



Reproductive Rights and the Politics of Fundamentalism

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In Celtic legend, St Brigit, born 450 AD, is the Saint of fertility. The daughter of a slave, she founded the monastery of Cell-Dara (Kildare, Ireland) in 460 AD – a double monastery, housing both nuns and monks. St Brigit had the ability to make cows produce more milk and crops to produce more food. Women who could not bear children would drink water containing drops of St Brigit’s blood hoping to increase their fertility. A story is told about one Easter time when St Brigit produced enough beer so that one measure could provide for seventeen Churches. There are also stories of her healing using the magic of a plaited, straw cross - a symbol now often called St Brigit’s Cross. She was known and revered throughout Ireland. Like most saints, Brigit was celebrated for her visions and the miracles she achieved¹.

Around 650 AD a monk named Cogitosus wrote a biography of St Brigit’s life. Within this biography, Cogitosus tells the story of a miracle brought forth by St Brigit. The story goes that a woman, who had taken a vow of chastity, fell to youthful desire and became pregnant. Cogitosus wrote:

*“Brigit, exercising with the most strength of her ineffable faith, blessed her, caused the fetus to disappear without coming to birth, and without pain. She faithfully returned the woman to health and to penance.”*²

This account of St Brigit performing an abortion (or providing a woman with herbs to bring about abortion) appeared in Cogitosus’ original writings, but has not been included in any contemporary translations of his text. This story of the ‘disappearance’ of a fetus has all but disappeared itself from Catholic and Celtic written histories³.

What is interesting about this story is not whether or not it really happened (recorded Celtic history from this time tends to be based on stories and myths), but when and how the story has been retold. When St Brigit was alive, abortion wasn’t considered by the Catholic Church to

¹ Maas *St Brigit Would Vote "no" if Faced with This Referendum* p13

² Ibid.

³ Ibid. p14

be a grave sin. This only came about in the 19th century. When Cogitosus was writing in the 7th century, there was every reason to consider the act of making a fetus disappear to save a young woman a miracle, not an excommunicable sin. So when and why did this change?

If religious perspectives have clearly been altered throughout time, what then is the relationship between historical conditions (social and political) and that which is decreed to be the word of god? These are some of the questions which I will discuss today.

Religion as Politics

This paper is concerned with the politics of religious fundamentalism and reproductive rights. This is not a topic which can be adequately addressed in such a short time. However, I do feel it is important that these issues are raised at a forum such as this. Those of us who work in the field of sexual health and reproductive rights consistently come up against religious fundamentalist groups who seek to impose the perspective of their faith on reproductive health policies and services.

I have no desire to try and undermine people's faith or question their right to maintain or promote their beliefs. But many organised religious groups do work strategically to gain influence and power over public policy in the area of sexual and reproductive health. This brings this issue of a faith-based position on reproductive rights squarely into the political realm. Fundamentalist religious groups can often be seen as political movements.

Inevitably, political movements are influenced by, and responsive to, historical circumstance. A historical perspective on religious belief can shed some intriguing light on some of the arguments put forward by fundamentalist groups regarding reproductive health and rights. In this paper, I will look at the current position on reproductive health politics taken by fundamentalist Catholicism and Islam. Obviously these are not the only religious players on the world stage. However, some Islamic states and their supporters, alongside the Holy See, have been the most vigilant and vocal in the politics of reproductive rights.

In 1994, at the United Nations International Conference on Population and Development (ICPD), the Holy See (which has UN voting rights as the Vatican is considered an independent state) joined forces with the Islamic states of Iran and Libya to oppose a series of recommendations that had been put forward for the conference Program of Action⁴. Together, they argued that the program promoted promiscuity, abortion and homosexuality as well as imposing contraception on women in developing countries⁵.

What should be made clear, upfront, is that not all Islamic states opposed the ICPD Program of Action. Indeed many were active in their support for it and argued that Islamic morality was not violated by the program. Similarly, there are many Catholic faith-based organisations such as the international non-government agency Catholics for a Free Choice, who continue to support ICPD⁶. While in this paper, I will focus on fundamentalist tenets within Islam and Catholicism, I am aware that these tenets do not reflect the beliefs and practices of the entire faith. No religion is monolithic and it would be foolhardy to approach it as such.

