

## *CONCEPTUALISATIONS OF GENDER EQUALITY AND GENDER JUSTICE IN THE BALTIC AND THE NORDIC REGIONS: Estonia and Norway Compared<sup>1</sup>*

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**ABSTRACT:** Our paper provides theoretical research on how gender equality and gender justice are conceptualised in general and in Estonia and Norway in particular. The theoretical part examines the origins of the concepts of gender equality and gender justice, emphasising the importance of addressing aspects of recognition and distribution. It then turns to the specific cases of Estonia and Norway, applying this two-dimensional approach. We underscore the contrasting realities in Estonia and Norway: while both countries have legal frameworks for gender equality, there are significant differences in popular support. We also analyse the influence of religious factors on the conceptualisation of gender equality and gender justice in Estonia and Norway. Estonia's complex relationship with religion, influenced by its Soviet past and nationalist sentiments, poses challenges to promoting gender equality. In contrast, Norway's more substantial religious presence, particularly with the role of the Church of Norway, does not seem to have hindered a wider acceptance of gender equality. Understanding the intersection of religious influences, societal contexts and legal frameworks is crucial for advancing gender justice in both countries.

**KEYWORDS:** Gender Equality, Gender Justice, Religion, Estonia, Norway.

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## INTRODUCTION

Gender equality and gender justice are concepts that shape contexts and societies in different ways and have a significant impact on public policy and the lives of ordinary people. While gender equality mainly refers to a legal concept that emerged and became widely used with the adoption of the Universal Declaration of Human Rights, gender justice is a more complex concept that involves evaluating whether something is just or not. Moreover, the terms “gender justice” and “gender fairness” have increasingly replaced “gender equality” in international discourses on women’s human rights. The Nordic and Baltic geopolitical areas have different histories, experiences and laws regarding gender equality. The empirical study of gender equality is multi-faceted and extensive, and there is a lack of empirical data, especially in the Baltic states. However, this article does not primarily engage with gender equality and gender justice empirically. Instead, we work conceptually in two ways. First, we philosophically explore what we consider to be key terms. Second, we identify some core discussions in the Nordic and Baltic regions (primarily in Norway and Estonia) to explore possible connections and disconnections between philosophical understandings and social and political practices of gender equality and gender justice. We focus on how religious communities in Norway and Estonia engage in discussions about gender equality and gender justice. Our aim is to start a conversation about practices and understandings of gender equality and gender justice with reference to the Nordic and Baltic contexts and to identify common discursive challenges.

Accordingly, our paper is structured as follows: we begin with a general discussion of the concepts of equality and justice and how they relate to each other, drawing from the literature on the philosophy of justice. Then, we analyse how the discussion of these concepts changes when they are narrowed down to gender equality and gender justice. Finally, we look at the specific contexts of Estonia and Norway, how these societies deal with gender equality in general and how faith communities in particular respond to gender equality. We hope that our analysis provides new insights into the complex relationships between gender and religion in the Baltic and Nordic contexts and helps to better understand empirical research on the topic.

## I. CONCEPTUAL FRAMEWORK

As researchers from different fields have already noted, the concepts of equality and justice have been widely used by different actors (policymakers, researchers, media workers, and people in their everyday lives) and are therefore highly contested (Gosepath 2021; Westen 1990). Any further research on these concepts requires their clarification, i.e. answering the question, “*What do these concepts mean?*” This section explores and briefly describes how equality and justice are defined and related.

First, etymologically, the term “equality” has the Latin root *aequitas*, *aequalitas* that signifies “same quantity.” It should be distinguished from “identity” or “similarity” because to be equal means to be the same (and not simply “similar”) in at least one respect, but not all respects (then it would be “identity” in the philosophical sense, which may be thought of more as “identity”). Those differences are expressed clearly our everyday usage of this term: for example, when one asserts that “women should be equal to men,” normally what one means is that women should have the same rights as men, not that women are identical to men (biologically or socially). Interestingly, opponents of gender equality often confuse the concept of equality with the concept of identity in their rhetoric. For example, in the claim that gender equality policies endeavour to build a society where there will be no difference between men and women at all. By making this claim, they replace the concept of equality with that of identity. Discursive issues like this are why it is essential to clarify the concepts and their meanings, especially in the public sphere.

In contemporary politics, the concept of “equality” is widely used and closely linked to morality and justice, and in particular distributive justice, which deals with the decisions

about how to distribute social goods (e.g. food, medical treatment, money, etc.) in the fairest possible way. Equality in distributive justice theories is one of the basic principles of distribution; it claims that every person should have the same level of material goods and services on the basis of moral equality. This principle defends so-called “radical equality” theories (e.g. Nielsen 1979). However, these theories are widely criticised because they do not consider different contexts and conditions (for example, one person might not need the same quantity of medicine as another). For this reason, different theories of distributive justice focus on principles of deserts (e.g. Sadurski 1985; Lamont 1990), needs (e.g. Traub et., 2017), contributions (e.g. Miller 1979) and efforts of people (e.g. Lamont 1995) instead of focusing on equality. Researchers defending one principle tend to criticise the others, and there is no general agreement on which principle of distributive justice is the best.

Current debates on the principles of distributive justice have been nicely articulated by contemporary philosopher and economist, Amartya Sen. His thought experiment asks us to imagine three kids, Anne, Bob and Carla, quarrelling about a flute. Anne says the flute should go to her because she is the only one who knows how to play it. Bob argues that the flute should be his because he is poor and has no other toys to play with. Carla defends her right to the flute on the grounds that she made this flute (Sen 2006). Each has an equally good argument for getting the flute (Anne invoking theories of utilitarian hedonism, Bob, economic egalitarianism and Carla, libertarianism), and it is impossible to agree. Using this illustration, Sen argues that justice is a pluralistic concept with many dimensions, so we will benefit more if we use different principles in different contexts and situations.

