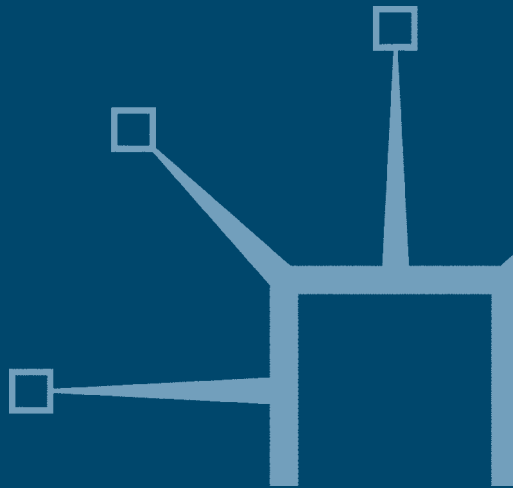


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An Iranian Case-Study

Haleh Afshar



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This book is dedicated to my adored mother who brought laughter, happiness and eternal optimism to our lives. Her energy and enthusiasm and unshakeable belief in the cause of women remain permanent sources of strength. It is also dedicated to my beloved father who remained philosophical in the face of impossible odds. He never lost his faith in God or his children. His benign tolerance of my indiscretions and his ever-present wisdom and notions of justice and fair play saw us through our differing politics, views and interpretations. Despite his constant fear for my life he never lost his sense of humour and remained loving, kind and generous to the end. This book is a small token of my immense love and gratitude to them both.

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Glossary

- alem*
ahadis
ajr
amreh beh maruf va nahi as monker
aql
ayatollah
azadi
bad-hijab
bahrevari
basporse
boluq
chador
dadyar
dayeh
Edareh Koleh Matbuateh Dakheli
ershad
faqih
faqiha
fatwa
fiqh
fitna
foqaha
hadith
harim
hezbollahi
hijab paziri
hudud
ijma
ijtihad
Jamiyateh Zanaeh Jomhuriieh
Eslami
Jamiyateh Zanan
kofareh
maddaress
Majlis Khebregan
Majlis Shorayeh Eslami
learned
plural of *hadith*
marriage payment for temporary marriage
leading Muslims to the correct path and preventing them from going astray
reason
a leading religious scholar
freedom
poorly veiled
productivity and efficiency
examining magistrate
puberty
The Iranian version of *hijab*, an all enveloping cover
Assistant to the public prosecutor
blood money
Department of Internal Information
religious guidance
learned religious figure
a female learned religious figure
religious orders
religious laws
social havoc
jurisconsults
traditions of the prophet and Shiia imams
home, private sphere
members of the Party of God
acceptance of the veil
distance between the sexes
consensus
high religious leadership
Association of the Women of the Islamic Republic
women's association
sin money
plural of *madrressesh*, Islamic university
the Assembly of Experts
the Consultative Body

<i>Majmaeh Jahani Zanan Mosalman</i>	World Congress of Muslim Women
<i>marja' taqlid</i>	source of enlightenment
<i>mehre, mehrieh</i>	the contractual payment to the wife for the consummation of marriage
<i>Moassesse' Eslami Zanan</i>	Islamic Women's Foundation
<i>mojtahed</i>	religious leader
<i>monkerat</i>	corruption,
<i>motoakherin</i>	modernists
<i>motoghademin</i>	traditionalist
<i>mullah</i>	clergy
<i>mut'a</i>	Arabic word meaning temporary marriage
<i>nafaqeh</i>	payment for the livelihood of women and dependants by head of household
<i>namaz</i>	daily prayers
<i>nushuz</i>	disobedience, rebellion, abandonment
<i>ojratolmesle</i>	wages for housework
<i>qari</i>	reciters of the Koran
<i>qazieh tahqiq</i>	examining magistrate
<i>qiyas</i>	comparison by analogy
<i>rahayi</i>	liberty
<i>ravayat</i>	traditional narratives
<i>rozeh khani</i>	reciting tales to mourn the martyrs of Karbala
<i>ruzeh</i>	fast
<i>sadre Eslam</i>	The glorious early days of Islam
<i>sa'eh</i>	amplitude
<i>sahabi</i>	Companion of the Prophet
<i>sahabiya</i>	feminine of <i>sahabi</i>
<i>shar'</i>	religious laws
<i>Shorayeh Farhangi Ejtemayi Zanan</i>	The Cultural and Social Council of Women
<i>shorayeh hambastegi varsheshe</i>	the council of collaboration of
<i>banovan keshvarhsayeh Eslami</i>	women's sport in Islamic countries
<i>Shorayeh Negahban</i>	Council of Guardians
<i>Shorayeh Tashkhiseh Maslehat</i>	The Council for Arbitration
<i>Shorayeh Baznegari</i>	The Council for the Revision of the constitution
<i>siqeh</i>	temporary marriage
<i>soluk</i>	behaviour
<i>sunna</i>	traditions
<i>taazieh</i>	passion play
<i>tafsir</i>	interpretation
<i>talabeh</i>	student of theology
<i>tamkin</i>	obedience
<i>tamkoun</i>	ability to pay, wealth
<i>taqlid</i>	follow

<i>ulama</i>	religious leaders/scholars
<i>umma</i>	the community of believers
<i>usul</i>	basis of law
<i>westoxification</i>	being saturated by Western views
<i>zenayeh istadeh</i>	standing adultery
<i>zanayeh mosabeheyi</i>	adultery by interview
<i>zinat</i>	decoration, ornament

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Introduction

The Muslim God is the only monotheistic God whose sacred place, the mosque, opens on to the bedroom, the only one to have chosen a Prophet who does not keep silent about his concerns as a man, but who, on the contrary, voices his thoughts about sexuality and desire. (Mernissi 1991: 115)

As the twentieth century comes to an end the process of deconstruction and reconstruction of Islamic discourse in terms of the language and the lived experiences of many women in the Middle East continues to expand and develop. For over a century a number of intellectual Islamist women have chosen to challenge the patriarchal and negative interpretations that the male-dominated religious institutions have presented of their faith. They have insisted on their entitlement to interpret the teachings of the Koran and have affirmed their right to participate fully in the public domain. Whereas in the last days of the nineteenth century such contestations could have cost these women their lives, at the end of the twentieth century it is the religious establishment that is gradually, albeit reluctantly, coming to terms with the reality of the new contextualised and feminised interpretations of Islam. At the same time Western feminism has relinquished its early white middle-class hold on its analytical framework and has opened a space for a variety of feminisms to voice their differing views, priorities and objectives (Maynard 1994). It may be possible to contend that at the end of twentieth century, just as there are many feminisms, so there may also be several Islams, each contextualised to the needs of a particular society and a specific time, yet each still acceptable as the true faith to others in different places.

ISLAMIC LAW: THE TOOLS OF THE TRADE

Scholars of Islam differ in their views about what the faith and its legal structures are. At one extreme there is a view that 'there is nothing that is generically Islamic about Islam' (Al-Azmeh 1993: 60), and that Islamic law has

but a most tangential connection with ethical or dogmatic consideration. The divine origins of some of these utterances which enter

the conveyor belt for legal reason – that is the text of the Koran – are technically irrelevant to their legal aspects. (Al-Azmeh 1993: 11)

But this is something of a minority view. By and large Muslims agree that the Koran is the undisputed source of law in Islam; it is the word of God as expressed in some 6000 verses to his Prophet Mohamad, who repeated them to literate people who wrote them down. There are about 500 Koranic verses which contain explicitly or implicitly all the divine commandments; of these about 80 may be considered as articles of a code. Beyond these Muslims have to rely on the *sunna*, which may be translated as traditions. These were extracted and understood through reports, *hadith*, *ravayat*, which informed believers of the words and activities of the Prophet of Islam as well as his conduct and the approval he gave, either explicitly or tacitly, to what was happening to his knowledge, to him or to his followers. The laws can be extended further through the use of *ijma*, consensus, and *qiyas*, comparison by analogy. Shiias, who are a minority school of Islam, but form 95 per cent of Iranians, do not use *qiyas* but rely on *aql*, reason; this is not the wisdom of individuals but rather one that, when quoted in a judgment, the general public could find reasonable. The Shiias argue that all that is legitimate is reasonable and all that is reasonable is legitimate (Afchar 1977). Beyond these, ancient customs and practices, which were not explicitly overturned by the faith, continue to apply, and religious leaders, using the science of theology, *fiqh*, also interpret the laws.

Thus we find a core of Islamic principles dictated by the Koran and an extensive body of laws that have been developed differently in different contexts using existing norms and practices, which have been extended, altered and developed by jurisconsults and the religious establishment according to the needs of time and place.

In the process of developing and constructing an Islamic jurisprudence, interpretation of the texts, initially of the Koran and subsequently of *fiqh*, has been of the essence. The adjustments and adaptations over time have given Islamic laws a flexibility which has allowed their integration into diverse societies in different continents without much difficulty. It is this adaptability that leads scholars such as al-Azmeh (1993) to suggest that they are so diffuse as not to exist at all.

However, although flexible, the rationale for change has always been in the context of the holy text and the early history of Prophetic

law-making, a time that Muslims return to and glorify as the height of Islam, *sadre Islam*. This possibility of returning has created a dynamic of revivalism and a trend towards returning to basics, which erupts periodically to sweep away corrupt interpretations and inappropriate practices in Islamic countries. But, whereas the revivalists see this as an eternal source of energy and renewal, their critics contend that even when the discourses of Islamists appear to be modernist in form, they are in essence extremely backward-looking, not least because the rationale and justification of their validity are always and unavoidably anchored in the idyllic past and the reign of the Prophet. There is the additional problem that since faith and the laws are intertwined, there is an absolutist vision which denies a place to alternative, modern or progressive ideas, formulated in the name of humanity and equality. Thus Islamic law has been criticised for being hidebound and unable to accommodate new ideas:

According to the Islamic legal discourse, no other discourse has the right to define reality, and this is the tragedy of the Muslim progressive movements. The Left and its discourses carry no weight as long as the Islamic legal discourse asserts and claims its monopoly on the definition of reality. (Sabbah 1984: 4)

But there is a tension between the position that Islamic law is absolutist and impregnable and the reality that in practice it reflects the varied societies wherein it has been practised – so much so that Al-Azmeh contends that there is no such a thing as a single Islam and that ‘there are as many Islams as there are situations that sustain it’ (1993: 1).

This may well indicate that despite its solid core of commandments, Islamic law is more flexible and open to change than some scholars have supposed.

THE DENIAL OF ACCESS TO WOMEN

Despite its flexibility and fluidity, over the past 14 centuries Muslim men have constructed what Mernissi (1993) calls a social architecture of veiling and exclusion to disempower women and deny them the right to understand and interpret Islamic laws. At the inception of Islam, women were at the forefront of the faith, both in terms of believing in it – after all, the first convert after the Prophet was his wife Khadija – and defending it. Mohamad’s wife A’isha even

mustered an army and led it into battle against Ali ibn Abi Talib. But after the death of the Prophet there were centuries of darkness for Muslim women, whose rights were trampled on by men, who took over the process of interpretation and law-making and consistently denied women their God-given rights.

RECONSTRUCTION, THE PROCESS

For far too long the domain of Islamic law had been controlled by men; but gradually women and their male allies are making a bid to change this process. They too have returned to the sources, the text and the *ravayat* and *hadith*, reports of the Prophet's decisions, and have offered new interpretations and have reconstructed the texts and the evidence to come to rather different conclusions from the traditionalists. The flexibility of the laws has opened the way for Muslim women to use interpretations and analysis of the texts and the contexts to create a new and permissive form of Islamic law.

The process of deconstruction and reconstruction of the text of the Koran has been multidimensional. Some scholars, such as Hojatol-islam Mohesin Saeedzadeh (1994) and Huseyin Hatemi (1988) have argued that in essence Islam is egalitarian; understanding this axiom would shed light on the texts and enable believers to appreciate the fundamental respect that Islam has for equality for all. Others demand that the textual specificities of the Koran be respected and not extended. Thus, for example, where the Koran states that two women's evidence is equal to that of one man, the faithful must note that this stipulation applies only to a particular transaction concerning negotiation for a debt (II: 282); it cannot be extended to other activities. Similarly when the Koran gives an injunction to believers not to marry more than one wife (IV: 3) they should act accordingly. Some scholars argue that the Koranic text has different forms of narrative as far as believers are concerned: the descriptive and illustrative, the advisory and the prescriptive. The descriptive describes an historical situation without condoning it, the Koran may even suggest that such situations could be improved. Thus for example when the text states that men beat their disobedient wives (IV: 34), this merely describes what used to happen at the time; it is not an injunction demanding that men should beat their wives. Similarly the statement that good women are obedient is merely illustrative. Other verses are advisory, such as the one that suggests that good men should marry

only one wife. There are parts of the Koran that delineate contractual obligations and procedures, such as the marriage contract, where the terms of the contract are negotiated and determined by the individuals. Finally, there are the injunctions addressed to believers, and these must be obeyed. The injunctions, which are few, are on the whole commandments demanding that believers behave with honesty and integrity, pray regularly and do not disinherit their dependants.

Defending this interpretative approach the scholar Mohsen Qaeni states that in the discourse of *fiqh*, Islamic law, there is a question about the importance of Koranic dicta and their application to the lives of those who have not been directly addressed by the relevant verse. The question is whether it is possible to find a rationale for extending stipulations addressed to a particular group, to the community of Muslims as a whole. Qaeni is of the opinion that since God is Almighty, then Koranic statements would have included everyone if that had been his wish:

Why has the Koran not stated categorically ‘Good women, obey the men’...why has it not done so, as it has in the case of *namaz*, prayers and *ruzeh*, fast?... Why has it not issued a direct commandment? This is because it is how things were at the time. It was common practice in the case of marriage for wives to obey their husband, but the Islamic marriage was made a matter of contract and agreement by the signatories. (*Zanan*, vol. III, no. 18, June–July 1994)

RECONSTRUCTION

Throughout there has been a degree of resistance on the part of women to the hidebound approaches to Islam and this has gained enormous momentum in the twentieth century. Thus the subversive author Fatna al Sabbah, writing in the 1980s, delights in her newfound power to rewrite the text and set the record straight:

As a woman who belongs to Muslim society and has access to writing (a male privilege and the incarnation of power), I am indulging in the indescribable pleasure of rewriting the cultural heritage – a subversive and blasphemous act, *par excellence*. What I mean by ‘rewriting’ is an active reading – that is, a process of decoding the heritage and at the same time of coding it in a different way. I am going to indulge myself and take the elements

that have been assembled by the religious authorities and philosophers into a specific order and cut them up and reassemble them according to an order fantasized by me. (Sabbah 1984: 6)

The more conservative scholar Zin al-Din makes much the same point but in a more conciliatory way, highlighting the important part played by women at the inception of the faith and demanding the right to continue to follow this path:

As women have the right to participate in public governing they also have the explicit right to participate in Qur'anic interpretations and explanation. Women are better qualified than men to interpret the Qur'anic verses speaking to their rights and duties because everyone is better equipped to understand his or her right and duty. (Zin al-Din 1929: 75)

The process of reclaiming the faith is one that has bestowed pride and dignity on Muslim women, who claim that it is Islam, rather than the West, that has given them a high status, humanity and the undisputed right to participate fully and democratically in the affairs of their country:

if women's rights are a problem for some modern Muslim men, it is neither because of the Koran, nor the Prophet, nor the Islamic tradition, but simply because those rights conflict with the interests of the male elite. (Mernissi 1991: ix)

In the process of reconstructing the faith, revisionist Muslim scholars deny that the convergence of faith and politics would be detrimental to women. On the contrary, they contest that enlightened spirituality, which illuminates the path of Islam, is beneficial to women and that there are no irresolvable contradictions between the benevolence of the creed and the progress and achievement of women (An-Na'im 1995: 54). Human interpretation adjusted to local needs and circumstances makes the new interpretation of Islam as liberating, if not more so, than feminism has been for women in the West (Rahnavard n.d.).

Of course, reclaiming the right to interpretation has not been a smooth path for Muslim women. They have from the inception faced intransigence from the male religious establishment whom they accuse of hidebound autocracy and who in turn are well aware that their position is vulnerable. Thus Sabbah declares:

representation and perception, the culture's writing about reality, become a society's definition of things and beings. (Sabbah 1984: 8)

Mernissi takes the point further and concludes that Muslim men have transformed the difference between the sexes into a social architecture. They have situated their arguments in the domain of law. They have claimed that women have been given different and not equal rights to men and thus have been specifically excluded from the exercise of power.

The insistence on the superiority of men has on occasion led to bloodshed. At the turn of the century the Iranian religious establishment murdered the scholar and rebellious religious leader Qorato-laeyn, who was firmly asserting her right to preach, to interpret the holy texts, to defect from mainstream Islam and Shiism. She turned to the newly formed Babi sect of Islam, which was more permissive. Although the religious establishment denounced the new faith as heresy, Qorato-laeyn set out to preach her conviction. In 1929 the Lebanese author Zin al-Din, who remained very much in the mainstream Sunni scholarly tradition, argued that male interpretations had unfairly resulted in the exclusion of women. Her work caused an outcry. Though they did not resort to murder, the religious establishment denounced her and banned her books. But Zin al-Din persevered and outlined the important and widening gap that existed amongst male scholars and their different forms of opposition to women's freedom and entitlement to rights. This diversity of views enabled her to perceive a space which could be filled by a women-centred form of interpretation:

When I started preparing my defence of women, I studied the works of interpreters and legislators but found no consensus among them on the subject; rather every time I came across an opinion, I found other opinions were different or even contradictory. (Zin al-Din 1929: 37)

Zin al-Din, like Saedzadeh half a century later, argued that Islam is based on freedom of thought, will, speech and action, and no Muslim has authority over another in such matters. No one has the responsibility to watch over others and Muslims have free will to act as they choose and are accountable only to God.¹ This means that women, like men, have the right to choose their own path and if necessary commit their own sins and repent or negotiate with the Almighty without intervention by men, be they learned religious figures or fathers, husbands or brothers.

EQUALITY OR COMPLEMENTARITY?

Although the claim to the right of interpretation, long honoured by men, has finally and gradually been grasped by women, female scholars, like their male counterparts, do not always agree on what the holy text has intended for them. Zin al-Din, Saeedzadeh, Hatemi and others advocate equality by referring to the numerous verses of the Koran where men and women are declared to have been created equal (XVIX: 13, IV: 1 and 124, VI: 98). Looking at the historical experience of the early Muslims Mernissi argues that it was the promise of equality that attracted women to Islam:

Women fled aristocratic tribal Mecca by the thousands to enter Medina, the Prophet's city in the seventh century, because Islam promised equality and dignity for all, for men and women, masters and servants. Every woman who came to Medina when the Prophet was the political leader of Muslims could gain access to full citizenship, the status of *sahabi*, Companion of the Prophet. Muslims can take pride that in their language they have the feminine form of that word, *sahabiyat* women who enjoyed the right to enter into the councils of the Muslim *umma*, to speak freely to its Prophet-leader, to dispute with the men, to fight for their happiness and to be involved in the management of military and political affairs. (Mernissi 1991: viii)

But there are Muslim women writers who contest the validity of the notion of equality of the sexes in terms of the lived experiences of women. They argue that over a hundred years of struggle for equality have only rendered Western women more helpless since equality is articulated in male terms and demands that women behave like men. Since women wish to shoulder their domestic responsibilities and, in particular, embrace the duty of motherhood as a sacred and valued obligation, they will, inevitably, fail to be equal to men in the world. Authors such as Rahnavard (n.d.) have written passionately about the failure of Western women to gain anything but unequal access to the public domain, be it in terms of employment or political participation. They contest that the double burden imposed on women in the name of equality has been counterproductive and that the best solution would be for Islamist women to choose the path of complementarity. According to this interpretation Islam offers women a highly respected position as wives and mothers, while recognising their entitlement to the best that education can offer. If Islamic states can be made to recognise their reciprocal duties towards women, then it

will be possible for Islamic women to fulfil their domestic and maternal duties, which are recognised as employment and entitle them to appropriate remuneration. Furthermore, once they have fulfilled their domestic duties, these same women would have the right to enter the public domain since they would have had the necessary education and their domestic duties would have been recognised for what they are: real, complex, managerial tasks which have endowed them with transferable skills. This school of thought contests that were true Islamic values of complementarity to be implemented, women would be valued and society would be free from the destabilising burdens of sexism and ageism.

THE PUBLIC SPHERE

The argument defending complementarity entitles women to a place in the public domain in due course. This entitlement is supported by the historical role that women at the inception of Islam played in the politics of their day. However in this as in other aspects Islamist women face an uphill struggle against the conservative male interpreters of history who have systematically sought to undermine the presence of women:

At the beginning of Islam, Muslim women played no role in public affairs despite the rights that Islam gave them which were often the same as those accorded to men. ('Arafa 1980: 149)

As Mernissi notes, such hidebound opinions have been allowed to flourish because male institutions have for long closed their doors to women and patriarchal Islamic societies have failed to fulfil their Islamic duty towards the female of the species. This in the context of a faith that does not separate religion from power. Women, over the centuries and contrary to the teachings of the Prophet of Islam, have been excluded from the public domain. They have had the veil imposed on them and have been barred from the mosque where the Islamic form of democracy has been practised (1991: 80). Their historic contributions to the faith have been denied and erased, and they have been enclosed behind the dividing curtains of ignorance and spatial segregation:

Clearly, the imams were able to take advantage of our ignorance of the sacred texts to weave a *hijab* – a screen – to hide the mosque/

dwelling. But everyone knows that, as the Koran tells us, 'of use is the reminder' (LXXXVII: 9). (Mernissi 1991: 115)

What women must do is to refuse to be forgotten; they must remember and recall and remind others of the time when, with the blessing of the Prophet, they were active participants in the public domain. They must bear in mind that their insistence to recall and assert their rights has been countered by the creation of a mythology of chaos. Muslim men have attributed a powerful force of disruption to disobedient women and have lived in fear of women's ability to cause chaos and foment insurrection. Thus, not surprisingly, the main body of male scholarship on the public participation of women has been far from helpful. Part of the problem is the ease with which the Koranic verses can be interpreted to have diametrically opposite meanings. Thus, for example, the verse enjoining Muslims to follow the right path:

The Believers, men and women, are protectors, one of another: they enjoin what is just, and forbid what is evil. (IX: 71)

This verse can be interpreted to contest that protection is offered by men to women and the injunction to enjoin the correct path precludes women entering the public sphere (*Zaneh Ruz*, 26 July 1997). If it can be argued that women's disobedience causes chaos, and their participation in the public domain denotes insubordination and is therefore by definition evil, then it must be forbidden. Yet the same verse is quoted by al-Ghazali, in whose interpretation women can occupy any public position, can even be the elected head of government; the only position that they cannot legitimately occupy is that of caliph.

Not all scholars are as supportive of women. Al-Afghani devoted ten years of his life to studying the political role played by the Prophet of Islam's favourite wife and companion A'isha at the inception of Islam. He came to the conclusion that her interventions in the political lives of the first four caliphs were totally disruptive and led to bloodshed and division amongst Muslims. Echoing the long-held Shiia view that A'isha was a destructive force, Al-Afghani concludes that Muslim history has taught a valuable lesson about women in the public domain. He warns that A'isha was sent

to put them [Muslims] on their guard any time there appears among them a tendency to blindly imitate other nations by claiming political rights for women . . . The memory of A'isha should be pondered more than ever in our day. It never ceases saying to the

Muslim: Look how this endeavour failed in the very heart of Muslim history! We don't have to repeat it ceaselessly. (1971: 246)

Despite such condemnatory views and the steadfast opposition of the male hierarchy, there have always been Muslim women who have followed the path drawn by A'isha and other female relatives of the Prophet. Over the centuries Muslim women have overcome the seemingly insurmountable obstacles placed before them and have come even to rule over the Islamic community.

EXEMPLARY WOMEN

Since Muslims believe that the best path to righteousness is one that follows the example set by the Prophet and his descendants and companions, the women of the golden age of Islam have an important part to play in delineating that path. The most eminent of these is the Prophet's much loved wife A'isha, who is one of the most respected and reliable sources of *hadith*, reports of decisions made by the Prophet. She related over 2000 sayings of the Prophet Mohamad; 170 of these have been approved by the strict Islamic scholar Bukhari, who himself included 54 of the sayings in his treatise (Husayn 1924: 33).