So what do we mean by fundamentalism?

I am well aware that it could be opening a can of worms to try to define *fundamentalist* tenets within any particular religion and differentiate these from other practices or beliefs of that faith. However, by way of trying to construct a ‘working definition’, I do want to discuss what is meant by the term fundamentalism.

The term originated in the context of 19th century Christianity to describe Protestant religious and political movements that attempted a literal, traditional (or very much *fundamental*) interpretation of biblical scriptures⁷. While the term is still used today to refer to traditional interpretations of religious text and practices, it is generally more likely to be invoked negatively

⁴ Some more information on issues of faith at the ICPD can be found at the centre for Development and Population Activities website, <http://www.cedpa.org/>

⁵ Kissling and Sippel *Women Under Oppressive Regimes: Women and Religious Fundamentalisms* p11

⁶ The Catholics for a Free Choice Website can be viewed at <http://www.cath4choice.org>

⁷ Berer and Ravindran *Fundamentalism, Women's Empowerment and Reproductive Rights* p10

in discussions of religious fanaticism or extremism⁸. Fundamentalism becomes associated with the most obvious, life encompassing or extreme practices. In post-September-11 society, this often means fundamentalism is equated with terrorism. Unfortunately, this isn't a particularly useful definition, largely because there is no obvious or necessary alignment between religious traditionalism and acts of terrorism. Additionally, religious fundamentalists operate on many levels which aren't necessarily extreme – but they are political. In fact, many authors, when referring to Islamic fundamentalism, prefer to use the term *political Islam* as a means of differentiating between acts of religion and acts of politics⁹. The most useful definition of fundamentalism I have found comes from a paper by Marge Berer and Sundari Ravindran. They write:

“The term is currently used to describe a range of movements and tendencies in all regions of the world, which aim to impose what they define as tradition – whether religious, national, cultural or ethnic – on societies they consider to be in danger of straying from fundamental tenets that hold them together. The ‘fundamentalism’ of these politically motivated ideologies is that their adherents seek to raise them above the political on the basis of divine sanction or by appealing to supreme authorities, moral codes or philosophies that cannot be questioned¹⁰.”

Using this definition, one of the key points that appears to be common to fundamentalist movements is that they put forward what they argue to be an ‘immutable’ position – the divine word. This position becomes the vision around which attempts to influence cultural, social and political practices are focused. The Holy See, for example, tries to gain input into the regulations of governments to make abortion illegal as according to their religious beliefs, this is sinful. In this way religious fundamentalism is intended to influence those who do not follow that line of faith as much as those who do.

⁸ Martinez *Fundamentalism and Women: Negotiating Sacred Terrain*

⁹ Macdonald *The Nature of Islamic Fundamentalism*

¹⁰ Berer and Ravindran *Fundamentalism, Women's Empowerment and Reproductive Rights*

Any attempt to change society, in the way that fundamentalist movements do, is inevitably about power and politics. So this is the level at which we need to engage. I referred before to the term political Islam, but it certainly applied just as readily to political Catholicism.

The Holy See and Reproductive Rights

The “Holy See” is the *see* or *seat* of institutional authority in the Roman Catholic Church occupied by the Pope and his representatives in the Vatican. The Vatican provides some of the staunchest opposition to contraception and abortion (including the use of condoms for HIV prevention). If you recall, I told earlier the story of St Brigit, whose assistance with an abortion was heralded as a miracle. One question this story raises is why has interpretation of biblical texts changed when it comes to abortion and when did this occur?

