
After Saba Mahmood: Examining Sexual Difference,
Secularism, and the Study of Religion

Anti-Gender Ideology and Mahmood's Critique of the Secular Age

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IN Saba Mahmood's *Religious Difference in A Secular Age: A Minority Report*, she dedicates a chapter to the topic of "Secularism, Family Law, and Gender Inequality." The discussion takes up the common prejudice that where family law is governed by religious codes or authority, something premodern has survived as a remnant into modernity. That historically uninformed view, she argues, does not see that by relegating family law to a private domain of religion, religion is itself made into a private matter, and marriage and divorce become subject not just to religion but to religious law in particular. Even if a religion traditionally handled marital and family issues through nonlegal means (customs, norms, consultation with religious authorities), it becomes a rival legal system or authority under secular conditions. The view that regards religion-based family law as a premodern remnant fails, then, to take into account the way that the secular state has established family law as the defining feature of religion itself—a fact that confirms the way that secularism redefines religion and its essential concerns. Conventions and norms regarding family life only become understood as "legal" when secular law differentiates itself from religious law as it decides the appropriate jurisdiction of religious law.

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The cases Mahmood considers focus on conversion and divorce in Coptic family law in modern Egypt or, rather, the vexed negotiations and overt conflicts between Church and State authorities, where the latter are disposed to defend a presumptive Muslim hegemony. The argument she makes proceeds through several steps and then concludes with the suggestion that “secularism is a shared modality of legal-political structuration that cuts across the Western and non-Western divide (Mahmood 2016, 147).” Indeed, earlier in this same chapter, Mahmood makes reference to the work of Janet Halley and Kerry Rittich (2010), who argue that family law emerges as an autonomous sphere of law only in the eighteenth century. Over and against a form of political liberalism that prizes both individualism and self-interested rationality in the sphere of markets and contracts, “the family” increasingly becomes the sphere in which affective bonds, the conditions of cohabitation and marriage, the rules of sexual exchange, are prescribed and regulated. It is thus as a consequence of family law that the family becomes increasingly accepted as the site of nurturance, sexual reproduction, and sexual morality (Mahmood 2016, 120). In other words, the affective investment in the family is the result of family law, that is, the secular “modality of legal-political structuration” that is generated in the course of the development of family law.

Although this process happens in modern Egypt as well as many other countries and regions subjected to secular powers, it does not engender a global understanding of its operation; rather, it tends to stoke forms of nationalism. In Mahmood’s argument, “Family law . . . is supposed to emanate from and express ‘the spirit of the people.’” Following Halley and Rittich, she points out that family law is supposed to represent and preserve the claims of tradition, of the indigenous, but also of a national spirit, if not an overt nationalism. Over and against the view that family law preserves these nativist values, Mahmood argues that these values are retroactively delegated to the family through family law. The “archaic” or “primordial” character of these values is generated in fact by modern secularism, though they appear as preceding modernity. That temporal priority is itself established by secular powers, a point confirmed by the fact that prior to the eighteenth century, there was no family law as such. Even the Coptic prohibition of divorce is a modern phenomenon, since there is a long history of the permissibility of divorce within the Coptic tradition—before, that is, it was mandated to settle marital issues through a legal apparatus of its own—one it was compelled to develop.

In what follows, I propose to reconstruct Mahmood’s argument to shed light on the contemporary movement opposed to “gender ideology.” The idea of gender ideology emerged in the 1990s when the Roman Catholic Family Council warned against the idea of “gender” as a threat to the family

and to biblical authority. Gender was a social construction and so unleashed the belief that individuals could choose their gender or live in ways that are unconstrained by marriage and heterosexuality. Author Joseph Scala published a book in Argentina that was widely distributed by the Evangelical Church attacking “gender ideology.” It warned against the voluntarist and destructive character of the concept, suggesting that “gender” was both counter to religion and to science. In subsequent years, gender has become an issue in several major elections in Brazil, Costa Rica, Colombia, France, Switzerland, and Germany, and it is now intensely contested in Hungary (where gender studies was abolished) and throughout the Balkans.

