the relationship between religion and politics, introducing a narrow interpretation of equality into secularism. This approach influences debates on Muslim women's rights, treatment of the Muslim community, and Hindu women's rights in relation to Hindu men. The meaning of equality in Hindu Right discourse varies, but is often framed in terms of formal equality.²⁵

Religion shapes identity and community definition, with religious authority controlling interpretations. Institutionalized religions historically favour men over women, but feminist scholarship and reinterpretations challenge these inequalities, highlighting the importance of addressing gender inequalities in religious interpretation.²⁶ After India's independence, Hindu personal laws, such as the Hindu Marriage Act, 1955 and Hindu Adoption and Maintenance Act, 1956, made progress in promoting gender justice within the Hindu family system. However, these changes were not enough to eliminate oppression. The entrenched caste system in Hindu society influenced the feminist movement, often turning the fight for gender equality into a parallel one. Critics argue that upper-caste women benefited more from these reforms, leaving gaps in inclusivity and equity.²⁷

Islamic Feminism and Qur'anic Hermeneutics:

The Qur'an, a significant reform in Islamic history, improved women's rights in marriage, inheritance, and education. However, patriarchal interpretations and cultural practices often overshadowed these liberating elements. Islamic feminism, led by scholars like Amina Wadud and Asma Barlas, reclaims the Qur'an as a text of justice and equality, emphasizing the dignity of all believers, regardless of gender. The tension between patriarchal jurisprudence and liberating Qur'anic ethics remains central to ongoing debates. Scholars like Amina Wadud and Fatima Mernissi have re-examined the Qur'an, highlighting verses that emphasize equality (e.g., 4:1 – "created from a single soul"). They critique Hadiths used to justify oppression as historically contingent rather than universal.

Muslim personal laws in India have been largely uncoded, with interpretation left to religious scholars. However, changing societal needs and circumstances led to limited legislative interventions. The Muslim Personal Law (Shariat) Application Act, 1937, empowered individuals to declare themselves as Muslims and authorized state governments to prescribe the authority and procedure. Subsequent laws included the Dissolution of Muslim

²⁴ Ratna Kapur, "Gender and the "Faith" In Law: Equality, Secularism, And the Rise of The Hindu Nation" 35(3) *Journal of Law and Religion* 3-4 (2020).

²⁵ *Ibid*, 6.

²⁶ Lutheran World Federation. (n.d.), *It will not be so among you! A Faith Reflection on Gender and Power*. Department for Mission and Development – Women in Church and Society. Retrieved from <https://lutheranworld.org/resources/publication-it-will-not-be-so-among-you-faith-reflection-gender-and-power>

²⁷ Meera R Menon and Sidharth A J, "Feminism and Feminist Jurisprudence in India" 3(3) *International Journal of Law Management & Humanities*, 1385 (2020).

Marriages Act, 1939; the Musalman Waqf Act, 1923; the Waqf Acts of 1954 and 1995; and the Muslim Women (Protection of Rights on Divorce) Act, 1986. These laws reflect a cautious but necessary approach to legislating on matters of personal law within the Muslim community, balancing tradition with evolving legal and social realities.²⁸

The Hindu Right's belief in equality is based on a distinction between Hindu and Muslim men, aiming to counter colonial exploitation and the perceived exploitation of Muslims. In the Shah Bano case, the Hindu Right supported a woman's claim for maintenance during the iddat period, but portrayed Muslim men negatively. This led to strong reactions from orthodox and conservative Muslim groups, who saw the judgment as a threat to religion and a threat to Islamic law. The women's movement and progressive Muslim organizations opposed the bill to overturn the judgment, and the Hindu Right campaigned against it, claiming it was another example of the government appeasing minorities.²⁹

In Islam, women faced restrictive religious laws and regulations. However, the Shah Banu case marked a significant shift, with the judgment in her favour, sparking widespread unrest within the Muslim community. Many perceived this decision as an attack on their religious identity, highlighting the need for more inclusive and accessible laws for women.³⁰

In the 1930s, British India enacted the Muslim Personal Law (Shariat) Application Act, 1937, and the Dissolution of Muslim Marriage Act, 1939. The 1937 Act established uniformity within the Muslim community by governing all personal matters by Sharia, while the 1939 Act granted Muslim women the right to seek divorce.³¹

Amina Wadud's book, "Inside the Gender Jihad: Women's Reform in Islam", popularizes the term "gender jihad," which emphasizes women's leadership in ritual worship and the pursuit of gender justice, originating from Apartheid-era South Africa.³²