Current teachings of the Holy See prohibit abortion and the use of any materials which inhibit conception. In 1995, Pope John Paul II issued an encyclical, *Evangelium Vitae*, which reaffirmed this position stating that engagement with either of these practices was morally indefensible¹¹. The position is premised, to a large extent, on what is perceived to be “natural law”. The bible says nothing explicit about contraception. The story of Onan (Genesis) being condemned to death for practicing *coitus interruptus* relates more to his refusal to father children than to the practice of birth control¹². Natural law is a term derived through the observations of early philosophers. It was seen that non-human animals tended to have sex for procreative purposes only. This was therefore touted as the only ‘natural’ function of sex. As Pope Pius IX wrote in a 1930 encyclical:

¹¹ Mumford *The Vatican’s Role in the World Population Crisis: The Untold Story*

¹² (uncited) *A Short History of Catholic Teaching on Birth Control*

“Since the conjugal act is designed primarily by nature for the begetting of children, those who in exercising it deliberately frustrate its natural power and purpose, sin against nature and commit a deed which is shameful and intrinsically vicious”¹³.”

As this indicates, the *sin* is considered to be illicit sexual relations – preventing conception or *life* is in itself not the sin (as certainly this could be achieved through abstinence).

In the 5th century AD, St Augustine declared that abortion was sinful only if it were used to conceal fornication or adultery. Sexual relations which broke the connection between procreation and sex were punishable acts, not abortion as such¹⁴. St Augustine also taught that the use of contraceptive methods (of any sort) was a sin for the same reason – that sex should only be undertaken for the purposes of procreation.

Additionally, St Augustine raised the notion that human sexuality needed to be regulated by the Church. He believed that humans were likely to be driven by lust and desire and that the role of the Church was to control this by directing sexual impulses toward procreation and ‘proper’ morality. Prior to this, there had been a strong undercurrent in the teachings of the Christian Church supporting belief in the capacity of humans to exercise free-will and self mastery. St Augustine was the first to assert that the Church had to make an explicit ban on contraception as a means of controlling human sexuality¹⁵.

It is the teachings of St Augustine that have dominated in the Catholic Church for most of its two thousand year history. However, there have certainly been those who did not follow his word. It is not difficult to find historical records of times when sanctioning of abortion remained unquestioned by the Church. For example in the 15th Century, Antonius, the Archbishop of Florence, did extensive work ensuring women could access safe abortion. He was later canonized as a saint¹⁶. In 1588 Pope Sixtus V banned contraception and abortion due to his concerns about prostitution. This ban was lifted, however, three years later by his successor, Gregory XIV, who

¹³ Cited in Carlen *The Papal Encyclicals, 1903-1939* p391

¹⁴ Hurst *Abortion and Catholic Thought: The Little Told History*

¹⁵ Knost *Sex, Sin and Salvation*

¹⁶ Maguire *Sacred Choices: The Right to Contraception and Abortion in Ten World Religions* p37

felt the ban contravened theological views about when ensoulment occurred¹⁷. This was supported by the words of Augustine himself, who had stated that a human soul cannot live in an unformed body¹⁸.

The question of when ensoulment occurs – that is the point where the fetus becomes a full human with a soul – has been at the centre of Catholic debates around abortion. Until the late 1800s, the view was held by the Church that it was not a sin to abort a fetus before “quickening”, when the child first moved inside the womb. It believed that this was the point where a fetus attained personhood. Gregory XIV had asserted that quickening occurred 116 days into pregnancy – although others have placed it anywhere between 40 and 80 days¹⁹.

The very first explicit statement that the Catholic Church considered abortion, performed at any time in a pregnancy, to be an act of homicide came from Pope Pius IX in 1869 (only just over 130 years ago). Basically, he chose to drop the distinction between an *animated* and *non-animated* fetus²⁰. This was in response to changes of opinion that had begun to occur in some quarters of the Church and medical communities since the 17th century. Since this time, as was witnessed at the ICPD, the Holy See has maintained a vigilant opposition to women obtaining an abortion for any reason.

So given that, throughout history, the Catholic Church has changed its position on issues regarding sexuality, abortion and contraception, why does the Holy See continue to be so vigorous in its efforts to enact a worldwide ban on contraception and abortion? Is there any possibility that the position could change once again?

In 1963, Pope John XXIII established the ‘Papal Commission on Population and Birth Control’. This was in response to mounting pressure on the Catholic Church to justify its ban on contraception in the face of the massive explosion in human population (particularly in some South American countries where Catholicism predominates) and increasing “normalisation” of

¹⁷ Hurst *Abortion and Catholic Thought: The Little Told History*

¹⁸ Robinson *Abortion: Ancient Christian Beliefs*

¹⁹ Ibid.