In all of these contexts, gender is understood as a single “ideology” that refutes the reality of sexual difference and that seeks to appropriate the divine power of creation for those who wish to create their own genders. In Germany, gender ideology or, indeed, gender studies, is regularly characterized as totalitarian. In Brazil, the very idea of the nation, of masculinity itself, is understood as threatened by “gender ideology.” There seems to be no interest in what the complex and conflictual field of gender and sexuality studies actually includes. It is summed up by a phantasm that serves to justify the fact that hardly anyone reads texts within the field or considers their arguments. In Switzerland, I was once accosted by a woman who let me know that she prays for me, and when I asked why, she explained that gender was “diabolical” and that she hoped I would find redemption for my responsibility in circulating the term or the theory or the phantasm. When I asked whether she had ever read my work, she exclaimed that she would never read any book on gender!

The furor began some years ago when the Pope’s family council, then directed by Joseph Ratzinger, warned that gender theorists were imperiling the family by questioning the notion that appropriately Christian social roles could be derived from biological sex. It was in the nature of sex for women to do domestic work and for men to undertake action in public life. The integrity of the family, understood as both Christian and natural, was said to be imperiled by this gender ideology. The arguments were starkly prefeminist, which is perhaps one reason why the first objection on the part of the Catholic Church to the concept of “gender” was considered odd, even amusing, by feminists who did not then anticipate the implications of the opposition. Ratzinger made public his concern at the Beijing Conference on the Status of Women in 1995, and then again in 2004, as head of the Pontifical Council on the Family, in a Letter to Bishops, underscoring the potential of “gender” to destroy feminine values important to the Church and the natural distinction between the two sexes (Vatican 2004). As Pope Benedict XVI, he went further in 2012, maintaining that such “ideologies” deny the “pre-ordained duality

of man and woman,” and thus deny “the family” as “a reality established by creation.” Because, he argued, man and woman are created by God, those who seek to create themselves deny the creative power of God and are misled by an atheistic set of beliefs. By 2016, Pope Francis, despite his occasionally progressive views, continued the line developed by Pope Benedict: “We are experiencing a moment of the annihilation of man as the image of God.” He specifically included as an instance of this defacement “[the ideology of] ‘gender.’” He was clearly outraged that, “Today children—children!—are taught in school that everyone can choose his or her sex . . . And this [sic] terrible!” Then he made affirmative reference to Benedict XVI and claimed, “God created man and woman; God created the world in a certain way . . . and we are doing the exact opposite.” It would appear from this perspective that humans have taken over the creative power of the divine. Pope Francis has gone further to argue that proponents of gender are like those who support or deploy nuclear arms and that their target is creation itself. This suggests that whatever gender is, it carries enormous destructive power in the minds of those who oppose it—indeed, an unfathomable and terrifying destructiveness. It is represented as a demonic force of destruction pitted against God’s creative powers. This is one reason that gender is understood as exercising demonic powers—“a diabolical ideology.”

Perhaps it was papal support in 2015 and 2016 that encouraged bishops throughout the world to escalate the anti-gender ideology campaign into an international project, one that crosses hemispheres, affecting elections in Colombia, Mexico, and Costa Rica, and recently playing a significant role in the election of right-wing Jair Bolsonaro as President of Brazil. His inaugural speech in early January of this year contained a commitment to eradicate “gender ideology in the schools” and he vowed to resist “ideological submission.” Since being elected, he has sought to eradicate sex education in schools and replaced it with a curriculum that enforces the idea of binary gender difference. In October of 2018, Hungary not only eliminated gender studies from the list of approved master’s programs but forced the Central European University, known for its international gender program, to relocate to Vienna.

