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**Call for input on: Thematic Report: Freedom of religion or belief (FoRB) and sexual orientation and gender identity (SOGI)**

**Addressed to: Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**

**Authors: Nausica Palazzo, Jeffrey A. Redding**

**Relevant Questions:**

*2. Are there any ways in which the right to freedom of religion or belief, and freedom from violence and discrimination based on sexual orientation and gender identity are mutually reinforcing?*

*3. Are there examples where gender and sexual diversity has been used in religious, traditional, or indigenous narratives or values in a manner which promotes the acceptance of LGBT+ individuals, or protects LGBT+ individuals from violence and discrimination? Has this informed any legal interventions or public policies?*

**Comments:**

The objective of these brief comments is to bring to the attention of the Independent Expert on SOGI **the overlooked potential for conservative religious and progressive queer groups to work together towards expanding family law’s recognition and on other projects too.**

We explored this overlooked potential in the edited collection annexed to our comments here, namely *Queer and Religious Alliances in Family Law Politics and Beyond* (Nausica Palazzo and Jeffrey A. Redding, eds.), New York: Anthem Press, 2022. Our edited volume offers an in-depth study of past experiences and prospective queer–religious convergences around issues as varied as polygamous families, the legal recognition of friends and relatives, and the abolition of civil marriage.

As a result of our multi-author examination of past experiences and prospective convergences, we firmly believe in the potential for queer–religious convergence in family law regulation as well as in its benefits to society. Queer–religious coalitions in family law can mitigate the severe personal cost of social nonrecognition, social disregard, and social disrespect. Nonrecognition of minority families—whether queer or religious—detrimentally affects the way many persons organize their kinship and also suggests rejection by the larger society. The benefits to society are also eminently practical. A reconciliatory rather than oppositional approach to framing the relationship between religious and queer groups can counter dominant narratives of ‘culture wars’ and avoid the aggrandizing of social and political tensions.

The potential for queer and religious groups to politically converge has occasionally been investigated before, especially in the U.S. context. For example, Andrew Koppelman’s recent book on LGBT rights and religion (*Gay Rights vs. Religious Liberty?: The Unnecessary Conflict*, New York: Oxford University Press, 2020) has perceptively intervened into the ongoing debate over whether U.S. antidiscrimination law should accommodate religious believers who object to market interactions with LGBT people. Likewise, John Witte’s recent book (*Church, State, and Family Reconciling Traditional Teachings and Modern Liberties*, New York: Cambridge University Press, 2019) provides a compelling defense of middle-ground approaches to the regulation and structuring of family relations in the modern ‘Western’ state, while also speaking more broadly to how state and religious authorities in the West should coordinate with each other regarding family formation, child rearing, and charitable enterprises. His endeavor is to find ‘moderate’ positions avoiding the so-called ‘extremes’ of the queer left and religious right.

In our edited volume, we adopt a bolder approach than these two authors regarding relationships between progressive queer and conservative religious positions. Namely, we argue that there is another way to reconcile FoRB and SOGI rights beyond Koppelman’s armistice project and Witte’s compromise project, namely, to find **points of convergence or even friendship** between queer and religious actors.

We would like to offer some concrete examples from our edited volume of the common ground that, at least occasionally, unites queer and religious groups together in friendship. For example, in our volume, Frederick Gedicks highlights how members of minority religions and LGBTQ persons alike have been historically harmed by claims about ‘natural law’ and its ostensible requirements regarding family and marriage. Specifically, Gedicks brings attention to natural law arguments concerning marriage and their persecutory use in the nineteenth century against Mormon communities then practicing polygamy in the United States. While Gedicks does not explicitly advocate a political alliance between LGBTQ persons and Mormons, he does note their interest convergence in repudiating resorts to a simplistic natural law argumentation still finding favor in influential social, political, and legal circles.

A second area of potential queer–religious convergence concerns friendship. In our volume, Nausica Palazzo focuses on a case-study concerning queer–religious convergence regarding the legal recognition of nonconjugal couples, including committed adult friends and siblings. She describes the various family law schemes introduced by religious conservatives from 1997 onwards in Hawai’i, Vermont, Alberta, New Zealand, Tasmania, and Victoria in order to counter the recognition of same-sex couples. The motives behind these initiatives were flawed since conservative religious actors aimed to dilute the symbolic value of same-sex couple recognition. Yet, such religious actors also expanded family law’s reach in a way benefiting queer politics. Furthermore, Palazzo’s case-study explores alternative motives—for example, the promotion of plural family values (rather than animus towards same-sex couples)—that could support joint efforts in recognizing nonconjugal kinship and families.