²⁰ Hurst *Abortion and Catholic Thought: The Little Told History*

contraceptive use since the pill had been developed²¹. The commission comprised of 65 lay people and 15 clerics. It sat for two years with its key objective being to determine how the Church could change its position on birth control without undermining papal authority²².

The recommendation of the commission, which came out when Pope Paul VI had taken over the papacy, was that, in the interest of social good, the Holy See should change its position on birth control and allow use of contraceptives²³. These recommendations were well publicized throughout Europe and North America. However, controversially, they were never adopted by the Pope. In 1968, Pope Paul VI issued the now infamous encyclical *Humanae Vitae* (On Human Life) which clearly reiterated the ban by the Holy See on all forms of contraceptive devices²⁴.

So why did the Pope reject the recommendations of the commission? Basically, as many people noted in the controversy that followed the issuing of *Humane Vitae*, the answer lies in the fact that the commission failed to explain how the Church could change its position on contraception without undermining the authority of the Pope and the Holy See. The Church would have to admit that previous teachings may have been flawed. As such Pope Paul VI chose to side with the position of a small minority who had sat on the commission (including the current Pope John Paul II) who had written:

“If it should be declared that contraception is not evil in itself, then we should have to concede frankly that the Holy Spirit has not been on the side of the Protestant Churches in 1930 (when the encyclical Casti connubii was promulgated), in 1951 (Pius XII’s address to the midwives), and in 1958 (the address delivered before the Society of Hematologists in the year the pope died). It should likewise have to be admitted that for half a century the Spirit failed to protect Pius XI, Pius XII and a large part of the Catholic hierarchy from a very serious error. This would mean that the leaders of the Church, acting with extreme imprudence, had condemned thousands of innocent human

²¹ Seidler *Contested Accommodation: The Catholic Church as Special Case of Social Change* p851 and 863

²² Mumford *The Vatican’s Role in the World Population Crisis: The Untold Story*

²³ Keely *Limits to Papal Power: Vatican Inaction After Humanae Vitae* p221

²⁴ *Ibid.*

acts, forbidding, under pain of eternal damnation, a practice which would now be sanctioned²⁵.”

Clearly, at issue here was not condoms, but the authority of the Pope and the doctrine of Papal infallibility²⁶.

However, an interesting point with regard to this, is that the notion that the Pope’s teachings are infallible, is in itself a relatively recent concept. It was in 1870 that the doctrine of infallibility was cemented by Pope Pius IX. This was in response to the changing conditions of the 1800s which threatened to weaken the authority of the Church. In particular, Italy had been established as a state in its own right. Secular society was advancing as a result of scientific progress and the emergence of liberal concepts of freedom meant the Church was no longer seen as the sole source of moral guidance²⁷. Essentially the declaration of papal infallibility was an attempt to regain the power of the Church.

The release of *Humanae Vitae* in the late 1960s raised many questions throughout the Church regarding papal infallibility. It was noted that the Pope was presiding over issues which his constituents had more experience dealing with than he did. Further, his decision had very personal and significant implications for all of them. Many people felt more than capable of following their conscience on this issue²⁸. Since the 1960s, contraception and family planning have continued to be contentious issues within the Church, particularly with the emergence of the HIV epidemic.

Where There is Doubt There is Freedom

As this history shows us, the teachings of the Holy See are intimately connected with social and political conditions. There has been scope for change in the past and clearly the position taken by the Holy See does not reflect a unified position of all Catholics.

²⁵ Cited in Hasler *How the Pope became Infallible: Pius IX and the Politics of Persuasion* p270.

²⁶ Ibid.

