Chapter 4

Women’s Rights in the Islamic Republic of Iran

The United Nations’ efforts for creating a favourable condition for equality between men and women all over the world are still on. From the ancient times, women’s status has subordinated by the men through religious practices and social customs. In 1981, UN Convention for Elimination of All Forms of Discrimination Against Women (CEDAW) interpreted the particular discriminations women are facing in the world. In every decade the international conference on women rights organizing by the United Nations gathered for evaluation and make plans regarding the protection of women’s rights. The Fourth World Conference on Women was organized in 1995 at Beijing, and Article 228 of that conference states that:

Women engaged in the defense of human rights must be protected. Governments have a duty to guarantee the full enjoyment of all rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by women working peacefully in a personal or organizational capacity for the promotion and protection of human rights. Non-governmental organizations, women’s organizations and feminist groups have played a catalytic role in the promotion of the human rights of women through grass-roots activities, networking and advocacy and need encouragement, support and access to information from
Governments in order to carry out these activities (Women World Conference, Beijing 1995).

This chapter will broadly address the women’s rights discourses in the Islamic tradition and in the context of Iran where the rights of women is an obvious area of concern. Historically, the concept of freedom and status of women were influenced by the cultural background of Iran, largely influenced by various shades of Islamic thoughts and political actions of different dispensations. This chapter will also deal with the achievements of women’s rights movements at different periods with an emphasis on questions of post-Revolutionary Iran. The influences of contemporary Islamic Feminism, on the Conservatives and Moderates (Reformists), two prominent categories in the post revolutionary theocratic political space, will also be examined.

There are three major arguments of rights of women: First, that Iranian society under the influence of colonial modernity and modernizations under the Shah was better in terms of women’s rights realization. Second, the conditions for freedom of the women are not better under the absolute regime of Islamic rule of Velayat- e fiqih and shari’a jurisprudence. Third, the reformist clerics hold moderate principles in particular cases such as civil society, rule of law and human rights and women’s rights. It is also argued by Roksana Bahramitash (2003) that the Islamic regime’s attitude towards women in Iran is changing through the democratic assertions of the Feminist movements: “feminist agitations has led to a gradual loosening of religious codes concerning women’s employment and their public role” (Bahramitash 2003: 553). Women in Iran themselves organized under the banner of “Islamic Feminism” and asserted pressure on clerics and the theocrats are persuaded to changing their attitudes towards women’s freedom.
The following discussion is organized in chronological order, from the pre-Islamic period to the time of Islam and up to the recent times. First section will deal with the condition of women’s life and their rights in the pre-Islamic period and the concepts of women’s rights in Islam, featuring the major discussions on substantive issues. Second section will address the movements for rights of women in the monarchical political backdrop both during the Shah’s of the Qajar dynasty and the Pahlavi dynasty. The third section will give details about the ‘modernization’ efforts of the regime with special focus to the Pahlavi period (till the emergence of the Islamic Republic). Fourth section will be focusing on the major aspects of women’s experiences in the post-Revolutionary Iran. The fifth section will be on the role of Islamic feminism, with special focus to its influence in raising issues of women’s rights. The sixth section is about the major debates between the conservatives and the reformists in the realm of women’s rights and dignity. As a case study of the application of the state’s perception on women’s rights, an examination of the role of women in social and economic milieu is attempted with focus on the employment sector in the post-revolutionary Iran. This is followed by a section on the important aspects of legal intervention in matters of women’s rights. This section in part will also address important aspects of actions in the public sphere; the role of media activism and resultant political activism for protection and promotion of women’s rights.

WOMEN’S RIGHTS IN ISLAM

Before examining women's rights in Islam and Shari'a, a distinction should be made between the approach of Shari'a sources towards the dignity and honour of women and how they were formulated and observed. The Qur'an declares the equality of all human beings with equal value in dignity and honour. It states that the best person is the one who is the most pious.
Islam formulated an egalitarian concept on the one hand and on the other hand it insisted that women is required protection, which means that Islam considered as women not a free individual.

Compared to the degraded status of women in the \textit{Jahiliya} (pre-Islamic traditions), where female infanticide was commonly practiced, the changes in women's status in the Islamic thinking was in the direction of enhancing their rights and elevating their status and dignity from the pre-Islamic traditions (Ali 1923: 312). Hanifa Juwad (1998) translated and quoted the narration of Shah Abdul Quyyum about women status in the Jahiliya society; “Women in pre-Islamic Arab times were also considered to be a heavy burden on the family. The birth of the daughter was embarrassing for the father, who considered it a disgrace and a matter of shame. Therefore, the Arabs of that time practiced widely ‘female infanticide’: burying their female child alive. This custom was common among the Arabs and it was even viewed as a generous act” (Juwad 1998: 2). The desert terrain of the Arabia has been isolated from the rest and such social practices sustained for many centuries. P.K.Hitti observed that; “the term \textit{Jahiliyah}, usually rendered “time of ignorance” or “barbarism”, in reality means the period in which Arabia had no dispensation, no inspired prophet, no revealed book”(Hitti 1973: 87). The word \textit{Jahiliyah} occurred several times in the Qur’an.

The reformatory advice of the holy book imagined a unity in terms of adherence to almighty and following ways different from the usual in which people conducted their lives. This message is there in words like “Your true allies are God, His messenger, and the believers-those who keep up prayer, pay the prescribed alms, and bow down in worship” (Qur’an, Al-Ma’ida: 55). Another surah in Al- Ahzab says that: “Stay at home, and do not flaunt your finery as they used to in the pagan past; keep up the prayer, give the
prescribed alms, obey God and His messenger. God wishes to keep uncleanness away from you, people of the (Prophet’s) House, and to purify you thoroughly (Qur’an, Al-Ahzab: 33). Banning of the \textit{Jahiliyah} practices were the prime concern of the new religion of Islam, this sense of ideas was delivered in the surah: “While the disbelievers had fury in their hearts-the fury of ignorance- God sent His tranquility down on to His Messenger and the believers and made binding on them (their) promise to obey God, for that was more appropriate and fitting for them. God has full knowledge of all things” (Qur’an, Al-Ahzab: 26).

The Qur’anic surahs communicated a true guide for leading private and public life of the Islamic peoples. The Islamic community believes that Qur’anic principles resolved the social inequalities regarding the gender based discriminations also. In the \textit{Jahiliyah} times, there have no definite laws regarding the regulations for marriage and divorce. Fatima Mernissi explained that the relations of husband and wife were not in definite norms or control of any institutions. In Mernissi’s own words:

\begin{quote}
the exclusion of the wife from her husband’s inheritance, the easy methods of divorce, the lack of a period of seclusion after divorce and widowhood -the idda (waiting time) -the conclusion must be reached that there was no fixed institution of marriage and that marriage ties were in no sense regarded as binding”(Mernissi 1987: 121).
\end{quote}

In the beginning of the social transforming mission of Islamic religion, the new laws were not received by the people. It has explained that: “They began first of all by rejecting these new laws, wishing to continue to apply the customs of the \textit{jahiliya} despite their conversion to Islam. Then they complained to the Prophet and tried to put pressure on him.
to change the laws. Finally, in desperation, they took to interpreting the text as a means of escaping it. All this was done during the Prophet’s lifetime. But the women did not take this passively. They hastened to the Prophet when the men persisting in applying the pre-Islamic practices” (Mernissi 1987:121).

Mernissi (1987) quoted Tabari’s narrations on the family customs of the pre-Islamic times in Yathrib (Madina) where problematic cultural practices were followed. Mernissi explained that inheritance among the people of Yathrib (Madina):

When a man died, his son inherited his stepmother. She could not oppose this appropriation. He could marry her if he so desired, and then he could have with her the same relations that his father had had before him; or he could separate from her if he no longer wanted her. When the son and heir was too young, the stepmother was prevented from remarrying, and she was obliged to wait until he became old enough to be able to make a decision regarding her (Mernissi 1987: 121).

In the case of women’s rights, every religion or even many secular practices, have institutionalized degrees of discriminative practices. Women’s freedom and the dignity and status will not be transformed if we do not address them. The major reasons for the obstacles are traced out by the author Marian Lief Palley:

The political and cultural constraints that undergird gender inequity and inhumane treatment are often very difficult to change. In some instances, these constraints can be used to rationalize the different position of women relative to men in
society. Religious as well as secular ethical and moral codes along with resource constraints, family structure, and historical adaptation play major roles here (Palley 1991: 165).

The Qur’an mostly addressed the men, not women. But, Fatima Mernissi explains that “Allah spoke of the two sexes in terms of total equality as believers, that is, as members of the community (Mernissi 1987: 118). About this same situation, Islamic historical scholar Amir Ali explained well; Prophet Muhammad reached in Madina, within a short period he introduced the regulations for marriages. There was the practice of polygamy, but there were strict regulations on the number of wives permitted a time. Amir Ali wrote:

All his marriages were contracted before the revelation came restricting the polygamy; and with that came the other which took away from him all privileges. Whilst his followers were free (subject to the conditions imposed by the law), to marry to the limit of four, and by the use of power of divorce, which, in spite of the Prophet’s denunciations, they still exercised, could enter into fresh alliances, he could neither put away any of his wives, whose support he had undertaken, nor could he marry any other (Amir Ali 1923: 241).