Although the Shiias denounce A'isha as a disruptive political force, they do not deny the importance of Fatemeh al-Zahra, the daughter of the Prophet, who lectured and taught men and women in schools and mosques. In addition to the family of the Prophet there are some 700 women companions who have been sources of *hadith* (Shaaban 1995: 62). A good example is Asma Bint Yazid al-Ansari who was a scientist and defender of women's rights and who related 81 sayings of the Prophet. What is important is that of all those who have recorded the sayings of the Prophet, *ravayat*, women have been amongst the most reliable and trustworthy. Even Bukhari, who is no champion of the feminine cause, has had to put his admiration for these women on record:

I have not known of any woman who was accused of falsifying *hadith*... from the time of A'isha, the mother of believers, until the time of al-Zahabi the sayings of the Prophet Muhammad were not kept or related to anyone as they were kept in the hearts of women and related by them. (Afifi 1933: 138)

Not only did women relate the saying of the Prophet and thereby contribute to building the foundation of Islamic laws, but they also

assumed political power, ruled over Islamic nations, waged wars and were artists, poets and critics.

What is remarkable is that these women have since been made invisible by historians. The elimination of the record of achievements of women has nothing to do with the faith; it is the cultures and practices of the faithful that are the problem. In her historical survey of the forgotten queens of Islam, Mernissi notes that the Arabic language itself is inadequate; there is no feminine word in Arabic that denotes the idea of simultaneously exercising religious and political power. Since at its inception Islam has seen itself as both a political and an ideological framework, its aspirations for women exercising power were clearly circumscribed by the inability of the language even to express the existence of a female ruler, a feminine word for caliph. The only terms available are *sultana* and *malika*, feminine nouns which convey concepts of power and authority, untrammelled by religion (Mernissi 1993).

Nevertheless Mernissi is able to record 15 queens who, though ignored by historians, did in fact break the chains of patriarchal power and ruled across the centuries in Islamic empires. These queens of Islam ruled openly and enjoyed the official symbols of sovereignty – the minting of coins and, more importantly, having the Friday prayer, *khutba*, recited in their name at the mosque. Their reigns was facilitated by exceptional circumstances; by the Islamic respect for the right of royalty and nobility to rule, as well as their own remarkable talents. Nevertheless the women who ruled did so largely within the limits placed on them by their faith. The Arab queens rarely moved beyond the harem divide, though this did not prevent them from exercising considerable power (Mernissi 1993). There have been others who have not enjoyed the privileges of minting coins or having prayers said in their name, but who have nevertheless exercised power over long periods. Some were formidable characters – women who overcame the constraints of slavery and concubinage to exercise their power, even though their rule might have been mediated by a supportive son or spouse (Mernissi 1993). Sadly the barriers of the veil, *hijab*, and the separate spheres, *harem*, have prevented many more women from governing openly.

VEIL

The most immediate and obvious means of separating and excluding Muslim women from the public sphere has been the veil. Thus not

surprisingly the veil has, throughout the twentieth century, been a controversial issue; its very imposition has been contested by many Muslim women and men for over two centuries (Amin 1899; Qorato-laeyn 1898; Mernissi 1991, 1993, etc.).

The approach by intellectual Muslim women in the late nineteenth and twentieth centuries has been through two different perspectives, both created within the context of a modernist, progressive worldview with an increasing awareness of women's presence and their demands within the public sector. The 'modernist' discourse in the Middle East has on the whole taken a Western view of the veil (Ahmed 1992; Gole 1977), discarding it in the name of 'civilisation' and progress. There has, however, also been a fundamentally Islamist engagement by outspoken women such as Qorato-laeyn, Zin al-Din, Zeinab al-Ghazali and Fatima Mernissi both for and against the veil, which has concentrated on the significance of the veil to Muslims according to the Koran and the teachings and practice of the Prophet. The difficulty throughout has been that interpretation of the Koranic demands has never been easy and is always time- and place-specific; one scholar's interpretation at a given time and place cannot easily be extended to all people at all times. As the scholar Zin al-Din rightly complains:

As for the *aya(s)* concerning *hijab*, I found over 10 interpretations, none of them in harmony or even agreement with the others as if each scholar wanted to support what he saw and none of the interpretations was based on clear evidence. (Zin al-Din 1929: 37)

There are several interpretations of what veiling is about. The veil is about separating Muslims spatially and physically. It is also to protect women from the male gaze; thus many of the arguments about the veil have been couched in terms of protecting the honour of women (Afshar 1994b). However, those who are wary of generalisation and demand that we pay close attention to the actual text of the Koran note that the Koranic verse which imposes the veil is specifically addressed to the wives of the Prophet and is not very precise as to what a veil might be:

O Prophet! Say to your wives and your daughters and women of the believers that they let down upon them their overgarment; this will be more proper, that they will be known and thus they will not be given trouble; and Allah is forgiving, merciful. (XXIII: 59)

It should be noted that the requirement for modesty and a modest gaze is addressed not only to women, but men too. Both are told to

'cast down their looks and guard their private parts' (XXIV: 30 and 31). In addition women are advised not to

display their ornaments except what appear thereof; that they should draw their veils over their bosoms, and not display their beauty except to their husbands or their fathers... and they should not stamp their feet in order to draw attention to their ornaments. (XXIV: 31)

These seem to be simple enough requirements demanding that women dress demurely, cover their bosom and behave as chaste as men. What is extraordinary is the fetishism that has been constructed around these basic requirements, which would be readily acceptable to men *and* women.

The Muslim male institutions have chosen to impose the veil as a barrier separating women physically and spatially from men. By doing so, far from protecting women, they have made them into outcasts and potential threats to the honour of nations. *Hijab* in fact could do the very opposite of what is intended and make women immoral; by masking their identity it could remove their fear of social disgrace (Zin al-Din 1929). Imposing the veil could be indicative of men's lack of trust of their female relatives; they suspect their mothers, wives, daughters and sisters and 'fear betrayal' (Sabbah 1984). It is because men fear female sexuality that they have perceived the need to impose silence and stillness on women. The veil is there to prevent female animal energy from engulfing, burning and destroying the male (Sabbah 1984).

Fatima Mernissi, who has devoted a large part of her scholarly career to deconstructing the misogynist layers that historically have been placed on women by the prevailing patriarchal structures, supports Sabbah's views.² She contends that in terms of physical separation the veil was instituted as a way of separating the spaces between the Prophet and other men. What the veil does is delineate the boundaries between men. The relevant verse states:

And when you ask of them [the wives of the Prophet] anything, ask it of them from behind a curtain. That is purer for your hearts and for their hearts. (XXXIII: 53)

This architectural separation can be seen as a way of protecting the privacy of one man, the Prophet, against the intrusion of others. According to Mernissi, the verse 'descended' in the bedroom of the Prophet on his wedding night to protect his intimacy and exclude

outsiders (1991: 85). But what had been a physical threshold was constructed into a second form of veil, a political one:

hijab can express a spatial dimension, marking a threshold between two distinct areas...it can hide something from view...it can also express the opposite idea...which blocks knowledge of the divine. In this latter example, it is the limited individual who is veiled. (Mernissi 1991: 95–6)

It is this latter form of veil, ignorance and misogyny, that has effectively legitimised the autocratic rule of the caliphs over the centuries. Thus Muslims have been burdened by

two veils that give substance to the two thresholds of political Islam in its cosmic architecture: the *hijab* (veil) of women and that of the caliph...the *hijab* of the caliph...hides the unmentionable: the will of the people, the will of the *amma*, the mass, which is just as dangerous as that of women. (Mernissi 1993: 178)

Despite cogent arguments presented by modernists and some Islamist women against the veil, there are many Islamist women who still strongly support the veil, which they see as the best means by which they may be socially active. According to this school of thought the veil protects women from becoming commodified sex objects and enables them to move freely and act independently in the public sphere (Rahnavard n.d.). Once women have freed themselves from the shackles of femininity and its demands for sexuality, they become human beings; they can gain the gaze and cease to be the object of attention. By making them physically invisible, the veil allows women to be intellectually and politically active, unimpeded by harassment and objectification (Afshar 1994). It puts an end to the beauty myth and the relentless pursuit of fashion and beauty products. It is this view which, at the end of the twentieth century, has persuaded many women to abandon the mini-skirt for the veil, and has enabled Islamist groups and governments to adopt veiled women as the public emblem of Islamification. However, as the experience of Iranian women shows, governments that impose the burden of the veil on women in the name of Islam have, in due course, also to pay the price of giving them access to the public sphere in the name of the same creed.

1 Islamist Women in Iran

The widespread support given by Iranian women to Islam, and its revolutionary ardour in the 1970s, heralded what has become known as 'feminist fundamentalism' (Hoffman 1985; Ahmed 1992; Afshar 1994, 1996). It is the culmination of over a century-long critical engagement by Islamist women with Western liberal and Marxist feminist perspectives. Islamist women claim to have carved their own path to liberation (Rahnavard n.d.; Rezayi 1979; Mernissi 1995). They argue that by returning to the sources of Islam, they are able to reinterpret the text of the Koran and the practices of the faith, *sunna*, to create a preferable, alternative, 'correct' path for women at the end of the twentieth century (Zin al-Din 1928; Ahmed 1992; Bouthanian 1995; Hoffman 1995). They advocate gender complementarity rather than equality as a means of serving their faith and living fulfilling lives. They note that Islam demands respect for women and accommodates their different life-choices. It offers them the opportunity to be scholarly, educated and gainfully employed, while at the same time provides an honoured space for those who choose to become mothers, wives and home-makers. Islamist women argue that, unlike Marxism, capitalism and much of feminist discourse, Islam recognises the importance of women's life-cycles; they have been given different roles and responsibilities at different times of their lives and at each and every stage they are valued and respected for what they do. Islam at its inception provided them with exemplary role-models and has delineated a path that can be followed honourably by all. In Iran they have claimed that Islam can be a liberating force.

However, in practice, the process of Islamist liberation has been far from easy for Iranian women. This is because of the political marginalisation of women in the early post-revolutionary days and the supremacy granted by the Islamic Republic's Constitution to men, in both their personal and public lives (Omid 1994). The preamble to the Constitution states clearly that men and women are not equal. Women are said to have been 'freed' of the objectification imposed on them by the West, given the 'critical duty' of motherhood, and placed firmly in the home. They are to guard the family, which was declared to be the fundamental basis of the Islamic Republic (Article 10).

In March 1979, a month after his return to Iran, Khomeini sacked all female judges and ordered the compulsory veiling of women. In May of the same year co-education was banned. In June married girls were barred from attending school, and the government began closing down workplace nurseries. In July seaside resorts were sexually segregated and women flogged in public for moral and dress code transgressions. For the first time in twentieth-century Iranian history women were executed for prostitution and moral degradation. By October the government was dismantling the checks placed on men by over 50 years of struggles to revise the personal laws; men thereby regained the unreciprocated right to polygamy, to unilateral divorce on demand, and to prevent their wives from undertaking paid employment. The official age of marriage for women was reduced from 18 to 13 and men regained automatic custody of their children after divorce.

THE RECONSTRUCTION OF POST-REVOLUTIONARY ISLAMISM

Despite the radical losses in law and civil liberties, continuous struggles by elite Iranian women have stemmed the tide of the legal erosions and have overturned some of the more Draconian measures. Since they have become the public face of the state (Chhachhi 1991; Afshar 1982, 1992) and the standard-bearers of public morality, women are in a relatively strong position to demand commensurate rewards. The government in Iran presents its approach to women as a template for other Islamic nations to follow. It argues that Islam has granted women a high status, that their independent Islamic economic and social rights are enshrined in the holy text of the Koran, and are therefore permanent. Although the Islamic government projects its position on women's rights as that of the universalist, eternal Islam and its people, *umma* (Mottahari 1980), in reality, these rights are subject to a post-Islamic reconstruction, which is still undergoing intense negotiations (Kandiyoti 1988) between Islamist Iranian elite women (Moghissi 1996) and their government.

The divide is almost, though not entirely, along the traditional nature/nurture lines. The old-established religious leaders, *ulama*, and jurisconsults, *foqha*, from Ayatollahs Khomeini and Mottahari to Hojatoleslam Khameini have, almost universally, opted for disempowering interpretations centred on the 'natural sensitivity and

weakness of women'. However, some of these scholars have, over the years, come to reconsider some of their earlier views. This is largely thanks to the indefatigable struggles of Islamist elite 'feminists', such as Azam Taleqani, Maryam Behruzi, Shahla Sherkat and Zahra Rahnavard. Many of them have set up women's organisations, some have been publishing women journals and others have devoted themselves to parliamentary politics. Taleqani, the redoubtable daughter of the late leading Ayatollah Taleqani and member of the first revolutionary Parliament, *Majlis*, founded the Women's Society of Islamic Revolution; using Islamic discourse she has denounced the government's shortcomings and has fought for a more enlightened interpretation of the creed. Since the demise of Khomeini radical Islamist women and secular lawyers such as Mehrangiz Kaar have taken up the demands of the majority of the Iranian women to gain access to and carve a space for better formal political representation, better pay and employment opportunities, and equal access to education. Using the Koranic instruction that all Muslims must become learned, the parliamentarian Behruzi and author and activist Rahnavard have helped to remove many of the post-revolutionary barriers placed on women's education and their participation in the political and judicial processes (Afshar 1996).

ISLAMIST FEMINISTS

The ideas of Islamist feminists are anchored in their interpretations of the sources of Islamic law. They have embarked on a process of reconstruction of precepts formulated some 14 centuries ago, to benefit women in their daily lives and transactions at the end of the twentieth century. They anchor their search in a notion of a return to the roots and claim to recapture both the purity and the vitality of Islam that existed at its inception. In their pursuit of the past, Islamist women, like all those who glorify their histories, are returning to a mythical golden age to lighten the difficulties of their current existence (Chhachhi 1991). The golden age for the Shiias, who form over 95 per cent of the Iranian population, is the brief rule of the Prophet from his move to Medina, the *hijrat*, in 622, to his death in 632 and the even shorter one of his nephew and son-in-law Ali, from 656 to his assassination in 661 AD. The Sunnis, who acknowledge the first four caliphs of Islam as pure and worthy of emulating, can lay claim to about 40 years of just rule: 622–61. In addition, all Muslims claim to

adhere absolutely to the Koranic laws and accept the Koran as the word of God as revealed to his Prophet Mohamad.

The Koran which is divided into 114 Suras, contains expressly or impliedly, all the divine commands. These commands are contained in about 500 verses and of these about 80 may be regarded by WESTERN lawyers as articles of a code. (Afchar 1977)

Thus in their pursuit of the golden age Iranian Islamist women are equipped with 50 years of history and 114 verses of a holy book – perhaps as good a resource as those offered by any other ideology or utopian vision.

Like all Utopias the past and the holy book have difficulties adjusting to the present. Islam has survived through the centuries by a process of change through interpretation. The notions of return and revivalism are very much anchored in this process of adjustment. There are new interpretations, puritanical interpretations, interpretations that wipe out the centuries of misdeeds and hardship and open the way to the future. Yet women have been at a particular disadvantage since, after the golden dawn of the faith, it is men who have generally taken over the reformulation and development of Islamic law, *fiqh*; and thus they have systematically excluded women.

In the late nineteenth and early twentieth centuries, Islamist women set about reversing this trend. But, particularly at the end of the nineteenth century in Iran, their opposition to the established religious order was often expressed at the expense of their own lives (Mahmoudian 1985; Afshar 1991). At the end of the twentieth century, however, in the context of the Islamic Republic, women have carved a legitimate space in Islamic discourse in which to articulate their demands.

Although the bulk of Islamic theology has been adapted and interpreted by male theologians who have claimed the exclusive right to institute Islamic laws, *fiqh*, women have always maintained a presence, albeit a small one, in the domains of politics and theology (Abbott 1942; Keddie and Baron 1991; Mernissi 1991; Ahmed 1992). They have consistently and convincingly argued that Islam as a religion has always addressed women's specific needs. Since the first convert to Islam was the Prophet's powerful wife Khadija, no religion which she accepted could discriminate against women. Khadija, who was nearly 20 years older than the Prophet, was a wealthy widow who had first employed him as her trade representative and subsequently com-

manded him to marry her; overcoming his reserve and reluctance, she informed his uncle that she was the very best wife that he could ever have. Their marriage was a happy one and the Prophet did not take another wife until after her death.

It is therefore reasonable for Islamist women to argue that their economic independence has been endorsed by the Koran (IV: 32); that Islam has stated that men and women are equally capable and gifted in terms of acquiring learning and knowledge (Javadi Amoli: 405); that they are equally capable of becoming theologians, *faqih*, and religious leaders, *mojtaheddin* (Javadi Amoli: 383) or participating in the social and political arena (Javadi Amoli: 300).

Besides personal and economic independence, women were also close confidantes and advisers to the Prophet. Khadija supported him in the early years and her influence protected the Prophet against the various Meccan nobles who wished to stifle Islam at its inception. After Khadija's death Mohamad's favourite wife A'isha, who married him as a child and grew up in his household, became not only his spouse, but also his closest ally and confidante. She is known as one of the most reliable interpreters of Islamic laws.

It is therefore all the more surprising that at the end of the twentieth century it appeared as if women had no place either in the domain of law, *fiqh*, or interpretation, *ijtehad*. In the intervening centuries the male religious establishment had effectively excluded women from all its arenas and had largely confined them to the domestic sphere. This approach was characteristic of the hidebound, conservative religious establishment that came to dominate Iranian politics soon after the revolution.

NATURE AND NURTURE

The arguments for the exclusion of women from the public domain were formulated in terms of the nature/nurture discourse: women were naturally different and had different functions, these enabled them to 'complement' the male in society, but it was not for women to 'compete' with men. The eternal laws of Islam had been formulated to accommodate this difference and were to apply for all time.

An influential exponent of these views on difference and complementarity was the Islamist ideologue Ayatollah Morteza Mottahari. In his book on women's rights in Islam, *Nezameh Hoquqeh Zan dar Eslam*, Mottahari applauds Islam for recognising women's

'natural rights' (1980: 69) and explains that these rights are inherent because of the different natures and capabilities of men and women:

The law of creation has made man the seeker, the supplicant, the needy and woman the desired and the needed. This is the best protection for the honour and respect of women and a fair compensation for her weak body against his strength. It is also the best means of securing a balance in their lives. It is a natural advantage given to women and a natural duty given to men. (1980: 32)

This view has remained constant across the decades. Fifteen years after the revolution the religious institution reiterates the same points. Hojatoleslam Nateq Nuri, the long-serving Speaker of the *Majlis*, underlines the finality of Islamic laws about women:

Where women in particular and humanity in general are concerned Islam has articulated its legislation, not to please the needs of its time, nor for a propagandist or wishful ideas. It has based its dictum on the nature of human beings and has legislated accordingly. That is why Islam will never become outdated and irrelevant. If the laws are founded on the basis of human nature, so long as humanity and its very nature survive so will these laws. (*Zaneh Ruz*, 13 December 1994)

Hojatoleslam Ansarian holds very similar views and voices his praise of women as being anchored in the earth:

Islam view woman as the roots and indicates that she is not only the physical root of humanity but also the root of humanity's happiness as well. (*Zaneh Ruz*, 25 November 1995)

The national leader Ayatollah Khameneyi, speaking to a group of women on the occasion of the Iranian women's day, celebrated on the birthday of the Prophet's daughter, Fatemeh Zahra, emphasised the need to respect differences and strive for harmonious complementarity. In his opinion if people understood the situation of men and women 'in the natural order' and acted accordingly, then 'the rule of God would be complete'. What this means is that 'each creature' has its own specific role and functions which it should fulfil. Were people to do as their nature dictates, then there would be no need for oppression and injustice or waste of talents:

Then the correct collaboration between men and women would result in harmony and extensive benefits. (*Zaneh Ruz*, 25 November 1995)

Not only is such collaboration beneficial to society, but failing to realise one's natural endowments and act according to them would, in the eyes of Ayatollah Hashemi Rafsanjani, actually be detrimental to women themselves. In his opinion it would be wrong to think of the restrictions placed on women as 'limitations'. On the contrary the *sharia* laws have delineated these rational boundaries to help women:

had they not existed there would have been problems which would have barred the way to women's progress. (*Zaneh Ruz*, 25 November 1995)

This is a view that is often repeated by the pundits and the media. The Koran has endorsed the rational divisions that enable nature to take its course. Sadeqi Ardastani, speaking at one of the regular conferences on women's position in Iran, was eloquent on the subject:

According to the Koran, in terms of human creation men and women are made of the same earth and material. They are materially equal but it is in terms of their biology that they are different, with two different physical and psychological characteristics and two different ranges of duties and activities. This sexual difference is recognised by biologists and psychologists and no one can disregard the obvious natural differences between men and women . . .

Once we accept this duality and believe that woman is woman and man is man then we must accept that they would have different roles to play and that each must, according to his or her natural and physiological demands, engage in activities that fulfil his or her nature. They must avoid doing otherwise and engage in inappropriate activities which would undermine their very beings. (*Zaneh Ruz*, 8 January 1995)

A similar point is made by Mohamad Mohamadi of the Islamic Propaganda Organisation's Research Centre. He too thinks that women should do what their nature allows them to do:

Each person is best suited to do that which accords with his or her physical and psychological nature, that is to say the very natural construction of the individual is such as to demand and respond

best to specific activities. This preparedness is known as natural talent. (1994: 11)

Mohamadi then proceeds to underline the point that all the other statements had implied: what women should do is procreate; they were made to be mothers (1994: 11).

In addition to having the biological means for reproduction, Mottahari and Mohamadi assert that women have a natural tendency towards beautification, which makes them both desirable and vulnerable. Mohamadi's list of women's natural attributes includes:

the emotional characteristics of seeking beauty and variety, submission and flexibility, philanthropy, supremacy of emotions, love of the home, natural shyness and modesty. (1994: 11)

But whereas Mohamadi calls these 'natural attributes', Mottahari warns his readers against some of the 'terrible' feminine 'instincts' for 'beautification' and 'luring of men'. Far from merging with the submissive nature of women, these 'instincts' cause disruption, unruliness and *fitna*, subvert women's natural submissiveness and lead to remorseless profligacy:

women's need for wealth and money... is greater than that of men. Luxury and ornaments are part and parcel of the very being and lives of women and form a basic need for them. The money that women spend in their normal daily lives on luxuries and ornaments is more than the expenses of many men... the ability to work and persevere to gain wealth is less in women than men, but the ability to spend the wealth is considerably more in women than men. (1980: 209)

The revered ayatollah is of course not hampered by statistical evidence which suggests that the world over women spend their wealth on the household and men tend to spend it on their perceived personal needs.

THE RECONSTRUCTION OF THE 'MOHAMADAN' ISLAM

Faced with this barrage of assertions, Islamist women have had to resort to the text of the Koran and make a concerted effort at carving out a path that allows them to be as active and effective as men, despite these perceived differences. To be successful they often have

to accept the differentiated description of the feminine. What they have done is to turn the idea on its head and suggest that women's very passion and compassion, their very ability to enslave men, is in fact an indication of their superiority and a demonstration that they, Islamist women, are the ones best qualified to run not only the lives of men, but also the destiny of nations. In a long, scholarly article on women's role in society, Shahla Bagheri resorts to quoting the male scholars who have noted the Prophetic saying that:

Those who have more of the Godly attributes better represent God and in representing the essence of God women are better than men since men represent acceptance and reaction and passion since they seek justice. But women besides representing the Godly attributes of acceptance and passion also represent the state of being and, like the impact of God, they can conquer men and can enslave men and capture them by their love and kindness. (Amoli: 233)

Bagheri contests that this innate ability to win over and condition humanity reflects the power of God and the wishes of the Almighty to make women more complete than men (*Zaneh Ruz*, 7 January 1996).