Beatrice Gusmano also explores potential convergences of interest around friendship. She argues the social and legal importance of LGBTQ friendship based on the results of 15 in-depth interviews she conducted (as part of a larger research project) with LGBTQ persons in Rome. These interviewees lived in a variety of setups including platonic friend situations. Gusmano uses the Hawai’ian word and concept of *‘ohana* to help illustrate how relations of care, interdependency, and sharing were crucial for her interviewees but how such relations are nonetheless neglected or even marginalized by the law. Gusmano further argues that efforts to achieve better legal recognition for these kinds of relationships might be a ground of potential political convergence between queer and religious groups interested in the values of solidarity and redistribution.

In our volume, Laura Kessler and, then too, Ayelet Blecher-Prigat and Noy Naaman examine queer–religious alliances in the context of Israel. Blecher-Prigat and Naaman deliberate on the intriguing question of whether there could be a queer–religious friendship in Israel around the abolition of legal marriage. One peculiarity of Israel is the religious monopoly over legal marriage and divorce and the absence of civil marriage. The contribution by Blecher-Prigat and Naaman is the first of its kind to seriously explore the abolition of legal marriage in Israel. Importantly, this reform could constitute a fertile ground for queer–religious alliances because of the reality that many queer and religious persons alike are harmed by current legal arrangements. Harmed persons include same-sex couples but also religiously unaffiliated persons, parties in many interfaith relationships, and even certain Jewish relationships that cannot be recognized under current religious family law.

Our volume has no interest in offering a romanticized view of queer–religious alliances. The limits or hurdles confronting political alliances or friendships are thoroughly accounted for and two contributions reject altogether queer–religious alliances as untenable in the contemporary moment. For instance, Robin Fretwell Wilson and Rebecca Valek critically examine post-*Obergefell* proposals by religious and social conservatives to abolish marriage licenses in the United States, and to replace marriage with civil unions or contracts. These proposals are consistent with queer calls for abolishing marriage as a patriarchal, discriminatory institution. However, the two authors compellingly argue against altering the state’s relationship to marriage in such a radical way. Christian Klesse further explores the ethical parameters generally of queer–religious coalition work. Klesse finds no inherent problem with these kinds of coalitions and welcomes their possibility or inevitability even. However, he also cautions that queer politics necessarily embodies a commitment to not only anti-racism but also the larger value of inclusivity. Hence, according to Klesse, queer political activism should not engage in unprincipled strategizing seeking family law victories where such ‘wins’ are accompanied by the entrenchment of regressive values. To be sure, Klesse knows that coalition work always involves compromise. But, for Klesse, truly ethical queer–religious coalitions must embody a positive affirmation of queer lives and experiences rather than denigration.

The flip side of limits to queer–religious alliances are ‘best practices’ in fostering queer-religious alliances and friendship. Ilaria Valenzi’s contribution on the Waldensian Church in Italy provides some contours to what best practices could look like. This Church is a persecuted Protestant Christian denomination dating from the twelfth century that has been a contemporary Italian pioneer in the religious blessing of gay and lesbian couples. Valenzi describes how the Waldensian Church became the first religious denomination in Italy to officiate a same-sex union, well before its legalization in the country. This was possible in light of progressive interpretations given to biblical texts whereby family unions do not gain legitimacy by meeting certain formalities but only if they align with principles of justice and equality. Interestingly, Valenzi also describes the growing exposure of the Church to queer theology and queer studies, and an awareness within the Church of a convergence between its interests and those of queer groups. This awareness is best exemplified by a weekly church-sponsored discussion meeting called Queer Thursdays, during which young Waldensians delve into queer politics, movies, and literature.

Finally, moving beyond family law specifically, Jeffrey Redding offers a view on how convergences, alliances, and friendships between queer and religious actors might develop in the United States in the aftermath of the Trump presidency and the COVID pandemic. As Redding explains, recent religious critiques of governmental attempts to shut down churches, synagogues, and other places of worship as a result of COVID resonate in multiple ways with earlier queer critiques of governmental efforts to close gay bathhouses and sex establishments during the HIV pandemic. As a result, contemporary pandemic politics could generate interest in queer–religious alliances and, moreover, not just in the family law realm. Indeed, pandemic debates have given renewed attention to the importance of communities (religious and sexual alike) and the importance of (rights of) association which, for Redding, are broader concerns than debates about the importance of ‘family’ formation and recognition.

To conclude, we believe that investigating queer and religious friendship and alliance is a worthwhile project when contemplating the relationship between SOGI rights and freedom of religion and belief and other projects too. At times in which these two poles (SOGI and FoRB) are seen as difficult to reconcile, as the call aptly notes, illustrating the potential for queer and religious groups to work together embodies a worthwhile potential not only to recalibrate state policy but also to reduce corrosive social and political tensions looming over increasingly fragile societies.

We are available to provide additional information and material.

Best wishes,

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12 January 2023