Smith (1979) observes that the right to marriage of a Muslim woman restricted by the law only one and must be a Muslim. But this restriction is not in the case of a Muslim male, he could marry any one from the any religion such as Christian, Jews as well as Muslims and Marriage is a legal contract with her father or grandfather (Smith 1979: 521). Amir Ali also explained the right for marriages of a man to any women, meaning that from any religion such as Jews, Christian and Zoroastrians. Priority will be
decided by the male, and these strict guidelines permitted a man to marry within the limitation of four wives at a time. But he has the right to divorce also, but any of the women’s interests was not taken into consideration. Amir Ali tried to evaluate the merit of the freedom of divorce, if one who is having four wives already is interested to marry another one, he can marry in place of his divorced wife. Prophet did the same; which means that he will get a chance to fix privileges among the wives (Amir Ali 1923: 242)

Amir Ali explained that Qur’an sanctioned polygamy:

The malevolence of unfair and un-candid enemies has distorted the motives which, under the sanction of the great patriarchs of ancient times, led Mohammad to have a plurality of wives, and so provide helpless or widowed women with subsistence in the lack of all other means. By taking them into his family, Mohammed provided for them in the only way which the circumstances of the age and the people rendered possible (Amir Ali 1923: 238)

In the Qur’an, Surah: 4 is named “An-Nisa” (Women). As Mernissi (1987) notes, it contained the new laws on inheritance, which deprived men of their many then existing privileges. She further adds that not only would a woman be no longer "inherited" like camels and palm trees, but she would herself inherit. Surah: 4, Al- Nisa created a new law for the dignity of women in Arabia. The traditional and hereditary rights of men over women were lost and a new tradition was introduced instead of old norms. Fatima Mernissi explains:

This little verse had the effect of a bombshell among the male population of Medina, who found themselves for the first time in direct, personal conflict with the Muslim God.
Before this verse, only men were assured the right of inheritance in Arabia, and women were usually part of the inherited goods (Mernissi 1987: 120).

In Mernissi’s words, “Islam affirmed the idea of the individual as a subject, a free will always present in the world, a sovereign consciousness that cannot disappear as long as the person lives” (Mernissi 1987: 121). It is noted that the male dominated community feared that Muhammad and his God would soon support other demands by women. Forced inheritance was a serious problem among the Arabian community, on which various complaints were received from the women of the community to the Prophet Muhammad. However, women asserted their position citing Surah: Al-Nisa, Ayah: 19:

You who believe, it is not lawful for you to inherit women against their will, nor should you treat your wives harshly, hoping to take back some of the bride-gift you gave them, unless they are guilty of something clearly outrageous. Live with them in accordance with what is fair and kind: if you dislike them, it may well be that you dislike something in which God has put much good (Qur’an: Al-Nisa, Ayah: 19).

Against the conditions that existed in the pre-Islamic society, the Qur'an removed the worse conditions to which women were subjected, and guaranteed certain rights for women which Western women did not even enjoy until recently. Islam recognized women's independent legal personality and allowed them to inherit and own property. From a legal point of view, however, Shari'a laws on the rights of women were codified only through the legal verses of the Qur'an, which did not recognize the equality of men and women in dignity and honour. It is true that Qur’anic verses on the rights of women had been misinterpreted by the Islamic Jurists through the various
schools. Early jurists resorted to Qur'anic legal verses to put some disabilities on women and to create a subordinate role fixed in the male dominated society. This resulted in male oriented discriminatory laws and rules in almost every public and private domain of human life.

About divorce in Islamic perspective, Amir Ali said: “…the power of divorce has been regarded as a necessary corollary to the law of marriage; out of this right, with a few exceptions, was exclusively reserved or the benefit of the stronger sex; the wife was under no circumstance entitled to claim a divorce” (Amir Ali 1923: 241). Muhammad Abed al-Jabri argues that “as for divorce, there is a well known Hadith sited that: ‘Divorce is the most hateful act in the eyes of God’, hence, it cannot be claimed that Islam undermines women’s rights through divorce and polygamy, as the forts is almost prohibited and the other is heavily restricted to almost impossible” (Abed al –Jabri 2009: 204). The Islamic law aims to have keeping balance between the rights and obligations of the spouse through the system of divorce. This right for divorce is given to the husband. Wife or woman is discriminated from this right; she can’t claim for divorce.

Article 1of the Constitution of the Islamic Republic of Iran states that:

The Government of Iran is an Islamic Republic which the nation of Iran, based on their traditional belief in a government of the truth and justice of the Qoran, following the victorious Islamic Revolution led by Ayotollah Al-Ozma Imam Khomeini, endorsed in the National Referendum held on the 10th and 11th of Farvardin, 1358 (corresponding to the 30th and 31st of March, 1979) coinciding with the 1st and 2nd of Jomad al-oula, 1399”with a majority of 98.2% of eligible voters, giving an affirmative vote (Constitution of Iran 1979).
Iranian Constitution specifically noted that Iran will follow the system of traditional belief, truth and justice of the Qur’an. The standpoint of Quran on divorce is very specific, it is by the rights of man. Qur’an specifically and clearly said about the inheritance of the family’s property. Daughters have right to half share of the inheritance, which means sons have right to hold equal portion of the two daughters. “Allah directs you as regards your children’s (inheritance): to the male a portion equal to that of two female” (Quran Al-Nisa: 11, Abed al-Jabri 2009: 201). There are numerous Hadith which elevate the status of women. The Prophet also asserted, “Paradise is under the feet of mothers”, and He said, “Women are on a par with men”. It is well known that Islam “charged women and men with the same religious duties, putting them on the same level.

Article 21 of the Constitution of the Islamic Republic of Iran says about what will be ensured for the women’s welfare by the state. The government is obliged to guarantee women’s rights according to Islamic criteria and provide for the following:

1. Favorable conditions for the fostering of the character of the women and restoration of her material and spiritual rights.
2. Support of mothers, in particular, during pregnancy, and child care, and protection of children who are without guardian.
3. Establishment of a competent court for the protection of the existence and stability of the family.
4. Establishment of a special insurance for widows, elderly women and women without guardian.
5. Entrusting the guardianship of children to worthy mothers for the benefit of the children in case where there is no legal guardian according to Islamic law (Constitution of Iran 1979).
In 1996, Iranian government introduced an exclusive welfare program for the women without guardian. This scheme is known as “Empowering Women without Guardian” (EWWG). Through this program, government formulated that women should ultimately be under the guardianship of the husband or father (Ostadalitehaghi & Daniel 2013: 48).

Women’s public life will not be allowed in any large measure in Islamic states, particularly in Iran; women are never considered for the post of judges, or any leadership position of the official or religious duties. There are a few exceptions. Regarding evidence, the woman's testimony is never considered or accepted in serious criminal cases. In civil cases woman’s testimony is considered as two women shall be equal to a man.

Akbar Ganji explains how this systematically functions in the Sharia law. Sharia law never considers a woman as equal to a man before the judiciary and justice system. Moreover, in the cases where the woman is the victim, the law did not support the victim, but favoured the convicted male person;

Assume, for example, that an illiterate criminal rapes and brutally murders a woman who is a scholar and a university professor. If the woman’s family kills the murderer in retribution (which is allowed by Shari’ah), they must pay the man’s family a sum equal to the blood money stipulated in the law for the woman’s murder (i.e. the blood money for a man’s life, minus that for a woman’s), while the man’s family pays nothing (Ganji 2008: 49).
In *diya* provision, monetary compensation will be given to the surviving blood relative of the victim. The Sharia law insisted that diya of the woman will be half of a man. In other words, a male murderer would not be retaliated (qysas) for killing a woman unless her family pays him half a full *diya* (diya of a Muslim male) in advance.

Muslim jurists and Shari’a advocates have always tried to justify Shari’a’s gender-based laws by comparing them to women's situation in pre-Islamic period (in case of personal issues); by referring to physical, mental, and emotional differences between men and women (in family matters); and by pointing to women's different social duties and obligations which result in different rights (in public affairs). Akbar Ganji writes about the discrimination in Sharia law:

*Shari’ah is to exercise control over women’s bodies. According to traditional religious values, a good woman is chaste. A woman whose behavior deviates from an ideal image of chastity is labeled “unchaste” and men are no longer required to respect her. For example, according to the culture promoted by the rulers in Iran, a woman who is bad hejab-who does not wear the clothing approved by the regime-is said to invite men to abuse her sexually. And if she is assaulted the perpetrator easily escapes legal punishment (Ganji 2008: 50).*

Women's rights in Iran as interpreted according to Shari'a do not obey with, and violate, the basic doctrines of the “equality of rights for all human beings before the law” that is guaranteed in the UDHR. In fact, it considers women as a second-class citizens in Muslim societies. This inferior position affects women from early childhood and places before them many obstacles to
proper socialization and active participation in public affairs. Treating a woman as an independent individual and a person with rights separate from her status in the family is a must in any just legal system. It must also legally guarantee these rights and freedoms in private and public life.