Bagheri is not a lone voice; there has been a long and vociferous campaign by women, supported by some male Islamist intellectuals, against the unacceptable form of religious traditionalism that has prevailed. Opposition to the establishment of a theocracy had its roots in the pre-revolutionary Islamist movement. Both the first post-revolutionary Prime Minister, Mehdi Bazargan, and the well-known Islamist intellectual, Ali Shariati, had vehemently opposed the setting up of a theocracy (Omid 1994: 51). Ali Shariati was a French-educated teacher and popular orator who, in the 1970s, sought to synthesise Islam and socialism. He had not been through the traditional, *ulama*-led religious schooling. Bypassing the establishment he had chosen to learn and write about Islam by going directly to the text of the Koran and the teachings of the Prophet and finding the 'true Mohamadan Islam', untainted by centuries of inappropriate interpretation. He was critical of both hidebound traditionalism and the unrestrained pursuit of modernisation. Shariati objected to the imperialist penetration and erosion of cultural identities and values, as well as superstitious obedience to religious leaders. He argued that Shia *ulama* had lost their initial progressive intellectualism and moved away from the path of enlightenment. In his book *Tashiiyeh Alavi va Tashiiyeh Safavi* [Alavi and Safavid Shiism] he questions the very legitimacy of the *ulama*'s claim to represent the *imam* and act as

the protectors of the oppressed and the needy. Shariati made a distinction between the *ulama* before and after the Safavid period. The early Shiia clergy, he claims, were embattled and represented the people and the resistance movement:

Negation played a central role in shaping Shiias' embattled position in Islamic history... Shiism which began with this 'no' was an uprising against... the path of ignorance, *jaheliat*... Shiias represented the oppressed and justice-seeking classes and the firm opponents of the caliphate. (Shariati n.d.: 1-3)

But in the sixteenth century, when the Safavid adopted Shiism as the official religion of the Iranian state, the clergy became institutionalised and the religious establishment became part of the ruling elite. As such they undermined all revolutionary change:

From the moment that Shiism succeeded in gaining formal recognition, from that moment it was vanquished... from the moment that the powers that had been ranged against it began to accommodate it, then they absorbed it; it ceased to be a dynamic movement, it became a powerful ruling institution. (Shariati n.d.: 47)

Thus, instead of protecting the needy and forging a path against injustice, the clergy became the mouthpiece of the government:

The Safavid-style cleric is a specialist in creating religious covers, *kola sharii*. He cloaks violence with a gown of piety [and justifies usury and similar practices]. (Shariati n.d.: 149)

Given these criticisms, Shariati, who died before the establishment of the Islamic government in Iran, was wary of the *ulama*, who in turn did not trust him. In his opinion the simplest of Muslims with no learning, but with true commitment to the faith, were as capable of understanding the teachings of Islam as the most distinguished of ayatollahs.

In the event the intellectuals who wished to keep the *ulama* separate from the state failed. After the revolution there was little choice for women but to embark on their own Islamic interpretations. Elite women who did so were not directly critical of the *ulama*, but they insisted on their right to campaign to regain their 'true Islamic rights'. As the well-known author and activist Zahra Rahnavaard stated:

The truth is that women still have legal problems; ignorant men, who have not had a proper Islamic education, subjugate them and

subject them to all sorts of injustice. (*Zaneh Ruz*, 17 April 1983, no. 861)

Many of these were, and are, religious leaders who have remained 'ignorant' and denied that women have any entitlements or have ever played a significant part in the history of Islam. They have chosen to rewrite history and erase women. A good example is Ayatollah Seyed Mohamad Musavi Bojnurdi, Professor at the Shahid Mottahari Technical College. It is his considered opinion that:

In the beginning of Islam women were not present in society at all. They were not permitted to take part in public affairs. (*Zaneh Ruz*, 28 May 1994)

To counter such blatantly false arguments, historians such as Zahra Govahi have had to produce erudite articles retracing the important part women have played throughout Islamic history. Not only was the very first convert to Islam a woman, but there have always been important women, many of whom remain reliable sources of *hadith* and matters relating to religious laws, *fiqh*. Govahi names Fatemeh Zahra 'the beloved daughter of the Prophet', Hafseh the daughter of Omar, Salmeh the wife of the Prophet, and Asma the daughter of Abu-Bakre. The well-known scholar Hajar Asqalin's book on the companions of the Prophet has a section in which 1522 women are listed. These companions are reliable sources of *hadith*, traditions of the Prophet, which have enabled lawyers to use the Prophetic judgments to build the corpus of Islamic laws. Some of these women taught in mosques and public places, and many learned Islamic books have used their teaching as important sources and references.

Govahi, a Shiia, does not mention Abu-Bakre's other daughter, the most renowned companion of the Prophet, his wife A'isha. A'isha is acknowledged by the majority Sunni Muslims as one of the best sources of information on the Prophet's teachings and legal decisions. Furthermore, some of the best-known verses of the Koran, including the one denouncing slander, were specifically revealed to the Prophet to deal with A'isha's predicament. She had been lost in the desert with a camel driver for a day and a night. On their return she claimed that the caravan had left without her while she was looking for a necklace she had lost. The next day a young man, Safwan ibn al-Muattal, found her and gallantly helped her to mount his camel and silently led her back to Medina; hence the delay (Abbott 1995: 36). Ill-wishers refused to believe this story and accused her of adultery. It was then

that the verse of the Koran admonishing slanderers and demanding four witnesses to the act of adultery (24:11–16) saved her. A'isha has been a powerful influence on Islamic history ever since. According to the Shi'as, after Mohamad's death she manipulated the group of elders to reach a consensus to appoint her father Abu-Bakre as the caliph of Islam instead of Ali, the nephew and son-in-law of the Prophet. Furthermore, when the imam Ali was eventually named as the fourth caliph, A'isha raised an army and took to the field against him. It seems extraordinary that given such a well-documented and oft-repeated history, there are still leading religious teachers who deny that Muslim women have had any impact on the creed.

Govahi notes that despite their relative eclipse after the early golden days of Islam, many women founded and taught in renowned Islamic universities, *maddaress*, such as the Qotbieh School in Cairo and Ozravieh in Damascus. Similarly Fatima Mernissi (1995) cites the many women who were experts in theology and have found a place in al-Zarkali's *Who's Who* of famous Arab men and women. This assertion of women's eminence is the first step in the contest for a place for women in the domain of Islamic law, *fiqh*. Islamist women contest male monopoly over *ijtehad*, legal interpretation. They argue that Islam requires women to be learned and imposes a duty on women, as well as men, to acquire knowledge. Therefore it is equally obligatory for them to progress as far as possible and, if they are able to reach the level of *ijtehad*, they should do so.¹ Govahi is convinced that:

Islam demands that Muslims understand and follow its teachings and do not just mimic them without understanding the core of the faith... It is on the basis of clarity, understanding and knowledge that Muslims should accept and follow Islam. (1995)

This is a question which has been much discussed amongst Muslims: is it their duty to follow, *taqlid*, as did the *qari*, reciters of the Koran, in the early days of the faith? The religious establishment in Iran has maintained that this is the case and that it is sufficient to follow the teachings of a learned *alem* who understands the faith and can interpret it to meet the needs of each generation (Gleave 1996). Scholars such as Ali Shariati contest the right of the religious establishment to act as the guardians of Islam and its teaching. They contend that Islam is so transparent that even the least educated of people can have an immediate understanding of its teachings. Women scholars agree and state that knowledge of the faith must be inclusionary, not

exclusionary. They argue that the teachings of the Koran and those of the Prophet indicate that Islam wishes its women to be as learned as men in religious matters, and in matters concerning women it is essential to have a woman religious scholar as interpreter (al-Ghazali n.d.; Zin al-Din 1928; Govahi 1995). They assert that women, like men, are entitled to learn about their religion fully and reach the highest scholarly levels as students and teachers; they too should comment on and interpret the teachings of Islam. In particular they are far better qualified to understand, examine and appreciate the teachings of Islam in matters relating to women and their duties and obligations. They can offer far better explanations on these questions than any man. Govahi states categorically that men have not been permitted by Islamic law 'to bear witness in such matters' (1995).

Had Iranian women not grasped the right to speak for themselves, the conservative religious views would have prevailed. But over the past decades the religious establishment has been forced to hear what they have to say, and accord them a place. To counter the growing tide of what it saw as radical, unwieldy interpretations, the religious establishment decided to admit women to its own universities, *maddaress*, and offered a series of scholarships specifically for female theologians, *talabeh*. By 1982 it had opened several special *Hozeyeh Elmieh Khabaran*, theological centres, for women. Parvin Zolfaqari, head of Imam Khomeini's Centre in Bakhtaran Province, told the press that they would enrol students, school leavers and civil servants who wished to study theology and attend classes on Koranic commentary, Islamic economics, Arabic, Islamic law and analysis of Shiia texts (*Zaneh Ruz*, 17 April 1983, no. 861).

But despite these advances there is yet to be a leading woman *marja taqlid*, source of emulation. Despite their enthusiasm and willingness to embark on theological studies as yet no woman has been granted a doctorate in *fiqh*, religious law, a prerequisite for becoming an ayatollah, a leading religious scholar. Many postgraduate courses in the subject do not admit women at all, and major theological libraries and resources such as the Library of Ayatollah Marashi Najafi in Qum are either closed to them or give them very limited access.

Yet women religious scholars have usually accepted and followed the teachings they received and have remained within the mainstream of male interpretive discourse. It is male theologians such as Hojatoleslam Seyed Mohsein Saeezadeh who have allied themselves with the non-theological elite Islamist women. These are men and women who have emerged from the very core of the revolution and yet, in the

name of Islam, they advocate remarkably radical views. Based in the holy city of Qum, which is the very bastion of Shiia conservatism, Saeedzadeh contests the fundamental notions of complementarity of the sexes and female domesticity. He argues that it is in the very conception of Islam as a creed that men and women should be equal.² Other leading religious leaders, such as Ayatollah Mohamad Jonati, offer more limited support, defending the right of Islamist women to engage in the development of Islamic discourse:

It is clear and obvious in Islamic law that there are no impediments to women reaching the level of *ijtehad*, high religious leadership. There is no barrier of any kind to be found to this process in Islamic law, *fiqh*. (Qum, 19 October 1993)

This view is endorsed by Ayatollah Seyed Mohamad Musavi Bojnurdi, who positively encourages women to become interpreters of their creed:

Unfortunately in the *hozeyeh elmiyeh*, the theological colleges, women have not progressed as they should have... I have heard that at Qum's *hozeyeh elmiyeh* they put limitations on our sisters and do not allow them to develop as they should.

My belief is that women can give *fatwa*, religious orders, that women can become *mojtahed*, religious leaders. When women become *mojtahed* then they can give *fatwa*, that would follow naturally. There is no reason for *fatwa* to be only for men. It is not just for men. (*Zaneh Ruz*, 13 December 1994)

Musavi Bojnurdi's view is that the country needs a raft of women *faqih*a; not merely 20 or 30 but more like 400–500. In his opinion since half the country's population are women, a proportionate number should be religious leaders:

It is unrealistic to expect of us men to deal effectively with women's issues. Our traditionalism and old-fashioned ideas will not permit us to make clear judgments and do anything in your favour. You are the ones who understand your problems and you are the ones who should come up with appropriate solutions... For you sisters to solve your problems, it is not enough to hold seminars... you must have your own experts in law and *fiqh* who work on *usul*, basis of law, and *tafsir*, interpretation. (*Zaneh Ruz*, 13 December 1994)

Such endorsements are reserved for those women theologians who have been trained by men and follow their methods and approaches.

There is considerably less tolerance towards women and men who contest accepted norms such as compulsory veiling, or the idea of complementarity of the sexes rather than equality and the gender-specificity of feminine duties and obligations.

STRUGGLES

Despite the disapproval of the post-revolutionary state and its religious hierarchy, Iranian women have not ceased to insist on their right to challenge inequalities. They have held meetings, written books and pamphlets and edited journals to voice their opinions. There have been several attempts at silencing them, but on the whole these have not been successful. A good example is the decision of the Ministry of Culture and National Guidance, *Frahang va Ershadeh Meli*, to cut back the *Zanan* journal's subsidised newsprint quota. The journal, which is edited by a long-standing Islamist revolutionary woman, Shahla Sherkat, responded with a fiery and defiant editorial:

One of the reasons for cutting back our quota was that some of our authors, who were not approved of by the Department of Internal Information (*Edareh Koleh Matbuateh Dakheli*), were publishing articles which, according to these gentlemen, criticised the mainstream view of religion. This was not to be tolerated. They objected to articles where the criticism was based on interpretation of the creed. Yet a modicum of intelligence would have enabled them to see that *Zanan* is totally committed to the faith and is trying to clear Islam from the constraints that have been placed upon it and to project the reality that Islam is enlightened and generous towards women, particularly for those who have been unjustly oppressed, treated badly and who no longer have a high opinion of our faith. (*Zanan* III, no. 17, March–April 1994)

In fact *Zanan* has gone on to declare that it was perfectly possible to be a feminist and a Muslim. During the 1997 presidential elections, it set out to challenge the leading contenders on their views on women. When Nateq Nuri refused to be interviewed, *Zanan* (no. 43, May 1977) published its probing questions which included the following:

- Is it true that in the presence of outsiders you call your wife by your eldest son's name?
- Have you ever punished your wife? If so how?

They ended the list with a quip:

And here is our final question:

– we were told that asking such questions would mean that were you to be elected you'd close our journal. Is this true?

In the event the women's vote went to the erstwhile Minister of Guidance Ayatollah Seyed Mohamad Khatami, who had spoken out in favour of women. He won a landslide victory which was fêted as the victory of reason and moderation over religion and zeal.

ULAMA AS OBSTACLES TO ENLIGHTENMENT

The reconstruction of Mohamadan Islam articulates the faith and enlightenment with an international perspective which posits an enlightened Islam not only against the immoral waywardness of the West, but also against an obfuscating backward, home-grown *ulama*. Some critics, such as Shariati, combine the two and blame the *ulama* for being the first to have been seduced by the culture of the West:

The first westoxification was not in the nineteenth century, but in the sixteenth, when the Safavid created a formal ministerial post of '*rozeh khani*', reciting tales to mourn the martyrs of Karbala, and *taazieh*, passion play, and sent the Minister to Europe where he acquired the Western practices, hitherto unknown in Iranian culture, of passion plays and flagellants which were prevalent in Lourdes and elsewhere. (*Tashiiyeh Alavi* n.d.: 206)

Shariati argued that the *ulama* copied Western practices and lulled the people with the trappings, pomp and ceremony of mourning and devotion, which completely undermined the revolutionary nature of Shiism. This westoxification turned 'red' Shiism, a revolutionary colour bestowed by the martyrs to the movement, into the 'black' Shiism of tears and sorrows:

The Safavid bewitched Shiism; they altered the nature of red Shiism – which is its eternal colour from Ali till eternity [having begun with his martyrdom] – to black Shiism which is the garments of death, which in the name of mourning the Safavid have clothed it with... making Ashura a form of opium for the Iranians... (*Tashiiyeh Alavi* 162–3)

Shariati is not the only one to deplore the public mourning parades of the flagellants and the passion plays. Even among the *ulama* there were some who viewed such practices with disfavour. As early as 1955 Ayatollah Heibat al Din al Shahrestani, the *marja taqlid* of Najaf, had issued a *fatwa*, decree, against mortification of the flesh during the observance of Ashura; he pointed out that there was no religious basis for cutting one's head with a knife or for self-flagellation (Akhavi 1980: 88). But with the suppression of all forms of opposition in the 1970s, religious processions became a major vehicle of social mobilisation and one that was condoned and even encouraged by the religious establishment. Shariati did not criticise the actual mourning for the martyrs of Karbala, but its transformation from a revolutionary process, as a symbol of resistance to death, into a formal and organised procession which distracted people. By emphasising sorrow and demanding pity rather than revolution, it drained their emotions by tears, rather than firing their fury. It made religion into the opium of the masses rather than a quest for justice and fraternity.

THE INTERNATIONAL PERSPECTIVE

It is important to note that the process of reconstruction and reinterpretation of Islamic discourse is very much within the context of the global culture. Just as Shariati chooses to denounce the *ulama* for their failure to adhere to a true Islam and for falling prey to the West, so Islamist elite women represent their new Islam as both authentic and superior to Western feminism. But these assertions remain principally in a comparative perspective and frequently for Islamist as for secularist women the norms are set by the West and Western feminists rather than by Islam. But Islam is portrayed as comparing well and being superior. The target audience for the discourse too is not only Iranian, but all actual and potential Muslim women the world over. The first Presidential Adviser on Women, Shahla Habibi, underlines the need for positive propaganda:

In international meetings we must rely one hundred per cent on our religious beliefs and defend them at all cost. In Islam we have found the way to achieve the proper path. (*Zaneh Ruz*, 21 October 1995)

It is therefore hardly surprising that in October 1995 the *Majlis* Speaker Hojatoleslam Nateq Nuri decided that he had to disabuse

the West of its mistaken views on the oppression of Iranian women. He announced that he wished to have a debate with

Western feminists and Zionists who claim to be the defenders of women's rights and claim that women's rights are abused in Iran, when this is obviously contrary to the truth. (*Zanan* IV, no. 26, October–November 1995)

It is important to note that this was very much directed to the West. As noted earlier, a couple of years later when running for President he refused to answer any of *Zanan's* questions about his position on women. The ploy about engaging Western feminists was not dissimilar to the views that some Westerners have about Islamists. Just as in the West much of the discussion about Islam and Islamist women is conducted in terms of simplistic caricatures, so it is in the case of the perception of Western feminism by the establishment in Iran. The terms of the debate, were there ever to be one, are largely defined by stereotypical representations of the adversaries. So, for example, Khameneyi suggests that in the West, which is always used as a generic, undifferentiated term to mean more or less the rest of the non-Muslim world,

the very foundations of the family are shattered; husbands and wives treat one another coldly and at the societal level women are not seen as independent beings, but rather they are considered as objects for the sexual satisfaction of men... as a whole women do not enjoy any particular form of respect and that is what the Western style of living dictates. (*Zaneh Ruz*, 13 December 1994)

Habibi shares this view:

I think that the Westerners show the greatest disrespect to women and call it liberation, sexual liberty, liberty to abort babies, etc. (*Zaneh Ruz*, 21 October 1995)

Hashemi Rafsanjani echoes these statements:

Our main difference with the West is that there women's liberation is measured in terms of immorality and laxity of standards, whereas we regard such uncontrolled behaviour as detrimental to both society's interest and that of the ladies themselves. (*Zaneh Ruz*, 25 November 1995)

All that is reflected in the discourse is fear of immorality, denunciation of the breakdown of the family, which is blamed squarely on

feminists and not on men, and the false view that in the absence of feminists women would be submissive, obedient, moral and rooted in the family!

FREEDOM AND LIBERTY

These simplistic propositions hide a very real fear that Islamists have of liberty, which they equate with the unfettered pursuit of pleasure. Although the gap between secularist and Islamist women in Iran is gradually closing in terms of their aspirations, their analytical division on freedom and liberty remains as unsurmountable as ever.

After the revolution, in a series of public speeches, Khomeini had set about contesting the people's right to freedom; to justify this he chose to equate freedom with immorality and present it as the poisoned chalice of the West and the source of all evil. Thus liberty was equated with imperialism and retrospectively rejected as being counter-revolutionary.

It is worth noting that Khomeini's attempts to define liberty in terms of rampant immorality is very much part of mainstream revivalist thinking. Ali Shariati too was concerned about the confusion between freedom, *azadi*, and liberty, *rahayi*:

We must not confuse freedom with liberty. Liberty denotes the absence of constraints, it has a negative sense, it indicates the existence of a situation. By contrast freedom, *azadi*, is an essential quality, a characteristic of human progress which can only be achieved through struggles and hardship and wisdom and growth.

The difference is like that of a person who escapes from prison. That is liberty regardless of the kind of person that the prisoner is. It can be a thief who is at liberty or a slave or even an enemy of freedom. Similarly a progressive, noble and conscientious person, a free thinker, may be caught, imprisoned and deprived of his liberty. Yet the one remains a libertine, in prison or otherwise and the other a freedom fighter. They cannot be equated as one and the same. (Eqbal 1991)

The Islamic intelligentsia had to form their own version of a moralistic, constrained, yet acceptable vision of freedom. In this Khomeini moved considerably further from the Western definition than Shariati had done. Khomeini stated that his revolution demanded absolute

devotion even the very life of its adherents; it left no room for freedom or liberty:

Our aim was not mere freedom. Our aim was not mere independence... We did not want to be free like Sweden; they may be free, they may be independent, but they have no Koranic consciousness... What do you suppose the Iranians wanted? Did they want Islam? ... Did they die for the Koran? ... We did not shed the blood of our youths for mere material gains. ... Our martyrs gave up their lives, they willingly espoused death, to make this the land of Islam. They did not die for freedom or liberty, they died to make this an Islamic State and we will make sure that their death is not in vain, that it is not made pointless by the libertines who survived. (*Kayhan*, 6 June 1979)

Given the constraints of the theocracy and their fear of the West and its immorality, it is indeed a tribute to the power and continuing struggles of Iranian women that they have succeeded in forging a fragile unity across the secular/religious divide and have succeeded in effectively pursuing and gradually achieving some of their goals over time.

2 The Reinsertion of Women in the Political Arena

In the early post-revolutionary days the Islamic government sought to exclude women from the public domain and relegate them to the sphere of domesticity. But Iranian women refused to be thus marginalised. They organised public demonstrations, sit-ins, meetings, marches and protests against the imposition of the veil, the reintroduction of automatic paternal custody on divorce and the dismissal of women judges and lawyers. But in 1980, when Iraq invaded Iran and launched a war that was to last eight years, the energy directed against the government was rechannelled towards the war effort. This in turn enabled the post-revolutionary government to find its feet and become more firmly established (Afshar 1985a). As a result a gulf emerged between secular and religious women, which has taken more than a decade to bridge. Despite the similarity of their goals, the division is proving intransigent. Islamist women have located their negotiations with the government within the context of Islam and its reconstructed meanings, whilst secular women have chosen to present their protests in terms of human rights and the international recognition of women and their universal entitlements. What both groups seek is the lifting of constraints placed on women's social and political integration by the post-revolutionary government.

This chapter begins by discussing these formal barriers and the less than equal treatment of women in the arenas not closed to them by the laws of the land. There will then be a brief review of secular women's critique of the situation and the rest of the chapter will focus on Islamist women's parliamentary activities to remedy the situation.

THE CONSTITUTIONAL PROBLEMS

Although they fought shoulder to shoulder with men, women have been placed squarely on the margins of politics in Iran. They are expressly barred from assuming leadership and have not been given high office by the post-revolutionary government; it has never

appointed a woman to a full ministerial post. The highest rank achieved by a woman to date is one of the seven Vice-Presidents appointed by President Khatami in 1997.

According to the Constitution women are the cornerstone of the home and the hearth.¹ At the same time they have been given the right to participate fully, at least as an electorate, in the politics of the land (Article 6 of the Constitution and the election and referenda laws). They can be elected to the legislative bodies at both the local and national levels (Articles 30–2 of the parliamentary election laws and Article 23 of the Islamic local councils' organisation) to the Parliament, *Majlis Shorayeh Eslami*, and the Consultative Body, *Majlis Khebregan*, the Assembly of Experts. But few women have been elected to serve on any these bodies. The *Majlis Shorayeh Melli*, Parliament, has had four full legislative terms. Yet, although women have formed an active and large part of the electorate they have gained few seats. In the first *Majlis*, of the 270 members only two were women; there were four women in the subsequent two *Majlis*. In the fourth *Majlis* their numbers rose to nine and in the 1996 elections to the fifth *Majlis* 13 women were elected.

The *Majlis Khebregan*, Assembly of Experts, which according to Article 107 of the Constitution is charged with the selection of the leader, is an elected body of 'highly respected experts' who are known to have 'high moral probity, piety and reliability' and have been through 'religious training to enable them to interpret matters relating to divinity'. Despite the latter proviso and the traditional male dominance in formal Shiia training, there is no stated gender bias in terms of selection of experts. However, not surprisingly, the Assembly, which was formed in 1979, has had only one woman amongst its 83 members.

As to the higher levels of the legislature, though there is no formal bar against them, no woman has been appointed to any of the powerful decision-making councils such as the Council of Guardians, *Shorayeh Negahban*, who pronounce on the Islamic validity of the laws passed by the *Majlis* and the *Shorayeh Tashkhiseh Maslehat*, The Council for Arbitration, or the *Shorayeh Baznegari*, the Council for the Revision of the Constitution (OMID 1994: 138–52).

SECULAR STRATEGIES

The difficulties that women face in the wider political context have been exacerbated by the divisions that exists amongst them,

particularly between the secularist and the Islamist groups. For Islamists the contradictions between what they see as feminism (Rahnavard n.d.), and their revolutionary belief in the Islamic Republic, mean that they can never envisage a united women's movement. For the secularists, despite the organised public demonstrations and protests in the early days, there has been a deep sense of failure; many were hunted down and executed for their radical and Marxist views; others gradually lost heart so that by the late 1980s the secular women's movement had lost its political momentum. But after nearly two decades the harshness meted out to women in general and the historical exuberance and strength of Iranian women in particular have helped the two groups to find ways of creating a degree of rapprochement. It is now possible to think in terms of common interests, women-centred demands and a wider political positioning which retains the nationalistic anti-imperialist language which is part and parcel of the current political terminology in Iran, while remaining firmly anti-despotic. What is now taking place is a general determination to defend women's rights.