It is worth remembering that contemporary theories of distributive justice focus heavily on material goods and services. However, it is also important to remember that certain factors (e.g. political rights, social status, permissions to do specific actions, etc.) play an even more critical role in producing justice and injustice because these provide the basis for how society determines who will receive what, how they will receive it and in what quantity and quality. Rulership is often accompanied by the constructed narrative that human beings are unequal by nature—a necessary construction if one hopes to prohibit the movement between social strata or to claim that rulers should have different rights than those they rule. So, if someone was born a peasant, they would live their whole life as such with no chance of changing this situation. These kinds of unequal social arrangements are “traditional,” “the natural order” and “God’s will.” Traditional societies were dominant in the West until the Enlightenment and, more specifically, the rise and popularisation of social contract theories. Over the last centuries, these theories have dominated our view of how governments and societies should work.

According to social contract theory (e.g. Hobbes 1651; Locke 1690; Rousseau 1755), all human beings are fundamentally equal, thus, there should be no difference in their moral status. As equals, people can agree on “a contract” to form a society between them that protects their lives and rights equally. This theory was employed in the formation of modern states and, over time, has been developed and elaborated (for example, into a theory of justice, Rawls 1971). Now, it constitutes an “egalitarian plateau” for all contemporary political theories (Kymlicka 1990), which theoretically guarantees equal rights for everyone despite gender, race, age, social status, wealth, etc.

The origin of the concepts of gender equality and gender justice is rooted in the rise of social contract theory in the West in the 19<sup>th</sup> century (Mill 1869). These concepts were actively practised by the suffrage movements, which in turn gave rise to the contemporary feminist movement. These movements fought for women to have equal social status and rights, particularly voting and education rights. Once these basic rights were achieved, the focus shifted to so-called recognition issues, such as combating gender-based discrimination, stereotypes and cultural misrepresentations (Fraser 2007; Young 2011). Even though the recognition aspect is

undoubtedly crucial to achieving gender equality, it alone may fail to recognise the economic and material goods that are essential for justice, particularly distributive justice. Addressing only recognition issues without considering economic inequalities is ignoring the material conditions that perpetuate gender oppression. At the same time, simply distributing resources without challenging cultural norms and symbolic representations can perpetuate forms of injustice, as marginalised individuals may continue to face discrimination and oppression. Therefore, if the goal is achieving gender justice, which is a much broader concept, we need to use a two-dimensional approach that considers both socioeconomic and cultural aspects and deals with them inter-connectedly (Fraser 2007; Young 2011).

A two-dimensional approach also reveals how gender oppression always intersects with other forms of oppression (race, class, sexuality, religion, etc.). Any discussion of gender justice would be incomplete without contextualising and including these intersections. By incorporating this intersectionality, the two-dimensional approach highlights the need to address the specific challenges faced by women from diverse backgrounds and shows that gender inequalities are not experienced uniformly—the mechanisms of oppression can differ according to one’s intersecting identities (for example, the experiences of a working-class woman of colour will differ from those of a white middle-class woman). Thus, only by analysing gender justice intersectionally can we get the full picture and effect change (Crenshaw 1989; Yuval-Davis 2006; Young 2008).

The two-dimensional approach is also structural. It underlines that gender injustice is not simply the result of individual attitudes or actions but is deeply rooted in social, economic and political structures. To explain this, Iris Marion Young has introduced the term “structural injustice,” defined as a form of social injustice that is not only the result of deliberate acts of discrimination or prejudice by individuals, but is embedded in the social fabric of institutions, norms and practices (Young 2003; 2008; 2011). It is often invisible, normalised and deeply ingrained in the functioning of social systems. For example, marginalised students face barriers to accessing higher education due to financial constraints, poor schooling, lack of parental guidance and support, etc. Usually, they do not experience individual acts of injustice or unfair treatment by specific individuals; instead, the whole system of access to higher education is constructed in favour of students from privileged backgrounds. Gender justice researchers should look not only at individual actions but at society as a whole, its norms, practices and beliefs.

In what follows, we engage with these philosophical underpinnings to investigate gender equality and gender justice in Estonia and Norway. The following questions are employed to identify the salient discourses within each context before establishing a comparative discussion. First, what is the general status of the concepts of gender equality and gender justice in each country? Second, to what extent, and how, do religious actors in the two countries engage with the national discourses related to these concepts, and what are their contributions? By doing so, we are not only analysing gender equality and gender justice as broad concepts, but we are exploring them in the context of specific cultural and social practices with a focus on how religion influences them. Our application of the two-dimensional approach to the examples of Estonia and Norway shows how religion, gender, politics and culture are complexly interrelated.

## **II. APPLYING THE TWO-DIMENSIONAL APPROACH TO GENDER JUSTICE: ESTONIA AND NORWAY COMPARED**

### ***1. The Status of Gender Equality and Gender Justice in Both Countries***

Both Estonia and Norway have had a substantial societal interest in gender justice starting at different points of the latter half of the last century. In the 1970s, Norway incorporated the

concept of gender equality as an explicit political aim of Norwegian state structures, leading to the passing of the first gender equality act in parliament. Estonia did not start to address the concept of gender equality until the late 1990s, following the ratification of international conventions and as part of the country's preparation for EU accession.