²⁷ Noether *Vatican Council I: Its Political and Religious Settings* p218-219

²⁸ Hasler *How the Pope became Infallible: Pius IX and the Politics of Persuasion* p270

In the face of the current Holy See position on contraception and abortion, it is also worth remembering two other teachings of the Catholic Church. The first is the traditional Catholic teaching of the primacy of the conscience. Individuals are called on to form their conscience and make decisions based on the ‘sense-of-the-faithful’²⁹. The second is the teaching of probabilism. While it is not discussed often these days, the concept of probabilism was used often in Catholic teachings in the 17th century. It was drawn on when there was a break in consensus and people were given scope to act in good conscience. Probabilism relates directly to the Latin term *ubi dubitum, ibi libertas*, **where there is doubt, there is freedom**³⁰. Surely the history of Catholic teachings on contraception and abortion offers enough doubt for there to be freedom for individuals to make their own decisions?

Islam and Reproductive Rights

I do want to turn now to a discussion on reproductive rights and Islam. As I mentioned at the beginning of this paper, fundamentalist Islam has, at times, sided with the Holy See on reproductive rights issues. It is interesting to ask why this has occurred, given that the teachings and history of Islam differ to Catholicism in many ways.

Islam, like all religions, is not monolithic. There are variations in beliefs and practices which can be explained through their historical and geographical development. Further, the Islamic tradition does not derive from a single source. There is, of course, the Qu’ran, which Muslims believe to be the word of god. However, as the Qu’ran was revealed to the Prophet Mohammad over a 23-year period, it contains reflections on occurrences in Mohammad’s life. The Qu’ran is therefore interpreted through the *Sunnah* which is the practical traditions of Mohammad (his actions and words) and the *hadith* (plural *ahadith*) which are the sayings of the

²⁹ Stasek *Sense of the Faithful* p23

³⁰ Ibid.

Prophet³¹. There is also the *sharia* which are the codes and regulations used to guide Islamic life and Islamic jurisprudence³². These sources do not always form a consistent body of teaching on Islam and it would be impossible in this short paper to provide an account of the positions taken throughout history by each of the many schools of Islamic law toward issues of reproductive rights. I do, however, wish to enter into a general discussion in order to provide some context for the position taken by Islamic fundamentalists at forums such as the ICPD.

Family Planning in Islamic History

There is no explicit text in the Qu'ran which forbids a husband or wife from practicing contraception. Having said that, various interpretations of the Qu'ran have been used to both support and oppose family planning³³.

Unique to Islamic theological studies in the sciences of the *hadith*. This is the study of everything related to the authenticity, comparability and interpretation of the sayings of the Prophet. No other religion invests so much into verifying the integrity of religious stories³⁴.

The sciences of the *hadith* have revealed that *al-azl* (coitus interruptus) was practiced by Muslims during the lifetime of the Prophet including while the Qu'ran was being revealed. While some differences around the legality of *al-azl* exist among the various Islamic schools of jurisprudence, there is more or less general agreement that it can be practiced with the agreement of both the man and his wife³⁵.

One of the traditions of the Prophet centres on a story which tells of his acceptance of the practice of *al-azl*. The story goes:

“A man came to the Prophet (peace be upon him) and said “I have a mate who serves us and waters our palm trees. I consort with her (lawfully) but do not like to get her pregnant.

³¹ Hassan *Feminism in Islam* p248, Omran 1992 *Family Planning in the Legacy of Islam* p114

³² Hassan *Feminism in Islam* p248

³³ Omran *Family Planning in the Legacy of Islam* p85

³⁴ Ibid. p114

³⁵ Ebrahim *Biomedical Issues: Islamic Perspective* p52

The Prophet said, ‘Practice al-azl with her if you so wish. What is pre-ordained for her will certainly befall her’³⁶.”

As this tradition indicates, acceptance of *al-azl* rests, to some extent, on the belief of pre-destiny and that Allah will provide. If it is the pre-destiny of someone to become a parent, then *al-azl* will fail as a contraceptive method. If this occurs, then Muslims must trust that Allah will care for the child and ensure provisions³⁷.

This means, however, that there is greater uncertainty surrounding methods of contraception that are more consistently effective or irreversible. Generally, permanent sterilisation is forbidden. Other methods may be permitted if there is a good reason. For example, if a woman is likely to become ill or die as a result of childbirth or if couples need to space children for economic reasons, then use of contraception can be justified. This would need to be determined on an individual basis, however, rather than through a standard position or teaching³⁸.