Islamists themselves are divided between the elite, establishment women (Moghissi 1996), who are fighting for the cause within the parameters set out by the post-revolutionary government, and activists such as the Islamist Mojahedin, headed by a woman, Maryam Rajavi, who have relocated their headquarters in Iraq and Paris and run a long-distance oppositional Islamic movement against the regime. Both groups have adopted the veil as a symbol of their Islamism.

The secularists too are divided between Marxist revolutionaries and pragmatic professional women. The Marxist groups, including the Fadayan Khalq, and other smaller groups, have been driven underground by relentless persecution since the early years of the revolution. So it has fallen to professional secular women to continue the public debate in defence of women's rights. Islamists formulate their demands in the name of an idyllic Islamist past, *sadre Islam*, when women were given their rightful dues. Secularists refer to a contemporary universal arena of human rights. Amongst their leading contenders, secularists include the feisty lawyer Mehranguiz Kaar, who has consistently and publicly demanded that the Iranian government observes its obligation to abide by UN decisions to which it has been a signatory. Kaar singles out the United Nation's 1979 convention for the removal of inequalities concerning women's rights and insists that Iranian women should be entitled to the provisions of Article 3, which demands that:

all member countries must in all respects, particularly in terms of political, social, economic and cultural activities ensure that the appropriate legislations are in place to facilitate the extensive and successful development of opportunities for women to participate fully and equally and obtain the maximum benefit from their human rights and liberties, on an equal par with those of men.

Kaar also notes that Articles 7 and 8 of the convention demand that member countries ensure that women have the right to vote and be elected in all elections and to all public institutions; the right to be employed in all public posts and to participate in non-governmental organisations (Kaar 1994a).

Although theoretically Iranian women enjoy all these rights, the only right they have been able to exercise fully since the revolution is the right to vote. Kaar argues that the post-revolutionary 'cultural' context combined with the animosity of powerful individuals has been responsible for preventing women from exercising their political rights in full. She asks of 'intellectual women' that they use 'logical and rational arguments' to demand that the government fulfils its legal obligation to integrate women in the public domain (Kaar 1994a).

Secularist demands for equality were silenced by the Iraqi invasion in 1980 and eight years of war. The paranoid climate created by the war and the American hostage débâcle and subsequent attacks by the US navy on Iranian oil installations and civilian planes (Omid 1994) effectively blocked their internationalist perspectives and bolstered the 'cultural barriers'. After the war, and particularly after Khomeini's death, the situation improved, not least because the Iranian government wanted to prove to the Middle East and Islamist revivalists that its revolutionary solutions benefited women. The return to the international arena enabled secular and Islamist women gradually to carve out a mutually acceptable political space for themselves. Secular activists decided to abandon political posturing and to organise and collaborate with whomever was willing to defend women's interests. The goal for both Islamist and secular women was to make it unacceptable for any public figure openly to oppose women's rights.

Though strategically essential, unity with Islamist women has not been easy to achieve. The problem is that both groups are divided amongst themselves. So, for example, the Islamist concept of the international is directed to the Islamic world and the secularists to the West. The secularists argue that their attempts to place women's rights in the context of new interpretations of Islam is not well

received in the world and does not sit comfortably with the Western world's views on freedom and liberty (Kaar 1994a).

THE ISLAMIST STRATEGIES

The confusion over the definition of rights and selection of priorities is not confined to the secular/Islamist divide. There was support for Islamification amongst a cross-section of women who denounced the 'non-believer' secularists as belonging to the 'Westoxicated' upper classes, committed to 'Western imperialism'. But even amongst the Islamists there is a range of opinions from those, like the first Presidential Adviser on Women's Issues, Shahla Habibi, who do no more than voice the state's opinions in the name of women, to radical Islamist campaigners such as Zahra Rahnavard, who openly criticise the state for failing to meet its obligations to give women their Koranic rights. What this group has in common is that they contest the 'Western' definitions of women's rights (Afshar 1994b). It is important to note that they too address a universal audience, namely the 'West', which they blame for failing to deliver liberation to women. They also target the 'Islamic world', which they suggest should look to Iran as an exemplar of success where the 'West' and the 'rest of the world' have failed. Some of the conservative Islamists such as Soraya Maknoun, University Professor and Head of the Research Group on Women, even claim that the post-revolutionary state has solved all women's problems:

The truth is that our society does not have a women's problem and its just pro-Western critics who have invented such a problem and imposed it on our lives. (*Zaneh Ruz*, 27 January 1990)

Others, such as *Majlis* Deputy Maryam Behruzi, argue that theirs is an alternative way of looking at gender issues:

The style of Western thinking which posits male and females as opponents has failed and has adversely affected the West. In our view both patriarchy and matriarchy are undesirable and problematic definitions in that they define society in terms of contradictory and oppositional analytical concepts. We must oppose an approach which posits such an oppositional dichotomy between the sexes. (*Zaneh Ruz*, 24 February 1996)

However the process of reconstruction of an appropriate Islamic analytical framework is proving difficult. Not only are Islamist

women divided amongst themselves, but also political exigencies require that they remain flexible and open to dialogue and bargaining with the male establishment.

The absence of legitimate channels such as political parties for selection and support of elected representatives has made the situation even more complex. Islamist women, like the secularists, have had to resort to small groups and non-political and quasi-political gatherings and use the vociferous women's journals and weeklies to get their views heard.

The extensive and invaluable contribution of women to the war effort and the revolution led them to expect much from their government and the Islamists in particular feel severely aggrieved about its failure to meet these aspirations. Thus, whereas it is still possible for secularist women to take a relatively optimistic view of the future, radical Islamist elite women (Moghissi, 1996) appear pessimistic. In the early post-revolutionary days the redoubtable politician Maryam Behruzi, who had been imprisoned for her political activities before the revolution and whose son was 'martyred' during the war, went so far as to say that she saw no room for optimism:

Sadly women have even lost ground . . . unfortunately at the moment I do not see any room for the development of women in the public sphere . . . Unfortunately after the revolution women have not been allowed to play a real part in Iranian politics. They are needed to shout and participate in demonstrations. The most they do is to go to Friday prayers or help out behind the front lines of the war. I think that the absence of a suitable political environment has reduced women to such levels . . . (Maryam Behruzi, *Zaneh Ruz*, 17 April 1983, no. 861)

A decade after the revolution the well-known author and activist Zahra Rahnavard, who is married to the first long-serving post-revolutionary Prime Minister Mir Husein Musavi, still detected little improvement in women's position:

Women like myself have continuously campaigned for better conditions. We have made our demands in the *Majlis*, in the press and in the public domain. But no one has taken any notice and our voices are not heard. (*Zaneh Ruz*, 10 February 1990)

These revolutionary women feel that the government owes them far more than they have received so far. As Rahnavard notes:

Women have been and continue to be present, at times in larger numbers than men, in our public demonstrations, for the revolution and in its support. But when it comes to public appointments, they are pushed aside. (*Zaneh Ruz*, 10 February 1990)

There has been no room at the top for women despite their continuous struggles. Women such as Rahnavard are fiercely critical of the government for failing to reward or even consult them about their political fate:

There is clear and extensive evidence of absence of women at the planning and decision making within the government... Why is it that the numbers of female representatives in the *Majlis* are no more than the fingers on our hands? Why do we not have any women in the cabinet? Is it not the case that it was devout women as well as men who together carried the burden of the Islamic revolution? Why is it that now women have been marginalised? Why are they used only when there is need for mass participation, and then they are just used as extras to build up the crowd to give legitimacy to the demonstrations? (*Salaam*, 12 September 1994)

There are no satisfactory answers to these questions. As a result elite Islamist women often feel demoralised when it comes to the prospect for success. Jamileh Kadivar, a member of the editorial board of the international information daily, *Etelaateh Binolmelali*, voices their fears:

It is my personal opinion, which is also reflected clearly in our society, that women are totally marginalised, or are only permitted to just reach the margins. But they have no place in the central decision-making in our society. We only have to look at the absence of women in the three vital areas of legislature, judiciary and administration. (*Salaam*, 12 August 1994)

Even the docile adviser to the President Shahla Habibi, deplors the absence of women in high-ranking political positions. But she attributes this to the 'immature and unwise attitude of women'. In an unlikely alliance with secular women, however, Habibi too resorts to the world perspective and international laws to solve the problem:

In addition to our own cultural wealth and tradition we must also learn from the world's experience in this respect. (*Akhbar*, 12 November 1995)

POLITICAL PARTICIPATION

When it comes to analysing the causes of women's oppression, elite Islamist women share the secularist criticism of the 'cultural context'; the entrenched patriarchal system that has enabled the male hierarchy to use women when it suited the political circumstances and then discard them:

After the revolution without any discussions on the subject suddenly, particularly amongst the men, the whispering began that the time for women to be part of the public sphere has come and gone and now it's time for women to stay at home and take care of the children and let the men take charge of the government. Men are to rule and women are to obey and follow Unfortunately this undesirable atmosphere has been allowed to go on and develop ... the media and radio and television continuously define women in terms of their maternal duties and do not mention their public obligations. (Maryam Behruzi, *Zaneh Ruz*, 17 April 1983, no. 861)

Iranian women's return to political participation has been slow and hard. Since its inception, the Islamic Republic has never had a female cabinet member. Those who have achieved a degree of success and a position of some influence have been used to mouth ever more conservative views about women, as is the case with the first Presidential Adviser on Women, Shahla Habibi. Those who have refused to do so have, in the long run, been axed from the public arena. Good examples are Azam Taleqani, who was elected to the first post-revolutionary Parliament, *Majlis*, only, and Maryam Behruzi who, in addition to holding the Chair of Islamic Studies at the University of Shaheed Beheshti, served in every *Majlis* after the revolution. By the fourth *Majlis* she had become not only outspoken but also very effective. Then in the 1996 elections for the fifth *Majlis* she was ousted. The 'cultural context' has constantly thwarted women's efforts to maintain their tenuous foothold in the legislature. Islamist women have continuously to counter the religious establishment's traditional fear of 'unruly women' who can cause social havoc, *fitna*.² Shiia Muslims warily recall the Prophet's wife A'isha who went to war against the Shiias' revered first imam Ali, cousin and son-in-law of the Prophet. This fear is so deep-rooted that initially Islamist women had considerable difficulty in retaining their right to be *Majlis* representatives at all, or enjoy any political activity. As Behruzi recalls:

In the early days there was talk about whether or not women could stand for *Majlis*. Eventually women stood and some were elected. But many of the men and some of the *ulama* viewed this as being against Islamic law, *Shaar*; and Islamic practices. They argued that if women got into the *Majlis* then it would not be possible to control them and it would not be possible to implement the rule of Islam. (*Zaneh Ruz*, 4 May 1994)

Many of the revolutionary Islamist men remained unconvinced even after women were elected and served their time in the *Majlis* without causing major upheavals. At the end of the first *Majlis*'s term several representatives appealed to Khomeini to exclude women. Behruzi told the press that a 12-man group had been to the imam to demand that he issue a decree banning women's participation as it was against Islamic law. Others wrote directly to the imam:

some of these gentlemen are still in the *Majlis*. One of the *ulama* told me that he was one of those who wrote to state that he and his colleagues did not think that it was proper for women to be in Parliament. (*Zaneh Ruz*, 4 May 1994)

It is worth noting that the 'imam did not reply'; he did not issue his customary written statement, which was regarded as a binding decision for the faithful. He asked the Speaker Hashemi Rafsanjani to reply on his behalf and give a verbal answer:

Mr Hashemi told us that the imam was of the opinion that women have a right to participate in the political arena and in the law-making process, anything else would be unfair and unjust... He told the twelve man group: 'women's presence in *Majlis* is not against Islamic law; what you are asking is'. Well you can imagine what an impact such a statement had! (Maryam Behruzi, *Zaneh Ruz*, 4 May 1994)

In the course of the decades Islamist women have found their own counterexample to the rebellious A'isha. Using Shiia discourse, which applauds the devotion and exemplary behaviour of the prophet's daughter Fatemeh, Behruzi notes the important political contribution that she made. She refers to the last days of Fatemeh's life when the saint made a series of public statements analysing and discussing the causes of success and failure of society. Behruzi argues that these speeches show the depth of the saint's socio-political understanding and the valuable perspective she held. These speeches demonstrate

that in practice a Muslim woman, and the daughter of the Prophet at that, could, and did, play a crucial public role. Behruzi then laments the short-sightedness of Iranian male politicians and insists that Islamist women have to demonstrate that womanhood is not limited to motherhood and marriage; they must ensure that women in Iran are enabled and allowed to develop to their full potential (*Zaneh Ruz*, 17 April 1983, no. 861).

The use of the early saints as exemplary icons is commonplace in Islamic discourse in general and highly prevalent in Shiism in particular. University lecturer Mrs Safati enlarges on Fatemeh's political impact and argues that these activities must be seen as templates by Iranian women:

When the enemies of Islam were bent on derailing Islam, Ali (God's peace be upon him) took the hand of Fatemeh (God's salutations be with her) and went with her from house to house so that people could see her and hear her tell them about the Prophet's last will and testament... The Saint Fatemeh was the initiator of the best form of canvassing and political activity. (*Zaneh Ruz*, 13 December 1994)

Maryam Behruzi in her 1996 campaign voiced the same arguments. But she found it necessary to make concessions to the centrality of the family in Iranian society while defending women's political rights:

In society our women participate under the banner and protection of Islam. We naturally see women as wives and mothers. There is no doubt that women play a central and critical role in the family and society, and have different needs and responsibilities. In terms of legal rights their multiple responsibilities should not deprive them of equal rights and entitlements to the provisions of the laws. (*Zaneh Ruz*, 24 February 1996)

Like Behruzi, Zahra Rahnavard warns against the tendency to see motherhood and domesticity as the sole functions of women. Rahnavard too locates her arguments in the context of Islamic teachings. She warns against those who wish to disregard, or underestimate, the political importance of the pioneering women from the *sadre Islam*, height of Islam, to the revolutionary days in Iran. She contends that in participating in elections both as candidates and as voters, women serve God, the nation and the revolution. She argues that those who choose to concentrate merely on Saint Fatemeh's marital devotion and 'shade out' this great lady's political and social roles do so by

denying the leading part that she has played in shaping the faith, forming its history and delineating its path. Rahnavard notes that even Khomeini applauded the multidimensional contributions made by Fatemeh and stated:

the holy saint Fatemeh in the domains of the family, politics, social and leadership, played a path-breaking role and must be seen as an exemplary person for all Muslim women who are proud to follow her. (*Zaneh Ruz*, 26 February 1996)

Rahnavard then insists that it is time that there was a change of view, political groupings and voting patterns within society and in the *Majlis*. In her view such a political reconstruction would introduce a new dynamism and serve the 'true interests of Islam' as well as those of the revolution and the deserving dispossessed. She argues that were women to gain greater access to Parliament, they would severely undermine what *Rahnama* calls 'empire-building and accumulation of power bases', which she describes as 'the characteristics of the politics of the enemies of Islam'. She states that conservatism has created a context which could have undermined the revolution. She argues that what is needed is a more heterogeneous assembly of representatives, members who would be more open to new ideas and would thus make the *Majlis* a better place in Islamic terms (*Zaneh Ruz*, 26 February 1996).

But getting elected has been only the first step; women members of the *Majlis* are severely constrained by the ideological views that designate them as inferior, demand that they be modest, silent and invisible (Milani 1992), and define them as interlopers in the public domain. In terms of the general ideological definition of womanhood even Saint Fatemeh is best known in terms of the writings of the leading Islamist intellectual Ali Shariati, who is lyrical about her quietude, fortitude and willingness to subsume her own interest to that of her husband (Shariati 1980). It is hard to counter such deeply held views.

It has proved difficult to change the establishment's attitudes which describe women as either naturally inferior and silent, or as harridans. In 1983 the then *Majlis* Representative Seyed Mohamad Khameneyi was quite clear about women's 'natural irrationality' and feminine wiles:

in my view women have used women's way to get their rights, that is to say they have screamed and protested. (*Zaneh Ruz*, 17 April 1983, no. 861)

Many of those who had not made such accusations and had a different perspective nevertheless remained wary of women. They contended that Islam imposes a moral dimension that must be observed in all relations between men and women. Muslims are duty bound to observe these difference. They demanded that women representatives should remain modest and silent and retain a high sense of decorum and 'morality'. *Majlis* Deputy Hojatoleslam Abasali Amid Zanjani is typical in insisting that collaboration between men and women carries severe dangers to 'morality and propriety' and that women should respect these moral principles and accept the 'limitations' imposed on them. Women have to be constantly aware of the vulnerability of men and of their own high level of sexuality. Amid Zanjani demands that women should be 'most wary' and 'should not in any way arouse men!' The difficulty is that the Hojatoleslam assumes that unsuspecting men will be aroused by the 'tone' of women's voices or 'the way they look at someone'. However, although these moral demands would exclude women from the public domain, Amid Zanjani is confident that they do not 'undermine women'; in fact, if they all observed these principles, both men and women would benefit (*Zaneh Ruz*, 5 December 1993). It is not altogether clear how women would benefit from the restrictive injunctions to observe all proprieties, particularly when silence is equated with modesty and decorum. The outspoken campaigner Azam Taleqani is all too aware that women are severely hampered by the expectation that they should be 'naturally modest' and should not be 'saying too much in the *Majlis*' (*Zaneh Ruz*, 20 January 1991). Maryam Behruzi has a simple and graphic explanation:

One of these gentlemen [*Majlis* representatives] came to talk to me quietly... He said: 'I thought that you were a learned woman and did not expect you to suddenly claim that women are wise and intelligent. How could you ever claim that women have brains and that their brains are not partial and deficient?' He was criticising me for saying that those who think that women's brain is incomplete are wrong and was insisting that in fact they are quite right. He was genuinely amazed at my insistence to the contrary. (*Zaneh Ruz*, 4 May 1994)

However Behruzi has learned to be philosophical about such attacks:

I think that the problem with some of the male *Majlis* representatives is one of personal prejudices... It is not their fault; in a society

where injustice is done to women, where the people who commit such injustices: the husband who is unjust to his wife, the father who is unjust to his daughter, the brother who is unjust to his sister, might not even consider such deeds to be unfair. They might think that they have the right to behave in this way, they may even think that it is their duty to behave in such a way. Well, we have different customs and different views amongst different families. We also have *Majlis* representatives who have a very positive and enlightened view of women and who support us and encourage others to vote for us. (*Zaneh Ruz*, 4 May 1994)

Behruzi tends to be conciliatory even towards her opponents and, like the secularists, she chooses to blame 'culture and tradition' rather than the individual men for their narrow-minded attitudes to women.

I must emphasise that even the gentlemen who vote against us are not against womankind, they do not see themselves as doing injustice to women. They really believe that women should not have such rights and therefore would not vote for us. It is unfortunate that they have such a limited view of women. (*Zaneh Ruz*, 4 May 1994)

Despite the presence of a vociferous group of *Majlis* representatives who fear the presence of women in the political domain, over the past decades Islamist elite women have forged some useful alliances and have made the women's question and the 'defence' of women an important issue for some of the leading male politicians. It is with some satisfaction and great diplomacy that in May 1994 Behruzi declared that on the whole she felt that the *Majlis* had a 'very positive view of women'. She commended the national leader Ayatollah Khameneyi, the Head of the Judiciary, the President and the Speaker of the *Majlis* as valuable allies. She noted that the first speech that the Speaker of the House had made in the summer session was in defence of women. She also stated that there were many male *Majlis* representatives who had 'a very enlightened view' of women and were encouraging others to come round to their way of thinking (*Zaneh Ruz*, 4 May 1994).

Tehran Representative Monireh Nobakht expressed similar views but noted that it was thanks to the hard work of women representatives that such 'enlightenment' had occurred. Women had worked long and hard to gain such support. They had managed to change the fourth *Majlis*'s attitude towards women. By sheer hard work they had mollified some members and convinced others and replaced

their reservations 'by a more positive attitude' (*Zaneh Ruz*, 10 February 1996). But this positive attitude did not extend to appointing women to high-powered parliamentary positions. Maryam Behruzi, despite her own illustrious revolutionary past, found herself firmly discriminated against in the *Majlis*. She protested that women were never elected to high-powered committees, nor did they become chair or officers of any parliamentary committee (*Zaneh Ruz*, 30 January 1988). Typically women representatives such as the deeply Islamist and conservative Deputy Gohar Dastqei were only appointed to serve on committees such as education which deal with matters viewed as appropriate to women. The only exception was that eventually, in the fourth *Majlis*, Behruzi served as a member of the Legal and Judicial Committee.

Despite these 'cultural' and structural barriers, since Iran presents itself as a model for the Islamist world to follow, the elite women's demands have had to be accommodated to some extent. Thus from the early days, leading politicians such as Hashemi Rafsanjani, when he was *Majlis* Speaker, felt obliged to explain and justify the absence of women from important posts:

Although there are only four women in the *Majlis* we try to include them on official visits . . . and on relevant committees. But the experts in economics . . . the advisers and Heads of Departments . . . who have the major responsibilities, they must be included and we cannot just send anyone or appoint inexperienced persons just for appearances . . . that is why there are few women representatives in these committees and foreign missions. (*Zaneh Ruz*, 17 April 1983, no. 861)

In practice the situation did not change and women representatives remained on the margins of power. As Parvin Salehi, the Tehran representative, noted 13 years later, women continued to find their way barred when it came to the important committees. In the fourth *Majlis* there was not a single woman representative in the committees on external affairs, guidance, employment and social affairs, administrative affairs, councils, internal affairs, oil, agriculture, industry, commerce, defence or housing (*Zaneh Ruz*, 17 February 1996). This despite the struggles by deputies such as Maryam Behruzi, who wanted the *Majlis* to have women in all its committees. She felt that it was important that men's and women's talents were used equally when the country was making decisions about its future. Behruzi had resorted to the nature/nurture debate to justify her demands for women's full participation in the legislative process. She contended

that women would initiate the most successful popular bills because it was they who had the relevant lived experiences. It was women who by their nature and nurture were most acutely aware of the problems of living and who 'empathised with the pains within society'. They were by far the best judges of 'the needs of the people' and had the best solutions. In addition, women had to be there to protect the specific interests of women. They had to face the problems of inequality and provide for women's specific concerns (*Zaneh Ruz*, 24 February 1996).