In the 2000s, Norway and Estonia adopted legislation to promote general equality: Norway ratified the CEDAW Convention in 1981 (Skjeie 2007), but it took more than two decades (2009) to fully incorporate it into existing laws (Hellum 2020); Estonia ratified the CEDAW Convention in 1991 and also accepted the Gender Equality Act (GEA), both implemented after Estonia's accession to the EU in 2004 (the EU defines equality between women and men as a fundamental human right and therefore enables the concept gender equality to be mainstreamed and to touch all areas of social life). In 2017, the Istanbul Convention Action against violence against women and domestic violence was ratified in both Norway and Estonia. This year also saw the Norwegian parliament passing a more inclusive equality and anti-discrimination act that replaced the one from 1978 and widened the scope of equality to include a demand for equal treatment and non-discrimination not only regarding gender but also ethnicity, religion, belief, disability, sexual orientation, age "or other significant characteristics of a person."<sup>2</sup> The same is protected in the Estonian context by the Equal Treatment Act (ETA), which was passed in 2008 and entered into force in 2009. Both laws entail a broader understanding of the concept of equality. Thus, they reflect a more general shift of focus: from purely balancing and equalising the status and rights of men and women to engaging with a more intersectional and inclusive understanding. This shift is best understood via a two-dimensional approach to gender justice. Only when we consider gender injustices in the context of their relations with other social and structural injustices (as shown in the previous section) can we achieve productive results.

However, despite similarities in the state protections related to gender equality and despite both countries adopting laws that positively affect the promotion of gender justice, Norwegian and Estonian societies are different in terms of how the concepts and laws interact with everyday lives and cultural practices. The populations of the two countries also differ in their attitudes and understandings of gender equality, as we shown below.

#### *a) Estonia: Failures in Implementing Gender Equality Laws and a Paradoxical Soviet Legacy*

NGOs that aim to protect human rights in Estonia continuously report insufficient attention to the gender inequality issues in the country. For example, a recent report on gender equality in Estonia by Laas (Laas 2021) pays attention to the following legal problems: a lack of adequate legal protection (victims and witnesses are afraid to file a complaint); a lack of sanctions against harassment by employers; a high gender pay gap and a lack of implementation for pay transparency measures; inadequate financial support for sick and disabled people, coupled with the inadequate financial compensation for caregivers (women are overrepresented in health and long-term care, not to mention that the large majority of informal carers are women) (Laas 2021: 90-91). Laas's report, The Human Rights in Estonia 2022 report and a study done by Praxis Think Tank have all drawn attention to the negative impact of the COVID-19 pandemic on gender equality: with the closure of schools and childcare facilities, more women have gained additional burdens, such as home schooling of children, informal care for elderly and ill family members, more women are frontline workers in hospitals, etc. According to these reports, Estonia has not taken enough measures to support gender equality during the pandemic. And, in recent years, the Estonian legal system has been reluctant to tackle issues of gender equality (e.g. the proposed amendments to the GEA and ETA in 2016-2020 failed to pass; the Welfare Development Plan 2016-2023 considers gender equality but only in a very

<sup>2</sup> The Norwegian Equality and Anti-Discrimination Act, Lovdata: [Lov om likestilling og forbud mot diskriminering \(likestillings- og diskrimineringsloven\) - Lovdata](#)

narrow sense and only for the higher goal of achieving social security, inclusion and equal opportunities; and the national Gender Equality Programme 2021-2024 focuses on the pay gap and stereotypes but fails to propose broader solutions).

In general, traditional patriarchal gender roles are still widespread and positively accepted: according to the 2017 Eurobarometer study, 70% of Estonians think that a woman's most important role is to take care of the home and family. This may explain why politicians and policymakers are not enthusiastic about promoting gender equality: a large part of Estonian society does not support changes in this regard, at least not concerning gender roles and the division of the labour in the family.

The situation can at least be partly explained by the country's Soviet past. This still influences Estonians today, as most were socialised by parents whose worldview was formed during the Soviet period (Hansson 2011). In relation to gender equality, the Soviet legacy has a paradoxical nature. On the one hand, the Soviet Union proclaimed gender equality and women were allowed to play significant social roles, moreover, abortion, divorce and maternity leave were protected and provided by the state. Alexandra Kollontai (1872-1952), a Soviet feminist, held various politically significant posts, including as a diplomat and the first minister of social welfare. Kollontai believed that women's liberation could be achieved through communism. However, she was the only woman in Lenin's government, and the longer the Soviet Union existed, the clearer it became that its ideology was not neatly aligned with equality (not only of gender). The most privileged social class were the members of the Communist Party, who enjoyed benefits inaccessible to ordinary people. Most were men, as gender equality in leadership positions was apparently not a major concern. Private life was also heavily influenced by patriarchy, leading to women having double the workload (expected both to work and take care of the house) and emphasising the primary role of women as mothers (e.g. the state glorifies motherhood).

After the Soviet Union collapsed, part of the construction of an Estonian national identity was a reversal of everything considered to be connected to the Soviet era. This includes the Soviet promotion of "gender equality." Hence, there is a frustration in Estonian society around the term "gender equality" because of its use in Soviet times. As a result, there is a denial of it, often rhetorically described as a return to family and traditional values. This may contribute to the rising popularity of some conservative and nationalistic parties: these groups use the concept of "gender equality" as something hostile to Estonian society (Helme 2016; Vooglaid 2018).

#### *b) Norway: Gender Equality, National Pride and the Challenge of Plurality*

In contrast to Estonia, Norway has taken national pride in proclaiming itself to be a gender-equal society and has been active internationally in promoting gender equality. Researchers have argued that while it is meaningful to say that a Nordic model of gender equality exists, especially in terms of economic and democratic equality (Teigen and Skjeie 2019), there are significant differences between the Nordic countries. In Norway, Helga Hernes of the Social Democratic Party (*Arbeiderpartiet*) coined the term "state feminism" in 1987 (Hernes 1987). This term implies that gender equality policies are developed through a combination of mobilisation from the women's movement and government policy: instead of feminism only being introduced top-down by the state, the state should play more of an active, facilitating role.