International standards of the UDHR sharing some and conflict with various rights provided in the Islamic Human Rights scheme. UDHR rights schemes provided the guarantees on various rights through various Articles such as; Article 1 guarantee of equality, the Article 2 guarantee against discriminatory treatment, the Article 7 guarantee of equal protection of the law, and the Article 16 guarantee of the freedom to marry the partner of one’s choice. In Iran, there emerge many areas of conflict of national law with the UDHR provisions.

Fatima Mernissi argued that Islam, in principle had accepted the equality of men and women, but in practice the idea of equality is neither accepted nor practiced:

Elaboration of a system of fundamental principles would probably have allowed Islam as a civilization of the written word, to come logically to a sort of declaration of human rights, similar to the grand principles of the Universal Declaration of Human Rights, a universal declaration that still today is challenged as being alien to our culture and imported from the West. The position of modern Islam as a society on the questions of women and slavery is a good illustration of that utter neglect of principles, that inability of political Islam as a practice (as opposed to an ideal) to enforce equality in daily social life as an endogenous highly valued characteristic. The
paradoxical result is that, despite Islam's opposition to slavery in principle, it only disappeared from the Muslim countries under pressure from and intervention by the colonial powers (Mernissi 1987: 129).

During the colonial rule, the Europeans wished to change the society based on the principles of modernity. Obviously, the Islamic society was influenced by the Western contact and they raised demands for constitutional reforms in the monarchy. In countries like Iran, religion played a major role in the anti-imperialist movements and religious elements have worked as a consolidating force. The new ideologies of knowledge regarding democratic world view and new education created a new consciousness. Within the Islamic society, women’s movements asserted the rights for freedom, equal opportunity rights, democratic rights, and complete transformation of the Sharia principles. In the Islamic Republic of Iran’s new constitution, it is vehemently stated that “Sharia” will be the basic principle and criteria of the country, thus restricting women in each and every sphere of life.

WOMEN'S PARTICIPATION IN THE CONSTITUTIONAL MOVEMENTS IN IRAN

In the beginning of the twentieth century, Iran saw a Constitutional Revolution in which different sections of the society actively participated. Women were the prominent supporters and participants in the movement. In the 1909-11 agitation against monarchical government for a Constitution, women organized *anjomans* (Ladies Society). Women involved throughout the struggle as participants; they raised funds for the Revolution, served as couriers and demonstrated for the Constitution. Most women came from the urban and middle class background. Women’s involvement in the Constitutional Revolution gave result; the society got awareness on the potentiality of the power of women. Women’s need for modern education
and modern educational institutions for them came to the forefront (Nashat 1980: 166).

Reza Shah established the Pahlavi dynasty in 1925. Reza Shah initiated steps to reduce religious influences in the politics and the social life of Iran. Reza Shah in 1935 officially banned the “veil”. He tried to reform the social life of Iran tremendously (Nashat 1980: 167). Mustafa Kemal Ataturk’s Turkish modernization process was an important model for Reza Shah. Iranian modernization was his agenda for nation-building; it could be initiated with new income from petrol and related products. Reza Shah never visited Europe, but he desired to develop Iran in the style of a modern European country (Sedghi 2007: 64). First woman professor was appointed in Tehran University in 1937 and women began to get admitted in courses from 1940 (Nashat 1980: 167).

Reza Shah initiated the modernization process and at the same time organized a strong military force for strategic purposes and for consolidation of state power and implementation of law and order. Military power turned against its own civilians and he tried to silence the secular intellectuals. According to Sedghi:

Riza Shah silenced and banned all the opposition groups, political parties, independent news papers, women organizations, trade unions and restricted activities of ethnic minorities; transformed parliament Majlis into a rubber stamp and destroyed the rural communities and tribes as well as the urban commercial and industrial classes (Sedghi 2007: 65).

Iranian women’s centuries long public and social life is closely connected with and conditioned by the wearing of a ‘veil’. Wearing a veil is considered as a show of modesty and faithfulness to the religion of Islam. During the
time of Muhammad Reza Shah Pahlavi, there was a strict implementation of the ban of veil, Guity Nashat explained that;

The weight of tradition was so strong in urban areas that many women gave up going out for fear of having their veils forcibly removed by the police. After the abdication of Reza Shah in 1941, when the rule prohibiting the veil was abandoned, many women returned to it. But the trend was not completely reversed since the present-day chador bears only a remote resemblance to the elaborate veil of yesteryear. The old veil, which was called a chador chaqchur, was made up of two parts, a heavy black piece that covered the woman entirely from head to toe and a small white mask that covered the face except for the eyes (Nashat 1980: 167).

Women’s changing role was realized by the Reza Shah’s policy of compulsory education introduced in Iran for women. Iranian girls got education without consideration of age. Children were admitted to the school, because most of the women got elementary and secondary education particularly in the urban centers and capital (Nashat 1980: 167). Educational background of the women has helped in integrating the higher education in the universities in Iran and institutions abroad. In the 1950s, many of them joined for law, medicine, engineering etc. and they became a skilled labour force of the country (Nashat 1980: 168)

Under the Westernization processes of Reza Shah, women’s educational development and employment opportunities got increased and these new chances were utilized to the maximum by them. 1960s and 1970s it flourished more. The women’s employment statistics before the Islamic Revolution show larger number of women employed in different sectors.
Employment opportunities opened up for women, and as women's role in society changed, so did societal attitudes toward them. By 1978, on the eve of the recent revolution, few occupations remained closed to women. Two women held cabinet posts, two were senators, nineteen were Majlis deputies, three deputy ministers, and one an ambassador. But apart from these highly visible positions, statistics show 1,800 women employed as teachers in institutes of higher education and universities, 793 as engineers, and 316 as judges. Women accounted for 19 percent of the skilled workers in factories and 33 percent of the student body in institutes of higher education. About 26,000 women were enrolled in technical and vocational schools, and an estimated 500,000 were employed in the educational system. Finally, 2.5 million girls were enrolled in elementary schools. Cynics may brush aside the appointment of women to high posts in government as mere tokens of a regime bent on blindly imitating Western ways, but the statistics are not so easily dismissed (Nashat 1980: 168).

Ayatollah Khomeini’s early works and speeches are prepared with references concerning decadent, Western inspired women:

We know that all this establishing governance that abides by the sharia is unpalatable to those have grown with lechery, treachery, music and dancing, and a thousand other varieties of corruption. Of course, they regard the civilization and advancement of the country as dependent upon women’s going naked in the streets, or to quote their own idiotic words,
turning half the population into workers by unveiling them (Khomeini 1941: 171-72).

This confrontation between traditional views and modern realities continued in Iran even after the Revolution of 1979. The 1997 Presidential election witnessed the unexpected victory of Muhammad Khatami and initiated the birth of the contemporary reformist movement; where women and their hope of their rights became positive expectations. Ziba Mir Hosseini evaluated that: “Reformist efforts to reconcile Islam with democracy and human rights brought to the surface the inherent contradictions between the construction of gender rights in shari’a law and democratic ideals” (Mir Hosseini: 2002, 38). On gender rights, Sharia confronted with the idea of equality between men and women. The reformists inaugurated the new battle ground for the rights of women. Mir Hosseini evaluated that “the battle lines were redrawn”. The imbalances between Islamic cultural values and the priority on individual freedom, freedom from tyranny and right to life became the prominent concern.

WOMEN’S RIGHTS IN THE ISLAMIC REPUBLIC

The whole terrain of the Islamic system transformed the political conditions through the constitutional process in the Post-Revolutionary Iran. According to the opinion of Said Amir Arjomand,

In the first phase, Islam appeared as a limitation to government and legislation, without any presumption that it should be the basis of the constitution itself. In the second phase, Islam came to be considered the basis of the constitution and the state. In the incipient third phase of post ideological Islamic constitutionalism, we witness a return to the idea of limited government this time as the rule of law
according to a constitution that is not based on but is inclusive of the principles of Islam as the established religion (Arjomand 2007).

In defending the position of women in Shi’ite Islam of Iran, Mutahhari, a prominent Shi’ia intellectual cleric has published several articles in the Journal ‘Zane Rooz’ (Today’s Women) condemning the government’s family law reforms of the 1960s, and attacked Western feminist movements by demonstrating their irrelevance to the Islamic society. He argued that Western women acquired their economic independence only when cheap labour was in demand, while in Islam this was achieved for purely humanitarian reasons and in the interest of justice fourteen centuries ago. The Universal Declaration of Human Rights, based on the perspectives of the philosophy of individualism, cannot but be rejected by Islam.

According to Mutahhari, “equal rights” and “equality” are creating confusion irrespective of one’s gender. Lamis Rustum Shehadeh interpreted the arguments of Mutahhari:

Thus, women in the West are vying for similar rights to men, rather than true equality. In Islam, on the other hand, men and women are equal in their humanity, and, although they have different rights, they do not have a preferential status one over the other, nor is one more valuable than the other (Shehadeh 2003: 102).