But her pleas fell on deaf ears. However, there was a single woman in the Judicial Committee, but despite her presence the Committee sought to displace women and remove them entirely from the judiciary. Fortunately they did not succeed.³

FAITH AND POLITICS

In the political arena as elsewhere in post-revolutionary Iran the obstacles to women's full participation in politics were erected in the name of Islam. Islamist women have had to counter these views by resorting to Islamic discourse and reconstructing new interpretations that would meet their demands – a process that has been going on amongst Islamic feminist throughout the century⁴ and is now firmly rooted in Iran as in the rest of the Middle East. In a campaigning speech during the 1996 elections Behruzi presented a cogent defence of political rights in the name of Islam:

Without a doubt Islam is a complete faith and if all Islamic laws were totally adhered to then there would be no need to defend the rights of women; their rights would have been already protected by such laws. (*Zaneh Ruz*, 24 February 1996)

She argued that women's participation in the public domain had been condoned by the Koran and enforced by Islamic teachings; it was 'a fundamental matter of creed'. That was why the Islamic Republic had from its inception included women as an integral part of its political structures. To prove her point Behruzi quoted Khomeini:

According to imam Khomeini women are the very basis and the source of all good deeds and charitable acts and the teachers of mankind; they must be consulted in all national matters, and of course the *Majlis* is the most appropriate place for them to do so. (*Zaneh Ruz*, 24 February 1996)

The defence of rights here is not articulated in the language of liberty or even of equality. What Islamist women demand is entitlements that are balanced by duties. The demands are located firmly within the framework of responsibilities, mutual obligations and complementary roles. There is no mention of the less acceptable Western notions of liberty or equality, which are seen as suspect by Islamists (Afshar 1996b).⁵ It is interesting to note that Behruzi uses terms such as 'side by side' to demand what is in fact equality, presented in the political language of complementarity:

In Islam individuals are valued in terms of the development of their good character and humanity and by all yardsticks men and women are side by side and the one who has the greater probity and is better able to fulfil her duties is more valued. (*Zaneh Ruz*, 24 February 1996)

No political speech by a woman candidate during the 1966 election could be complete without references to *sadre Islam* and the guiding light shed by the women of the Prophet on what Islamic politics should be like for all time. Maryam Behruzi underlines Islam's recognition of the active participation of women in the public arena and refers to the women in the early days of Islam who actively participated in the political processes, and determined the future path of the Islamic society and government:

Fourteen centuries ago the core of women's participation in the process of decision-making and political action was firmly grounded and women participated fully in the political processes. In particular the great Islamic women played a central part in building the foundations of this practice. Their active role is a clear demonstration of the reality that Islam's just and humanitarian approach lays great importance on the progress of women and values their participation in society. (*Zaneh Ruz*, 24 February 1996)

POLITICAL LEADERSHIP

By 1996 it was possible to argue convincingly for a place for women within the legislature, but the fight for political leadership was yet to succeed. Article 115 of the Islamic Constitution follows Ayatollah Khomeini's instructions in insisting that the leader of the nation, *Valayateh Faqih*, be a man, and likewise the President. In this the

Constitution is following mainstream Islamist thinking which regards God as the only law-maker, dispenses with elections as irrelevant and sees the leaders as the earthly link between the laws of God and their implementations by willing subjects (Madudi 1978). But women, because they are controlled by men,⁶ are powerless and cannot undertake this divine mission (Mernissi 1993: 34). This point has been made categorically by the well-known Islamist theorist Ibn Khladun:

Allah does not give orders directly to a person unless he knows the person is capable of carrying them out . . . Most religious laws apply to women just as they apply to men. Nevertheless the message is not addressed directly to them; one resorts to analogy in this case, because they have no power and are under the control of men. (*Al-Muqaddima*: 193)

But here as elsewhere Islamist women have embarked on a long and painstaking process of reinterpretation. In the Iranian context, the only way to find a space for women in politics is to separate out politics from religion, something that the traditionalist interpreters, including Khomeini, have been loath to do and activist such as the *hezbollahis* have been firmly against. However, there are theologians such as Hojatolislam Abasali Amid Zanjani, Ayatollah Mohamad Ruhani and his brother Ayatollah Mohammed Sadeq Ruhani, who have been prepared to defend this position. Countering the views of Islamic scholars such as Madudi and Khomeini, who have during the course of the twentieth century sought to forge the Islamic political and religious frameworks into one, Zanjani contends that a clear distinction must be made between religious and political leadership. He argues that there is a distinct divide between the two and, though women are barred from religious leadership, they are entitled to political leadership. To gain authority for his position he begins by reinterpreting Khomeini's statement that on no account should women lead the Islamic community. Using traditional Shiia semantics, Zanjani says that what Khomeini meant by the term community, *umma*, was the community of believers rather than citizens. He then refers to Islamic laws and *ravayat*, reports of the imams' decisions, where he feels that the statement that 'women must not govern' was intended to mean religious guidance rather than political governance (*Zaneh Ruz*, 5 December 1993).

In his interpretation Zanjani is adhering to the opinions of a minority of scholars, such as Sheik Mohamad Ghazali, who are of the opinion that once Muslims have sifted through the rumours and falsifications, they would find that true Islam entitles women to assume

any role other than that of the caliph. But Zanjani does not go as far as Fatima Mernissi, who has demonstrated conclusively that Muslim women can preside over the *umma*, and have done so with considerable success (Mernissi 1993). Zanjani suggests that it would be inappropriate for women to be religious leaders anywhere in the world:

Where in the world do you find a woman placed in charge of national religious leadership? There is not one case to be found so that we become the second. Why should we be asking whether it is appropriate for women to be the religious leader, *Valayeteh Faqih* in our country? It does not happen anywhere in the world. (*Zaneh Ruz*, 5 December 1993)

But he cautiously endorses Islamist women's argument that in terms of Islamic theory and practice women have always had the right to be political leaders. He refers to the early days of Islam and points out that in Karbala, after the martyrdom of the holy imam Husein, the leadership of the revolution was handed over to Saint Zeinab. She took charge of the revolutionary movement that was the cornerstone of Shiism, and the success of the cause depended on her and her abilities to govern. The leadership of this movement was 'handed over to a brave woman' (*Zaneh Ruz*, 5 December 1993). Zanjani states that Muslims have always understood their faith by following precedents and that the Iranians are no exception, hence the right given to women from the inception of the revolution to vote and be elected to the *Majlis*. He then contends that where there are reports, views and decisions by the Shiia imams that denigrate women's leadership, these *ravayat* should be seen in context. Frequently they refer to specific cases and do not permit generalisation. What Islamic history teaches believers is that if a woman is selected, she must be one that has 'all the appropriate attributes and qualifications'.

Article 115 of the current Iranian Constitution states that the national leader must be from the *rejaleh siassi*, an Arabic term meaning political personages. But this has been understood and interpreted in the literal sense as meaning political men. In practice this requirement has been extended to bar women from any form of leadership.

Zanjani like many Islamist elite women is of the view that Muslims could, if they wished to do so, find themselves a women leader by reinterpreting the word *rajal*:

in terms of civil government in our Constitution when it comes to the President we have used the word *rajal* which has been

interpreted by the Council of Guardians as *rajal*, a distinguished man. But the Council of Guardian has the option, were it to choose to exercise it, to find a different interpretation... Since *rajal* has two meanings one of which is gender-neutral and means personality... people can bestow the right of leadership to a man or to a deserving woman. (*Zaneh Ruz*, 5 December 1993)

However Zanjani notes that this could only occur if and when a worthy woman emerges to fill the post. Once women have proved their worth in the higher managerial echelons then there would be no religious impedient to reinterpreting the term *rajal* to mean 'personality'. This is exactly what happened during the 1997 presidential elections. Even though the cumbersome constitutional processes had not clarified the exact meaning of the term, Azam Taleqani declared her intention to stand as a candidate.

In her many media interviews Taleqani noted that neither Islamic law, *fiqh*, nor the Koran places any barriers to women's political leadership. She also noted that the late Ayatollah Beheshti had already interpreted the term *rajal* to mean a leading religious or political personage. Yet 18 years after the revolution there has not been any conclusive decision on this matter and the Revolutionary Councils had not issued a definitive statement. Therefore she put herself forward to test the political climate (*Zaneh Ruz*, 26 April 1997, no. 1602). Taleqani stated that her intention was not so much that she should be elected, but that the constitutional position be clarified (*Zanan*, May–June 1997, no. 34). Eight other women also put their name forward to force the Council of Guardians to make a decision. In May the Council rejected all nine women, but it did not give any reason, nor did it refer to the constitutional terminology. Azam Taleqani decided to take the absence of explanation as a helpful step and declared her intention to pursue the matter:

The reason for the Council disqualification of women applicants was lack of religious and political qualifications. It is not a question of sex. However I will be seeking to get a clearer ruling from the Council on the issue. (*The Observer*, 18 May 1997)

Women's high-profile participation in the presidential elections, both as potential candidates and as voters, clearly demonstrated their political importance. Eventually Seyed Mohamad Khatami, the erstwhile Minister of Guidance, was elected on a pro-women ticket. In a landmark interview with *Zanan* Khatami confirmed his support

for greater political participation of women whereas the more conservative contender, The Speaker of the *Majlis* Nateq Nuri, refused even to respond to the journal's request. The result was a damning reportage on Nateq Nuri and an opportunity for Khatami to present himself as the more liberal face of Islamification (*Zanan*, May–June 1997, no. 34). However, the rewards for women were not as great as expected. True to form there were no women appointed to the new cabinet, but Mrs Masumeh Ebtekar was given a portfolio, of the environment, without a ministry and was appointed as one of the seven Vice-Presidents. Ebtekar who had spent part of her childhood in the United States had worked with Khatami in the early post-revolutionary days, when she edited the English language daily *Kayhan International* and he was the editor of its sister paper the daily *Kayhan*. In the 1990s Mrs Ebtekar edited the conservative journal *Farzaneh*.

LEGISLATIVE SUCCESSES

By locating their demands firmly within Islamic discourse in the context of a world perspective, and by emphasising the leading role of the Iranian legislature in creating a worthy example for the Islamic world to follow, Iranian women parliamentarians have, despite all the obstacles placed before them, achieved some remarkable successes. The difficulty that Islamist women have is that by embracing the concepts of difference and complementarity they, of necessity, accept some notions of essentialism. For the male hierarchy this essentialism includes the belief that women are 'naturally irrational' and their campaigns are conducted in an hysterical and feminine manner. That is why in his early days as a *Majlis* deputy Khameneyi thought it necessary to advise women to curb their emotionalism and to present their case in a 'correct and systematic way', in a way that 'men could understand' one that would be 'logical' and not 'a demand'. He felt that women had not done so in the past, but he did not think them beyond redemption:

It is never too late for women and their organisation to try and, with the help of legal advisers, without any emotion and slogans, propose a proper bill to the *Majlis*. (*Zaneh Ruz*, 17 April 1983, no. 861)

Maryam Behruzi shares her male colleagues' view and suggests that over time male parliamentarians have been politically educated:

Despite a couple of failures in the early days when some of the bills that we brought to the *Majlis* were rejected, gradually the *Majlis* has become enlightened and we have been successful with our laws concerning women. We are hoping to bring in better proposals in the future and get them through. (*Zaneh Ruz*, 4 May 1994)

WOMEN'S ORGANISATIONS

Since the revolution a large number of women's organisations have been set up to support specific rights and particular groups of women. None of the organisations acts as a political party; their activities range from broadly supporting the government, to more radical women-centred positions, to educative or sporting activities. There are two mainstream women's organisations. The pro-establishment *Jamiyateh Zanaeh Jomhuriyeh Eslami*, the association of the women of the Islamic Republic, headed by Zahra Mostafavi was set up in 1980. *Jamiyateh Zanan*, women's association, is very similar; it has been described by one of its members, Azam Nuri, as 'a sort of political and cultural guild' (*Zaneh Ruz*, 30 April 1994). Its members include Marzieh Hadidchi Dabaq, Chair of Islamic Studies at the University of Science and Industry, who was a representative in the second and third *Majlis* and was elected to the fifth *Majlis*. She was one of the two Iranians sent to talk to Gorbachev and export Islam to Russia. The two organisations' aims and objectives overlap, as do their membership so that, for example, Azam Nuri is an active member of both organisations.

Most of the leading female political figures also have their own organisational base: Azam Taleqani heads the more radical Islamic Women's Foundation *Moassesse' Eslami Zanan*, whose views are reflected in the journal *Payameh Hajar*, which she edits. Maryam Behruzi heads *Jameyeh Zeinab*, Zeinab's Association, which is a education-oriented organisation. It was set up in 1986 to promote women's education and political and social awareness. By 1995 it had 150 students, studying on its 4–6-year courses on Islamic knowledge, and 4000 enrolled on its Arabic and English language courses (*Mahjubeh*, vol. 14, no. 11, November 1995). Faezeh Hashemi, Deputy Director of the national Olympics committee, heads the Council of Collaboration of Women's Sport in Islamic Countries, *Shorayeh ham-bastegi varsheshe banovan keshvarhsayeh Eslami*.

Besides these mainstream organisations there is a raft of non-governmental organisations which multiplied rapidly before the 1995 women's conference in Beijing. Most had been set up by the government to enable it to have a high profile at the conference and many have gone into decline since then. There are also a number of state-initiated women's councils, including the Cultural and Social Council of Women, *Shorayeh Farhangi Ejtemayi Zanan*, which was set up in 1987 specifically to formulate proposals concerning women's need. These were submitted to the High Council of Cultural Revolution which could draft the appropriate bills for the *Majlis*. Soheila Jelodarzadeh chairs its employment committee.

Women civil servants have also been active in the long struggle for better opportunities. By 1992 the Minister of Interior had been prevailed on to set up women's affairs committees in all the provinces. Women working in these committees were clear and articulate about their aims. As Jaleh Shahrin Afshar, a member of Western Azarbaijan's women's committee, explained, they wished to be independent, to have better opportunities and facilities and to embark on a wide-ranging family planning programme (*Zaneh Ruz*, 29 August 1992). They took their demands directly to the *Majlis* where they were firmly backed by the women representatives.

WOMEN-CENTRED LEGISLATION

Women inside and outside the *Majlis* have been seeking a variety of means for introducing legislation that would improve their social, economic and political position. A useful route for activists was to submit their proposals through the Women's Cultural and Social Council, *Shorayeh Farhangi Ejtemayi Zanan*. But in 1991 of the 13 projects submitted to the High Council, only one was considered and ratified. This was a proposal to eliminate the prejudicial treatment of women in higher education and in the selection for degree courses. This was no mean feat since at the time there were discriminatory measures against women in 119 academic subject areas (*Zaneh Ruz*, 31 August 1991).

Access to education for women remained a national issue. Amongst the many measures that women parliamentarians fought for and lost was one to amend the 1985 bill for state-funded scholarships for men and married women to study abroad. They failed to amend the law to benefit single women, even those over 28 years of age (and so considered unmarriageable). Voicing the establishment's objection,

Shahla Habibi declared that such a gesture of independence would devalue Iranian women at home and abroad:

Since women are the public face of our society and the guardians of our honour, we must not intentionally dispatch them to a corrupt environment (i.e. the West). (*Zaneh Ruz*, 29 October 1990)

Behruzi also failed to introduce an addendum to Article 42 of the *Majlis* organisational bill to enable them to set up a committee specifically concerned with dealing with issues concerning women.

In April 1991 during her campaign for the parliamentary elections to the fourth *Majlis*, Maryam Behruzi demanded that bills allowing an earlier retirement age for women, reforming some of the more Draconian divorce laws⁷ and provision of national insurance for women and children be put before the next session of the *Majlis*. In the subsequent *Majlis* nine women were elected: Maryam Behruzi, Dr Marzieh Dastjordi, Nafiseh Fiazbaksh, Monireh Nobakht, Parvin Salihi (Labafinejad), from Tehran, Akhtar Derakhshandeh from Kermanshah, Fatima Hodayun Moqadam Amir Shaqaqi from Tabriz, and Dr Bibi Qodsiyeh Seyedi Alavi from Mashad. Monireh Nobakht took this success as a vote of confidence in women's competence:

If we compare the fourth *Majlis* with the early days we will see the changing attitude towards women. Their hard work and active and extensive participation in the *Majlis* has meant that occasionally views which were against women and their political and economic participation, were modified and replaced by a more positive attitude to women. (*Zaneh Ruz*, 10 February 1996)

Representatives Behruzi, Monireh Nobakht and Marzieh Vahid Dastjordi took a particularly high-profile role and did their best. They succeeded in pushing through a bill which allowed women civil servants to retire after 20 years of active service, while men still had to serve 25 years. This was in part achieved because it permitted women to return to their sphere, of domesticity, all the sooner. But at the time the government refused to extend its provisions to women industrial workers.

THE CAMPAIGN FOR THE FIFTH MAJLIS

The 1996 election for the fifth *Majlis* was fought very much along the religious/secular divide. Islamist women fighting for the 1996 elections all placed the discourse at the heart of Islamic teachings and endorsed

women's central role within the family. In return they demanded greater participation in the public domain to meet the specificities of feminine demands. Of the total of 5359 applicants for the candidature of the *Majlis* 305 were women, and of these 187 were allowed to stand. In the absence of a formal party system, some stood as independents while others were adopted by various political groups.

The *Jameyeh Rohaniateh Mobarez*, the Militant Clergy, who are the supporters of Khameneyi and on the conservative side of Iranian politics, nominated five women candidates on their list. They were Behruzi, Maryam Khazali, Nafiseh Fiyazbakhsh and Parvin Salihi (Labafinejad). The Militant Clergy, led by the Speaker Ali Akbar Nateq Nuri, based their campaign on anti-Western slogans to discredit reformist rivals who had called for prosperity and development. They opposed the government's open door policies and accused Rafsanjani of turning his back on the poor by following the International Monetary Fund's restructuring programme and removing subsidies (Afshar 1985a; Omid 1996). The Militant Clergy defined themselves as 'revolutionary' and defenders of 'Islamic values' and opponents of 'liberalism and westernisation' and demanded 'absolute obedience' to Khameneyi.

During the campaign Behruzi applauded women representatives for their past successes in carrying through a raft of measures that benefited women. She noted that they had managed to win more equal access to education for women, to make divorce more difficult for men and in particular to extract payment for the domestic services of women before divorce proceedings could be completed and for making honour killings subject to the provisions of criminal laws.⁸ All these measures had gone through because they had been presented as being fundamentally Islamic and consistent with women's familial duties. As Behruzi explained:

What the fourth *Majlis* was most concerned with was the enforcement of familial laws and the protection of the family and the facilitation of women's participation in the public domain in a way that would not undermine the foundation of the family which to us is the most important consideration of all. (*Zaneh Ruz*, 24 February 1996)

Women representatives had also succeeded in retaining a foothold for women in the judiciary and improved the lot of war widows and orphans. Nafiseh Fiazbakhsh, during her campaign, referred to the 14 bills and acts concerning women that had been ratified by the fourth

Majlis. These included the law for protection of orphans and unprotected women which extended the provisions of Article 21 of the Constitution to include education. Accordingly, wives of martyrs and warriors were allocated a 50 per cent share of university places reserved for the Warriors of Islam. Another important measure was to extend the laws so that women-headed households were legally recognised, and employed widows or women whose husbands are unable to work were able to benefit from head of household entitlements (*Zaneh Ruz*, 10 February 1996). Fiazbakhsh emphasised that in introducing these measures women had demonstrated their natural prudence. Aware of the provisions of Article 75 of the Constitution, which permits the Council of Guardians to reject unfunded bills, they had always ensured that the government had the financial resources to meet these commitments (*Zaneh Ruz*, 10 February 1996).

During the election campaign Behruzi was far more outspoken than all the other women candidates; years of experience and recent successes had made her confident. She argued that the world would look askance at Iran if this exemplary revolutionary Islamic state were not able to do justice to its women. She felt that it was time for the nation to live up to its own aims and constitutional obligations and open the way to women in politics:

We do not have any legal and practical barriers barring women's entry into politics. But the reality is that some of our male representatives still retain a patriarchal and misogynist mentality and have not yet understood that women, like men, can take their full share of responsibility in the nation's major political decisions and in shaping the future destiny of our country. So they try to underestimate the importance of women and undervalue their contributions. (*Zaneh Ruz*, 24 February 1996)

She was particularly critical of the men who had opposed the setting-up of a parliamentary women's committee. The proposal had been submitted in several forms asking for a committee to deal with family matters, with women's issues, etc. and each time the proposal had been rejected. Behruzi was not pleased. It is worth noting that the Speaker, Nateq Nuri, chose to explain the failure of the House to ratify this proposal in terms of equal opportunity:

They tell me, 'If you are a supporter of women why did the special committee on women's issues not get ratified by the *Majlis*?' I have said... that had it been in my gift I would certainly have voted for it

but the gentlemen did not vote for it in defence of women's rights. They said, 'On the one hand you tell us that men and women are equal and on the other you want to separate women's issues out. This will marginalise them and undermine their position. Since we share all our laws why should we be separated out?' In fact it was because they were defending women's rights that they did not vote for this bill. (*Zaneh Ruz*, 13 December 1994)

In the event the fifth *Majlis* finally ratified the setting up of a women's committee in October 1996. This success to some extent justifies Behruzi's optimistic note adopted during her campaign for re-election:

We enjoy the support of many enlightened rational representatives who are there to serve the nation's interests... We have to admit that gradually the situation is improving and will continue in this way... (*Zaneh Ruz*, 24 February 1996)

Although Behruzi took an optimistic line, in reality every woman candidate had to begin her campaign speech by reaffirming her right to be a politician and to assert that she could represent both men and women. Parvin Salehi, who had been one of the low-profile representatives in the previous *Majlis*, followed this pattern:

According to Articles 71 and 84 of the Constitution all *Majlis* representatives, men and women, are responsible before the people and have the right to comment on all internal and external affairs... make laws and ask probing questions... Nothing in the constitution separates out men and women in their parliamentary duties. But women representatives because of their understanding of women's issues have additional responsibilities. (*Zaneh Ruz*, 17 February 1996)

Like the other candidates, Salehi had to state explicitly that physiologically and psychologically women were perfectly well able to be politicians:

There is nothing in women's physical being that would prevent them from full participation in the legislature... fortunately our women are showing their capability to take an ever more active part in the proceedings. So that we see a 120 per cent increase in their numbers in the fourth *Majlis*, but even this dramatic increase is not sufficient and they remain a small minority compared to the total numbers of representatives... the paucity of women has meant

that many of their good ideas have not come to fruition. (*Zaneh Ruz*, 17 February 1996)

What is impressive is that by 1997 the Speaker of the *Majlis*, Hojatol-islam Ali Akbar Nateq Nuri, was publicly announcing that the country had failed to fulfil its Islamic duty towards its women:

We still have a very long way to go before achieving the goals and wishes of Islam for our women and return to them their Islamic rights and entitlement. God willing and with the cooperation of those in charge we will achieve our aim. (*Zaneh Ruz*, 18 January 1997, no. 1591)

THE FIFTH MAJLIS

In the event the Militant Clergy swept to power, gaining 146 of the 270 seats, including 23 of the 30 seats allocated to Tehran. But even though they claimed to have an 'absolute majority' in fact just 50 of the new deputies are clergy compared to 65 in the previous *Majlis* and 125 in the first one. Many of the deputies elected were new faces who ran as independents but who shared the hard-line views of the Militant Clergy.

However many of their women candidates did not get elected. Of its five women nominees Maryam Behruzi, Parvin Salihi (Labafinejad) and Maryam Khazali did not get in while Nafiseh Fiazbakhsh and Marzieh Vahid Dastjordi did. Despite their extensive campaign and remarkable efforts initially only ten women were allowed to enter the fifth *Majlis*. They were: Nafiseh Fiazbakhsh, Monireh Nobakht, Bibi Qodsieyh Seyeed Alavi, Marzieh Hadidchi Dabagh and Marzieh Vahid Dastjordi, who were re-elected, and Shahrebanu Amani Zangeneh, Faezeh Hashemi Bahrmani, Fatima Ramazanzadeh, Marzieh Sadiqi, Soheila Jelodarzadeh who were elected for the first time. Three other women had been elected, but the Council of Guardians contested their legitimacy and ordered a re-run of the election, which they won in due course. They were Elaheh Rastgu from Malayer, Marziyeh Hadidehchi from Hamadan and Nayereh Akahavan from Isfahan.

It was surprising that Behruzi did not get in. It is difficult to explain her failure in terms of her outspoken defence of women since the second highest vote in Tehran was cast for the newcomer Faezeh

Hashemi. (Decorum demanded that the Speaker should gain the highest vote in the capital.) Daughter of the President and Deputy Director of the national Olympics committee, head of the council of collaboration of women's sport in Islamic countries, *Shorayeh ham-bastegi varsheshe banovan keshvarhsayeh Eslami*, Hashemi is the nearest thing to a feminist in Iranian politics. Hashemi ran a high-profile campaign arguing not only that there should be more women in *Majlis*, but also that they should set about altering things:

We need to have more women representatives in the fifth *Majlis* and they must...change some of the laws and alter them quite radically...as an example we can take the labour laws. If these are fully implemented then the employers would prefer to employ men rather than women and employment opportunities for women would decrease. (*Zaneh Ruz*, 27 January 1996)

Though not numerous, the women representatives intended to be effective. No sooner had the *Majlis* begun its term, than they launched a campaign to revise the law to enable women to gain the inflation-proof value of their *mehrieh*, marriage price, on divorce.⁹

Throughout, the language of political discourse has been couched in Islamic terms. Thus, for example, during her campaign, although she was advocating radical changes, Faezeh Hashemi had to pay lip-service to the notion of complementarity:

I do not believe in the equality of sexes since each have their own particular characteristics. But I believe that women should not be marginalised in society simply because they are women. In Islam, with the exception of becoming judges, there are no limits on women's employment opportunities and there should be no restrictions on their gaining access to high-ranking positions. (*Zaneh Ruz*, 27 January 1996)

Nevertheless the daughter of the President felt that she had the right to ask the ultimate question:

What I want to know is, what prevents a women from becoming the President of the Islamic Republic? (*Zaneh Ruz*, 27 January 1996)

It would be too easy to be seduced by a mere question, but the demand to have access to leadership, posed by the dynamic daughter of President Rafsanjani and redoubtable politicians like Azam Taleqani, gives cause for some optimism. What is interesting about both Taleqani and Hashemi is that on this question, unlike Behruzi and

others during the election campaign, the demand is not made in the name of Islam, but in the name of democracy: women should be given their political rights as women rather than as Muslims. It is far too early to assess whether their willingness to be outspoken is backed by any political impact. There is, however, little doubt that if ambition and careful cultivation of the media were sufficient, Faezeh Hashemi and Azam Taleqani could stand a good chance of becoming the leader of the Islamic Republic one day!