A 2019 report on Norwegian attitudes towards discrimination, equality and hate speech, based on data from the European Social Survey and an IPSOS survey, found that there is general approval in the population that gender equality should be the ideal in the workplace, family and society in general. This approval includes immigrant and minority groups (Tyldum

2019). According to the International Social Survey Programme, in 2019, more than 80% of the population supported a model of equality for the distribution of house and family work (Kitterød and Teigen 2021). However, the population was divided on whether or not gender equality has been achieved: 68% of the respondents said more work toward gender equality was needed (Tyldum 2019). On the other side, more than 30% of the men and 20% of the women stated, “white Norwegian males are discriminated against” because of the work for gender equality and the inclusion of minorities (Tyldum 2019). A recent analysis claims that anti-genderist discourses are not dominant in Norway even if they may influence parts of the broader discourse (Kitterød and Teigen 2021). For example, despite the previous (and significant) resistance among conservative groups (primarily Christian, including the Church of Norway), the right to self-determined abortion now has broad support across all population groups (Kitterød and Teigen 2021).

The Norwegian sociologist Cathrine Holst edited the book *Kjønnsrettferdighet (Gender Justice)* in 2002 (Holst 2002). The book was part of “Makt- og demokratiutredningen,” a public investigation into the distribution of power and the efficacy of democracy in Norwegian society, and it aimed at identifying challenges to the formulation of a feminist politics. One of the main claims in the book is that the Norwegian version of state feminism is challenged in two areas: the right to privacy and individual space within the interpretation of feminism (Holst 2002) and the need to relate to the growing cultural and religious pluralism in Norway (Jacobsen and Gressgård 2002). Both these challenges might be mitigated by engaging with the concept of gender justice in addition to gender equality. Whereas gender equality in the Norwegian context is closely affiliated with the Gender Equality Act and the legal realm, gender justice is a more fluid and dynamic concept (Grung 2006).

Although Estonia and Norway have general legal frameworks protecting gender equality and have ratified the same international conventions, the situation in the two countries is very different. This is most evident in the support or lack thereof for gender equality among the general population, which may partly be explained by historical differences. Whereas Estonia struggles with the images of gender equality constructed during the former Soviet period, Norway has been able to establish a general (and growing) popular support for gender equality. In Estonia there is only a *de jure* status of gender equality; in Norway it is also more of a *de facto* situation.

## ***2. Religious Influences on the Conceptualisation of Gender Equality/Justice in Estonia and Norway: A Paradoxical Picture***

Estonia and Norway differ significantly in terms of their religious landscapes and the role of religious communities in their societies. On the one hand, Estonia has a reputation as one of the least religious countries in the world, with only an estimated 29% of Estonians being affiliated with a religion,<sup>3</sup> most of whom identify themselves as Christian, specifically Orthodox (16%) or Lutheran (8%). On the other hand, Norway has a more substantial religious presence: there was a state (Lutheran) church until the state was officially separated in 2012 (Stålsett 2021). The Church of Norway is still by far the largest faith community in the country, with 67.7% of the population in 2020 (Stålsett 2021), and it has retained a privileged legal status as the Norwegian folk church. In 2023, about 13.4% of the population were affiliated with faith or life-stance communities other than the Church of Norway. The Norwegian Humanist Organisation (secular humanists) is the largest among these, and Muslim communities, Buddhist communities and other Christian churches (Roman Catholic, Orthodox, Pentecostal, Baptist and Methodist) represent the largest religious minorities (Statistics Norway 2023). In

<sup>3</sup> However, those numbers should be interpreted carefully: at the same time, over 50% of Estonians say they believe in spirit or life force, and they tend to identify their spirituality through activities that do not require fidelity to any labels (Hiimäe 2021).

comparison, people with other (non-Orthodox or Lutheran) religious affiliations (Muslim, Protestant, Jewish, Buddhist and Neopagan) make up 5% of the population in Estonia (Statistics Estonia 2022).

Both countries have experienced changes in religious affiliation and levels of religiosity over time. Estonia's historical context, particularly the Soviet occupation, has shaped its religious landscape, with a higher percentage of individuals identifying as non-religious. This is still the case today. In fact, the percentage of people who say they have no religious affiliation has been growing: from 54% in 2011 to 58% in 2021 (Statistics Estonia 2022). In contrast, Norway has a longer tradition of religious affiliation, mainly Lutheranism, but has also seen a decline in religiosity in recent years.

In terms of religious freedom, both Estonia and Norway guarantee the right to worship and have laws protecting religious communities from discrimination. Both countries also support and officially recognise religious communities through various legal frameworks and regulations. There have been multiple salient public discussions about the possible conflicts between such religious freedoms (and protections) and gender equality (as a concept, as a legal norm, and as related to gender justice). The following explores how these issues are discussed in Estonia and Norway.

*a) Estonia: Moving Away From a State Church and Opening Up to Christian Pluralism Between State and Church*

The Estonian Constitution provides for the protection of religious freedom (Articles 40, 41, 42, 45, 47 and 48) and establishes the principle of neutrality between church and state, i.e. "there is no state church." However, the Estonian Evangelical Lutheran Church (abbreviated as EELK in Estonian), the largest single church in Estonia in terms of attendance and adherents, cooperated closely with the state and had special agreements<sup>4</sup> for over 30 years, until recently, in May 2023, the Minister of the Interior Lauri Läänemets claimed that the state cannot favour one church over others, and these agreements were terminated, leading to some public discussions and discontent by the EELK (Kiisler 2023).

Lutheranism continues to play a significant role in the construction of an Estonian national identity and culture. Before the Second World War, Estonia was overwhelmingly Lutheran (78%) (Pullerits 1935). During the Soviet occupation, religion was attacked by the central authorities through the infiltration of the church, murder or deportation of church officials, confiscation of church buildings and propaganda of the Soviet state doctrine of atheism. However, from 1970, and especially after Estonian independence in 1991, Estonians began to join the Lutheran Church in search of a concrete symbol of their national past and culture (Hart 1993). Although Orthodox Christians are the largest group (16% compared to 8%), most of those who are affiliated with Orthodoxy identify as ethnic Slavs (50% of Russians, 47% of Ukrainians and 58% of Belarusians), while ethnic Estonians are overwhelmingly Lutheran (11% whereas only 3% are Orthodox Christians) (Statistics Estonia 2022).