Mutahhari argued that Iranians are not to ape the West in matters pertaining to women and the family, since from the beginning of Islam, it always supported women’s rights, it was evidenced by the flexibility, elasticity, and compatibility of its laws with contemporary realities. Mutahhari states that: “Western philosophies… have diminished the status of human beings, and their views are self-contradictory. It is, therefore, only in the Qur’an that the
true human rights of men and women are to be found” (Shehadeh: 2003, 102). According to Mutahhari, gender equality is not a matter of discussion without considering the biological differences of men and women. Men and women are differentiated with their own capacities and needs (Shehadeh 2003: 103). Mutahhari made a long argument for claiming difference between men and women, and that women were always dependent on men. For the Islamic relativistic standpoint, equality is unacceptable, and he argues that family is a natural institution; the relation between men and women is also natural, because the difference between men and women are natural. He says:

In the area of family relations, Islam provides a set of regulations that equate men and women in certain fields but differentiate between them in others: men and women are equal in human rights but differ in all else, according to their different natures. The Qur'an states that women were created from men and share the same soul. Islam declares men more suitable for prophecy and leadership but honors women as beloved of prophets, never despising or belittling them. The ban on sex during menstruation is not meant to reflect badly on women, the problem being merely the lack of cleanliness, a condition in which prayer or fasting are banned as well. The social rights of marriage partners are equal in education, politics, and employment, differences lying in ability and productivity, which propel some to higher positions and stature. In the family sphere, things are different (Shehadeh 2003: 103).

Mutahhari was one of the senior clerics in the Shi’ia Islamic seminary of Qom, his viewpoints on the relations between man and woman and their
status has influenced ideas and law of the Islamic Republic of Iran. He stressed on the natural aspects as he understood them:

Thus, men and women possess different reproductive systems that control physical and mental functions: Men are stronger, taller, and coarser; their brain is larger, and they lean toward sports, hunting, and fighting and are easily aroused. Women attain maturity earlier but experience menopause, unlike men; they are calmer, more patient, but emotionally labile and unstable; they are more careful and cautious, religious, courteous, talkative, and fearful; they are motherly and family oriented; they are mentally inferior to men but equal in culture and art. Men are more secretive and are slaves of their lust, while women love men who show them attention and love; men want to lead and control women; women seek to capture men’s hearts, while men prefer to control them forcefully; women admire courage and aggression in men, while men are attracted by women’s beauty and coquetry; women need the protection of men but are more adept at curbing their appetites, which require stimulation for arousal, while men’s appetites are rampant and aggressive (Shehadeh 2003: 103).

Mutahhari believes that monogamy is the “natural” form of marriage. A single wife is, undoubtedly, preferable, since monogamy reinforces family unity. However, this is not always possible Shehadeh quoted Mutahhari’s arguments on polygamy:

The death rate of men is higher than that of women, men being further decimated by wars, and women’s immunity to disease is greater than that of men, and since it is the natural right of all women
to marry, it is the duty of society as a whole to provide a suitable outlet whenever there is a shortage of men. It thus becomes a social duty for men to marry more than one woman to preempt illegal liaisons and extramarital relations. Men who are physically and financially able should take more than one wife, the first wife having to sacrifice some of her rights and privileges as a matter of social obligation. Further, the practice of polygamy becomes the only means by which monogamy it is reinforced, since men, faced with an overpopulation of women, would prefer not to marry at all. Thus, the outcry against polygamy is simply a ploy of twentieth-century men to avoid the social responsibilities of marrying more than one woman, preferring to indulge in illegal sexual activities, instead. Since love and emotion are difficult to maintain in polygamy, polygamy should not be practiced unless certain conditions are met. Only those with a high level of social consciousness and an excellent Islamic education are eligible to practice it. If, with all these precautions, polygamy is abused, it would be through no fault of Islam. Islam’s involvement is merely regulatory, limiting polygamy to four wives and insisting on equal rights and privileges for all wives, especially in financial and sexual aspects. Today, Mutahhari argues, polygamy has been replaced by retaining mistresses who are less demanding and burdensome (Shehadeh 2003: 106).

Shehadeh studied Mutahhari’s arguments for different types of marriages; all these methods of marriages are permitted to men and not to women. One mode of marriage is temporary marriage or mut’ah as a complement to permanent marriage, at a time when “the gap between natural puberty and social puberty, or the ability to start a family, has widened.” He is credited with being the first to conceptualize mut’ah in its contemporary form. He
shifted the emphasis from the defensive traditional Shi’ite stand to declaring it a modern, functional institution on the social and psychological levels. He describes it as “one of the brilliant laws” of Islam, “timeless and universal”. Mutahhari’s viewpoint is one dimensional and male oriented, and women were considered as a sexual object for men. Akbar Aghajanian (1985) observed that most of the Iranian women spend one-third of their lives in widowhood. This situation involves social, psychological, and economic adjustment for women who had depended totally on their husbands throughout their married lives. He evaluated that: “A fundamental characteristic of Iranian family organization is the limitation of women's role to the familial roles of wife and mother; they are not exposed to other roles and relationships as long as their husbands are alive” (Aghajanian 1985: 781). Hence, the death of a husband is a crisis for the widow, who then has to adopt roles with which she is not familiar.

The preamble of the post-Revolutionary Iranian Constitution stressed on the rights of women and their freedom. It explains that:

In the establishing of Islamic foundations human energies, which have been in the complete service of foreign exploitation, will regain their real identity and human rights. In this regaining, it is natural that women, who have suffered greater oppressions, up to now, from the tyrannical system, will enjoy more of a fulfillment of their rights (Preamble, Constitution of Iran 1979).

The Constitution of the Islamic Republic says:

The family is the fundamental unit of society and the main center of growth and transcendence for humanity. The concordance of ideals and ideology in the forming of a family as the main provider of the ground for the evolutionary movement and development of human
beings is a basic principles, and the provision of the possibility for achieving this purpose is one of the responsibilities of the Islamic government (Preamble, Constitution of Iran 1979).

The subsequent paragraph explained the purpose of the Constitution that formulated principles for safeguarding the women from oppression and exploitation of the consumer centered ideologies:

With such precepts, a woman, as a unit of society will no longer be regarded as a ‘thing’ or a tool serving consumerism and exploitation. In regaining her important duty and most respectful role of a mother in the nourishing of human beings devoted to their ideology, as an avant- gaurde with men, as a warrior in the active battlefields, of life the result will be her accepting a more serious responsibility and in the view of Islam, she will assume higher value and dignity (Preamble, Constitution of Iran 1979).

The Islamic principles assumed that the women’s work inside the home is of a higher status. Iran’s Constitution clearly states the rights of women. Article 21 says:

The government is obliged to guarantee women’s rights according to Islamic criteria and provide for the following: 1. Favorable conditions for the fostering of the character of the women and restoration of her material and spiritual rights. 2. Supports of mothers, in particular, during pregnancy, and child care, and protection of children who are without guardian. 3. Establishment of a competent court for the protection of the existence and stability of the family. 4. Establishment of a special insurance for widows, elderly women and women without guardian. 5. Entrusting the
guardianship of children to worthy mothers for the benefit of the children in cases where there is no legal guardian according to Islamic law.

The death of Ayatollah Khomeini in 1989 was a turning point in the discussion on women’s rights. It has been started in seminaries, various government institutions and various publications. The law for protecting women’s rights and freedom was constrained by the Islamic Sharia. Ann Elizabeth Mayor observes that:

The specification that women’s rights are determined by Islamic standards is meaningful in the particular cultural context of modern Iran, where the application of secular law has been associated with women’s emancipation and the application of Sharia law with the relegation of women to a subordinate status. By including a separate provision stipulating that women’s rights would be determined by reference to Islamic standards, the government was indicating its intention to reinstate discriminatory pre-modern sharia rules to govern their status (Mayer 1999: 68).

Sharia became the criteria of law and governance in the country. Iran became a milestone regarding the Islamization process in the West Asian and North African region. In response to the Universal Declaration of Human Rights by the UN, a series of Islamic declarations came out. Mayer stated that: “the Cairo Declaration is drafted so as to avoid providing for equality in rights regardless of gender as one would expect in a document endorsed by countries like Iran and Saudi Arabia, where sex based discrimination is state policy” (Mayer 1999: 115). This response on UDHR again stressed that Islamic Sharia will be the criteria for the Islamic countries.

The Cairo Declaration restricts the rights of women within the limits of
Shari'a principles. It does not stress the equality of genders in rights before the law or the equal protection by the law. Article 1 says:

(a) All human beings form one family whose members are united by their subordination to Allah and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations. The true religion is the guarantee for enhancing such dignity along the path to human integrity.

(b) All human beings are Allah's subjects, and the most loved by Him are those who are most beneficial to His subjects, and no one has superiority over another except on the basis of piety and good deeds (Cairo Declaration of Human Rights in Islam 1990 August 5) "without distinction between the ruler and the ruled," not between men and women (Cairo Islamic Declaration of Human Rights 1990)

Article 6 of the Declaration reads:

Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and image. (b) The husband is responsible for the support and welfare of the family."Obviously, the equality of genders in dignity does not guarantee the equality of rights and liberties in addition, the article 6 of the Cairo Declaration does not specific women's duties; its reference to the family, however, clarifies that the
traditional definition of family in Shari’a would apply here as well. In fact the Article regards the man as the provider and maintainer which in Shari’a corresponds to the duty to obedience by women (Cairo Islamic Declaration of Human Rights 1990).

