

# THE THEORY OF INTERSECTIONALITY, FEMINISM AND RELIGION

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## **Abstract**

*The theory of intersectionality is associated with feminism whereby different social identities overlap and contribute in some manner towards the oppression of a female. Religion is one of the social identities which shapes the personality of a female if the society in which the individual grows is religious in nature. Religion contributes positively and sometimes negatively in shaping the society. Patriarchy is said to be the reason of oppression according to feminism. Religion has patriarchal values that leads to the oppression. It is very difficult to say that religion and feminism can develop together, but it is not impossible. At times it becomes necessary to demarcate the boundaries of religion and feminism. Every religion has certain practices, beliefs which needs to be analyzed to understand if it has blocked the path of feminism. Through this article the effort is made to analyse the theory of intersectionality and the effect of religion on feminism.*

**Keywords:** *The theory of intersectionality, feminism and religion, beliefs, faith and practices.*

## **1. Introduction**

The theory of intersectionality which is coined by Kimberle Crenshaw is associated with feminism whereby different social identities overlap and contribute in some manner towards the oppression of a female of color. Taking the same paradigm and not associating the theory with race but with religion as a social identity. Religion is one of the social identities which shapes the personality of a female if the society in which the individual grows is religious in nature. For that matter every society has religious contribution in its development, but how

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far has it influenced a woman is to be analyzed. Taking the dominance of religion in a society like India, has the women really been oppressed? Is religion strengthening patriarchy or Is religion patriarchal?

### **1.1 Patriarchy and religion:**

If the history of the world is analyzed the patriarchal values were dominant enough to govern the society upon which institution like religion was developed. The ancient Greek, Roman or Hindu religion has women gods as an example proving that religion in its inception was not governed by patriarchy. Gradually the wars that was fought and the stability of society was taken up men lead to the dominance of patriarchy. It is later that patriarchal values become deep rooted within the religion. Taking any religion as an example the dominance of male god is seen. In some religion female gods are equally worshipped.

### **1.2 Present condition:**

Regardless of whether it is the housewives in the country keeping to her fasts and supplications, or the women living in urban India planning time for more religious activities now and again, women are particularly the motor that drives religion in India, and have been for a long time. Without the faith of the Indian mother/spouse/sister, would places of worship grow at every corner of the country? Or on the other hand, would they become sufficiently popular to the priests or clergies whose livelihood depends upon them? It is the women rushing to these places of worship, be it out of superstition, commitment, or compulsion, which helps religion grow. However, unfortunately, women are the ones who get oppressed in the name of religion. The religious practices that the women undertake don't recognize their rights as compared to the other gender. Rights in this context means essentially fundamental human rights. The constitution guarantees them these rights. In any case, in a place like India where religion is so dominant, it is difficult to impact genuine change without restricting or changing some religious practices in some measure. However, religion, at early introduction appears to be contradictory to women's rights.

Indian women today are stuck right in the middle when it comes to these religious practices. On one hand, they are being pushed or maneuvered outside, as students, specialists, and teachers. But then again, a woman is subjected to all crimes or ill treatment across the world.

There are many issues like disproportionate sex rate proportion, and deeply rooted gender biases in the society.

## 2. Religion:

India is known for its diverse social and cultural aspect. Also, truly, one must not overlook the might of Goddesses our nation has since the beginning of religions in the country. Religion and feminism cannot coexist in a peaceful manner. If it exists it is good. Spirituality is something which women would want more than religion. Religion is a medium through which women would achieve spirituality. Not necessary that it should be through religion but largely through religion it happens. When a woman feels that the patriarchal components are more dominant in a religion she can opt to decide if she needs to follow a religion. Certain patriarchal values are very strong in certain religion thus making it clear that woman should decide not to be in religion, if given a choice. The conflict arises when people try to bring a change in the existing mechanism. If the existing mechanism is hurting a woman in some manner then the change is needed and not otherwise.

### 2.1 Hinduism:

Taking Hinduism for instance it is seen that during the pre-vedic and vedic period woman enjoyed more freedom in India. It is only after Aryan invasion the position of women deteriorated. She was restricted from learning vedas and subjected to practices prohibiting her from religious practices. The age-old laws and writings are taken advantage of to encourage the most reactionary, and savage foundations of this society. Khap panchayats, sati pratha, or some other types of organized misogyny – all refer to religion as authoritative. One main textual source advising the misogynistic mindsets of Indian culture is the Manusmriti. For example:

“It is the idea of women to entice and seduce men in this world”, "Young girls should be under the authority of their fathers when they are young, and women must be under the authority and care of their husbands when married and under the care of their children as widows. In no situation or circumstance is she permitted to take an independent stand up for herself.