There has generally been little academic interest in the relationship between religion and the state in Estonia, mainly for two reasons. The first is that this relationship is relatively amicable; the second is that Estonia has not been a country of extensive immigration (Kiviorg 2015). These reasons may also explain why there are no prominent cases of conflict between freedom of religion and gender equality in Estonia: here, the state and religion cooperate reasonably. Most of the state-church debates revolve around the historical importance of Christian

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<sup>4</sup> For example, the coordination of the prisons' chaplaincy is delegated to one of the Estonian Evangelical Lutheran Church Diaconal Centres, the state budget annually finances the Estonian Council of Churches, etc. (Kiviorg 2001).



churches, with some claiming that Christianity should still play a special role in contemporary Estonia, especially in contrast to the Soviet era. This argument is also used by the conservative and nationalist groups that claim to defend traditional values (Kiviorg 2015). As discussed in earlier, these political groups use the concept of “gender equality” as something hostile to Estonian society. Some conservative religious groups have supported these ideas, leading to their coalition. Thus, in contemporary Estonia, secular Eurosceptic nationalists coalesce with a small number of conservative religious representatives to spread the discourse of how “gender propaganda” and “gender ideology” are a threat to the traditional family, state and religion. This makes it difficult for activists and policymakers to promote gender equality at both the legal and societal level (Helme 2016; Vooglaid 2018).

When nationalists in Estonia “defend traditional values,” including religion, they only defend Christianity and are, in fact, hostile to other religious groups, such as Muslims. For example, in 2015, the Estonian Ministry of Justice was reportedly preparing a bill that would ban the wearing of a burqa or niqab in public places, such as state offices, schools and hospitals (Oll 2015). Interestingly, the bill included not only a ban on the face veil, but also many overtly gender justice-oriented prohibitions, like the prohibition and criminalisation of female genital mutilation, forced marriage, stalking and the purchase sexual services from victims of human trafficking. These inclusions suggest that dress (often considered part of freedom of expression in liberal-democratic contexts) is understood here to be on par with these other practices. The face veil ban was supported by some liberal politicians who specifically used the argument that wearing a burqa restricts women’s rights. For example, a liberal member of the European Parliament, Urmas Paet, supported the ban, arguing that wearing a face veil diminishes gender equality and suppresses women. At the same time, however, he argued that this ban should not become a law: “There is no need to organise everything by command, but there must be enough common sense for self-regulation” (Tambur 2015). In the end, in 2017, the Conservative People's Party of Estonia (Estonian: Eesti Konservatiivne Rahvaerakond, or EKRE) finally withdrew its proposal because, according to the prevailing opinion in Estonian society and the Ministry of Justice, it was not right to amend the law regarding face veils (Cavegn 2017).

This case illustrates the complexity and multi-layered nature of the relationships between legislators, nationalist and populist movements, religious groups and the concept of gender justice in Estonia. There are sometimes apparently ironic coalitions, such as the liberal politicians’ support for the conservatives’ proposal described above. The reason for the ban is where they diverge: the liberal politicians’ justification is that wearing a face veil diminishes gender equality. Meanwhile, the conservative, nationalist, and populist politicians promote ideas of traditional values with the aim of hindering gender equality. They often use religious arguments to promote such values and gain support from certain religious communities (namely Christians; the other religions are usually excluded) (Kuhar & Paternotte 2018).

But at the same time, religious communities themselves can promote gender equality. For example, the most popular church among Estonians, the EELK, has allowed for the ordination of women since 1967,<sup>5</sup> when Laine Villenthal became the church’s first female minister (Godfrejów-Tarnogórska 2017). Therefore, Estonia’s problems in achieving gender equality cannot simply be explained by the influence of certain conservative religious ideas. The situation is much more complex, involving a post-Soviet legacy of gender equality and a significant proportion of Estonian non-believers.

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<sup>5</sup> The first woman minister of the Church of Norway, Ingrid Bjerkås, had been ordained six years before, in 1961 (Norderval 2022).

*b) Norway: The Influence of State Feminism in the Church of Norway and Beyond*

When the Church of Norway was still a state church, and before it was granted self-governance, it was the government that appointed bishops and provided the legislation around the Church's clergy. Negotiations about women clergy were legally settled within the government itself, and in 1938 the Norwegian parliament legally and theoretically opened the door to women clergy in the Church of Norway (Dalen 2008). However, the first woman minister in the Church of Norway was not ordained until 1961 (Dalen 2008), and the first woman bishop was chosen as late as 1993 (Dalen 2008).

Freedom of religion and belief and gender equality are enshrined in Norwegian law. The question is what happens when these two significant principles collide, or are perceived to collide, in practice. For example, when religious communities claim that their tradition requires discrimination against women in order to ensure correct religious praxis. This may be in relation to issues of female priests or imams in traditions with doctrines of all-male clergy or religious leadership, or the physical segregation of men and women in places of prayer and worship. It could relate to religious prescriptions for women in family life and in public. A very interesting case from a few years ago highlights the importance of taking an intersectional perspective on both religious freedom and gender equality. A Muslim woman claimed her right to wear a hijab at her workplace and argued for this through the Gender Equality Act. A man with the same religious beliefs would not face any problems because he would not wear an identity marker like the hijab. The woman was granted the right to wear a hijab at work based both on the right to freedom of religion and the Gender Equality Act (Skjeie 2007). The conclusion is that women's freedom of religion can be interwoven with principles of gender equality; there is not necessarily a clash of rights. The case is based on the view that wearing a hijab is an individual choice and, further, an expression of religious faith, which is considered legal and should be fully accepted by the Norwegian public, including in the workplace.