3 Education

With the revolution and the success of Islam, the state launched a massive programme of intellectual and educational purging and Islamification of school curricula. The post-revolutionary state, guided firmly by Khomeini, set about changing the parameters and the contents and concepts; all challenging views and ideas were to be eradicated for being 'pro-Western' and 'imperialist'. All educational material was revised to eliminate traces of un-Islamic attitudes. The Islamic state launched its programme for the 'purification' of the minds of its people.

THE CULTURAL REVOLUTION

Within a year of the establishment of the Islamic Republic, Khomeini had set up the High Council of the Cultural Revolution; its first duty was to revise the entire educational system. It began by closing down all schools and universities. Then it attempted to check all textbooks and remove any trace of un-Islamic opinion and illustration. This in the first instance meant covering up all the photographs of women, and rewriting Iranian history to glorify Muslims rather than Persians. Up to then the Arabs had always been depicted as uncivilised invaders who had conquered Iran and were then educated and trained by the Iranians, who soon returned to their tradition of royal rule and dynastic imperialism. The new version hailed Islam as the liberator of the people and denounced monarchs as oppressors. But the rewriting did not extend to biology textbooks; they did not introduce an anti-Darwinian and pro-Islamic interpretation of evolution. There was however an attempt to simplify the curriculum and make it more *maktabi*, in the old style of clergy-run schools where learning had been by rote and dutiful acceptance of the teacher's views.

SCHOOLS

The education system, like the pre-revolutionary bureaucracy, was initially purged to the core; all foreign-run schools were closed down and anyone suspected of un-Islamic tendencies was sacked. But, along

with the re-establishment of other civil servants, some teachers were allowed to return to their desks. Initially an estimated 40,000 teachers were expelled or compulsorily retired. But acute shortages led to many of them being reinstated, some after attending courses on Islamic education (Zia Katouzian 1989). In June 1979, the schools were segregated and married girls were barred from attending high schools. This was accompanied by lowering the age of marriage to 13. This conveniently reduced female participation in secondary schooling. The curriculum was revised to have more of a home economics orientation for girls. Although the Constitution undertook to make schooling available to all school-age children free of charge, these high ideals were not realised. Private schools re-emerged almost as soon as the schools were allowed to reopen and many of these bypassed the second-rate provisions stipulated for girls.

The Islamic Republic was unable to meet its commitment to free, Islamic education for all, even though Article 3 of the Constitution guaranteed the rights of all citizens to 'education and physical training, free of charge for all at all levels'. Lack of public resources has meant that the government has had to condone private, fee-charging schools.

To ensure continuing ideological purity, every school, like every factory and other workplace, was obliged to establish an Islamic society which policed its members. But their powers were to some extent curtailed by the reality of the crisis in education; lack of funds and a rapidly growing population placed an ever-heavier burden on the system. There simply were not enough teachers. Even the Islamification process itself had to come to a halt. A decade after the launch of the cultural revolution, the Minister of Education, Mohamad Ali Najafi, had to admit that he was still looking for another 4000 qualified teachers of the Koran and religious ideology capable of teaching the subject in any depth (*Kayhan*, 14 August 1990).

The demand for ideological purification and integral Islamic education, which was central to the cultural revolution, had to be accommodated in the context of increasing student numbers and deteriorating conditions in the schools. In the early post-revolutionary years the birth rate was rising by an average of 3.2 per cent a year and the numbers of pupils spiralled from 5 million boys and 3 million girls in 1979 to 7 and 5 million respectively in 1989 and a total intake of 17 million in 1992 (*Kayhan*, 19 September 1992). Yet the numbers of schools remained almost static. This was initially because of the ideological closures; but, from the mid-1980s onwards, many schools

Table 3.1: Numbers and percentages of literacy before and after the revolution

	1956	%	1966	%	1976	%	1986	%
Males:	3,905,735	40.1	8,197,987	58.9	14,077,896	71	19,091,482	80
Female	1,626,628	17.9	4,679,088	35.5	9,845,299	52.1	1,487,475	67.1
Total	5,532,353		12,877,075		23,913,195		33,966,234	

Source: *Salnameh Amari* Annual Statistics, 1371, 1987.

Table 3.2: Percentage of literacy amongst the population aged 6 years and more: 1986

Age group	Total male %	Total female %	Urban male %	Urban female %	Rural male %	Rural female %
under 6 years	70.15	50.88	80.36	65.43	59.95	36.33
6-10 years	88.91	78.02	94.05	90.94	83.77	65.31
11-14 years	91.01	87.54	95.59	91.94	86.44	65.15
15-24 years	83.60	63.51	91.27	80.88	75.92	46.04
25-64 years	53.40	29.13	69.09	44.87	33.66	9.39
over 65 years	22.41	6.76	34.56	11.63	10.67	1.69

Source: Jaleh Shaditalab '*Zan dar toseh'* [Woman and development], in *Zanan* December-January 1994-5, vol. 2, no. 15.

were repossessed by landlords for failure to pay the rent. The courts had to recognise the Islamic rights of ownership and grant eviction orders. Not surprisingly, by the end of the decade there were over 1.5 million children who could not attend school at all (*Kayhan*, 16 October 1989). By 1986 estimates of female illiteracy ranged from 30 per cent to 52 per cent (Tohidi 1994; Higgins and Shoar-Ghaffari 1994); illiteracy amongst rural women was estimated to be over 58 per cent (Efati 1994). Although The National Administrative and Employment Agency, *sazemaneh omureh edari va estekhtami keshvar*, report on women's employment indicated that the total number of literate women had increased over the decade from 35.5 per cent to 52.1 per cent (*Zaneh Ruz*, 3 May 1995), the Census data as reflected in the Statistical Yearbooks showed a lower level of illiteracy.

Tables 3.1 and 3.2 do not permit an optimistic evaluation of the situation, since in 1986 only 65 per cent of rural women over the age of six were literate and 35 per cent of the girls in the 6–14 years age group did not go to school at all and were therefore likely to be illiterate in the future. Even in urban areas 10 per cent of girls of school age did not go to school. In 1990 there were 14 million illiterates in Iran, 62 per cent of whom were female (Efati 1994).

For those who did go to state schools, which offered the more strictly Islamifide teaching, the situation was particularly abysmal. Classes had grown in numbers to 70–90 pupils, while the classrooms, built to accommodate 20–30, stayed the same size. In Tehran, which had the fastest growing population of all, only 350 new schools were built after the revolution. The severe shortage of schools meant that pupils had to be taught in shifts. Schools had 2, 3, 4 or even 5 shifts each day. This meant that some pupils had no more than three hours education a day (*Kayhan*, 23 September 1989).

However the shift system did, in the long run, enable children to gain limited access to schools. By 1994 the Minister of Education was claiming that 95 per cent of boys and 94 per cent of girls in the 6–10 years age group in urban areas were literate. According to the Ministry's statistics in 1992–3 46.94 per cent of primary school children were female. In secondary schools the percentage of girls fell to 43.13 per cent. But fewer girls failed than boys at primary, secondary and sixth form levels (1987 Statistical Yearbook: 687); five out of six girls who went to secondary school completed their education, compared to four out of eight boys (*Zaneh Ruz*, 8 December 1994).

Table 3.3: Numbers and percentages of girls and boys at schools

	1971–2		1981–2		1986–7		1991–2	
	numbers	%	numbers	%	numbers	%	numbers	%
primary								
girls	1,631,389	40.0	3,173,967	43.8	4,563,250	46.6	4,563,250	46.7
boys	2,447,058	59.9	4,058,853	56.1	5,224,343	53.3	5,224,343	
Secondary								
girls	492,807	36.0	893,392	38.8	1,490,871	42.0	1,490,871	42.0
boys	876,103	63.9	1,406,118	61.1	1,050,707	59.9	2,050,707	
Sixth form								
girls	296,188	40.0	462,736	42.9	894,459	44.8	786,192	42.0
boys	444,283	59.9	614,026	57.0	1,101,090	55.0	984,218	

Source: Statistical Yearbooks 1371 (1987) and 1361 (1977) and 1993.

In Iran as elsewhere the majority of school teachers are women, many employed on a short-term temporary basis; the few permanent jobs that are on offer are usually reserved for men. Not surprisingly women have protested. In a heart-rendering letter to *Zaneh Ruz* a qualified, experienced teacher wanted to know:

Why are we excluded just because we are women? Who is supposed to pay for our living expenses? I am willing to go and work in the provinces . . . but they won't employ us. (*Zaneh Ruz*, 20 January 1996)

The continuous protest by teachers, backed by both Islamist and secular elite women, eventually led to the setting up of a special unit headed by Zahra Shojayi in the Ministry of Education to deal with women's issues. Shojayi reported that of the 480,000 women employees of the Ministry of Education 370,000 (44 per cent) were women. She undertook to improve their conditions and to secure equal opportunity of access to education for boys and girls, and remove the major obstacles to the education of girls in rural areas where there was one woman teacher for every 87 pupils (*Zaneh Ruz*, 8 December 1994, no. 1437-8). Although the Ministry of Education was one of the first to have a women's unit and to send a women's representative to The High Council of Women's Social and Cultural Affairs, its representative acted very much along the lines of conservative elite women. Reporting on her achievements after three years in office Shojayi stated that the most important measure taken by her Department was to ensure that women teachers were properly veiled. However she also reported that she had appointed a committee of experts to revise school textbooks (*Zaneh Ruz*, 10 May 1997, no. 1604; 26 July 1997, no. 1615). After the revolution most pictures of girls in school textbooks were replaced with those of boys (Seyf 1992). Shojayi justified her efforts to revise the curriculum in terms of Iran's position in the world:

We must bear in mind that we live a fast moving and rapidly evolving world and failure to adjust to it would result in failure for the whole nation. (*Zaneh Ruz*, 10 May 1997, no. 1604)

TERTIARY EDUCATION

The universities were also subjected to the cultural revolution. But whereas schools reopened within a couple of years, the universities

remained closed for over four years and then began reopening quite slowly. Though presented as a process of Islamification, in fact the closure of the universities was a political ploy to disperse the militant youths who had begun expressing their dissatisfaction with the system within a year of Khomeini's return. They were proving most resistant and unwilling to accept the rule of the theocracy and internalise the new definitions of freedom and control. In June 1980 the High Council retaliated and set up a *Jahadeh Daneshgahi*, universities' holy war, to purify the system. Its stated aims were to 'link the universities to the mass of the people and ensure the prevalence of Islamic faith in every aspect of university life' (*Kayhan*, 5 August 1987). But the real purpose was to eliminate the strong core of young Marxist opponents who were vehemently criticising the regime. As a result, by 1983 the numbers of university staff had been reduced from 8000 to 6000 (Zia Katouzian 1989: 31). A decade later, although the numbers had increased, the percentage of women members of staff remained at about 17–19 per cent of the teaching cadres in tertiary education (*Zaneh Ruz*, 8 December 1994).

At the same time there was a spectacular fall in the numbers of women students. In 1978, just before the revolution there were 17,000 university students, of whom 40 per cent were women. By 1983, as the universities were slowly allowed to reopen, the numbers of students had plummeted to 4500, only 10 per cent of whom were women. By 1990 there had been a slow increase to about 16 per cent, but of the 13 million literate women in Iran, only 2.2 per cent had tertiary qualifications (Efati 1994); by 1996 the percentage had increased to 4.3 per cent (Census data).

As a case study of three universities indicates, the range of women student intake varied between 9 per cent at Tehran University to 22 per cent at Alamey Tabatabayi (Zahedi 1994).

A more optimistic figure offered by Dr Golnar Mehran of Al Zahra University's scientific team, however, indicated that in the academic year 1992–3, 28.18 per cent of university students were female (*Zaneh Ruz*, 8 December 1994). Whichever figure one accepts, it is evident that girls, even though they are more likely to complete their secondary schooling, are less likely to gain access to university education. This is not surprising since at its inception the Islamic Republic excluded women from 54 per cent of the subjects taught at the tertiary level (Qahraman 1989; Afshar 1992). In a letter to *Zaneh Ruz* published in 1990, two university students, Behnam Sadeghi, an electrical engineering student, and Banafsheh Sadeghi, a medical student,

Table 3.4: Numbers and percentage of women at university level training and education

Year	Diploma	%	Bachelor degree	%	Post-graduate	%	Doctoral general courses	%	Doctoral specialist courses	%
1981-2										
Female numbers	9,527	25.9	32,124	30.3	1,237	21.5	6,028	32.1	168	21
Total	36,706		105,960		5,731		18,774		798	
1986-7										
Female numbers	6,471	14.9	75,486	31	2,356	16.7	11,311	28.6	1345	30
Total	43,141		242,835		14,070		39,519		4680	

Source: 1987 Statistical Yearbook.

Table 3.5: Training and education: Percentage of graduates from tertiary education

	1971-2		1981-2		1986-7	
	numbers	%	numbers	%	numbers	%
Students						
Female	46,019	29	49,085	29	96,969	28
Male	108,196	70	118,886	70	247,076	71
Total	154,215		167,971		344,045	
Graduates						
Female	12,884	28	8,439	31.1	16,576	31.6
Male	33,843	72	18,488	68.6	35,777	68.3
Total	45,047		26,927		52,353	

Source: Statistical Yearbook 1987.

Table 3.6: Percentage of female students in selected universities

Name	Total	Women	% females	men	% males
Shahid Beheshti	320	52	16.2	268	83.7
Tehran	1077	98	9.09	979	90.1
Alameh	259	59	22.7	200	77.3
Tabatayi					

Source: Ministry of Higher Education computer listing of students, 1990.

claimed that women were barred from 97 academic areas, including agriculture, banking, accountancy, archaeology, veterinary sciences and two-third of the engineering courses. In 22 other areas they were allowed a very restricted quota. Overall they suffered from unfair discrimination in 119 subjects (*Zaneh Ruz*, 31 August 1991, no. 1328). In the academic year 1992-3 all students in the faculties of agriculture were male and only 2 per cent of the technical school's students were female (*Zaneh Ruz*, 8 December 1994). By 1994 there was little sign of improvement: there were no female students in 123 (28.5 per cent) of the 431 subjects offered by universities. Overall 74 per cent of the subjects continued to place some restrictions on female intakes (*Zaneh Ruz*, 8 December 1994, no. 1437, quoting the Ministry of Higher Education's data). The justification offered for such discrimination was not only that women were by their nature ill-suited to certain professions and disciplines, but also that they were unlikely to use their qualification to benefit society. Thus President Rafsanjani rationalised the ban on women's entry:

You don't have to have a legal requirement... common sense tells you that... if women study certain subjects then only a very small percentage would use their expertise to benefit society. Most women graduating at great expense and gaining great skills just become housewives and never serve the community... this is what experience tells us and the law cannot change it ...

In practice women graduates do not go and serve the society so the money spent on them is wasted; even when they do work they don't work well enough... so the Universities should exercise their legal rights to train people who are going to be useful. (*Zaneh Ruz*, 6 February 1988)

Besides the assumption that women were not suited to some university subjects, the observance of segregation rules made it difficult to include them in many faculties. In May 1979 the Ministry of Education outlawed all co-education. This led to many technical colleges expelling their female students. Since their numbers did not justify setting up separate classes, these women had to abandon the hope of completing their studies. Even as recently as 1994 some universities such as the Free Islamic University, which is a private fee-paying university with an intake of over 120,000 students (*Kayhan* 19 September 1992), insisted that all its units were to observe the principle of segregated teaching for men and women and were not to hold mixed-sex classes (*Zaneh Ruz*, 8 May 1994).

THE CAMPAIGN FOR EDUCATION

The Koranic instruction that all Muslims must be as learned as possible, adhered to in the Islamic Republic's Constitution, enabled Islamist elite women, both in the *Majlis* and within the establishment, to launch a campaign to remove the iniquitous discrimination that had taken root. This was a long, arduous and eventually relatively successful struggle, which removed some of the barriers placed on women's education. Women argued they had a legal right to education since Article 30 of the Constitution undertakes that:

The government must provide, free of charge, the means for the entire population to be educated to the end of secondary school and as far as possible provide free tertiary education to enable the country to become self-sufficient.

Some campaigners resorted to the customary device of justifying their claim by referring to a statement by Khomeini. Thus, for example, writing in the *Journal of Foreign Affairs*, *Siasateh Khareji*, in 1995, Ziba Farzinia noted that the imam had singled out women as those who had the greater claim to education:

women have greater entitlements than men. It is women who raise brave men in their laps... It is the duty of women to make humanity, if the country loses its human-building women then nations will face defeat and annihilation. (Khomeini 1982: 183)

This identification of women as carers and educators has proved quite useful. Thus even in 1984 the *Majlis*'s education committee was one of the few important decision-making bodies which included a woman member, the devout Islamist Gohar Alsharia Dastqeib.

Slowly and painfully women have fought their way back. They have insisted on some quotas being allocated specifically for them. In this respect they have been most successful in the field of medicine, where they have benefited from the twin fears of the Islamists that male doctors should come into contact with the naked bodies of women¹ and the ever-present arguments about the 'natural tenderness of women'. In 1994 women *Majlis* representatives, ably assisted by Fati-meh Homayun Moqadam the Representative for Tabriz, succeeded in pushing the commitments further and ensuring that the government accepted responsibility for increasing the intake of women into medical schools and offering them quotas in non-feminine subjects. According to the bill ratified in October 1994, the Ministry of Health and Hygiene was required to allocate a minimum of 25 per cent of all its intake to women in the fields of surgery, neurology, urology, orthopaedics, ear nose and throat, optomology, radiology and psychiatry. In addition, provided there were enough applicants, 50 per cent of places were to be allocated to women for general surgery, internal organs and heart surgery (*Zaneh Ruz*, 30 April 1994). In December Dr Marandi, the Minister of Health, Hygiene and Medical Education, announced an increase in quotas for women in some specialities; he underlined that this was done because women were 'naturally' suited to these specialities. He gave paediatrics as an example:

In paediatrics because of women's kindness and sensitivity a women specialist would be nicer for children and their mothers. (*Zaneh Ruz*, 13 December 1994)

Since Islamist women have been willing to use the assumptions made about the 'nature' of women whenever it suited their purpose, they did not object to the Minister's representation of them. They had succeeded in extracting both a 25 per cent quota for women in the 'appropriate' medical fields and even a special all-women Faculty. The Fatemieh Faculty of Medicine was opened in Qom, in March 1991, with an initial intake of 110 students. This women-only faculty was to work with an 800-bed hospital which was to be built in the city to serve the faculty and a new women-only college of nursing. In 1994 an all-women polytechnic with ten women specialists began working in Yazd as part of Shahid Saduqi Yazd's medical school; at the same time a women-only medical centre opened in Isfahan.

These measures appear to have had a miraculous impact. By 1996 the *Majlis* representative Dr Marzieh Vahid Dastjordi was claiming that women made up almost half of the medical students and it was time that the universities moved on to include women in their higher echelons. The 1996 Census appears to support her claim. Dastjordi notes that 53 per cent of the students and 35 per cent of the tutors in the country's 36 medical schools were women. Many headed research teams and played a crucial role in advancing learning in these faculties. But

unfortunately amongst the deans of faculties, or even their deputies there is not a single woman to be found. This in an enlightened environment and it gives much cause for concern that it has not changed its practices in this respect. This is an ethos which must be changed. (*Zaneh Ruz*, 2 March 1996)

Clearly Islamist women had managed to change the entrance requirements in academia to benefit women. A small step taken to improve their position within the educational hierarchy was in 1995. Ashrafsadat Saneyi, the first woman in post-revolutionary Iran to be appointed to the post of Under-Secretary, became the Under-Secretary for Research at the Ministry of Health, Medicine and Medical Education (*Zanan* IV, no. 26, October–November 1995). In 1994 the High Council of Planning, which had no woman member serving on it, had agreed to remove all bars on women's participation in courses in technical studies, engineering, arts, medicine and humanities. Although agriculture was not specifically mentioned, women parliamentarians hailed this measure as marking the end of discrimination against women applicants for all tertiary subjects (*Zaneh Ruz*, 17 March 1994). By December 1994, President Rafsanjani was proudly declaring a massive increase in the female intake at universities:

Table 3.7: Numbers and percentages of women university teachers

Teaching cadre	1971-2		1981-2		1986-7	
	numbers	%	numbers	%	numbers	%
Female	2,058	14	2,293	15	4,285	16.9
Male	11,894	85	12,048	84	20,923	83
Total	13,592		14,341		25,208	

Source: Statistical Yearbook 1987.

Today women take up about 40 per cent of the university places and their position as heads of school and teachers has also improved. (*Zaneh Ruz*, 13 December 1994)

At the same time Ayatollah Yazdi announced the end of gender discrimination at university entrance level:

According to the latest statistics from the universities where we had asked 'are there subjects that are barred to women?' the reply has been 'there are no bars in any subject, but they have not opted for some subjects'. (*Zaneh Ruz*, 13 December 1994)

These statements were not supported by the evidence provided by the Ministry of Education's data at the time,² but they did indicate at least a willingness on the part of the educational establishment to attempt to revoke its gender barriers.

Having created a receptive climate for women in academia, elite women continued the pressure for opening up opportunities for research and doctoral studies for women. In this area too they were gradually more successful and in the period 1981-92 women students registered for doctoral courses increased from 21 per cent to 27.9 per cent. By 1992 there were 110,636 women postgraduates, and 286,998 men (*Zaneh Ruz*, 18 February 1995). However, women tended to stay the course, and a higher proportion graduated than men (1987 *Statistical Yearbook*: 687). But in the academic teaching cadres the proportion of women remained lamentably low. In 1987 only 17 per cent of teachers and tutors in the universities were female.

By 1994, 41.15 per cent of the universities' technicians and assistants were women, but the percentage fell to 7 per cent when it came to lecturers (*Zaneh Ruz* 4 February 1995). According to a survey of women academics, 75 per cent of those employed as assistants or technicians were over-qualified and their education made them

eligible for senior research posts; 85 per cent had never been appointed to act as director of research or sent abroad for training and or study leave or given scholarships; 90 per cent had never been selected to act as an official representative of the university for central government purposes. None held important key posts in the higher university echelons. Of the women questioned 97 per cent felt that even when women were better qualified it was the less qualified men who obtained the higher posts. They also felt that had they been men their position would have improved. Most felt that they were discriminated against where salaries were concerned: they were charged the same taxes and paid the same salary but had fewer benefits (Zahedi, 1994).

Of the sample of men questioned in the same survey, however, 70 per cent felt that there was no discrimination against women. But 60 per cent stated that women's family obligations and their honour demanded that they should not do certain kinds of field work. Most were of the view that family obligations acted as a barrier to the promotion of women to higher managerial levels.

All but one of the male respondents said that they would prefer to have a female deputy because women are more meticulous and work harder than men, create a better working environment and are organisationally stronger and more methodical than men. Nevertheless 75 per cent of men thought that although women paid greater attention to detail, their managerial decision-making capabilities were inferior to those of men. Sixty per cent said that, all other things being equal, they would prefer to appoint a man rather than a woman to a post: 'Why break the current practice and traditions?' (Zahedi 1994).

Thus the next move for elite women was to concentrate their efforts to change attitudes within academia. In this campaign Islamist women were fortunate in having the support of prominent members of the religious establishment such as Ayatollah Seyed Mohamad Musavi Bojnurdi:

An obvious problem in our universities is that in various ways women's access to the doctoral courses have been barred. ...if this trend continues women will be stopped at the level of senior researchers and will not be able to progress further up the academic echelons. ... We must fight against this tendency. There are no laws barring the way. (*Zaneh Ruz*, 13 December 1994)

The campaign was backed by the Social and Cultural Council of Women, *Shorayeh Ferhangi va Ejtemayi Zanan*, which formally

demanded and obtained assurances from the Ministers of Higher Education Dr Hashemi Golpayegani and Health and Medical Care Dr Manrandi that they would support the extension of women's education levels; the opening up of Centres of Higher Education for women; raising the levels of training and expertise of women, using the female human capital resources for research and facilitating the participation of women at the managerial and decision-making levels. Dr Manrandi even went so far as to assert that the educational establishment should seek to eradicate misconceptions and increase women's self-esteem (*Zaneh Ruz*, 3 January 1996)

THE GRASS ROOTS

These successes were as much the result of elite women's activities as of pressure from the younger generation of women who were determined to regain access to the tertiary sector. In 1991, the *Shohadayeh Kargar*, martyred workers' training college, was set up to help working-class girls prepare for the university entrance examinations. Unlike other preparatory institutions they did not require a high school certificate grade and the fees were paid by a charity for the dependants of martyrs of the war against Iraq, who were recipients of welfare benefits. The college began with an intake of 70 students and 30 teachers; by 1994 it had 1000 students in two morning and afternoon shifts with the teachers working an average of 10–12 hours per day. It is an indication of the dedication of the teachers and the devotion of the students that they accepted to work and learn in well nigh impossible conditions. As one of the teachers explained:

Because of the large numbers of students and the limited space it is difficult to pay proper attention to the students and we are ashamed ... some of the classes are so crowded that there are four or five students standing on my podium and I cannot move.