After the successful legal battle for gay marriage in France in 2013, a backlash took place the following year. A prominent course curriculum in France called *ABCD de l’égalité* offered students a way to think about the difference between biological sex and cultural gender, and it was rescinded after strong public accusations that gender theory was being taught in the primary schools. Pope Francis met with one of the organizers of the effort to withdraw the program. Argentina, the Pope’s country of origin, is

the country with the most progressive laws on gender freedom, allowing any person to choose to change gender without medical authorization. In 2014, and in reaction to its progressive Gender Identity Law passed in 2012, *La ideología de género* was published by Jorge Scala and started to circulate among Christian communities, both Catholic and Evangelical, in Argentina and, in its Portuguese version, in Brazil. In the Spanish region of Andalucía, the ultra-conservative Vox party has recently petitioned the center-right Ciudadanos Party to combat what they call “the jihadism of gender.” They oppose singling out men who commit violence against women and trans people and call for an opposition to “intra-familial” violence rather than gender-based violence, pointing out that men can be victims too.

The platform of the anti-gender ideology alliance of right-wing Catholics and Evangelicals is clear: they oppose feminism, LGBTQI rights, especially gay marriage and trans legal and medical rights, single mothers, gay parents, and more. My wager is that as neoliberal economic policies devastate the work lives and the sense of futurity for many people who face contingent labor and unpayable debt, the turn against “gender” is a way of shoring up a traditional sense of place and privilege. It also draws the line between public and private, walling off the family and its patriarchal privilege from the market, where humiliation and dispensability have become the norm. Both the nationalist and traditionalist investment in prohibiting gay marriage, gay and lesbian families and adoption rights, trans and *travestis* rights, single parent adoption and access to reproductive technology, gender inequality, and the concept of “gender” itself follows from the fact that the heteronormative family is now being defended, sometimes violently, as the sole defense against devastating market forces. The anti-gender ideology movement has taken hold in the wake of gay marriage legislation, arguing that religion ought to be the arbiter of marital arrangements and that “progressive” legislation ought not undermine the heterosexual family with its distinct, natural, and hierarchical roles for women and men. Opposing or reversing inclusive trends in family law, demanding new laws that prohibit forms of procreation or adoption outside the traditional family form as well as changing genders assigned at birth, or affirming the equality between men and women all work to this end. Although it is often assumed that advances in LGBTQI rights movements depend on the intensification of secularism, I propose that secularism is at least partially responsible for the intensification of the family form as a site of moral and legal conflict. To carry out this argument, however, we have to establish (a) how the family becomes the site of such intense nativist and nationalist investments and (b) how secularism

has structured the field of this debate and distributed the intensity of its investments in natural or normative sexual and gender forms.

Perhaps it seems a rather large leap from the legal predicaments of Coptic divorce to the anti-gender ideology movement, but let us remember that the effects of secularization on the family form are, for Mahmood, global in character, surpassing the divide between East and West. Whether they also surpass the divide between North and South is another question, given that anti-gender ideologists in Brazil and throughout Latin America tend to argue that “gender” is an import from the United States or from the Global North.

Mahmood argues that major conflicts between Muslims and Coptics in the last several decades have focused largely on the question of whether and how divorce becomes permissible. In several highly publicized cases, a Coptic woman disappears or leaves her family, and the assumption is made that she has converted to Islam and that the conversion was coerced. When either men or women converted to Islam in order to divorce and remarry, questions were raised about whether they did so on a voluntary basis. Given that divorce has not been permitted within Coptic Christianity for over thirty years, the only way for some to leave an unwanted marital situation was to shift religions and thereby come under a different jurisdiction on family matters; in the case of the contemporary adjudication of divorce, Islam is more liberal than the Coptic religion. Thus, religious conversion has become one way of exercising a sexual or marital option that otherwise would not be possible. Significantly, if a Coptic man converts to Islam, he may remain married to his Coptic wife, but a woman who converts to remarry will have both her former and prospective marriage annulled by both Coptic and Muslim authorities (113). She may not make use of conversion to exercise a new sexual or marital option. This prohibition, however, codifies a recurrent fantasy that no women could, or would, choose to convert and that any conversion that does take place is coerced. She is figured as without sexual desire or will, lacking her own preferences for companions and marital partners, and simply subject to manipulation and coercion by a cunning and nefarious Muslim community. Indeed, the proliferation of “Coptic abduction stories,” in which Coptic women are imagined to be recruited, brainwashed, or physically coerced into converting to Islam, testifies to the notion that women would not, or could not, exercise their own sexual agency in leaving a religion that does not let them leave their marriage or marry anew.