However, there are also examples of faith communities using the principle of religious freedom as a basis for discriminating against women. In Norway, previous research has shown that in the recent past, freedom of religion has generally been prioritized over gender equality, generally speaking (Solhøy 2016).

In 2021, the Norwegian government made a declaration stating that the then-newly elected government would require all faith communities to have legislative boards with at least 40% women. This suggestion had been made before but was rejected by the faith communities and not further pursued by the authorities. It was a slight surprise that this was included in the government declaration, not as a suggestion, but as a change that was to be implemented. The immediate reaction of the faith communities was negative, claiming that such a demand would be difficult to implement in practice and stating that it would interfere with religious autonomy. So far, the demand has not been followed up, but there are some indications that this may change in the near future. It seems that religious freedom for religious women, which would include the possibility of participating in legislative boards within their own faith community, is not yet fully visible in the public sphere. However, one of the Muslim Norwegian umbrella organisations has published a report on women's participation in the work of their member mosques, documenting that women play a pivotal role in these communities (Stene 2020).

Religious communities and religious traditions have generally conveyed what we might call traditional views on gender roles and have not included gender equality in their gender models. In Norway, the largest religious community (the Church of Norway) was tightly intertwined with the state when it opened up to women clergy, and it took several decades before this church granted equal opportunities for men and women to obtain top leadership positions. Now, the discussion on gender equality/gender justice and religion has moved on to minority religions and the intersectional analysis of being a religious woman, e.g. a

woman and a Muslim or a woman and a Roman Catholic. Nancy Fraser, on whom we drew in the first part of this article, has shown that parity must be implemented in terms of both recognition and redistribution (Fraser 2007), and the question of freedom of religion *versus* gender equality should be seen through this bifocal lens. Rejecting Muslim women's work because they wear headscarves denies them participation and can prevent them from gaining economic resources. Thus, more intersectional equality laws in Norway may improve gender justice. But the question remains: given that religious communities seem more influential in Norway than in Estonia, why is gender equality more widely accepted in Norway? There may be two immediate answers to this. First, the strength and cohesion of the states differs, and this affects the possibilities for implementing gender equality. Second, religious communities are always shaped by their social, cultural and political contexts and can therefore play very different roles in implementing gender equality and gender justice in various contexts.

## CONCLUSION

Our paper began by explaining the conceptual framework of our discussions on gender equality, gender justice and religion in Estonia and Norway. We introduced a two-dimensional approach that considers the importance of addressing both redistribution and recognition for achieving gender justice. We argued that gender oppression is interconnected with other forms of oppression, which begets a need for inclusive analysis. In our paper, we have done this with the examples of Estonia and Norway, which have different views about gender justice, histories and religious landscapes.

Thus, in Estonia, even though the state legally protects gender equality, there are different issues (the insufficient protection of women both in public and private spheres, the high gender pay gap, etc.) that still require the government's attention, which is lacking. Moreover, there are certain conservative and nationalist movements that have become more popular over the years that employ the concept of "gender equality" as something hostile to Estonian society. This phenomenon can be explained partially by the Soviet past and partially by the international rise of populist and nationalist movements that often use "gender propaganda" and other terms that undermine gender equality in their rhetoric. These groups sometimes use religious arguments and cooperate with other conservative movements in order to achieve their goals. However, this allegiance is less common in Estonia because religion does not significantly influence the population.

In Norway, gender equality is a part of the national branding. "State feminism" was coined by the Social Democratic Party (Arbeiderpartiet) in Norway, which entails that gender equality policies are developed through a combination of government policies and mobilisation from the women's movement. This sometimes leads to a collision of rights (or a perceived collision of rights) between freedom of religion and gender equality in Norway. This is why, as argued in this article, discussing the concept of gender justice (rather than equality) is more productive. This is especially true in the Norwegian context because gender justice is not as affiliated with the legal realm as the concept of gender equality is.

Our paper has shown how conducting research on conceptualisations can clarify different legal and political decisions, particularly as we explore them in specific contexts. Further research is evidently needed, and we believe that our theoretical approach can enrich future empirical data and research by helping us identify and challenge the current status quo in academia and beyond.