It was this point that created controversy in Pakistan in the late 1960s when the government implemented nation-wide family planning program. The government argued that the population problem in Pakistan provided justification for use of contraception. However, this was deemed by many Islamic Scholars to be contradictory to Islam because cases were being judged across the board rather than individually³⁹.

Islam differs from Catholicism in that use of contraception is not an automatic sin. For example, in the 14th Century a scholar of the Hanbali⁴⁰ school of Islamic law issued a *fatawa* which indicated that if a woman uses a ‘medicine’ inside her to prevent conception it was not something which would be condemned. It was advised, however, that it would be more prudent for her not to use it as Allah knows best⁴¹.

³⁶ Omran *Family Planning in the Legacy of Islam* p122

³⁷ Ibid. p92

³⁸ Ebrahim *Biomedical Issues: Islamic Perspective* p78

³⁹ Ibid.

⁴⁰ The Hanbali school was named after Imam Ahmad Ibn Hanbal al-Shaybany who was born in Baghdad in 780 and died in 855 AD. He was a fairly strict adherent to the Qu‘ran (Omran *Family Planning in the Legacy of Islam* p151)

⁴¹ Ebrahim *Biomedical Issues: Islamic Perspective* p65

Having said that, there are interpretations of the Qu'ran which do suggest that use of contraception is sinful. Some scholars argue that contraception has the potential to prevent or distort one's pre-destiny. Its use signifies a lack of trust in Allah to provide for themselves and their children. This lack of trust is considered unIslamic⁴².

Also for some, use of contraception is seen as a form of infanticide. In pre-Islamic Arabia, female infanticide was a common practice as girls were considered a liability to families. It was not unusual for female babies to be buried alive. The Qu'ran makes explicit references to this practice. It is clear that infanticide, of any form, is forbidden⁴³. Some Muslims argue that contraception ends life at its very beginning and is therefore akin to killing a child.

This point links into the question of when ensoulment occurs – an issue which has been contested in Islam, as it has in Catholic circles. As there is no central religious authority in Islam it is not possible to talk of one position taken. There is consensus that abortion after the period of four months of pregnancy does amount to taking a life. Yet this may be a justifiable act in some circumstances, especially if the mother's life is at risk⁴⁴. Within this four-month period, however, there are differences between the Islamic schools of law. The Hanafi school supports abortion if it is provided within 120 days of conception and with valid reason. The Zaydi Shi'ite school allows abortion up to ensoulment unconditionally. However, the Zahiri and Maliki jurists forbid abortion in all circumstances⁴⁵.

One difference between Islam and Catholicism on issues of sexuality and reproductive rights is the perspective on sex itself. In Islam, sex for the sake of pleasure and not procreation is not considered sinful. Pleasure and sexual desire are seen as natural and celibacy is mistrusted.

⁴² Omran *Family Planning in the Legacy of Islam* p92

⁴³ Ebrahim *Biomedical Issues: Islamic Perspective* p52; Omran *Family Planning in the Legacy of Islam* p89

⁴⁴ *Ibid.* p9

⁴⁵ *Ibid.*

The Zaydi Shi'ite school, named after Imam Zayd (died 700AD) is considered a bridge between the Shi'ite and Sunni schools. It has two geographic clusterings in Yemen and Iran. The Zahiri school is a smaller school that follows a very literal interpretation of the Qu'ran and *Sunnah*. The Maliki school (Sunni) is a larger school predominating in West Africa and West Sudan as well as Egypt and North Africa. Malik introduced a system of public welfare (*Ibid.* p150-152)

Marriage was encouraged by the Prophet to legitimise sexual fulfilment, as sex outside marriage is not allowed⁴⁶.

Islam, Gender and Reproductive Health Politics

Given that there is no central teaching on reproductive rights matters in Islam, that it is generally accepted that couples can make a decision to use contraception if they have valid reason and that abortion is not universally outlawed, it is not immediately clear why fundamentalist Islam has at times sided with the Vatican on these issues.