Islamic feminists and Muslim scholar-activists engage in a struggle called gender jihad to promote gender justice and equality within their community. This concept involves analysing gender relations within various political, socioeconomic, legal, and institutional contexts. Religion plays a central role in shaping dominant discourses influencing gender roles and women's status in Muslim communities. However, gender inequality cannot be solely attributed to religion; factors such as a society's history, political economy, culture, and patriarchal systems also contribute significantly to power, privilege, and resources disparities.³³

The Qur'an offers a theological perspective that transcends gender, highlighting Absolute Divine Perfection. God, as Creator, transcends gender, a trait reflected in infallible angels, while gender in humans is closely tied to imperfections and social divisions. This division is part of the dualities governing human existence, including soul and spirit, body, and good and evil tendencies.³⁴

²⁸ Sunil Ambwani, "Religion and Jurisprudence" Paper presented at SAMVADA: A Forum for Understanding Religion, Sri Udasin Karshni Ashram, Ramanreti (Gokul), Mathura, 10 (2013).

²⁹ *Supra* note 24 at 7-8

³⁰ *Supra* note 26 at 1385-1386.

³¹ Tanja Herklitz, "Religion-Based Personal Laws in India from a Women's Rights Perspective: Context and some Recent Publications" 5(5) *Südasiens-Chronik - South Asia Chronicle*, 371-372 (2015).

³² Shadaab Rahemtulla, "Qur'an of the Oppressed Liberation Theology and Gender Justice in Islam" 169, *Oxford University Press* (2017).

³³ Breanna Ribeiro, "Islamic Feminism: A Discourse of Gender Justice and Equality" 1, *Senior Theses* 7-8 (2014).

³⁴ Omais Abou-Bakr, *Feminist & Islamic Perspectives New Horizons of Knowledge and Reform*, The Women and memory Forum, Mohandeseen, First edition 14 (2013).

Western media often portrays women in full veils as oppressive, while Afghan women removing their burqas after the Taliban's fall embrace liberation. In Muslim countries, unveiling is seen as conforming to Western influence, while wearing a headscarf signifies resistance.³⁵

Christian Feminist Theology:

Christianity historically has traditionally confined women to secondary roles, with early Church fathers often depicting them as morally weaker and needing male guardianship. For centuries, women were excluded from priesthood and leadership. However, the Virgin Mother's figure holds profound reverence, and numerous women mystics, saints, and theologians have left lasting spiritual legacies. The Protestant Reformation and feminist theology led to debates about scriptural interpretation, emphasizing the equal worth of all souls before God. Today, denominations differ, with some Protestant churches embracing female clergy.

Churches and related organizations address violence against women by promoting justice, critically engaging with faith, and challenging religious and cultural norms that restrict women to private spheres.³⁶ Figures like Elisabeth Schüssler Fiorenza argue that Jesus' teachings were radically egalitarian, but later Church Fathers imposed patriarchal structures. Feminist readings recover marginalized voices, such as Mary Magdalene's leadership. The Indian Christian Marriage Act, 1872 defines a "Christian" as someone who professes the religion, including descendants of native Indians who have converted to Christianity. The term also includes non-baptized Christians and their children. Indian Christians do not have a distinct personal law, so their domestic matters are governed by English law.³⁷

Gender justice seeks genuine liberation and humanity by dismantling stereotypes and fostering equality across all spheres of life. The Church plays a crucial role in this vision, promoting freedom and dignity for all. Gender justice is a collective expression aimed at a society free of bias and bias.³⁸ Christian Aid views gender justice as a fundamental goal, inspired by the Christian faith's vision of unity in Jesus Christ. The organization is compelled to advocate for gender justice, aiming to eradicate poverty and promote justice within the Christian faith.³⁹

The arrival of Christianity in India was marked by attempts at forced conversion, which provoked resistance and left many communities feeling marginalized and diminished under the weight of imposed beliefs and customs.⁴⁰ Traditionally, religious interpretation and authority have been controlled by men, who define faith

³⁵ Brenda Bartelink and Marjo Buitelaar, "The challenges of incorporating Muslim women's views into development policy: analysis of a Dutch action research project in Yemen" 13, In *Gender, Faith, and Development* edited by Emma Tomalin, Practical Action Publishing Ltd in association with Oxfam GB (2011).

³⁶ Elaine Neuenfeld, (Ed.). *Gender Justice Policy*. The Lutheran World Federation – A Communion of Churches, Department for Theology and Public Witness, Women in Church and Society, 18 (2013).