Akbar Ganji explains that woman was considered as a powerless person, because the male children considered as most privileged. According to Ganji, Statistics show that Iranian women suffer more than men from hunger and malnutrition, and they have less access to health care. In traditional families boys enjoy more privileges than girls in the realms of medical care, sports, and nutrition; as a result they have better general health (Ganji 2008: 48).

Ganji explains that: “This inequality flows from the cultural attitude with roots in Shari’ah that values the life of a man more than the life of a woman” (ibid.). Article 12 of the Cairo Declaration provides that:

Every man shall have the right, within the framework of the Shari’ah, to free movement and to select his place of residence whether within or outside his country and if persecuted, is entitled to seek asylum in another country. The country of refuge shall be obliged to provide protection to the asylum-seeker until his safety has been attained, unless asylum is motivated by committing an act regarded by the Shari’ah as a crime.

The conservative opinion believes that “a women should not be allowed to leave the home except with her husband’s permission or to travel except when accompanied by a male relative” (Mayer 1999: 116). Article 13 of the above Declaration provides that men and women are entitled to fair wages.
for work without discrimination. It provided that everyone “shall be free to choose the work that suits him best and which serves his interests and those of society” (Mayer 1999: 116). “May not be assigned work beyond his capacity”. These conditions would permit excluding women from work beyond their capacity, or that the interest of society dictated such exclusion. This is in violation of the UDHR Article 23(1) guarantee in Article 6 of the ICESCR of the right of “everyone to gain his living by work which he freely chooses or accepts”. Article 23 stipulates that the shari’a determines the right to work assume public office, which could be exploited by conservative opposed to women’s participation in government” (Mayer 1999: 116). These imply Shari’a restrictions on women. In fact, the Declaration affords no right or liberty to women more than what is already contained in traditional Shari’a. Although it employs the format and terminology of international human rights documents, it limits the scope of the principle of equality to Shari’a laws.

The Islamic Declaration only refers to the rights of married women within Shari’a limits, and provides no provision for the rights of unmarried women. This confirms Shari’a position, where the contours of an adult woman’s life are primarily shaped by her domestic obligations to her husband as his wife and as the mother of his children. In contrast, the international human rights law focuses on the rights of an individual, irrespective of their marital status. Indeed, some rights provisions deal with marriage, but marital status cannot primarily determine one’s rights in international law. Feminists criticized the political establishment, the Islamic regime, as it restructured the patriarchal culture in general. Feminist expressed their anxiety about the remoulding mission of the Islamic government. Talattof says:
Feminist writers criticized men who stood by silently as women's rights were restricted, as well as men who actively promoted the new limitations. Today, it is common for interviewers to ask a female Iranian writer whether she is a feminist or not. Such questions were previously unheard of, but there are now numerous publications that have engaged in debates over feminism and women's issues. These writings combine feminist consciousness based on experience, feminist politics, and strands of thoughts informed by Western feminism (Talattof 1997: 543).

Talatt of wrote that for female writers it was difficult to publish their own work because, the female author’s work is discriminated by the publisher’s orthodox mind. Government may prosecute and jail the publisher if they publish creative works that question existing order. Talattof observed that the new literary discourse provides them with more space to talk about deep-rooted sexual norms such as virginity and to disclose the related physical abuse and violence toward women.

THE VEIL

The government regulated women’s behaviour in practically every respect according to the Sharia principles,. The ideal role of women was interpreted as a chaste wife and good mother; even if out of necessity they have to participate in economic and social activities. The religious leaders think that whenever women compulsorily veiled, it is not only a process of symbolizing Muslim virtue, but also a process of denunciation of Western culture. Farzaneh Milani explains,
The veil, in its traditional sense, not only polarizes but delineates boundaries. It consigns ‘power,’ ‘control,’ ‘visibility,’ and ‘mobility’ to one social category at the expense of the other. It not only separates the world of men and women not related to one another by marriage or blood but also creates hierarchies across this divide (Milani 1992: 5).

The Islamic Republic of Iran established stronger boundaries between men and women. The Government officially announced that: “women would have the same rights and privileges as men” Rebecca Barlow observes that the feminist movements of Iran thought that the original text of the Islam proposed equality of men and women, but the male dominated clerics misinterpreted it and thus Islam became a male dominated religion. According to Rebecca Barlow,

Religious-oriented Iranian feminists emphasize that the problems faced by modern Muslim women are a result of misguided male interpretations of Islam’s holy texts, rather than a result of Islam itself. In order to establish women’s rights, religious-oriented feminists engage in woman-centered re-readings of Islam’s holy sources. These women place particular stress on the spirit, as opposed to the legal letter, of Islam. They deem the former to be capable of unlimited expansion to meet the rights-based needs of the modern Muslim woman (Barlow 2008: 32).

The Iranian Islamic clerics stated that man and woman are predisposed by their biological differences. As per such differences, there are different roles for man and woman in society. Rebecca Barlow criticized the baseless arguments of the Islamic clerics for discriminating women:
A cornerstone of the conservative gender ideology of Iran’s clerical elite is the conviction that biological differences between men and women are cause for them to have different roles and functions in society. Different roles and functions translate to different (read unequal) legal rights (Barlow 2008: 33).

Iranian clerical regime conceptualized that women are favorable as “teachers and mothers”. The clerics and some women activists also are of the opinion that veil is the modest dress for women. Veil totally covers the body from the head to toe; it will prevent close gaze of the males, likewise it would prevent women from being harassed at work place and public places. This kind of argument for veil is still a predominant one.

Two days prior to the International Women’s Day of 6 March 1979, Ayatollah Khomeini, in his speech in Qum, called to the people of Iran for the mandatory public veiling of all women. This speech was broadcast in Iran and it had created strong reaction from the intellectual and educated women. The women of Iran were doubtful about the new Islamic regime’s reforms in favour of Islamic values. Women’s protest against the compulsory dress code culminated in a series of demonstrations in Tehran and other cities, which led to the first independent women’s movement inaugurated in the Islamic Republic of Iran. The New York Times correspondent Gregory Jaynes reported on March 10 about the protest march in Tehran under the heading “Iranian Women March Against Restraints on Dress and Rights”. Thousands of women left their jobs and university class rooms, thousand of girls left their schools that day to protest against the oppression they felt under the Islamic rule. There were several demonstrations-one in which
15000 participated during the third day of a movement regarded by some as a threat to the rule of the religious leaders. The demonstrators wore western dress, none wore the chador, the traditional head to toe covering of Moslem women. The dispute over the manner of dressing began to widen when Ayatollah Ruhollah Khomeini said that all women should wear the veil (New York Times, 11 March 1979).

Talattof explained about the consequential developments from the response of women in Iran:

Thousands of women marched toward Tehran University, and in a separate rally at the Faculty of Engineering of Tehran University, another group of women listened to speeches condemning the codes and marched into the streets chanting slogans. Several independent women's organizations were formed, and existing women's organizations were revitalized. A preparatory committee was formed to create the Association of Iranian Women (Talattof 1997: 542).

The women’s movement raised slogans such as, “We fight against the hijab” “Long live freedom, mandatory veiling is the death shroud of freedom”. “For freedom, we'll fight, we'll fight”, and “Women must be freed from captivity” (ibid.: 542). The rallies, protest marches, demonstrations, etc. eventually met violent repression from the government agents and fundamentalist groups and resulted in several injuries and arrest. Protest march to the University of Tehran, office of the Ministry of Justice, and the Prime Minister’s Palace was attacked by a group of radicals chanting slogans raised in favour of the government and dress codes; police fired into the air, intensifying tension and fear. The radicals raised slogans against the women’s groups and demonstrations: “Unveiling propagates prostitution”, “Women’s unveiling
means men's dishonor”, and “Wear a scarf on your head or get a cuff on the hand” (Talattof 1997: 542).

Very soon the protests spread into the country; it was the memorable demonstration in front of the Ministry of Justice, in which an eight-point manifesto was published. Among other things, the manifesto called for gender equality in all domains of public and private life as well as for the guarantee of fundamental freedoms for both men and women. It also demanded that “the decision over women’s clothing, which is determined by custom and the exigencies of geographical location, be left to women” (Nafisi 2006: 5).

In the first phase women were attacked in the public spaces by the Islamic vigilantes group with knife and scissors, and acid attack on the faces of women increased. But women were not ready to surrender; but quickly the Islamic regime implemented the mandatory veil, first in work place, next in the shops and finally in the entire public sphere. Azar Nafisi explains how it was implemented effectively; the regime devised special vice squads for raids and patrolled the streets of Tehran and other cities on the lookout for searching anyone guilty of “moral offence”. The squads could raid shopping malls and various places even inside home also (Nafisi 2006: 5).