Women in the earlier generations figured out how to either submit or be subjected with these codes. A spiritual woman should be a resilient woman allowed to accomplish and take her decisions independently. Similarly, as a woman who has accomplished true self-determination and individuality, will be really lined up with her soul.

## **2.2 Islam:**

In the period of ignorance that is the period before Prophet preaching Quran the position of woman in certain tribal communities was worse than of an animal life. In some tribal communities' women was considered to hold a dominant position. Largely the position was bad. It is only after Prophet preaching Quran, there exists a change in the position of woman. He introduced checks and balances in the religion to protect the position of woman.

But woman still through religious practices have to keep their body and face covered through burkha (A black gown with a veil to cover the face). At many mosques and in some dargah she is restricted from offering prayers. Recently some places a change is seen. In certain cases, feminist also demand woman as kazis, but entering the mosque itself poses a threat to woman.

## **2.3 Christianity:**

Christianity is considered to be the only religion that had equality principles laid down through bible. With time and societal changes later, it is seen that woman had to fight for their right to vote being the base of first wave of feminism. The position of woman deteriorated to her being considered as a chattel. Woman seeking justice in marriage, marital properties and right to abortion. There are debates of women wanting to become priests and cases of oppression faced by the nuns.

## **2.4 Parsi**

Parsi being a closed community puts lot of restrictions to the followers of the religion. So, if a woman or a man opts to marry outside the religion, they would lose their rights completely. Parsi women do not get equal rights in matters of religion. Purdah system, male dominance, and prohibition on religious practices are common to the religion.

### 3. VIOLENCE AGAINST WOMEN

In India, violence on women, the ostracized sections of society, and minorities is an alarming issue. Violence is common in the family and extends to the relatives of the women, even those she is educated to respect and trust in, similar to religious leaders, and in public spaces.

There have been various encounters of torment in the lives of nuns emerging from the patriarchal mindset. Alluding to the homicide of various nuns, the character of the nuns has been questioned in the media especially towards the sexuality of the sisters and gave less importance to the more crucial aspects of the homicide. The pioneers of the religious community group neglects to stand firm. Their lack of care and silence towards violence against women is often agonizing.

Religious structures negatively affect casualties of sexual maltreatment, as well. Women often take scriptural texts seriously and literally especially with scriptural translation that depicts women as delinquent, controller and seducer. This adds to their silence on oppression. Seeing the cleric in the spot of God exacerbates the perplexity and shame. Therefore, the psychosocial and spiritual impact of maltreatment faced by the woman is monstrous to which the society becomes spectator.

The bodies of women from the Dalit or untouchable community are viewed as "accessible," the women are depicted as characterless, so they are abused for sex. Barbarities to Dalit women are truly noticeable and done with absolute impunity. The mindset of their economic wellbeing renders them voiceless. This oppression of women takes place in almost every single religious gathering. However, Dalits have become more aware of their status and incentive as of late. They include 17 percent of the Indian populace, so government officials attempt to connect with them with different political tricks frequently resulting in dividing the community. Devdasi system which existed and still exists in the name of religion was another means of exploitation.

Brutality to women in the family cuts over all religious and caste groups in India and has its foundations in social mentalities of male predominance. Portrayals of accounts of savagery to women in the family must be depicted as ghastly. One is left considering how women continue to endure and take care of their kids and home. The stories around are very much similar — beating, choking, stifling (even during pregnancy), sexual viciousness, emotional

savagery, and brutality done to the young girls in the family. In any case, with the presence of a tough women's development that acquired changes the law, women approach legal help to stand up against aggressive behavior at home.

#### **4. SEXUALITY AND THE POLITICS OF GENDER**

In all standard religions and societies, the legislative issues of portrayal are grinding away mostly by throwing people in a gendered shape. The meaning of masculinity places men at leverage while women, characterized as powerless, delicate and subordinate, are exceptionally distraught.

There is a need to break gender discrimination as power is domineering and endorses violence to control, overwhelm and authorize a system of rule. The gendering of body and sexuality does great violence to women. The male is viewed as the standard, and sacred texts are utilized to characterize women as blemished, evil, waiting to be controlled, even by utilizing brutality.

