Tensions have arisen at various points in Pakistan's constitutional history between the guarantee of equality between women and men, on the one hand, and the dictates of Islamisation, on the other. This chapter explores these tensions and the strategies adopted by feminist movements in challenging religious claims that deny gender equality. As many Muslim feminists have highlighted, there are many and varied interpretations of the Shari'ah; there are progressive and conservative interpretations of Islam. Measures taken in the name of Islamisation in Pakistan, however, have threatened gender equality and denied women's equal human rights. Conversely, steps taken to ensure greater equality between women and men have been condemned as un-Islamic. Conflicts have arisen primarily in matters relating to the family, sexuality and reproduction, matters that, within international human rights law, have frequently been defined as private, religious or cultural and beyond the tests applied to spheres defined as public or political. Most recently conflict has arisen in relation to attempts to reform the law of rape, with Islamist parties resisting proposals to remove rape from the scope of the Hudood laws and instead to bring it within the scope of the secular penal code. The reform proposals, proposed in the Protection of Women (Criminal Laws Amendment) Bill, 2006, have led to heated conflicts between conservative Islamist parties seeking to preserve...
Hudood laws, on the one hand, and human rights advocates calling for the application of a secular penal code, on the other.¹

Conflicts such as these raise questions as to whether constitutional guarantees of equality between women and men and the State’s obligations under international human rights law trump religious claims, and what strategies are to be adopting by feminists movements in responding to religious claims. Posing these questions raise difficulties for feminist movements, given the concern, particularly amongst differencefeminisms, to explode the myth of the unitary category ‘woman’ and to recognize the significance of differences between women, including differences arising from religious affiliations. The language of ‘trumping’ suggests a triumphalism, a demarcating of clear boundaries between those inside and outside, that is antithetical to feminism – conceived of as an inclusive, emancipatory movement. In negotiating conflicting claims, feminist movements in Pakistan have drawn on a wide range of strategies. Some have adopted ‘insider methodologies’, renegotiating inherited religious traditions and appealing to an egalitarian Islam. Others have adopted secularist strategies, refusing to limit their claims to the confines of religious discourse. Although feminist movements have sought to avoid the language of ‘trumping’, common to the strategies adopted is a willingness to subject religious claims to questioning and scrutiny and to invoke universal principles of gender equality to limit the scope of such claims.² This process of questioning has focused, in particular, on the demarcation of boundaries between the public and the private, the political and the non-political.