The mandatory veil has become a forceful social uniformity, individual freedom and religious freedom was violated, long traditions and culture of respect to the individuals of other religion were assaulted. Dress code was implemented not only for women belonging to Islam; all women of Iran is responsible to wear the veil. The veil was imposed not only on Muslims; the atheists, Christians, Jews, Baha’is and people of any other faith practically were deprived of their rights by the imposition of veil on them. Veil is the religious symbol of the Muslims all over the world, but veil is working in
Iran as a political symbol than religious expression of faith. After the effective implementation of the dress codes all over the country, its religiosity penetrated into all other public institutions and media, as well as ideas, organizations etc. (Nafisi 2006). Iranian clerical government was interfering in the private life of the all the individuals, they are under the surveillance of the police every time. Particularly the young women and boys are watched continuously; for the simple reasons like wearing nail polish, Reebok shoes, or lipstick, they may be jailed. In short, what was attacked and confiscated were the individual and civil rights of the Iranian people (Nafisi 2006: 6).

In the history of domination, resistance and protest in the West Asian societies, particularly in the Islamic countries, the veil has been a strong symbol of the political Islam. Veil denounces the other cultural symbols as intervention of the colonial modernity. Lazreg traced out the history of revival of veil in Algeria. According to her narration, the revival of veiling was often imported from Egypt as a style; “a headscarf and long overcoat” coincided with failed development policies of the government. Marnia Lazreg talks about the history of resistance that has emerged in Algeria against the French:

French military officers engaged in an elaborate propaganda battle seeking to win women to their side. They dramatically unveiled a group of women in public in 1958, thus turning the veil into a symbol of colonial assault on the native people’s culture and beliefs (Lazreg 2009: 99).

The re-veiling practice in the new situation is viewed as an instrument of anti-Western and anti-colonial politics. In the 1970s, a number of Iranian women wore the veil in protest against the Shah’s repressive policies. In the
1990s, in Algeria there was revitalization of the Islamic culture and veil. Recently the West Asian and North African region reacted against the dictatorship through the revitalization of Islam. Khomeini implemented the veil as a mandatory principle. Like an army regulation, a decree prescribed the color of veil, such as black, dark blue, brown, or dark grey, the kind of shoes to wear and, as a nod to choice, posted pictures of “accepted” and “preferred” dress under the caption “Pattern of Islamic Hijab”. In Saudi Arabia and in Iran has vice and virtue police, they search for wayward women who might not follow veil regulations. The state machinery constituted for watching and controlling women’s dress and bodies is a humiliating and inhuman situation. In the case of Islamic Republic of Iran, the dress code is compulsory for all women. All women, including foreign visitors, must wear a veil. Iranian authorities prefer that Iranian women wear either the chador, an all-encompassing garment wrapped around the body, or a combination of a full hair-covering headscarf, known as the hijab, and a long body coat.

**FEMINISM AND WOMEN’S RIGHTS IN IRAN**

Iranian feminists are divided on women's positions under the Islamic state. Some have argued that the process of Islamization has marginalized women. Others have argued that the dynamic nature of Shari'a interpretation and the debate among religious scholars in Iran have shaped indigenous forms of feminist consciousness and women's involvement in the process of change. The issue of women rights was highlighted during the period of 1990-2001; different groups of women interacted with their own diverse views with the state and other institutions such as religion, law, media, parliament, politics, sports etc. In spite of the lack of feminist organizations, many women discussed, debated and exchanged ideas through the media. In this way,
many women have come together and, despite strict social rules, conventions and structural limitations on social interaction, they have been able to challenge behavioral conformity dictated by the state and other institutions.

The term “Islamic Feminism” originated in the 1990’s and it is evolved from the revisiting of the ideas of women’s rights in Islam from a feminist perspective. Islamic intellectuals have made counter arguments with western scholars regarding women rights and Islam. Islamic Feminism conceptualized the reinvention of the Islamic traditions and values. According to Margot Badran (2002), the basic methodology of Islamic Feminism are classic methodologies of *ijtihad* (independent investigation of religious sources) and *tafsir* (interpretation of Qur’an). Additionally, Islamic feminists use methods and tools of linguistic, history, literary criticism, sociology, anthropology, etc. (Badran 2002: 17).

According to Elaheh Rostami Povey, basic changes in the Iranian political character were occurred in three significant periods: the 1970s was marked by Westernization under the secular Pahlavi state, the 1980s was a period of Islamization of the state and society under the Islamic Republic and the third period between1990 and 2001 was one of institutional change, a growing gender consciousness and democracy movement, and it witnessed the reformist changes (Povey 2001: 46). Women of Iran demanded that government should consider them as full citizens and this was the cardinal slogan of the feminist movement of Iran. According to Fereshteh Ahmadi:

Many have gone even further in their demands for recognition as full citizen. What is interesting in this regard is not only the courage of thousands of women who put their careers, their families, and their lives in danger fighting for their human
rights but also that this struggle, seemingly has led to the development of a new discourse on feminism and Islam (Ahmadi 2006: 33).

The secular women’s movements, along with other democratic movements were defeated by the Islamic regime in Iran under the Islamization process of the country. Islamic Feminists show their differences with the secular women’s groups by associating with the Islamic state. Povey observes that majority of the Iranian women associated with Islamic Feminist groups support the Islamic government. Povey says that: “as an institution similar to other Islamic institutions, Muslim Feminism came to be representing the stable patterns, norms and behavior which were recognized and valued by society” (Povey 2000: 46).

Azar Tabari (1986) says that the post-Revolutionary Iran’s political developments and cultural transformations were filtering into the grass root level through the leadership of Khomeini and the clergy. The Iranian Left, according to Tabari, failed to engage with these transformations as they evaluated that the main struggle was against imperialism and it took precedence over whatever else was going on in the real life of Iran. The struggles of women against the imposition of the veil, against being banned from the judiciary, seemed insignificant and diversionary for the Left within their overall anti-imperialist agenda (Tabari 1980: 352).

Women’s movements of Iran created contacts with the international movements. Tabari explains that historically the women’s movements of Iran, who knew about Euro- American suffragist movements, could only look towards them with a distant envy. The feminist press in the West did report on the life of women in the colonies—for example, British women’s journals on Indian women’s lives—but only occasionally (Tabari 1986: 352).
The Feminist movement of Iran had started very early, which was in the beginning of twentieth century, and they participated in the Constitutional Revolution while demanding resolution of many issues related with women. They were active participants of state building. In Iran, Islam became an element of the “National Movement” and nationality. Post-Revolutionary Iran’s approaches on women in such a context was not optimistic. It is noted that “since the death of Ayatollah Ruhollah Khomeini in 1989, created a climate more receptive to reform on issues affecting women” (Ramazani 1993: 409).

Islamic Feminism evolved with new interpretations from within the religion for the emancipation of women. Val Moghadam evaluates that the whole West Asian region was affected by the Islamic Feminist movement. She observes that:

Sexual politics are at the center of Islamic movements in the Middle East, and are especially salient in the cases of Iran and Afghanistan. In both countries, revolutionary change and the reorganization of state power rearticulated gender rules and gender power (Moghadam 1989: 40).

She says that the state rearticulated the gender roles. But their rearticulating process was totally challenged by the Islamic Feminist movements. When the historical sources of Iran are examined, the status of women was one of social recognition. Ardalaan and Touba explains:

It is clear that women in the past did not have any value. When a girl was born, a household was upset about it rather than happy and never celebrated such an event. In fact a father could even kill his daughter if she bothered him and legal action would not be taken against him (Ardalaan & Touba 1991: 68).
Ardalaan and Touba observe that the causes of this condition were the situations of ignorance and lack of education in the modern sense. Such a situation changed in latter decades of the 20th century.

The Second UN International Women's Decade Conference was invited into Tehran by the Shah. This conference followed up evaluations and progress to assess in the worldwide developments in the favour of women rights and to prepare a World Plan of Action. United Nations accepted the offer of the Shah for host the conference. UN’s Commission on the Status of Women made preparations for the conference. Then, women rights activists and human rights activists raised the question on the paradox of the countries’ growing human rights violations and abuses. Joan Kelly published a note, for suggestions and comment on the 1980 International Women’s Decade Conference in Iran. Kelly wrote:

The success of the regime's cynical manipulation of the truth can be gauged by an Amnesty International report that: “the Shah of Iran retains his benevolent image despite the highest rate of death penalties in the world, no valid system of civilian courts and a history of torture which is beyond belief” (Kelly: 1978: 388).

The Shah regime’s police applied torture widely. Joan Kelly pointed out that 4000 prisoners were women. Kelly narrates the pathetic conditions of women they in the society under the rule of the Shah, most of his reformation projects helped the urban society, but the conditions of rural society were extremely different. According to Kelly:

Since peasant families depended heavily upon their children's labor, women marry young, 19 percent of them before the age of fourteen and bear children throughout the next thirty years. In
family workshops, deprived of any legal protection, women and also children work up to twelve hours a day at carpet weaving, producing Iran's third largest export (Kelly: 1978, 391).