I have no doubt that for those who are standing in such crowded conditions for hours on end it must be tiring and difficult to concentrate. (*Zaneh Ruz*, 31 December 1994).

To succeed the students are obliged not only to work hard, but also to be punctual, or long-suffering. As one of them explained:

The numbers in the classes create a major problem for us. So if I get there a moment too late I'll end up at the back of the class and

can hardly see the blackboard or hear the teacher . . . In some of the classes there simply is not enough room to sit and you have to stay standing up for the duration. (*Zaneh Ruz*, 31 December 1994).

Yet despite the cramped conditions, the poor school grades and other practical difficulties, each year 35 per cent of the students got through the entrance exams.

FOREIGN TRAINING

Where Islamist women failed to make any headway was in their attempts to secure the right of unmarried women to compete for government funding to study abroad. Several times women *Majlis* representatives proposed a change in the laws to include women and every time they failed. The ever-present spectre of pollution by foreign ideas and corruption by the West was raised as a serious threat by many members. As the Speaker of the House Nateq Nuri told the press:

The parliamentarians felt that the West and the attack of Western values are a very serious problem and there corruption is rife, addiction is widespread, there are traps everywhere for the innocent. (*Zaneh Ruz*, 8 December 1994)

The willingness of the government to expose its male citizens to the threats of Western immorality was explained away by Nateq Nuri in terms of the nature of men, which makes them firm and resistant to deviant cultural values:

boys are basically different. They are like iron rods that one puts at the base of a wall. But girls are made of gold and they are brilliant and must be protected, you can't just throw them anywhere. The boys if need be will sleep under a bridge or in the underground. But we cannot let our daughters go so easily. Our national sense of honour would not allow us to do so. Our religious honour would not permit it. We cannot leave these dears of our heart to be taken like a delicious morsel by all and sundry. Now if a father were to accompany them or a mother or a protector, a husband, then they would be protected. That is why to protect the honour of our daughters the *Majlis* decided against sending them out alone and this was out of respect for women. (*Zaneh Ruz*, 8 December 1994)

When asked about his own opinion on the question the Speaker appeared to hold two different views; on the one hand he said:

I agreed with the proposal [to include single women]... My view was that in any case we offer a good healthy and sound education and if this is so then our daughters and sons would protect themselves. On the other hand if our education is bad even if you keep them in a bottle they'll still go astray. (*Zaneh Ruz*, 8 December 1994)

But in the end he came to the extraordinary conclusion that it would be best for women to marry first and then venture out of the country:

The best solution in my view is that they should not be sent out alone. They should be married so that they go with a protector, with their husband. (*Zaneh Ruz*, 8 December 1994)

Thus it can be argued that on the whole Iranian women have had a degree of success in removing the formal barriers against female education. However it will take somewhat longer to counter the prejudices about educated women that Iranian men hold in common with their brothers across the world.

4 Employment*

Since the revolution Iranian women have systematically lost out in the formal labour market (Afshar 1992: 205–32; 1989: 18–42). But in recent years, there has been a concerted effort to overcome some of the formal obstacles placed on female paid employment. The struggle, however, is long and hard and there is no evidence to suggest that in the short term women would necessarily succeed. The government is, nevertheless, acutely aware of the international role that elite Iranian women play as worthy examples to Islamist activists elsewhere. This sensitivity, combined with the intense agitation engaged in by women of all classes and political persuasions since the revolution, has resulted in a number of limited measures to improve the position of Iranian women in the labour market.

THE STRUGGLE FOR EQUAL EMPLOYMENT OPPORTUNITY

Islamification, the attempts to confine women to the domestic sphere and send them to the margins of social and political activity, led to a severe cutback in female employment. Initially the government sought to legitimise its discriminatory practices by insisting on the segregation of the workplace, the exclusion of women from many university faculties and much of the judiciary, and by the wholesale sacking of women judges and many female civil servants. But by the 1990s the continuous struggles of secular and elite Islamist women had resulted in a concerted effort by the government to organise a defensive position. It enlisted the help of a group of traditionalist Islamist women to voice its policies. Foremost amongst these was Shahla Habibi. In 1991 Rafsanjani appointed her to the newly created post of Presidential Adviser on Women's Affairs. Habibi, who had worked with the National Islamic Propaganda Organisation, was a pro-Khomeini apologist. She declared that:

Women, whatever qualifications they may have or however learned they may be, must remain the pivotal core of the family and play their parts as exemplary housewives. (*Zaneh Ruz*, 7 January 1992)

* An earlier version of this chapter was published under the title 'Women and Work in Iran', in *Political Studies*, vol. 45, no. 4, September 1997, pp. 755–67.

Her views were publicly confirmed by the government-sponsored Women's Organisation:

As the imam has repeatedly said good men are raised in the laps of good women. If we follow this example then we'd find our true station in life and recognise that motherhood is a sacred and holy duty of women. (*Zaneh Ruz*, 25 December 1990)

The state's propaganda machine is categorical about the exclusion of women from formal employment. As one of its proponents, Mohamadi, declares, women must first and foremost concentrate on their mothering duties:

We must remember what the primary duty of a woman is. She must not fail to fulfil her duty fully and use the excuse of employment outside the home to fail to do her domestic work properly or forget to do it. Work outside the home and paid employment is the domain of men, it is the primary obligation of the man and except in unusual circumstance, when intelligence and interest dictate otherwise, it would be irrational for an individual to forgo his or her primary duty or not to fulfil such responsibilities fully because of marginal and external exigencies. (1994: 73)

This opinion was echoed by the High Council of Women's Cultural and Social Affairs, which was appointed by the High Council of Cultural Revolution to co-ordinate government policies on women. It was staffed by women such as Soraya Maknoun, a university professor who headed the Council's Employment Research Group. Maknoun defined all demands for equal opportunities as corruptive and pro-Western:

I am totally against the view that women's success depends on gaining access to equal opportunities in all sectors of the economy. (*Zaneh Ruz*, 27 January 1990)

Frequently the arguments were demonstrably fallacious. In a country where the staple food is rice, a grain which is almost entirely cultivated by women, Marzieh Mohamadianfar, Head the Council's Employment Committee, declared:

You see there are some activities which are based on physical strength and so are beyond women . . . we cannot deny that men are physically stronger. So there are jobs like cultivation and agricultural work which women simply cannot do. (*Zaneh Ruz*, 27 January 1990)

Not surprisingly the Employment Committee of the High Council of Women's Social and Cultural Affairs found the labour market conditions to be satisfactory. It came to the conclusion that the existing rules and regulations reflected the reality of the physical differences between the sexes and were therefore not discriminatory. Mrs Mohamadianfar explained:

Women cause their own problems. When they are giving birth or suckling their babies, they cannot work. That is why men prefer to employ men. We must also be aware that if we insist on welfare and special facilities for female employees, then the managers would simply refuse to employ women. It is not the existing laws and regulations which are detrimental to the rights of working women. We do not need to revise them. It is not the law that is deficient, it is its implementation... It is the male employers who won't employ women. So women graduates cannot hope to get the kind of jobs that are offered to men and earn similar salaries even in the fields that are open to them to work in. (*Zaneh Ruz*, 27 January 1990)

Many working women were furious with these declarations. As one teacher told the press:

Some of the women in positions of influence forget how they got there and in doing so not only they fail all other women, but also they weaken the very fabric of our society. (*Zaneh Ruz*, 27 January 1990)

The government's women supporters have been firmly and continuously opposed by other campaigning Islamic elite women such as Azam Taleqani, the redoubtable daughter of the late leading Ayatollah Taleqani and member of the first revolutionary Parliament, *Majlis*, who founded the Women's Society of Islamic Revolution. She told the press:

Two-thirds of women in this country live and work in the rural areas and carry a major burden of agricultural activity. Nevertheless we do not allow our women to study agricultural sciences at the university. (*Zaneh Ruz*, 25 December 1990)

Similarly Zahra Rahnvard, a leading Islamic feminist and the wife of the previous Prime Minister, denounced discrimination against women on religious and political grounds. She warned the government that such discrimination eroded much of women's support for the regime:

We have no strategy for including women in this country's destiny and in this respect we have fallen far short of our political aspiration...

In the Five Year Plan women are only mentioned once... despite all our protests we have remained invisible. It is essential that women's role in the development process is clearly delineated. (*Zaneh Ruz*, 10 February 1990)

It is noteworthy that this statement was made after an eight-year-long war with Iraq and a massive male death toll of over one million. Yet there was no evidence of a 'feminisation' of the labour market. Neither the planners nor the politicians had seen the need to integrate women in the post-revolutionary processes. Women had remained marginal to the Iranian economy.

THE WAR AND THE ECONOMY

The war with Iraq drained Iran of much of its economic resources; unemployment escalated and, with the exception of the war industries, all sectors of the economy went into decline. The situation was made worse by the massive transfer of capital out of Iran in the first year of the revolution, accompanied by the departure of many industrialists.

Over the first decade of revolutionary government in Iran the economy gradually disintegrated (Pesaran 1985: 15–50; Omid, 1994; Pesaran 1995; Karshenas and Pesaran 1995). Between 1974 and 1990 foreign exchange earnings fell from \$25 billion rials to \$7 billion.¹ By 1989 Gross Domestic Production had fallen by 10 per cent,² industrial production had gone down by an average annual rate of 7 per cent (*Kayhan*, 13 April 1991) and the rate of capital investment reduced from 31 per cent of GDP to 10.95 per cent.³ Inflation was running at over 25 per cent per annum and return on investments averaged only 6 per cent per year (*Kayhan*, 26 June 1991). The only successful investments were likely to be in trade, retailing and services. By 1988 the service industries accounted for 50 per cent of GDP. Money was made by deals. A product could be sold several times over in a day with each middleman taking a cut along the way (*Kayhan*, 13 November 1989). This in turn fuelled inflation. The burgeoning bureaucracies, and revolutionary organs created to run the newly nationalised industries and take over the exiled landlords'

land the Shah's real estate and agricultural holdings, failed to control production and distribution of consumer goods or price levels, but they did provide employment. However after the war the Iranian economy began to improve (Karshenas and Pesaran 1995: 89–111). By 1991 general unemployment rates had fallen to 10 per cent of the workforce (Ehteshami 1995: 115). Yet women's position did not improve; according to the Statistical Centre of Iran, in 1996 90 per cent of women of working age were still economically inactive; of these 26.6 per cent were still in education and 58 per cent were defined as housewives.

WOMEN AND EMPLOYMENT: MYTHS AND REALITIES

Before the revolution Iranian women had, at least on paper, obtained the right to equal employment. Although the post-revolutionary state accepted this right in theory, in practice it did not facilitate female employment. Since neither the public nor the private sector could operate without female employees, nor for that matter could most households survive without women's income, they continued to have a presence in the workforce. But their employment levels have fallen drastically over the past decade and a half. Examination of the official statistics highlights what has been stated publicly by both pro- and anti-government commentators and statisticians. The census data for 1966, 1976 and 1986 demonstrate an upward trend for the first decades and a rapid fall for the post-revolutionary era: women's employment levels fell from 13.7 per cent of total employment in 1976, to 8.8 per cent in 1986. It had only recovered to 9.4 per cent in 1991, still lower than in 1976. By 1996 the percentage had moved up to 12.71 per cent. Between 1976 and 1986 the number of employed women came down from 1.2 million to 987,000 (see Table 4.2). It had risen to 1.2 million in 1991, but by then the total female population was well over 25 million as against some 16 million in 1976. Thus whereas 87 per cent of women of working age were not gainfully employed in 1976, by 1991 the percentage had increased to 90 per cent (see Table 4.1).

In terms of applying to job centres, there is still a predominance of male applicants and male job seekers, so that in the second half of 1989, 84 per cent of applicants at job centres were male and only 16 per cent female. Similarly, of those who found jobs 85 per cent were male and 15 per cent female. In the first six months of 1990, 13 per

Table 4.1: Percentage of economically active women in Iran

Year	Economically active women aged 10 years and more	Non-economically active women
1976	12.9	87.1
1986	8.2	91.8
1991	9.3	90.7

Source: Bagherian, Mitra, *Revandeh Eshteqaleh Zanan Dar Iran, Iranian Women's Employment Trends*, Plan and Budget Organisation, Department of Population and Human Resources, Tehran, 1994.

Table 4.2: Female employment trends in Iran

Year	1966	1976	1986
Total female population	12,097,258	16,352,397	24,164,049
Total female employed	909,983	1,212,202	987,103
Civil Service	56,833	245,918	407,634
Private sector	429,628	322,146	99,838
Self-employed	197,712	130,693	181,186
Managers	5,723	5,358	13,719
Unpaid workers	110,222	495,723	212,850
Unemployed	89,845	236,986	332,602
Not known	9,358	12,182	70,876

Sources: Statistical Centre of Iran, *National Census of Population and Housing*, November 1966, p. 41, November 1976, p. 55 and Mehre 1365, October 1986, p. 240.

Table 4.3: Percentage of economically active women and their education levels

Year	1971		1982		1986	
	total	%	total	%	total	%
Illiterate	4,661,536	10 %	1,562,821	7.5 %	1,526,139	3.9 %
Primary	1,745,283	3 %	1,552,771	4.2 %	1,486,233	2.9 %
Secondary	472,382	15 %	1,512,569	18.7 %	1,542,787	17 %
Tertiary	110,391	14 %	361,812	24 %	443,761	24.2 %
Unknown	20,611	8 %	35,176	14 %	5,912	39 %

Source: Statistical Yearbooks, 1971, 1982; and census 1986.

Ziba Frazin-nia, *Naqshesh zanan dar hoseeyeh farhangi Iran* [The role of women's education in the cultural development of Iran], *Siasateh Khareji [Foreign Policy]*, vol. IX, summer 1995, p. 689.

cent of applicants were females, but only 7.2 per cent of those who found employment were female. Furthermore the total number of

Table 4.4: The percentage distribution of women in the public and private sectors

Sector	1966	1976	1986
Private	93.7	76	52
Public	6.3	24	47

Source: Zahra Afshari, Mosharekateh زنان dar toseyeh eqtesadi Iran [Women's participation in the economic development of Iran], Siasateh Khareji, Foreign Policy, vol. LX, summer 1995.

female job seekers in urban areas, which was about 28,000 in 1976, had increased to 216,500 in 1986. The official statistics on female unemployment show that an increasing proportion of the unemployed and those actively seeking work are educated women, or women who are the main or sole breadwinner.

The public sector remains the largest single employer of women. Twenty per cent of men and 47 per cent of women employed in the formal economy are public sector workers (see Table 4.4). The average education level of women in the public sector is 12 years of schooling and 84 per cent of those employed in this sector have the school certificate or a higher qualification. Those employed in the private sector have an average education of 2.7 years. But in 1986 the percentage of working women in the public sector had fallen to 11.8 per cent compared to 14.7 per cent of the total workforce in 1976. By 1993 there were 1,973,625 male civil servants and 605,392 women civil servants (*Zanan IV*, no. 25, August–September 1995)

Of the country's 24 provinces only six (Guilan, Sistan and Baluchestan, Ilam, Kahkalyuyeh & Beoyer Ahmadi, Boushehreh, Hormozgan) have had an upward trend of female employment. The trend in the Central Province, where 26.4 per cent of women civil servants work, has been more or less static. It has been falling in Khorassan, where 8.8 per cent of women civil servants work, in Fars, where 7.1 per cent work, and in Mazandaran, where 6.2 per cent work. Provinces such as Chahar Mahal Bakhtiari with 0.7 per cent and Ilam, Khakalueyeh and Boyer Ahamd with only 0.4 per cent have the lowest rate of female public sector employment and show no tendency to increase this percentage.

Women are concentrated in the typically female jobs of teaching and caring. Of woman civil servants, 82.7 per cent work in education, followed by administrative, financial, clerical, health and medical

Table 4.5: Percentage of male/female employees of selected ministries in 1986

Name of Ministry	Male	Female
Ministry of Power	93	7
Ministry of Industries	95	5
Ministry of Agriculture	94	6
Ministry of Road and Transportation	95	5
Ministry of Construction Crusade, <i>Jahadeh sazandegi</i>	99	1
Ministry of Minerals and Mining	95	5

Source: Census no. 8, *Iran Dar Ayineyeh Amar* [Iran reflected in statistics], Statistical Centre of Iran, 1988.

Table 4.6: Male and female employment in major sectors

Employment categories	Men	Women
Scientific, technical, specialists	67.4 %	32.6 %
Directors and high-ranking officials	96.6 %	3.4 %
Clerical and office workers	87.3 %	12.7 %
Trading and sales personnel	98.5 %	1.5 %
Service personnel	93 %	7 %
Agriculturalists, dairy farmers, fisheries and hunters	92 %	9 %
Production and transport workers	93.7 %	6.3 %
Others	96 %	4 %
TOTAL	91.1 %	8.9 %

Source: 1986 census, Iranian Statistical Centre.

professions. By 1986 over 26 per cent of all employed woman were teachers. If the Ministries of Health and Education are excluded, then women's employment in the public sector falls to about 5 per cent of the total. There has been an average annual fall of 6 per cent per annum in the numbers of females employed by the private sector between 1976 to 1986. Thus the number of female employees in the private sector has fallen from 332,000 in 1976, to 97,000 in 1986 (Baqerian 1994: 22). Even within the public sector, with the exception of the Ministries of Health and Education, women were systematically excluded from other sectors (Omid 1994).

With the exception of some openings for highly qualified, self-employed 'expert' women, there was a marked deterioration in the opportunities for paid employment and the working conditions of women (Omid 1994). Only in the scientific and technical sectors has the percentage of female employees increased, from about 5.5 per

cent in 1976 to 32 per cent in 1986. In fact, the revolution has benefited elite women: in the sector where employees have tertiary education, almost 25 per cent are female, compared to a mere 4 per cent of the illiterate workforce. The highest rate of fall in female employment has been in manufacturing industries, with an annual fall of 10 per cent between 1976 and 1986. A sample survey of light industry employment patterns in the Central Province in 1985 found that not one of the factories visited had employed a single new female employee since the revolution (*Zaneh Ruz*, 28 October 1985).

Thus an overview of the female employment situation in Iran indicates that it has increased in the public sector, especially among civil servants working in the education, cultural, health and medical sectors, but there has been a precipitous fall in the private sector. Although female employment in the urban areas has increased slightly, it has fallen dramatically in the rural areas. In the modern sectors the percentage of women working in productive and industrial sectors has also fallen.

THE LAWS AND PRACTICES

The Islamic Republic formally and rhetorically endorses women's right to equal access in the labour market. Leading politicians like the previous long-serving Minister of Interior Hojatoleslam Nateq Nuri has repeatedly made statements saying:

Islam places no limitation whatever on the participation of women in the public, political and cultural domains. (*Zaneh Ruz*, 14 March 1985)

Nearly a decade later, as Speaker of the *Majlis*, Nateq Nuri made much the same point:

We have no limitation on women's participation in the social, political, economic or cultural domains... In truth the way is open and you see that in practice men and women are working together in the medical fields, in practical and scientific and engineering in higher education, in the private sector in forming companies and even heading companies, even in the public sector some of our sisters are experts and engineers. In the political domain they are active and present. I honestly do not see any limitations posed on

our sisters by our legislation. (*Zaneh Ruz*, 8 December 1994, no. 1437-8)

Article 43 of the Constitution undertakes to provide employment opportunities for all, and states that full employment is a fundamental aim of the revolution. The post-revolutionary Constitution, Labour Laws and the State Employment Laws make no distinction between men and women. As Azam Taleqani, has stated:

Article 28 of our Constitution declares that anyone can choose any profession that they wish, provided they do not contravene Islam and public and social interests. The government must provide equal opportunities for everyone in every job according to social needs. (*Zaneh Ruz*, 25 December 1990)

But these guarantees are undermined by a series of formal and legal impediments in the employment laws as well as an informal bias amongst male employers which prevents women from participating fully in many important sectors such as the judiciary.⁴ There are also informal and semi-formal bans, often clearly stated in internal public sector memos, which bar the entry of women to the majority of civil service posts. The stark reality is that according to the 1992 population data there are 38,655,000 people over ten years of age of whom 20 million are male and 18,655,000 female; this despite the carnage of the eight years long war against Iraq (Omid 1994). Of the total employable population, 11,865,000 men are in employment and only 1,230,000 women. That is to say 60 per cent of males of ten years and more are employed compared to 6.7 per cent of women.⁵

What creates this enormous disparity is informal and ideological bars. What is more, on the whole the male-dominated legislature is complacent about the situation and repeatedly claims that there are no problems. As *Majlis* representative Hojatoleslam Abasali Amid Zanjani explains, women are barred from certain workplaces because they are veiled, vulnerable and required to be so by the faith:

We do not have problems where employment is concerned. All the barriers... legal impediments that we have about women's employment are specifically there because of the undesirable problems that arise. For example the separation of male and female workplaces and the requirement that in joint workplaces women be thoroughly covered... these are specific issues not fundamental ones. That is to say fundamentally there are no barriers to employment but there are a series of secondary circumstantial requirements

which apply in particular cases. If such cases do not arise then the impediments would not be there either... the question of employment is a clear one, once the practicability is there, there are no basic hindrances. (*Zaneh Ruz*, 25 December 1993)

But even highly educated women have experienced severe discrimination. In sectors such as the Ministry of Finance, where not a single woman has been appointed to the tax sector since 1979, those already in post have not been promoted. A letter from Zahra Aryankhu makes the problems of discrimination abundantly clear:

I work in the Tax Department of the Ministry of Financial and Economic Affairs and was appointed through a national entrance examination as deputy tax auditor in 1967; having completed appropriate courses in auditing, I moved up the ranks and was promoted to head auditor post in 1981. But unfortunately since then I have had no promotion. Even though other male colleagues have been promoted above me. Despite having all the appropriate academic and practical qualifications as well as extensive experience and a record of excellent service, I have been overlooked because I am a woman.

In my repeated interviews with management I have been told that there is no room for ladies in the top echelons of the tax cadre and despite my 27 years of excellent service there is no hope of promotion. I follow this up because of the duty that I feel towards my sisters who are also working and giving selfless service to the Department. That is why I have persisted. Eventually on 24 May 1995 I received a letter of recommendation to promote me to the Tax Regulatory Headquarters. But so far they have not made any response to this request even though many men who were recommended after me have had a final decision made in their cases. Given that the reluctance to promote me is because I am a woman... as a Muslim woman I think that it is my duty to raise the alarm. (*Zaneh Ruz*, 3 January 1996)

Those women who are employed do not, in practice, benefit from equal pay for equal work provisions. Married women pay higher taxes than do married men; and women pay higher child insurance premiums than do men. It is the men who benefit from the married man's entitlement whereas it is usually women who end up paying for the nursery care of their children. Men get larger bonuses, because it is assumed that they are the head of household, and they are entitled to

cheap goods from the civil service co-operatives; their share increases with the numbers of their children. Not so for women, who do not even get a share for themselves.⁶

These barriers to the fair and full implementation of the guaranteed rights of women have led many leading Islamist women to question whether the post-revolutionary government deserves their support. Azam Taleqani makes this point eloquently:

The failure to implement the law properly has destroyed the trust of women in Islam and the government.

When you ask a woman civil servant, what do you think about Islam? The only answer is 'They have destroyed me! You only have to read the notices that are plastered all over the walls, you only have to see the way that they are treating me. They think of me as an easily exploitable being. They have reduced me to the level of beasts of burden; they have no respect for me, or for what I do!'

This is the heartfelt cry of working women and there is no one to hear them, they have destroyed the women workers, squeezed the working day, squeezed the very life out of them and destroyed their self-respect. (*Zaneh Ruz*, 25 December 1990)

THE FORMAL DISCOURSE

To overcome the considerable barriers that curtail their access to paid employment, Islamist women activists resort to their new form of traditionalism and revivalist Islam. This is a process that has been going on throughout the twentieth century. Thus, for example, the scholar Abu-Shiqa contends that at the time of the Prophet women were active and present in all domains:

Through my studies of the time of the Prophet I found texts and sayings of the Prophet which show women acting in all kinds of professions in total difference to what we see, understand and interpret today. (1990: 5)

By placing the argument squarely in the Islamic domain, Rahnavard, Taleqani and others such as Azam Nuri, General Director of the Legal Affairs Department of the Ministry of Islamic Guidance, are engaged in the re-creation of a traditional Islam which favours female employment almost as a matter of doctrine.