## REFERENCES

- Cavegn, Dario. 2017. 'EKRE withdraws bill calling for face veil ban'. *ERR*. <https://news.err.ee/120601/ekre-withdraws-bill-calling-for-face-veil-ban>. (Date of retrieval: 7 July 2023).
- Council of Europe. 2021. 'Istanbul Convention. Action against violence against women and domestic violence'. *Estonia - Istanbul Convention Action against violence against women and domestic violence (coe.int)*. (Date of retrieval: 27 June 2023).
- Council of Europe. 2020. 'Istanbul Convention. Action against violence against women and domestic violence'. *Norway - Istanbul Convention Action against violence against women and domestic violence (coe.int)*. (Date of retrieval: 27 June 2023).
- Crenshaw, Kimberlé. 1989. 'Demarginalising the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics'. *University of Chicago Legal Forum* 1(8): 138-167.
- Dalen, Anne. 2008. *Norsk Kvinnelig Teologforenings Historie 1958-2008. Interesseforening, plogspiss og vaktbikkje*. Valdres: Akademisk Publisering.
- Fraser, Nancy. 2007. 'Feminist Politics in the Age of Recognition: A Two-Dimensional Approach to Gender Justice'. *Studies in Social Justice* 1(1): 23-35. doi.: <https://doi.org/10.26522/ssj.v1i1.979>.
- Godfrejów-Tarnogórska, Agnieszka. 2017. 'Celebrating 50 years of women's ordination in Estonia'. *LWF*. <https://www.lutheranworld.org/news/celebrating-50-years-womens-ordination-estonia>. (Date of retrieval: 7 July 2023).
- Gosepath, Stefan. 2021. 'Equality'. *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/equality/>. (Date of retrieval: 26 November 2022).
- Grung, Anne Hege. 2006. 'Religionsdialog og kjønn: Kan interreligiøse dialoger føre til større kjønnsrettferdighet?'. *Norsk Tidsskrift for Misjon* 60/3-4: 269-282.
- Hansson, Leeni. 2011. 'Gender role attitudes'. In *The Russian Second Generation in Tallinn and Kohtla-Järve: The TIES Study in Estonia* edited by Raivo Vetik and Jelena Helemäe. Amsterdam: Amsterdam University Press. doi.: <https://doi.org/10.1017/9789048512881.010>.
- Hart, Andrew R. 1993. 'The Role of the Lutheran Church in Estonian Nationalism'. *Occasional Papers on Religion in Eastern Europe* 13(3): 6-12.
- Hellum, Anne. 2020. 'Kvinnekonvensjonen 40 år. Noen refleksjoner om dens betydning for internasjonal og norsk rett'. *Kritisk jusstidsskrift fra Rettspolitisk forening* 46(1): 30-35. doi.: <https://doi.org/10.18261/issn.2387-4546-2020-01-03>.
- Helme, Martin. 2016. 'Martin Helme: naiste kaitsmiseks pole vaja konventsiooni, vaid reaalseid tegusid!'. *Uued Uudised*. <https://uueduudised.ee/uudis/eesti/martin-helme-naiste-kaitsmiseks-pole-vaja-konventsiooni-vaid-reaalseid-tegusid/>. (Date of retrieval: 26 June 2023).
- Hernes, Helga. 1987. *Welfare state and woman power. Essays in state feminism*. Oslo: Universitetsforlaget.
- Hiiemäe, Reet. 2021. 'A Hundred Forms of Spirituality in the Least Religious Country in the World'. *Journal of Religion in Europe* 13(3-4): 214-240. doi.: <https://doi.org/10.1163/18748929-13040001>.
- Hobbes, Thomas. 1651 (1994). *Leviathan: With Selected Variants from the Latin Edition of 1668*. edited by E. Curley. Indianapolis: Hackett.
- Holst, Cathrine. 2002. *Kjønnsrettferdighet. Utfordringer for feministisk politikk*. Oslo: Gyldendal Akademisk.
- Holst, Cathrine. 2002. 'Statsfeminismens moralske grammatikk'. *Kjønnsrettferdighet. Utfordringer for feministisk politikk* edited by Cathrine Holst, 54-88. Oslo: Gyldendal Akademisk.
- Jacobsen, Christine, and Randi Gressgård. 2002. 'En kvinne er ikke bare en kvinne. Kjønnspolitikk i et flerkulturelt samfunn'. *Kjønnsrettferdighet. Utfordringer for feministisk politikk* edited by Holst, Cathrine. Oslo: Gyldendal Akademisk: 189-230.
- Kiisler, Indrek. 2023. 'Estonian government ends long-standing agreement with Lutheran Church'. *ERR*. <https://news.err.ee/1608990614/estonian-government-ends-long-standing-agreement-with-lutheran-church>. (Date of retrieval: 26 June 2023).

- Kitterød, Ragni Hege, and Mari Teigen. 2021. 'Feminisme og holdninger til likestilling – tendenser til polarisering?'. *Report from IFS. Oslo: Institutt for samfunnsforskning*. [Feminisme+og+holdninger+til+likestilling-tendenser+til+polarisering.pdf \(unit.no\)](#). (Date of retrieval 13 September 2023).
- Kiviorg, Merilin. 2001. 'Legal Status of Religious Communities in the Realms of Public and Private Law'. *Juridica International VI* 169-177.
- Kiviorg, Merilin. 2015. 'Religion and the Secular State in Estonia'. In *Religion and the Secular State. National Reports* edited by Donlu D.Thayer: 248-261.
- Kuhar, Roman, and David Paternotte. 2018. *Anti-Gender Campaigns in Europe: Mobilising against Equality*. Lanham: The Rowman and Littlefield Publishing Group.
- Kymlicka, Will. 1990. *Contemporary Political Philosophy*. Oxford: Clarendon Press.
- Lamont, Julian. 1994. 'The Concept of Desert in Distributive Justice'. *The Philosophical Quarterly* 44(174): 45-64. doi.: <https://doi.org/10.2307/2220146>.
- Lamont, Julian, 1995. 'Problems for Effort-Based Distribution Principles'. *Journal of Applied Philosophy* 12(3): 215-229. doi.: <https://doi.org/10.1111/j.1468-5930.1995.tb00134.x>.
- Laas, Any. 2021. *Estonia - Country report gender equality 2021 (reporting period 1 January 2020 - 1 January 2021)*. Brussels: Directorate-General for Justice and Consumers.
- Locke, John. 1690 (1980). *The Second Treatise of Government* edited by C. B. MacPerson. Indianapolis: Hackett.
- Lovdata. 2021. 'Lov om likestilling og forbud mot diskriminering (likestillings- og diskrimineringsloven)'. <https://lovdata.no/dokument/NL/lov/2017-06-16-51?q=likestillings-%2520og%2520diskrimineringsloven>. (Date of retrieval: 27 June 2023).
- Mill, John Stuart. 1869 (2013). *The Subjection of Women* edited by Edward Alexander. Dover Publications; Reprint edition.
- Miller, David, 1976. *Social Justice*. Oxford University Press.
- Nielsen, Kai. 1979. 'Radical egalitarian justice: justice as equality'. *Social theory and practice* 5(2): 209-226. doi.: <https://doi.org/10.5840/soctheorpract1979523>.
- Norderval, Kristin Molland. 2022. 'Ingrid Bjerkås'. In *Norsk biografisk leksikon* edited by Knut Helle. Oslo: Kunnskapsforlaget. [https://nbl.snl.no/Ingrid\\_Bjerkås](https://nbl.snl.no/Ingrid_Bjerkås). (Date of retrieval: 7 July 2023).
- OHCHR. *UN Treaty Body Database. Reporting status for Estonia*. [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=EST&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=EST&Lang=EN). (Date of retrieval: 27 June 2023).
- OHCHR. *UN Treaty Body Database. Reporting status for Norway*. [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=.](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=) (Date of retrieval: 27 June 2023).
- Oll, M. 2015. 'Justice ministry working on burqa ban'. *ERR*, <https://news.err.ee/117270/justice-ministry-working-on-burqa-ban>. (Date of retrieval: 7 July 2023).
- Pullerits, Albert. 1935. *Estonia: Population. Cultural and Economic Life*. Tallinna: Eesti Kirjastus-Unisus Trukikida.
- Rawls, John. 1971. *A Theory of Justice*. Harvard: Belknap Press. doi.: <https://doi.org/10.4159/9780674042605>.
- Riigi Teataja. 2008. *Equal Treatment Act*. <https://www.riigiteataja.ee/en/eli/530102013066/consolide>. (Date of retrieval: 5 July 2023).
- Riigi Teataja. 2004. *Gender Equality Act*. <https://www.riigiteataja.ee/en/eli/530102013038/consolide>. (Date of retrieval: 5 July 2023).
- Rousseau, Jean-Jacques. 1755 (1984). *A Discourse on Inequality* edited by M. Cranston. London: Penguin.
- Sadurski, Wojciech, 1985. *Giving Desert Its Due: Social Justice and Legal Theory*. Dordrecht: Springer Science & Business Media. doi.: <https://doi.org/10.1007/978-94-015-7706-9>.
- Sen, Amartya. 2009. *The Idea of Justice*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press.
- Skjeie, Hege. 2007. 'Religious exemptions to Equality'. *Critical Review of International Social and Political Philosophy* 10(4), pp. 471-490. doi.: <https://doi.org/10.1080/13698230701660188>.