Iranian handicraft carpet is famous in the world, but it was the product of hard labour of women and children of Iran. Kelly explained that; “The women are 81 percent of this workforce, and children of both sexes under the age of fifteen make up 40 percent of the overworked weavers, earning about twenty cents a day” (ibid.). Kelly reported that the conditions of women in urban settlements were not good either.

Joan Kelly's article concluded with strong warning to the UN if considered Tehran as the proposed conference as the Feminist groups and individuals would seriously protest. The concluding part of this article is very interesting:

As individuals and as members of women's groups, we can all protest the holding of this UN-sponsored International Women's Decade Conference in Iran. My suggestion is that we write to the UN Commission on the Status of Women, United Nations Building, New York, and New York 10017. We should urge that the conference not be held in Iran, a country in which women are cruelly oppressed and which is held by responsible human rights organizations to be in gross violation of the UN Universal Declaration of Human Rights. We should state that, if the conference is held in Iran, we as individuals and representatives of whatever women's groups we belong to dissociate ourselves from it. In no way should it appear that the UN Commission on the Status of Women is acting in accordance with the women's movement or the
wishes of feminists if it proceeds with its plans (Kelly 1980: 391).

The venue of the conference was rescheduled by the UN to Copenhagen. The reversal of the UN decision had been a triumph of the Feminist movements of Iran. The social and political conditions under Shah became totally worse; the Revolution of 1979 created more hopes to these women’s groups and they participated actively. But for many women’s activists, the new regime was no better in promoting women’s rights.

Iran witnessed the struggle between secular and Islamic feminist standpoints. Educated people of the Islamic Republic were aware of the principles of Islamic law and what is said in the International Human Rights Law. The prestige of international law has grown, and it made calls and advocacy for ending discrimination against women, while other Muslims responded by trying to defend discriminatory rules by recasting them as benevolent procedures designed to protect women, the family, and morality. This discussion is emerged from the notion of what international standard of human rights have stressed on equality rights. However, human rights supporters are being forced to recognize that both the international and Islamic systems must be taken into account, functioning as coexisting and competing frames of reference in discussions of Muslim women’s rights.

The fate of Iran’s proposed Committee on the Elimination of all forms of Discrimination against Women (CEDAW) ratification provided a perfect illustration of how international law enters into domestic struggles over women’s rights. Vigorous public debates raged in Iran during 2003 about Iran’s proposed CEDAW ratification, as the parliament considered whether to vote in favour of ratification. This was not a case of secularists facing off against those upholding Islamic principles; senior Islamic clerics could be
found on both sides of the issue, proving that Islam itself was not necessarily the obstacle to accepting CEDAW.

Facing the disapproval of clerical hardliners, the Iranian parliament nonetheless strongly approved ratification, only to have the ratification thwarted in August 2003 when the Council of Guardians nullified the parliamentary decision on the grounds that the convention violated Islamic law and the constitution in numerous ways (Dareini 2003). When the decision of the people’s elected representatives to accept the Women’s Convention was overridden by unelected clerics, this conveyed to Iranians that national policies opposing women’s equality reflected the dominance of hardliners theocrats rather than necessarily reflecting Islamic requirements.

**CONSERVATIVES AND REFORMISTS ON WOMEN’S RIGHTS**

After the Iranian Islamic Revolution of 1979 and the foundation of Islamic Republic, religious scholars concentrated on establishing Islamic doctrines in the new Constitution and programs of socio-economic and political order. At the same time, they had to manage the difficult situation of transitioning of secular standpoint to a religious standpoint. The religious section argued that restriction of women rights and strict shari’a law are part of the program of anti-imperialist politics. The controlling power of clerical ideas over policy making and implementation strengthened and their hegemony has been protected. The clerical viewpoints became prominent in gender relations and the legal, social, and political rights in general and in the women rights in particular. But after the death of Ayatollah Khomeini, clerical attitudes and standpoints shifted to an extent. In the Nineties, the clerical standpoint bifurcated into two camps: Conservatives and Reformists. The conservatives and reformists have developed their own standpoints on women’s rights and
socio-political and economic developments under the Islamic criteria. Reformist’s arguments for moderate reform and “dynamic jurisprudence” clashed with conservative group’s “traditional jurisprudence”.

Ziba Mir Hosseini observed that in “1990s, a kind of consensus was emerging among clerics of opposing political tendencies, and some of the harsher edges of the gender policies introduced early in the Revolution had been rounded off” (Mir Hosseini 2002: 38). The year 1997 witnessed a big turning point in the history of post-Revolutionary Iran in the form of the unexpected victory of Mohammad Khatami in the Presidential election. It inaugurated the reform movement and created hope and expectations in the women’s movement in Iran. The reformist effort was to reconcile the Islamic values with democracy and human rights; this attempt was to repair the basic inherent contradictions between the gender rights and sharia law. This new venture in Islamic Iran instigated struggle among the clerics over the rights of women in Islam and Islamic State. The Reformist sections of the Clerics in Iran prioritized and reconciled with the discourse of human rights and democracy, while the Conservative clerics insisted on keeping the ideological discourses of the Revolution.

The Presidential election of 1997 became a historic event; the landslide victory of Mohammad Khatami was mostly due to the votes of women and youth. The language of Khatami was noted, he talked about rights (haqq), but the opposition candidate Nateq-Nuri talked about duty (taklif). In the election time, an interview of Khatami was published by “Zanan”, one of the prominent women’s magazines with an Islamic feminist perspective, in which Khatami talks about his wife and his children and he came across as a liberal Muslim. The was magazine released with his photo on the front cover. The same issue of the magazine published an interview with the opposition
candidate Nateq-Nuri, who didn’t answer or refused to answer most of the questions (Mir Husseini 2002: 39).

Khatami’s victory was praised by different sections of the Iranian society. According to Nushin Ahmadi Khorasani, a well-known feminist activist and the editor of the quarterly *Second Sex (Jens-e Dovvom)*, wrote that the democratic movement was comprehensive, consisting of “women’s movement, students’ movement, workers’ movements, environmental pressure groups, religious reformist movements, ethnic and religious minorities, and various parties and guilds”.

Women were active in the civil society of Iran from the earliest movements. In the post-Revolutionary Iran, they were promoted in different spheres, often due to the impact of the Iran-Iraq war and subsequent situations. At the life time of Khomeini, the regime implemented policies in the case of women with strict attitudes in education and they were permitted to enter the small limited employment sector. During the Islamic Revolution, the stress was on the support for Khomeini as well as the anti-Shah movement. The massive women’s participation in the Revolution did not make them more acceptable in the post-Revolutionary regime’s practices. The immediate impact was on the cultural realm of Iran wherein it transformed the women’s dress code into *hejab*. Keddie observed that this demand for compulsory *hejab* was raised mostly by male intellectuals than women themselves. Keddie explained that the activities of the Islamic reforms of Khomeini became a contradiction between encouragement women in speeches and what was in the practice: “elimination of women judges; between his applauding of women's entering a number of university specialties and the dismissal of large numbers of professional women from governmental jobs” (Keddie 2000: 413).

The Islamic government changed laws, beginning with the termination of the
Family Protection Law of 1968 and reinstating of the sharia law, lower ages being accepted for marriage, return to polygamy, reviving of temporary marriages, free divorce for men, and child custody to fathers etc., were all part of this change that adversely affected women.

President Khatami took the initiative to appoint women in key positions. He appointed Masoumeh Ebtekar as Vice-President and Zahra Shojai as his adviser. Shojai became head of his coordination body on women and the Centre for Women’s Participation. Later in 2001, Khatami nominated Zahra Rahnavard as his senior adviser on cultural affairs. The judiciary, the legislature and the executive each had special institutions set up to advise them on women’s issues. The percentage of seats held by women during the four parliamentary terms increased from just two per cent in the Third Majlis (1988–91), to five per cent in the Sixth Majlis (2000–03). However, it declined slightly in the first year of the Seventh Majlis (2004). Nevertheless, no progressive laws were passed on women’s rights without women deputies having initiated them.

Conservative clerics tried to return women to home from the public sphere; they tried to divide the men and women into the private and public realms respectively; but the strong resistance from women of Iran made their mission difficult. Another attempt was made to implement gender quota on admissions, it was aimed to limit women’s admissions in the universities. They have put in place a region-based university application system whereby a girl must have the permission of her father or husband to attend university in another city (Koulaee: 2009, 413).

In the sixth Majlis 13 women parliamentarians were elected (2000-2003) under the Khatami government. Elaheh Koulaee was the member of that parliament, she is a professor of political science at Tehran University, who
publicized her intention to replace her all enveloping black chador—the “power suit” worn by women in the parliament—with a long overcoat, pants, and scarf. “Many of my friends told me that I was walking on a land mine,” she said in an interview. “I told them that I was willing to step on a mine to show that Islam does recognize the right of the individual, and that Islam rises above these kinds of oppressions and superstitions that are forced on people in the name of religion” (Koulaee 2009: 414).