Some religious teachings, while at the same time claiming the fairness of women, advances the idea of integrally performing jobs to women and men, with women as a rule in latent and subservient positions. As to sexuality, reproduction is the focal point of the marriage relationship, the pioneer in religious morals. Love, fairness, regard and commonality that contribute toward reinforcing the marriage relationship are overlooked. This has prompted the active worldview that legitimates violence, for example, marital assault, as well as emotional, physical and mental violence. The organization stays quiet on the issues of abusive behavior at home and endowment yet focuses on an ethical quality that denounces premature birth and contraceptives and lauds devotion in marriage and parenthood regardless of the conditions.

In India, gender justice is controlled for political motive. The administration has made a contention over a Uniform Civil Code to divide people on religion and gender. For the sake of gender justice, it is powering Muslim women to fight back against polygamy and the triple talaq as it is rehearsed in India (where the man says "talaq" multiple times to divorce his significant other). Muslim law can offer equity to women, particularly to get provision for them, while women in different traditions keep on battling for those rights. Second wives in

the Muslim traditions have full rights, while in different customs they have no rights. Polygamy is more predominant in different religious conventions than in Islam.

For women represented by the Code of Canon Law, the real segregation based on sex is their seclusion from getting ordained and all the workplaces contained in it. The maleness of Christ instead of his humanity is given more importance to, putting women on a plane lower than men. Indeed, even inside the class of the non-ordained, women and men do not enjoy equal rights. The ontologically extraordinary character accomplished by men at ordination turns into a source of power that is sacramental and hierarchal and makes unequal individuals. This turns into an obstruction to the acknowledgment of human rights in the congregation. Without changing the mindset of the society, there is very little scope for change.

### **5. Judicial activism of feminism and religion:**

However, at this point, due to increase in awareness with respect to rights of women shows that these abusive and oppressive laws or mindsets should be put aside by the upholders of the religion, and if such practices are essential to these religions, then woman should move away from such practices and allow the rest of the community to abide by what they feel is correct. There is no point in imposing feminism on people who do not want it the way woman look at it. It is often said that Religion is east, and liberty is west, and often they conflict with each other.

Certain religious traditions in India restrict women's entrance to places of worship. The battles of the Parsi woman, to be permitted passage into the Parsi Fire Temple are also not unheard of. While a Constitution Bench of the Supreme Court is to pass a last request for this situation, the Supreme Court has abolished the law that prevented the passage of women in the age group of 10 – 50 years, into the well-known Ayyapa Swamy Temple at Sabarimala.

A suitable type of enactment should remove traditions that prohibit women from entering places of women, as they debilitate women based on age-old practices that are established to be unconstitutional. In the Sabarimala case, the Temple Board had contended and the Kerala High Court likewise maintained that young women should not offer worship, as the temple god is a celibate. There are many temples in Kerala where men are restricted from offering poojas. Either remove the gender practices throughout or accept what exists.

A shocking idea remains that in most of the cases, the High Courts offered priority to the thought of a religious establishment's rights and a religious custom's "essential character" over the privilege to equality and non-discrimination – the rights of women to be treated with dignity and with equivalent interest with the men.

Equal rights, pride and dignity of women are subverted in maintaining the rights of religious organizations, by virtue of the way that much significance is given by Courts to the identification of essential practices of religion'. Rather, what is fundamental is a push to recognize the traditions that are oppressive and disparaging towards women and hold them disregarding the rights guaranteed in the Constitution of India. This might be done by perceiving customs and traditions within the meaning of 'law' as per Article 13(3)(a) of the Constitution and consequently be announced void according to Article 13(1), when found in violation of Fundamental Rights.

There are two judgments that are significant to the concept of a 'test for laws in power'. In the case of *Noorjehan v. Province of Maharashtra*, the Bombay High Court, settling a challenge to the prohibition on women's entrance into the sanctum sanctorum of the Haji Ali Dargah, held that women be permitted unhindered entry into the well known shrine. The Bombay High Court held that Articles 14,15 and 25 of the Constitution would become an integral factor once a public character is connected to a place of worship, on which account a religious trust can't discriminate on the entry of women using the excuse of 'dealing with the affairs of religion' under Article 26. However, the Bombay High Court did not adjudicate on customs having power of law under Article 13(3)(a), for the main reason that the respondent itself did not argue the presence of any custom based on which women were denied entry.

Indeed, even the Supreme Court in the recent Triple Talaq judgment, neglected to apply the 'test for laws' in force in order to hold that the act of triple talaq falls under Article 13(3)(a), which must be made void under Article 13(1). Justice Nariman and Justice U.U. Lalit did without a doubt apply the test for laws in force to perceive the custom of Triple Talaq as falling inside Article 13(3)(a); they held it unconstitutional on its smaller ground being arbitrary as against Article 14.