³⁷ Women's Rights and Personal Laws: A Comparative Analysis, available at: [women and the personal laws.pdf](https://dspmuranchi.ac.in/pdf/Blog/women%20and%20the%20Personal%20laws.pdf) <https://dspmuranchi.ac.in/pdf/Blog/women%20and%20the%20Personal%20laws.pdf> (last visited on August 12, 2025).

³⁸ North India Theology Students' Conference, "Gender Justice" Presented at Serampore College, Serampore, West Bengal, and Allahabad Bible Seminary, Allahabad, Uttar Pradesh 15 (2015).

³⁹ Christian Aid, *Gender Justice: Achieving just and equitable power relations for all* (2017 update) 11, Christian Aid, 35 Lower Marsh, Waterloo, London. (2017).

⁴⁰ Velenson Gomes, "Using the Methodology of Liberation Theology, "See, Judge, And Using the Methodology of Liberation Theology, "See, Judge, And Act," to Analyze the Effects of Domestic Violence on Women in Act," to Analyze the Effects of Domestic Violence on Women in India, Recognize the Holy Spirit's Presence in Victims, and Use India, Recognize the Holy Spirit's Presence in Victims, and Use Liturgy to Enable the Holy Spirit to Stir the Hearts of the Faithful, Liturgy to Enable the Holy Spirit to Stir the Hearts of the Faithful, Prompting them to

rules and represent God's will. This male-centred conception rarely challenges men's rights, which are reinforced by religious and cultural norms. These norms assign women a subordinate role, ensuring men remain the primary beneficiaries and strongest opponents.⁴¹

Buddhism:

Buddhism presents another complex picture. The Buddha initially hesitated to admit women into the sangha, reflecting the patriarchal context of his era, but eventually permitted their ordination under the garudhammas, which placed nuns under monk supervision. Despite these restrictions, Buddhist women throughout Asia have cultivated rich traditions of scholarship, meditation, and social activism. In recent decades, struggles for full ordination of nuns (bhikkhunis) have re-energized debates about equality in Buddhist institutions.

Other Traditions: Indigenous and tribal religions often contain diverse gendered cosmologies. Many honours female deities, matrilineal inheritance, or shared roles in ritual practice. Yet, colonial encounters frequently disrupted these dynamics, imposing patriarchal norms. Similarly, Sikhism's founding texts affirm equality, but cultural practices have not always aligned with this principle. Across traditions, the gap between scriptural ideals and social realities has been a defining tension. The relationship between freedom of religion and gender equality is complex, necessitating careful analysis of how religious practices and beliefs impact women's rights. Parliament and religious leaders must address gender inequality through reforms, laws, and education.⁴²

Conclusion

Religion and gender are paradoxical, with religion often serving as a justifier for patriarchy and suppressing dissent. However, it can also offer empowerment and visions of justice. To move from belief to liberation, we must acknowledge this dual legacy and not romanticize religion as purely liberating or condemning it as oppressive. The journey towards gender justice requires critical engagement, exposing abuse of power, and reforming institutions. It also requires constructive imagination, reinterpreting sacred texts, reclaiming empowering symbols, and creating inclusive communities of faith. Religion is not a closed book, but a living tradition capable of transformation. The ultimate promise of religion is freedom, equality, and voice. From belief to liberation, religion can become a pathway to gender justice if communities embrace its liberating potential and reimagine faith in the light of equality. Religion is a contested space where power and resistance intersect, challenging patriarchal interpretations and reclaiming spiritual narratives. Feminist and liberation theologies show faith can be a force for gender justice, requiring courage, scholarship, and collective action to evolve sacred texts and traditions towards equality.

Religion, often seen as a patriarchal institution, can inspire and sustain gender justice through feminist theology, grassroots activism, interfaith collaboration, and institutional reform. This movement demonstrates that faith can be a powerful force for social change, reimagining sacred texts, amplifying marginalized voices, and fostering inclusive communities. Despite challenges, religion can move from reinforcing oppression to becoming a beacon of liberation for all.

Respond to the Domestic Abuse Crisis. Prompting them to Respond to the Domestic Abuse Crisis” 2024 (Unpublished Ph.D. thesis, Santa Clara University).

⁴¹ Pontifical Council for Justice and Peace, “Freedom of religion, belief and gender: A Catholic perspective”, Vatican City: Libreria Editrice Vaticana, 18 (2011).

⁴² Aiswarya Acharya, Ratna Binodini et.al, “Gender Equality & Religious Freedom in Law” 6(7) *International Research Journal of Education and Technology*, 238-239 (2024).