Whereas some would point to the conflicts between Copts and Muslims as an archaic tribal antagonism, Mahmood makes clear that the

secular state has generated these conflicts. Secular states have sought to relegate religion to the private sphere. To a certain extent, issues of morality, the form of the family and its conflicts, gender development, and sexual education have been assigned to the private sphere, which is why each time laws enfranchising gender diversity or protecting sexual orientations or expanding the boundaries of family, marriage, and adoption enter into the public sphere, there are religious objections. Those objections focus on the particular issues at hand, but they also object to the fact that these issues are being adjudicated somewhere other than in a religious domain. Under secularism, that domain is considered as private and distinct from the public sphere and its universalist laws and is the charge of religion to oversee. In Mahmood's view, struggles between religions very often take place over issues such as gender, sexuality, family form, adoption, and divorce, precisely because the secular state has relegated or assigned these issues to private morality and religion. These issues were not always the hallmark of religions but have become so as a result of the relegating powers of the secular state. For instance, in Egypt where family law operates alongside the common civil law, Islam is regarded exclusively as the jurisdiction for religion-based family law. This idea of a religion-based family law restructures the meaning and operation of the Muslim religion, and it is, in Mahmood's view, a "modern invention" (115). She puts it this way: "Modern secularism has perniciously linked religious, sexual and domestic matters to the extent that the family has become the primal site for the reproduction of religious morality and identity, exacerbating earlier patterns of gender and religious hierarchy" (115). Not only did religion become tasked with the regulation of sexual morality, family conflicts, and the meanings of sexual difference, it also was deprived of any participation in the public domain, including civic life and the entire sphere of public ethics. There was no separate law in Shari'a prior to the secular state establishing a religious jurisdiction on family matters. Similarly, there was no Coptic prohibition on marriage prior to the emergence of Coptic family law precisely because there was no family law until public and private law were separated and religion was relegated to the private domain. The very distinction between private and public emerges with the powers of secular authority to make and enforce that distinction.

From the perspective of religious authority itself, there is no reference to this genealogy of the powers of the secular state to assign and restrict its tasks to a private sphere, defined primarily by the family and its moral mandate to reproduce its own structure as a natural and normative social form. The assignment, the task of regulating sexual life, intimate bonds,

and conditions of marriage and divorce, is for the most part taken up as its own proper domain. The form of the family is not itself contingent and neither are the rules that govern marriage and divorce, deciding who has the status to marry, divorce, or reproduce.

I am not quite as certain as Mahmood that secularism is the name for the one mode of power that creates all of these phenomena. My sense is that several powers converge on this issue. I note that the distinction between the public and private realms is a central feature of capitalist societies, takes a specific form under neoliberalism, and that both old and new modes of producing gender inequality have historical lives from classical times to the present that surpass or confound the distinction between secular and religious. Yet, Mahmood is persuasive in arguing that secularism secures the private domain for religion and, in that way, orchestrates a consequential convergence of religious authority with family politics, sexual politics, and gender hierarchy. To lose control over matters of family, marriage, and sexuality is for many religious authorities in the secular age to lose the only authority they still have. One sees this at work in the movement against so-called “gender ideology.” The claims made on behalf of evangelicals and right-wing Catholics against the concept of gender assume that “sex” is an adequate category for describing the natural and God-given distinctions between men and women, that the hierarchy between them falls also from nature and biblical authority, that any sexual orientation that does not conform to the mandate of heterosexuality within marriage is an affront to natural laws, that anyone who assumes a legal gender that departs from the one assigned at birth is engaging in monstrosity. One might be tempted to claim that the problem is precisely religion. These polemicists are basing themselves on religious texts and opposing the emancipatory potentials released by secularization. On the other hand, categories like “sex” were hardly operative in the Bible, and one could cull those pages for a great number of ambiguous instances of queer affection that would cause some trouble for its contemporary defenders (see, for instance [Case 2011](#); [2016](#); [Dunning 2019](#); [Penner 2010](#)).ⁱ In fact, many of the arguments used by those who oppose gender are emphatically modern, orchestrated within secular debates, driven by reactionary outrage to the displacement of religious authority on what I would call matters of gender and sexuality into civil society, both its laws and the cultural forms of recognition that have become more common in recent years.