Justice Kurien, however, then again, did not under any condition dig into the infringement of women's rights under Articles 14 or 15 of the Constitution and pronounced the act of triple



talaq as unlawful for being against the fundamentals of the Holy Quran - decisively applying the Supreme Court ruling in Shamim Ara v. Territory of U.P.

The majority ruling in the Triple Talaq judgment, which comprises a major triumph for women, is strangely disparate in its reasoning. While Justice Kurien pursued the regulation of point of reference under Article 141 in applying the ratio of Shamim Ara, Justices Nariman and U.U. Lalit connected the doctrine of "manifest arbitrariness" which is new to Indian law and henceforth, scarcely supported by point of reference.

Women's religious rights have seen moderate changes, yet there is no solid, strong exertion by courts to proclaim prejudicial religious traditions as illegal. For example, while there is a developing awareness of the role of women priestesses, there is just an old Supreme Court judgment that perceives a Hindu female's inherited appropriate to prevail to the holy office of a pujari, which does as such, just in the narrow context of the administrative responsibilities of such office. There is no acknowledgment of her equivalent right or capacity to perform sacrosanct ceremonies as a pujari.

It is basic that courts set down uniform guidelines that leave no uncertainty about the unconstitutionality of biased and backward religious traditions. The weight on Article 26(2) and even Article 25 might be lost – Article 13(3)(a) is broadly worded to incorporate ordinance, order, byelaws, rule, regulations, notification, custom or usage... within the meaning of laws in force. The acknowledgment of religious traditions and utilizations as laws in force will guarantee that those in violation of Fundamental Rights are struck down according to Article 13(1) of the Constitution.

Two separate Constitution Benches of the Supreme Court have given judgments on Parsi women's religious rights (Goolrukh's case) and on women's entrance into the Ayyapa Swamy Temple (Sabarimala case). These issues ought to be viewed as a chance to consistently apply the 'test for laws' in force: announce religious traditions as laws in force under Article 13(3)(a) and clean the nation of traditions that are biased and harsh towards women and infringing upon their Fundamental Rights.

Men have been predominant as beneficiaries, mediators and transmitters of divine messages, while women have to a great extent stayed detached recipients of lessons and fervent professionals of religious customs. The mindset that has been created around patriarchal

understandings of religious conviction have characterized and molded the social and cultural settings of Indian women bringing about their debilitation and below average status.

In India, where legislative issues utilizes religion as a device to control the majority, women endure the worst part of the results of social mentalities and the effect of religion and governmental issues in their specific setting.

Within the overall system of patriarchal practices in the religious and social circle, the center issues that rise are: violence against women and sexuality and sexuality and the politics of gender.

Speakers from various religious customs have suggested the way that all religions began as developments exhibiting a way of life. Many have their inception in dissent against set up exclusionary and harsh religious structures. In any case, inside the current patriarchal structures, when religion flourished as an establishment with inflexible authoritative opinions, there built up a crevice between the episteme and practice. The challenge is to regain the initial objectives of religion that is to promote harmony to impact change.

It has been seen that women have accepted patriarchal practices existing in Christianity. They are accustomed with only a little space that is given to them. The language, images and socially adapted elucidation of religious sacred texts have developed a training that distances women and even impacts abuse, exploitation and violence towards them.

It can be seen that Islam has moved far from God and the lessons of the Quran. Religion controls our minds. It twists reality and deters us from inquiring. Manusmriti, the divine set of principles for Hindus, delineates women in a poor light and is overflowing with offensive statements about them. It advocates absolute control of women by the men in their lives. It likewise partitioned Indian culture into castes, giving privilege to the higher castes and punishments to the lower ones.

## 6. Conclusion:

The theory of intersectionality which may be extended to incorporate religion as a hindrance to the development of feminism is a myth. Feminism is more towards equality principles and when religion doesn't support, why hang on to religion? One can always choose to be independent of religion and not create problems for woman and men who believe in the

practices. Today the problem is woman aiming towards feminism are carried away to a thought and action process where equality is not the aim but the agenda is destruction of the beliefs and faith of others. Why is religion needed? Spirituality can be devoid of religion. Spirituality does not need temples, mosques or churches, let them exist for the people who want to follow the rules laid down by those institutions. If these institutions block the path of a woman's spiritual progress then she needs to fight for her rights. Hence it is very clear that woman can be independent of religion. Religion need not be the block in the growth of woman. Today the situation is more of competition posed by women to undermine men in the name of feminism.