Rifat Hassan, who has researched and written numerous texts on the issue of women in Islam, suggests that it is useful to bear in mind the challenges confronting the contemporary Muslim world in order to understand this question⁴⁷. As a legacy of colonialism, Westernisation is perceived to be significant threat to the Islamic way of life. Islamic fundamentalism should be seen partly in the context of reactions to the threat of Western Imperialism. As such, many of the perceived emblems of Western culture are fought against. This includes the perception that Western culture invokes promiscuity, drug and alcohol abuse, 'latch key kids', and family breakdown. Additionally, emancipated women are seen to be symbols of Westernisation⁴⁸.

Issues of protecting Islam have become tied up with the position of women. This, of course, has direct implications for reproductive rights as was seen with the ICPD where the Program of Action quite specifically articulated the need to enhance gender equality and the rights of women.

Many authors who have written about women in Islam have noted that the basic principles of the Qu'ran are of equality – including equality between genders. The sexuality of women is affirmed and the Qu'ran assures the protection of women's reproductive functions such

⁴⁶ Ebrahim *Biomedical Issues: Islamic Perspective* p47-48

⁴⁷ Hassan *Feminism in Islam* p251

⁴⁸ Ibid.

as carrying, delivering, breast feeding and raising children⁴⁹. In fact, at the time it was written, the Qu'ran was a particularly progressive document with regards to women, challenging the deeply entrenched patriarch of seventh century Arabia. I mentioned before that Islam introduced prohibitions on the practice of female infanticide. Additionally, the Qu'ran gives women property rights, the right to divorce and the right to testify in a court of law⁵⁰.

However, historically Muslim women have not been treated equally to men. In fact Islam is often associated with horrific abuses of women's rights.

Following the death of the Prophet the culture of women's independence was strong. Women were active participants in public and religious life⁵¹. For a number of years A'isha, the Prophet's favourite wife, played an important role advising on the traditions of Islam. However, this period passed before it could establish a strong legacy and the patriarchal culture of Islamic countries reigned supreme. The Abbasid period (which began in the early 700s and ran until the 13th century) is often referred to as "the Golden Age" of Islam because it was when Islam was solidly established and began to grow. However, during this period leading scholars were exclusively male. As Amina Wadud writes, this period saw Islamic scholars move deliberately away from ethical codes which prescribed female autonomy. Instead they advocated women's subservience, silence and seclusion⁵².

The history of Bedouin culture is often referred to in discussion about the origins of women's oppression in Islam. In ancient Bedouin culture the birth of daughters was met with sadness or reservation as they were seen to be a drain on already scarce resources. Daughters also presented a threat to the honour of Bedouin men. A daughter's voluntary or involuntary loss of chastity brought with it shame and the loss of the most prized possession of honour⁵³. Some Muslim societies seek to protect honour by controlling women's bodies. Female circumcision is

⁴⁹ Ibid. p269

⁵⁰ Wadud *A'ishah's Legacy* p16

⁵¹ ibid

⁵² ibid

⁵³ Ibid. p271

often pointed to as an example of this. Denial of access to family planning can be seen as another⁵⁴.

In the 20th century, many Muslim women are seeking to reclaim their autonomy and create a role for themselves in public and religious affairs. However, there is a struggle for women to achieve this in some countries and cultures. As was seen at the ICPD, there are fundamentalist Islamic states who maintain strong objections to increasing autonomy of women and who will fight against any international human rights documents which advocate this.

Reproductive Health Policies in Iran

As with Catholicism, attitudes to reproductive rights in Islam should also be seen in their specific historical context. The changes in population policies of Iran over the course of the 20th century provide some interesting insights into the relationship between political and economic conditions, gender and reproductive rights in Islam.

In the late 1960s/early 1970s the Iran Family Protection act was enacted in response to genuine concerns about the rapidly increasing population. The act aimed to limit the practice of polygamy, extend the right of women to file for divorce, give women access to child support, raise the minimum age of marriage to 18 and liberalise abortion⁵⁵. This family planning program, along with socio-economic improvement in Iran saw a period of fertility decline and some rise in education and employment levels for women.