The part of Mahmood’s argument that can be most productively transposed onto the present landscape of the right-wing Christian attack on “gender” has to do with the inversion of temporal sequence. One

could say, for instance, that the prohibition on divorce is the essence of Coptic religion or that the family is at the heart of Islam, but both of those claims only became possible within historical periods distinctively that are modern and secular. In other words, these “essences” were achieved; they were hardly there in the history of either religious tradition. They are not at the origin of either religion, yet, from within the present, they are treated as if they were. In this sense, they are installed retrospectively as fictive origins. Similarly, the idea of sex mandating what role a person should have in society, in the family, and in sexual arrangements is hardly one that can be found in the tradition of Christianity. Indeed, the entire idea of a “teleological” aim of sex that is realized in specific social and familial arrangements first becomes possible once a reduction to “biological sex” is accomplished. One can say “in the beginning there is sex,” but that would be to efface the genealogy of the category through sexology but also its contestations within biology, sociology, neuroscience, genetics, and the Olympic Committee. Indeed, a natural sex is retrospectively installed as a biological given, but the reduction of embodied life to “sexes” is an accomplishment that takes place through specific historical processes within modernity. An origin becomes the plausible effect of a discourse that seeks to efface the genesis of that discourse in order to assert its incontestable authority. The language of “unnatural” sexual orientations is a similar one, since there is no history of the notion of “sexual orientation” prior to the nineteenth century and before the formation of a subject who is understood to bear an orientation of this kind. We could make the same argument about “the family” as many historians and anthropologists have done.

Perhaps the more relevant critique, however, is advanced by feminist critics of neoliberalism Melinda Cooper and Bethaney Moreton, both of whom in different ways argue that the withdrawal of state support for families, dependent children, and social services has shifted the burden of basic support back to families, which is one reason why the fierce rehabilitation of the traditional family has taken place at the same time as its financial stability has been severely challenged. The authority of the Evangelical Church has stepped in, as it were, not just to give moral order to the family, without which the economy cannot function, but to aid and abet free market economics. The complex alliance between the spread of Evangelicalism and the support for *laissez faire* economics in its neoliberal form is one that I cannot explain at length, but Moreton argues that white Christian women who constitute the driving force of the evangelical movement understand quite clearly that “family values are an indispensable element of the global service economy, not a distraction from it”

(2009, 5). Indeed, the evangelical church is itself part of free enterprise, or what some call Christian enterprise, and this convergence is consistently claimed to be the only alternative to socialism or communism or to elites on campus. Thus, the centrality of Walmart as a “populist multinational.” Just as family values are indispensable to maintaining the service economy, as only the free labor of the family can render its economic terms even marginally livable, so faith-based welfare networks are indispensable to the withdrawal of government from the mandate to provide social services to those in need. In departing from the basic ideals of social democracy, the private realm of the family and of religion assume a more central role in the economic and political functioning of society.