- Skjeie, Hege, and Mari Teigen. 2019. 'Den nordiske likestillingsmodellen: statistikk og politikk'. In *Europeisering av nordisk likestillingspolitikk* edited by Skjeie, Hege, Holst, Cathrine and Mari Teigen. Oslo: Gyldendal: 35-56.
- Solhøy, Stina Hansteen. 2016. *Unntak for trossamfunn? Politikktutforming i spenningsfeltet mellom statlige likestillingsambisjoner og religiøs autonomi 1974 – 2014*. (Exceptions for faith communities? Making politics in the tension between the state's ambitions for gender equality and religious autonomy 1974 -2014). PhD Institute for Political Science, Faculty of Social Science, University of Oslo.
- Statistics Estonia. 2022. 'Population census. The proportion of people with a religious affiliation remains stable, Orthodox Christianity is still the most widespread'. *Statistics Estonia*. <https://www.stat.ee/en/news/population-census-proportion-people-religious-affiliation-remains-stable-orthodox-christianity-still-most-widespread>. (Date of retrieval: 27 June 2023).
- Statistics Norway. 2023. 'Trus- og livssynssamfunn utanfor Den norske kyrkja'. <https://www.ssb.no/statbank/table/06326>. (Date of retrieval: 27 June 2023).
- Stene, Nora. 2020. 'Endring i det stille. Kvinner i drift og ledelse av norske moskeer'. *Report Muslimske dialognettverk*. <https://muslimskdialog.no/media/2020/07/Rapport-Endring-i-det-Stille-2021.pdf>. (Date of retrieval: 27 June 2023).
- Stålsett, Sturla. 2021. *Det livssyns åpne samfunn*. Oslo: Cappelen Damm Akademisk.
- Tambur, Silver. 2015. 'Burqa ban causes debate'. ERR. <https://news.err.ee/116475/burqa-ban-causes-debate>. (Date of Retrieval: 7 July 2023).
- Traub, Stefan, Bauer, Alexander Max, and Mark Siebel 2017. 'On the measurement of need-based justice'. In *DFG Research Group 2104 at Helmut Schmidt University Hamburg, Working Paper Nr. 2017-12*.
- Tupay, Paloma Krõõt, Paalmäe, Kristena, Vait, Annika, and Jaanus Tehver. 2021. 'Human Rights in Estonia 2022'. *Estonian human rights center*. <https://humanrights.ee/en/materials/inimoigused-eestis-2022/>. (Date of retrieval: 27 November 2022).
- Tyldum, Guri. 2019. *Holdninger til diskriminering, likestilling og hatprat i Norge, Fafo-rapport 2019:26*. Oslo: Fafo.
- Vooglaid, Varro. 2018. 'Petitsiooni kaaskiri haridusminister Mailis Repsile 20181213'. *Objektiiv*. <https://objektiiv.ee/wp-content/uploads/2018/12/Petitsiooni-kaaskiri-haridusminister-Mailis-Repsile-20181213.pdf>. (Date of retrieval: 26 June 2023).
- Westen, Peter. 1990. *Speaking equality*. Princeton: Princeton University Press.
- Young, Iris Marion. 2003. *Political Responsibility and Structural Injustice [The Lindley Lecture]*. Kansas City: Department of Philosophy, University of Kansas.
- Young, Iris Marion. 2008. 'Structural injustice and the politics of difference'. In *Intersectionality and Beyond* edited by Emily Grabham, Davina Cooper, Jane Krishnadas, Didi Herman 76-104. Routledge-Cavendish.
- Young, Iris Marion. 2011. *Responsibility for justice*. Oxford and New York: Oxford University Press.
- Yuval-Davis, Nira. 2006. 'Intersectionality and Feminist Politics'. *European Journal of Women's Studies* 13(3): 193-209. doi.: <https://doi.org/10.1177/1350506806065752>.