Following the 1979 revolution, however, there was a major reversal in family planning policies. A pro-natalist stance was taken with a view to increasing the strength of the Muslim world through population growth. Abortion and sterilization were outlawed, the legal age of marriage was lowered, women's participation in the labour force was reduced and contraceptive

⁵⁴ Ibid.

⁵⁵ Mirzaie *Swings in Fertility Limitation in Iran* ; Obermeyer 1994 *Power and Decision: the Social Control of Reproduction*

supplies were significantly restricted⁵⁶. The Khoumeini regime justified its position on women as a return to 'true Islam'. Political victory for Islam was symbolised in increasing control over women⁵⁷. However, by the late 1980s there had been another striking turn around of Iran's family planning policies. Infrastructure damage following the Iran/Iraq war, the flight of capital and the falling price of oil created the potential for an economic crisis if the population were to continue to grow as it had been. The new policy strived to improve women's access to education and increase provision of contraception. Even tubal ligation, a potentially irreversible method of contraception, was allowed. Interestingly, the Qu'ran was also used to justify this change in family planning programs and religious leaders played a key role in promoting the new policies. A similar line was taken to that of the Pakistan government in the 1960s, that economic and populations concerns created a justifiable reason for use of contraception which is permitted by the Qu'ran⁵⁸.

The Politics of Fundamentalism

It is difficult at times to know how to respond to religious fundamentalism. It can sometimes seem to be a fine line between disrespect for other people's faith and responding to the political strategies of fundamentalist movements.

However, the fact remains that when dealing with issues of reproductive rights, the actions of fundamentalist religion can have significant implications for people regardless of their chosen beliefs. When George W. Bush came to power as president of the United States, one of his very first actions undertaken on his very first day in office, was to implement what is now referred to as the 'global gag' rule. This amounted to the withdrawal of all U.S. overseas aid funding to any reproductive health services that use their resources to educate about, lobby for, or provide abortion. Unfortunately this means many health care organisations that provide

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

reproductive health and obstetric services lost access to funding. This action was clearly to maintain favour with Bush's supporters on the religious right. But it has massive implications for people all over the world.

The U.S. President is also a staunch supporter of abstinence based approach to sexual health education for young people. Currently abstinence promotion campaigns are being funded at the expense of comprehensive programs on sexual health, relationships and sexually transmitted infections despite overwhelming evidence showing abstinence education to be ineffective in reducing HIV rates. In a country where the number of HIV infections among youth is soaring, and where many thousands of young people chose *not* to remain abstinent, there is a pressing need to challenge the politics of religious fundamentalists.

When politics is played at this level it needs to be countered. One way to do this is to strengthen our own understanding of the motivations of religious fundamentalist movements and to try and differentiate between religious beliefs and fundamentalist politics. Within both Islam and Catholicism there are numerous organisations and movements who teach alternate versions of their faith to those I have discussed today. For example, while there was certainly Islamic resistance to the ICPD Program of Action, there was also much support. The conference was an important landmark for many Muslim women. A large number of Muslim women attended it was successful in raising global consciousness around many of the issues which Muslim women contend with everyday⁵⁹. Also Catholics for a Free Choice is a forceful organisation who contributes regularly to international forums on reproductive rights teaching alternative interpretations of Catholicism to the Holy See.

Support for these groups is important. Unfortunately it is often the fundamentalist tenets within religions that gain the greatest prominence or credence. They are seen to represent the official traditions whereas progressive, or newer, perspectives are considered to be less

⁵⁹ Hassan *Women in Islam: Body, Mind Spirit*

legitimate⁶⁰. This can have the effect of relinquishing power to fundamentalist forces and obscuring diversity within religions.

The ICPD Program of Action provides a framework for the provision of reproductive rights that is based squarely in international human rights law. The history of religious faith is rich in tradition and culture and holds very personal significance to millions of people in the world. But when faith is used to impede recognised human rights, there is a basis on which it can, and must be, challenged.

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⁶⁰ Kissling and Sippel *Women Under Oppressive Regimes: Women and Religious Fundamentalisms* p11

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