The intensified precarity of workers under neo-liberalism and the corollary depreciation of household wages turns back to the family to find its answer. And the response to precarity appears to take the form of a renewal of patriarchal authority both within the family and the church. The threat is then identified as the cultural and social movements that seek to decenter or dissolve that authority, rather than with the processes of neo-liberal precaritization. It would be too easy to claim that the opposition to “gender” is but a symptomatic displacement of an anxiety generated by neo-liberalism. It may be that forms of patriarchy that seek to shore up patriarchal power in the family and the state (as well as the workplace) respond to the “unmanning” of the worker, but there is another dimension that is frightening—an exercise of freedom that is precisely not constrained by market freedom and its ideological reliance on the notion of personal liberty. Further, market freedom was in traditional forms of neo-liberalism not supposed to extend to questions of personal morality, even though it made all sorts of assumptions about the importance of a disciplined worker and a managed work day. The secular aim of relegating the family to the domain of religion seems to have filled the gap opened up by neoliberalism’s self-circumscription. The emergence of an apparently secular “freedom” within the private sphere, typified by “gender,” thus works in tandem with that form of neoliberalism that restricts freedom to market freedom (and restricts democracy to market freedom as well). Although one might expect Christian authorities to object to the saturation of neoliberal rationality into private life (Brown 2015, 30–31) and to identify movements for greater freedom of gender expression as further instances of a “personal liberty” presupposed by both liberalism and neo-liberalism, something else seems to be happening. The social movements are far more than a collection of individuals, and the concept of social freedom advanced by such movements appears as a colonizing intervention on the part of secularism and atheism. Oddly, the authority over the

family allocated by secularism to religion has now prompted an opposition to secularism in the name of that very authority. The liberty that the Christian authorities oppose is at once “social construction” and “the freedom to create”—a prerogative, apparently, that belongs exclusively to the divine rather than social collectives seeking to transform received wisdom on gender, sexuality, and the family.

The anti-gender ideology circulates public fantasies in Brazil and elsewhere that teachers of sex education, under the sway of “gender,” teach students how to masturbate or how to become “homosexual.” Read within Mahmood’s framework, we can inquire whether such baseless accusations, like the Coptic seduction stories, operate as political phantasms that reveal a deep fear of losing jurisdiction over such matters. Under conditions in which patriarchal authority in the family and church are relied on to “answer” the precarious effects of financialization across the globe, Mahmood’s argument takes on acute historical specificity. The examples are meant to alarm a Christian community about the incursions of public culture on the domain of the family, that is, the proper domain of the Church. Whether that Church is evangelical or Catholic matters less than the fact that the Church has accepted its relegation by secular powers to the private sphere along with its jurisprudential and moral authority over matters of family, marriage, sexuality, and gender (Scott 2017, 3–15, 30–59, 156–84). The opposition to feminism, LGBTQI social movements and legal rights, adoption outside of marriage, or access to reproductive technology regardless of marital status is based on a strong aversion to all of those newly enfranchised cultural and social movements, but also to the incursion of social movements into its own domain. The unpaid labor of women within the household and the guarantee of reproduction from the children are both called into question by social movements that demand equality for women’s work and do not presume the kinds of sexual arrangements into which offspring will enter. The authority over the domain of the family, however, was circumscribed precisely by secular powers that sought from the outset to retain universal claims of equality and freedom for enfranchised masculine, white, propertied subjects in the public sphere while allowing inequality and constraint to remain the prerogative of the private sphere, a sphere of heteronormative, patriarchal, and racist prerogative. The secular partition that delimited the sphere of possible enfranchisement as the public sphere orchestrated the radical inequalities preserved and reproduced in the private sphere, inequalities that religion now perpetuates in the name of natural law. In this way, the defense of the family as the provenance of religion seeks to ward off or diminish critiques of economic injustice and the restriction of social

freedom generated by feminism and LGBTQI perspectives. That secularism sought to build its notions of public enfranchisement by allocating the family to the sphere of religion not only kept women in conditions of economic inequality or destitution, constrained within heteronormative marriage, but also established religion as a punitive authority at the expense of its many other cultural and social possibilities—including those that are compatible with a democratic socialism in which LGBTQI struggles do not appear as “secondary.” The opposition to gender “ideology” fears most those expressions of social equality and freedom that would upend the patriarchy and control that gives religion its last bastion of power in secular regimes. The fitting response would be to ally the critique of secularism with a radical vision of social equality and freedom, and then we would see religion assume different relations to “gender” and to all the social movements for which it provides an abbreviation in contemporary discourse.

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