Elaheh Koulaee wrote about the legal reforms in the parliament where they tried to change women’s legal status and concentrated on laws related to issues such as inheritance, divorce, child custody, and insurance. As noted earlier, the reformist government ratified and the parliament approved the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, the Guardian Council rejected CEDAW, interpreting it as in contradiction with Islamic values. The women’s faction in the parliament presented a plan to reform some parts of the civil code in a package later in that period.

Professor Elaheh Koulaee wrote about the post-Revolutionary Iran’s eminent leader Ayatollah Khomeini’s attitudes on women, her narrations portray a different picture of Khomeini: “according to the traditional thinking to which the conservatives adhere, women must stay at home and essentially perform household duties and raise children while men work to earn money and manage the family”. She explains what Khomeini has said about women: “Ayatollah Khomeini, stressed the necessity of women’s participation in all social activities, and encouraged them to take part in socio-political developments. He focused on the domestic roles of women and their family duties, but did not ignore their role in social tasks (Koulaee 2009: 402). Koulaee explained that: “the Seventh Parliament has finished some of
remaining plans from the Sixth Parliament too. They passed the bill on conditional abortion that permitted the operation to save the life of mother in very specific cases” (Koulaee 2009: 402).

According to Islamic law in Iran, no Iranian women was permitted to marry a man from other religion and another nationality. Articles 964 and 967 of the Iran’s Civil Law insisted that if a woman from Iran marries a foreigner her citizenship would not be transferred to her husband and children.

In 1999, female students attending university surpassed the number of men for the first time since the Revolution. The admission rate for females was about four per cent higher than male students. A woman was appointed as university president of Zahra University. In 1999, not less than 15 journals were devoted to women’s issues. In unprecedented numbers women were involved in competitive and recreational sport. In 2000, Faezeh Hashemi Rafsanjani (the daughter of former President, Hashemi Rafsanjani), stated in an Iranian newspaper that about two million women participated in some form of sport, compared with only 400,000 in 1998, and 10,000 before the Revolution. She affirmed that the breakthroughs reflected freedoms gained with the Presidential rule of Khatami.

Ghoncheh Tazmini explained about Khatami’s second presidential term, who noted that that the representative for the Association for the Defence of Prisoners Rights, Farideh Ghayrat, credited Khatami with creating an environment that encouraged women to participate in social life, although she demanded to see more significant changes in the legal arena. Tazmini also reported that Marzieh Mortazi-Langarudi, a reformist women’s rights activist told Radio Farda that “female activism had been on the rise during the Khatami presidency”. She added that women had been encouraged to build their confidence to fight for their rights. She observed that the religious
norms tying a woman’s fate to her gender and physique were challenged under Khatami’s presidency (Tazmini 2009: 69).

In the realm of women’s rights, Iranian reformist rulers went into more progressive ways. Abbasi-Shavasi explained that:

Infertility is a social onus for women in Iran, who are expected to produce children early within marriage. With its estimated 1.5 million infertile couples, Iran is the only Muslim country in which assisted reproductive technologies (ARTs) using donor gametes and embryos have been legitimized by religious authorities and passed into law. This has placed Iran, a Shia-dominant country, in a unique position vis-à-vis the Sunni Islamic world, where all forms of gamete donation are strictly prohibited (Abbasi-Shavasi et. al. 2008: 1).

Tazmini quoted the statement of prominent Reformist Feminist activist Marzieh Mortazi-Langarudi, who wrote about the Khatami presidential rule for two terms:

In general, the women’s movement grew relatively well during the reformist [presidency]. I think women’s most urgent claim has been equality in human rights and gender rights. Steps have been taken. Women have more self-confidence in seeking their rights. I think that during the presidency of Khatami, there was no stagnation. Stagnation was before Khatami when no one could challenge the laws that appeared holy (Tazmini 2009: 70).

The local council elections were obviously male centered, Khatami government initiated a program for developing awareness among women for the active participation in the election process. For this mission the Deputy Minister for Political Affairs issued direction to the local council authorities
to ensure participation of women as candidates. The entire officials of the Ministry of Women’s Bureau organized many seminars across Iran for the mission of encouraging women’s participation in the election process. Whether these were genuine steps to encourage female participation in the public arena or were these measures based on political calculation, specifically, that women, as a numerically powerful constituency, would back reformists over conservatives, Is a question that is raised (Tazmini 2009: 72). The answer is that his concerns on empowering the half of the population of Iran provided a new atmosphere.

In the beginning of the Khatami Presidency, he announced priority over the “civil society”, “rule of law” and “human rights”, all his promises were pursued during his reign. In 1999 the first municipal election were conducted and the people cast their vote to their representatives in each and every town and municipalities. Most of the candidates were reformists in town and cities. This election aimed at the decentralization of power in the local level, because the reformists were aggressively active at that time. This initiative was probably one of Khatami’s most unambiguous successes during his presidency (Tazmini: 2009: 72). Tazmini narrates the story of the democratic process in the local bodies under his presidential rule: “The first elections to the city and rural councils took place in February 1999. About 25 million Iranians cast their votes to elect 236,138 representatives from among 328,862 male and 7,276 female candidates” (Tazmini 2009: 72).

Historically, women’s rights in Iran had been pursued under the Reza Shah’s monarchy where he forcibly attempted to unveil women as he was motivated by the modernization program of Ataturk in Turkey. The he promoted women’s public education at all levels. Return to constitutional rule in the 1941-53 periods saw the rise of the first successful mass nationalist
movement in the country, with the nationalization of the British-Iranian oil company by Prime Minister Mosaddeq. During this time, women participated actively in mainstream politics and most of them belonged to Nationalist or Left parties. In 1953, the nationalist movement was overwhelmed and Prime Minister Mosaddeq was overthrown, again ever more autocratic ruler Mohammad Reza Shah returned to power by the huge help of CIA. Under the Shah, the women’s movements was again homogenized and an umbrella organization with royal patronage was created. As part of the reforms, the Shah started “White Revolution” from 1962 and during that time he ratified important women’s rights bills. He implemented right to vote for women and ratified ‘Family Protection Law of 1967’ and later in 1975 it was amended in favour of women. The Shah codified the Civil Code in the case of marriage, divorce, and child custody. He implemented strict regulations for controlling polygamy; in Iran husband could not divorce his wives with only a thrice-repeated statement, according to the new Family Law that was established by Shah; wives could divorce her husband, at the same time both husband and wives had to go court for divorce.

Nikki. R Keddie observes that:

Child custody, which under Shi’ia law went to the husband and his family, though the mother kept boys to age two and girls to age seven now went to family courts for adjudication, and could go to either parent. As Shi’ia law, like some other Islamic legal schools, allowed special conditions that might protect wives to be put in the marriage contract, the main provisions of the Family Protection Law were put into every marriage contract as a way to try to render them Islamically legitimate. In the same period increasing numbers of
women were educated and began to work in a variety of jobs outside the domestic sphere. Although these changes, which had been promoted by activist women, affected mostly the new, western-oriented middle class, they also began to have effects on the popular classes (Keddie: 2000, 406).

In the revolutionary times, women’s participation and activism were qualitatively different. Many Iranian women were Western educated, they massively reacted to the setback of unveiling, family laws, and the discriminatory tendencies of the new leadership. From all walks of life, women from various quarters waged dynamic campaigns and wrote pamphlets and articles in defense of their rights. Without support from male leftists and progressives or secular nationalist groups, thousands of unveiled women who had helped overthrow the old régime, organized sitins and came out to the streets to demonstrate fearlessly. They chanted: “Freedom for Women, Freedom for Society” (Azadi-ye Zan, Azadi-ye Jame’eh), “There is No Freedom at the Dawn of Freedom” (Dar tolue’ Azadi, Azadi Nist), and “Freedom, Independence, Death to Dictatorship” (Azadi, Esteqlal, Marq bar Estebdad). Attempting to disperse the protesters, the Revolutionary Guards fired into the air and verbally abused and harassed them.

In the 2012 Presidential election, there were 30 women nominations filed to the consent of the Guardian Council, all such applications were rejected and disqualified. A woman needed her male guardian’s approval for her marriage regardless of the age. A woman will not get passport to travel outside the country without the consent letter of the male guardian. Child marriage is an obvious phenomena; the official law provide that a girls can marry at the age of 13 and a boy can marry at the age of 15. The adoptive parents can marry children in their care if judge deem it to be in the final decision.
Women in Iran have been facing various discriminations in the law and practice in relation to marriage, inheritance, child custody etc. Women were forced to wear the mandatory dress code in Iran. Some higher education institutions introduced gender segregation (Amnesty International Report 2013). Amnesty International report talks of illtreatment of women in the prisons:

Bahareh Hedayat, Mahsa Amrabadi and seven other women held at Evin Prison went on hunger strike in October to protest against humiliating body searches and the removal of personal possessions by guards. Subsequently, 33 women political prisoners signed an open letter calling body cavity searches a form of sexual abuse and demanding an apology from prison officials and an undertaking that they would not be subjected to further abuses (Amnesty International Report on Iran 2013).

This chapter shows the persistence of women’s activism in Iran in spite of the difficult political circumstances. In the Islamic Republic, women’s education and participation in many fields improved. But at the realm of human rights, the record is not bright.