They begin by making two concessions. They accept the centrality of the notion of complementarity in defining women's position in the Islamic society and they endorse the government's rejection of Western feminism. But there are important differences between the use made of these concepts by some government officials and by radical Islamist women. They concede that women are not equal in every respect to men, and have different strengths and weaknesses. But the new Islamic revivalist reconstruction of the creed highlights the complementarity of men and women in creating social units and in sustaining social growth and development. The family is accepted as central, but it is argued that women are not mothers forever and that the public domain too is in great need of women's specific talents and valuable contributions.

It is interesting to note that in some cases the arguments of complementarity appear to be no different from those offered by mainstream feminists in terms of equality. Thus for example the formulation of Islamist complementarity as presented by Zahra Afshari is that Islam highlights women's double burden. This she defines as:

two complementary roles in economic development 1) a hidden part, 2) a public part. The hidden part is the one played within the family as an instructor of children and manager of the household etc. This is not accounted anywhere in the public economic evaluations. Yet in the long term this is crucial in terms of efficiency of public order and dealing with social change in future generations. In the short term it also adds to the gross national product. According to the United Nation data if women's hidden domestic work were to be included the levels of GNP would rise by 20 to 30 per cent. Yet there has not yet been a satisfactory way devised for evaluating women's contribution to the GNP. Women's public contribution to the economy which is through their participation in the labour market is accounted for in the GNP. (1995)

Countering these views, Mohamad Hashemi, a spokesman for the Foreign Ministry, outlined a different definition of complementarity. He conceded that woman's contributions might be undervalued, but countered that on no account should they err or neglect their domestic chores:

The family is the very basis of civilisation and society in the world and women play a complex role within this structure. It is they who

have the highest levels of productivity, who give the best quality of service and provide the essential physical and psychological care. Their part is of the essence and the slightest inattention on their part carries unaccountable costs for the entire society... throughout history women have played a fundamental part in the construction and reconstruction of society and they have always obtained the least rewards. (*Zaneh Ruz*, 6 May 1995)

Islamist women, like their Western counterparts, demand that the government should take note that women have life-cycles and they are not forever mothers of young babies. Therefore they demand that the skills that they gain as domestic managers be recognised and valued; they also demand that the government help them in fulfilling their mothering duties and facilitate their return to the workplace in due course.

Azam Nuri, the first woman to have been appointed to the post of General Director after the revolution, presents a different argument, claiming that by their very nature women make excellent managers and therefore would serve the revolution best by taking administrative charge in the public domain:

I think that women have two natural inherent and acquired characteristics that make them into good managers. Women are methodical planners who are very good at sorting out details and the minutiae; these qualities are most useful in managerial positions. In the home women work as general managers of a small unit and they have always proved to be competent and successful managers in the domestic sphere. They have been equally successful in the public domain...

In our society women have not yet been accepted fully and their potential to contribute to the public domain has not been used... we have many women who should move up the echelons much faster, but who are held down because of their gender rather than the quality of their work. (*Zaneh Ruz*, 30 April 1994)

The second plank of their concerns is the failure of Western feminists to do much about the problem:

In the West the attention of women has been concentrated on equality and paid employment. This has proved extremely costly for the family and has created more problems than it has solved.⁷

Majlis representative Qodsiyeh Seyedi Alavi, who is a surgeon, a mother and an MP, argues that Islam gives women the choice to be

workers in the public domain, even though they are not as well rewarded as men. Nevertheless she contends that the Islamic notion of complementarity is distinct from and preferable to the feminist one of equality, which deprives women of choice:

Islam says that women can have a paid job and participate in all sorts of social activities. In some Western countries women are obliged to work, for us this is not the case, we can choose to do so. We can work as women . . . we must never expect women to work as if they were men. They can only be as productive as men if and when the appropriate back-ups have been provided. (*Zaneh Ruz*, 13 May 1995)

Activists such as Rahnavard and Taleqani agreed, but sought to formulate an appropriate, Islamist alternative. They persevered and eventually found a foothold in the High Council of Cultural Revolution, which determines policies at the national level. There they managed to formulate an Islamic female employment policy. On 11 August 1992, 17 months after Zahra Rahnavard joined the Council, it issued an official document on female employment. Despite President Rafsanjani's directives to the Council 'to educate women about the correct ways of dealing with their husband and children' the Council chose to educate the rulers about women's liberation. It did so by making concessions and focusing on areas where it was possible to make gains. Its statement paid lip-service to the revolution:

Women in society under the past regime had, in the name of freedom, suffered great oppression and lost many of their human and Islamic rights. They have had the opportunity to free themselves of the cheap Westoxificated voyeuristic societal gaze and find their real and pure Islamic status . . . Thus the Muslim Iranian woman is on the one hand faithfully fulfilling her pivotal social task in the familial context . . . and on the other hand, according to need and availability of the right cultural conditions, Iranian women are active in the educational, social and economic domains. (*Zaneh Ruz*, 26 December 1991)

The High Council accepted that women's first priority was to be the guardians of the hearth and home. But it went on to note that women are not mothers at all times. It requested that women's life-cycles be recognised and 'suitable jobs' and appropriate working conditions be provided. It conceded that certain jobs are unsuited to women. But in return it sought to carve out an acceptable space for female employment.

The Council conceded that there were jobs 'which best suited the nature and temperament of women' such as midwifery and 'caring' medical posts, welfare work, teaching as well as laboratory work, electronic engineering, pharmacology and translation work (Article 5A and B). In these posts, the Council wished the government to give preferential treatment to women applicants. At the same time the Council declared that there were gender-neutral jobs such as 'unskilled workers in service and technical industries'. In such cases the Council demanded fairer treatment for women and asked that 'experience and qualifications, rather than gender be the determining factor for selection of the workforce (Article 5C)'. The Council also argued that in order to enable women to fulfil their family duties, in addition to equal pay for equal work, in the segment of the labour market allocated to women, the government should also allow women paid leave to enable them to fulfil their 'mothering obligations'. It stated that they should be entitled to shorter working hours and an earlier retirement age, measures which would recognise women's double burden of unpaid domestic work and paid employment.

It is worth noting that in 1985 the government had passed a bill to facilitate half-time working for mothers of young children. Since the law required full-rate contributions towards their pension funds, and the state made no tax allowance for part-time workers, only 1 per cent of the female civil servants chose this option. Most simply could not afford to give up half of their salary.

If, as the Council has suggested, the recognition of 'mothering duties' results in some flexibility in working hours, without cuts in pay, then women workers would indeed fare much better. At the moment, despite all the lip-service paid to complementarity in marriage and women's special qualities, Iranian women workers have to work as a 'manpower' in an inflexibly male labour market. For example, workplaces and schools start at the same time, as do nurseries. There are few workplace nurseries and so most women have to travel considerable distances during the rush hour depositing and collecting their children. As a result they are usually late for work. Most factories have two fortnight-long holidays, one for the Persian new year in late March and one during the summer. The factories close for that period. Women are not allowed to use their paid holiday leave in small portions to deal with a sick child or do their 'mothering' duties; all such obligations have to be shouldered as unpaid leave. Furthermore anyone who accumulates more than four months' unpaid leave in any working year can be sacked, even from tenured posts.

The High Council's declaration further demanded that working women be entitled to job security, unemployment benefits and welfare provisions (Article 10). In addition it stated that women who are heads of household should be entitled to special retraining programmes to enable them to return to the labour market (Article 11) and the government is urged to provide co-operative-type organisations to facilitate home working for women who wish to combine their paid and unpaid jobs (Article 12). Thus, in return for accepting women's domestic obligations, the Council's directive sought to extract concessions which would enable women to fulfil both their paid and unpaid duties.

The Council's declaration forms part of the continuing struggles of women in Iran in clawing back the rights that were summarily removed by the post-revolutionary state. Where the women's demands are articulated within the reconstructed Islamic discourse and presented as arising from the core of the new 'traditions', the chances of success are relatively good. So for example the Council's proposal for early retirement has finally been endorsed. The legal age of retirement for female government employees has been incrementally lowered since 1992 when it was reduced from 55 to 45. In December 1994 the Employment Committee of the *Majlis*, Parliament, unanimously accepted that all women civil servants with 20 years' service, regardless of their age, are entitled to retire on a full pension. This was a major reduction, since it also brought down the statutory length of service by 10 years, from 30 to 20. Initially the government refused to extend these provision to women factory workers. Justifying the decision not to extend these right to working-class women, the Director of the welfare organisation *Sazeman Taamineh ejtemayi*, Mehdi Karbassian, argued that in the first instance the provision of early retirement for female civil servants cost the government over 190 billion tumans (about £190 million) and that they simply did not have the resources to extend its provision to working women (*Zaneh Ruz*, 11 September 1996, no. 1572). Eventually, thanks to the continuous agitation of women parliamentarians and their supporters, in September 1997 the *Majlis* ratified a two-point additional clause to the social welfare law of 1975, which extended the early retirement provisions to working women with 20 years' service, provided that they were over 42 years old. But their pension was to be calculated on the basis of 20 days' wages rather than a month (*Zaneh Ruz*, 4 October, no. 1625).

The Iranian revolution failed to deliver its formal promises of equality within the labour market for women. A combination of

ideological prejudice and rapid underdevelopment of the economy helped to marginalise and undermine women's employment position, which deteriorated fast and markedly in the first post-revolutionary decade. The war with Iraq, though very costly in terms of male casualties, did little to increase employment opportunities for women, and the post-war recovery has largely benefited men, whose unemployment rates have fallen.

To counter the deteriorating position of women in the economy, Islamist elite women have embarked on an extensive reinterpretation of Islamic law to create a new 'revivalist' Islamic discourse which, as a matter of doctrine, demands better pay and job opportunities for Iranian women. Backed by the thirteen women representatives in the *Majlis*, Parliament, they have had a measure of success. But there is still a long way to go and the road to liberation is far from straightforward. Nevertheless Iranian women have proved themselves to be redoubtable fighters and there is much hope for a slow, but steady, improvement in their position in the labour market.

5 Women and Islamic Laws in Iran

The loss of rights and the painful regaining of some legal ground for women in Iran are illustrative of the hard terrain that Islamism has, in practice, created for Islamist women. Although many women actively supported the revolution, the ensuing theocracy began by depriving them of most of their hard-earned rights. In July 1981, the newly installed Parliament, *Majlis*, ratified the Islamic *Qassas*, laws of retribution, demanding an eye for an eye and a life for a life. These laws made justice the prerogative of privileged wealthy men and nullified women's rights to justice. Not only was the evidence of two women required to match that of one man, as required by the Koran (II: 82), but women's evidence, if uncorroborated by men, was not accepted by the courts. Women who insisted on giving uncorroborated evidence were judged to be lying and subject to punishment for slander (Article 92 of the *Qassas* laws). Murder was punished by retribution; but the murderer could opt for the payment of *dayeh*, blood money, to the family of the murdered, in lieu of punishment (Article 1 of *Dayeh* laws). Whereas killing a man was a capital offence, murdering a woman was considered to be a lesser crime:

Should a Muslim man wilfully murder a Muslim woman, he must be killed; the murder can be punished only after the woman's guardian has paid half of his *dayeh*, blood money, or the sum that the man would be worth if he were to live a normal life; this is negotiated with and paid to the man's family. (Article 5 of the *Qassas* laws)

By contrast, women murderers have no blood money and must be executed (Article 6). Similarly violent attacks against women, resulting in maiming or severe injuries, can only be punished after payment of mutilation money to the male assailant before retribution can be administered. The reverse does not apply (Article 60). Thus in the early years of the revolution women were legally defined as inferior and unequal to men in both personal and criminal laws.¹

Of all the battles that elite Islamist women have had to wage, the one against formal, legal discrimination has been the most difficult. As the leading Islamist Azam Taleqani noted in 1990:

Even if women go to courts to get their due, I am not saying that the courts are totally patriarchal; but unfortunately there are these tendencies. So the problems are presented and judged in a way that does not reflect the truth. (*Zaneh Ruz*, 25 December 1990)

Nevertheless, in this as in other matters, they have shown both remarkable perseverance and at a practical level a willingness to ally themselves with secular women at home and international human rights declarations abroad. Thus typically in 1994, when women *Majlis* representatives succeeded in blocking some retrograde measures,² Maryam Behruzi chose to thank the Almighty for the women parliamentarians' success. At the same time she reminded her colleagues of the international importance of their laws, which could create a general awareness of the positive role of Islam. Speaking in the *Majlis*, she contended that Islamic laws offered women both legal and judicial protection while enabling the state to show the world that:

what we have . . . is something more than equality. We can have the very best economic, political, social and familial laws and lay claim to the best kind of equality. (*Zaneh Ruz*, 4 May 1994)

But there has always been an entrenched wariness amongst certain Islamist men that the world and its laws sit uncomfortably with Iranian customs and traditions and with Islamic beliefs. These men have had two major concerns. One is the fear of equality; for them the assumption is that complementarity is non-negotiable, which means that men and women should, of necessity, be subject to different provisions of the law. The second is a belief in the immutability of Islamic laws which are defined as eternal provisions, revealed by God to Mohamad and applicable to all Muslims at all times and in all places.

On this basis any international law or commitment which is not anchored in Islamic law is either suspect or unacceptable. Thus *Majlis* Deputy Hojatoleslam Abasali Amid Zanjani warned his compatriots against accepting the UN's Declaration of Human Rights. He argued that there were obvious discrepancies between the provisions of the Declaration and those of Iranian laws in matters concerning women's financial and material rights and employment, and social and political participation. He defended the differential treatments in the name of Islam and complementarity arguing that Islam offers women different entitlements in terms of inheritance and *dayeh*, blood money, and some other financial provisions. He was aware that there were those

who thought that the Declaration of Human Rights offers them better opportunities for equality than those afforded to them by Islam. People might argue that Islamic laws do not embody the equality required by the Declaration of Human Right; such people, Zanjani declared, are unaware of the specificities of Islamic law and its provisions for the complementarity of the sexes. He warns against the indiscriminate extension of the UN Declaration of Human Rights that men and women are meant to have equal rights under equal conditions. Facile comparisons between these demands and the privileges offered by Islamic law, *fiqh*, and national laws may lead to the misconception that they are inadequate. But such a comparison fails to appreciate the central equilibrium that must prevail between men and women. Islam, he argues, does better than provide equality; it envisages laws in terms of balanced rather than equal rights. What this means is that overall the post-revolutionary legal system has treated women as more than equal; generally it offers equal rights to both men and women. But in addition, there is a large number of Islamic legal provisions that are advantageous to women specifically while very few favour men. Women have an entire legal arena specifically for them, whereas men have merely 'a small sphere of rights'. In his opinion the inequalities become less important when we consider that there are almost as many specific rights for women that are denied to men as there are those accorded to men and not women. Since there are more specific rights granted to women he argues that on balance women do better than men in the legal domain. But Zanjani considers that if the totalities of gendered Islamic rights are considered, neither group does better than the other; the problem is that critics have merely noted the privileges of men and not those granted to women (*Zaneh Ruz*, 25 December 1993).

On the negative side, Zanjani notes man's obligation to head the household and pay for the upkeep of his wife and family, an obligation for men and a privilege for women, who can be liberated by this provision since it frees them of the necessity to work or seek gainful employment. This compulsion on men outweighs, or at the very least justifies, the other provisions which enable men to exert some authority:

Why? Because amongst the women's rights and entitlements is that of *nafaqeh* . . . this does not mean that women must not work, but it does mean that what she earns from her work is her own. But if she chooses not to work she is not obliged to do so. Islam has accorded

women this great privilege that if she were to choose not to work she is entitled to have her upkeep paid for. When she is in her father's house, he is responsible to pay her *nafaqeh* and when she is in her husband's home he is responsible for her maintenance. When she is divorced or her husband leaves this world and she is widowed, it is the public purse, *beytolaml*, that must pay her *nafaqeh* . . . Our Constitution has shouldered this burden and has undertaken to pay for the unprotected women. (*Zaneh Ruz*, 25 December 1993)

Zanjani concludes that the entitlement to benefits provided by the state means that no Islamic government has the right to oblige women to work in order to be entitled to receive social security. The very creed demands that the government ensures that women have the wherewithal to live. This is a great privilege accorded to women at the expense of men. If a man is unable to pay the *nafaqeh* the Islamic government forces him to work, he is obliged to earn a living. Not so for women. He then urges critics to compare this exceptional privilege, the entitlement to a livelihood from the moment of birth to death, with that of men, none of whom has a comparable right (*Zaneh Ruz*, 25 December 1993).

Once women have been defined as a privileged, leisured, though financially dependent, group, then it is not difficult to go on to argue that they should have discriminatory inheritance rights. In this context the unequal inheritance right, whereby women are entitled to only half as much as men, is a small price to pay. An inheritance does not necessarily provide long-term security for a man: the amount is uncertain and it may well not support the man and his dependants during his lifetime. But *nafaqeh* should do so for women (*Zaneh Ruz*, 25 December 1993). This view is shared by many Islamist women. The redoubtable campaigner Azam Taleqani defended this position in the international arena contesting that:

Islam has entitled women to *mehrieh*, marriage contract money, *nafaqeh*, living expenses, *shirbaha*, milk money paid to the parents on her marriage for raising a daughter, *ojratolmessle*, wages for housework, etc. . . . in total Islam has given women more material rights than men, so women do not need to have the same entitlements to inheritance as men. (*Zanan*, May 1997, no. 34)³

One of the problems that ensues from the arguments of complementarity is that, logically, they imply that women should not have equal

legal rights. Although in terms of semantics the arguments may appear to hold, the consequences are quite alarming. Thus for example when it comes to the question of blood money, Zanjani defines it as a transient and unimportant matter, a small sum that could come in handy rather than one that determines the price of women's lives or deaths:

Nor is the inequality in *dayeh* comparable. The difference is a temporary matter, a temporary sum that comes to hand and will be spent. (*Zaneh Ruz*, 25 December 1993)

The view that the unequal treatment of women within the legal system not only gives them a privileged position, but also accords with their nature, was espoused by Hojatoleslam Nateq Nuri, Speaker of the *Majlis*. He stated that complementarity reflects women's true nature and that it was not something that could change with time and place. He contested that where humanity in general and women in particular are concerned Islam has articulated its legislation not in terms of the specificities of time and place, but rather 'according to the nature of human beings'; so long as that nature survived so would the laws. That, according to Nateq Nuri, is why Islam will never become outmoded and irrelevant (*Zaneh Ruz*, 13 December 1994).

His premise is that Islamic law is irrevocable. It has been formulated for all time and all people. Though formulated in Mecca or Medina its provisions are independent of the socio-political context of time and place, they are eternally applicable to all Muslims everywhere. Its decisions concerning women are rational and permanent.

Of course if this assumption were correct, then the process of reconstruction and reinterpretation of Islamic text to benefit women would have become problematic. But so would the whole process of *ijtehad* and interpretation. In fact, despite claims to the contrary, the Shia religious establishment has been at the forefront of interpretation and reconstruction of Islamic law. Nevertheless many of its members choose to argue that this is not so. The dominant male establishment claims to be of the opinion that the principles of Islamic law are based on the word of God and are not open to discussion. One of the most influential exponents of this position was the late Ayatollah Morteza Mottahari, a favourite student of Khomeini and one of the leading ideologues of the Islamic revolution. He argued that human beings were created by God as a masterpiece; they were given a soul and a conscience, which raised them above squalid economic classifications and subjected them to God's eternal

commandments. There was no room for evolution, development or improvement on the laws of God:

The Marxist arguments of dialectical evolution of society suggest that as society changes so should its laws...when society reaches a new stage then its laws should be altered accordingly to meet the needs of the time since the laws of the previous mode no longer apply. Such views categorically contradict what we say about the eternality and universality of Islam. (*Marx and Marxism*, vol. 2: 76–80)

Nor were people necessarily the best judges of what laws should govern them. Echoing the classic Islamist views, as expressed by Madudi and others, Mottahari argues that the laws of Islam are not conditioned by the socio-economic context of the Prophet's life. They were absolute and irrefutable commandments to be obeyed for all time by all Muslims.

What do you mean by saying that the laws should be subject to the needs of the times? If the laws obey the times, then who should the times obey?...That would imply that the laws should follow the wishes of the people. But one of the functions of law is to control and conduct society...humanity is capable of moving forward, or veering to the right or the left or stopping and regressing...This free will means that humanity is capable of making many mistakes...This is precisely why we must not be subjected to the will of the times. We must rely on absolute values... We have faith in and rely absolutely on the knowledge that our series of laws and practices are eternal... We regard religion as an absolute and as independent of the economics and political circumstances of the time. (*Marx and Marxism*, vol. 2: 98–104)

Despite such brave assertions, although there is an agreement on the firmness of the core of Islamic law, over time theologians and jurists have managed to interpret and reconstruct the laws to meet the needs of the time. Some have used analogical deductions, others have used logic and the Shias have relied on reason and interpretation, *ijtehad*, by leading religious scholars (Afchar 1979). The difficulty is that by and large most, if not all, of the interpretations have been made by men for men. It is therefore all the more impressive to see that Iranian women have, over the past 19 years, succeeded in changing some of the interpretations and many of the laws.

THE LAW OF EVIDENCE

There are however some laws that have remained immutable. The Iranian *Qassas* laws insist on equating the evidence of two women with that of one man and not accepting the uncorroborated evidence of women. This is based on a Koranic verse and therefore is seen as non-negotiable. The verse states:

and call in to witness from among your men two witnesses; but if there are not two men, then one man and two women from among those whom you choose to be witnesses. (II: 289)

Justifying the laws in 1982 the then Hojatoleslam Khameneyi stated that women could not be relied on to be good witnesses. He argued that truth is often coloured by the circumstances and experiences of the witness who may well see something quite different from the reality. He then went on to affirm categorically that it was in women's nature to be more swayed by circumstances. He was of the opinion that such misunderstandings should not be seen as shortcomings in women, but rather as evidence of their generous and kind nature and excess of emotions which led to them have 'contradictory opinions'. A similar opinion was given by Nateq Nuri who saw men as being 'naturally' less likely to misunderstand or misrepresent events. Hence the need to give different weights to the evidence of men and women. He conceded that:

Of course in some cases Islam permits women to act as witnesses, but always as unequal ones, two women as against one man... in criminal cases this distinction is made for fear that women's emotions might prevail and cause an injustice or an execution to occur. (*Zaneh Ruz*, 29 May 1982, no. 867)

The idea that only men are capable of dispassionate, honest observation and reporting has remained firm in the minds of many theologians in Iran. Thus even in 1994 despite over a decade of struggles by Islamist women, Ayatollah Seyed Mohamad Musavi Bojnurdi, who has occasionally sided with Islamist women, supported the view that men by their nature make reliable witnesses:

Giving evidence is about the witness knowingly relying on his own eyes and full knowledge and certainty, reporting that such an action took place in such a place or that such a legal entitlement which is disputed belongs to such a person. (*Zaneh Ruz*, 28 May 1994)

Once more the worthy Ayatollah argued that it is only male witnesses who are able to be 'always certain' and 'never have any doubts about the evidence'. By contrast in his view women's evidence is based on emotions or assumptions. That he argued is why if two just men – just meaning that they are not liars or corrupt or accused or beneficiaries in the dispute – give evidence, their evidence is accepted. But women are not considered trustworthy by Bojnurdi, because in his opinion women live confined lives and see little and are unduly impressed by what little they encounter:

In Islam the evidence of two men is equated with that of four women . . . in my opinion this is not because there is any difference intellectually between men and women . . . rather it is because men can go everywhere, see everything, find out the answers and have the ability to achieve the level of certainty that is not open to women. Women have certain limitations, they are physically constrained to certain areas and cannot go and find out. (*Zaneh Ruz*, 28 May 1994)

Arguments rooted in the physical immobility of women are not convincing in a country where woman have had a high-profile public presence for nearly a century in the urban areas and whose labour has been central to production of staples such as rice in the rural areas sine time immemorial. So Bojnurdi is obliged to resort to the early days of Islam, *sadre Islam*, and create an image of immobility and limitation:

when two men offer an evidence one can depend on their evidence. Whereas . . . at the beginning of Islam one could not say that about women, so it was decided that it should be four women. (*Zaneh Ruz*, 28 May 1994)

Such a statement is in itself problematic, since Islamist women have continuously emphasised the high public profile of women in the early Islamic days. Yet Bojnurdi insists on taking his argument further by stating that the social and spatial limitations on women are not matters that can change with time and place. For him women, by their very nature, are eternally enclosed in the domestic sphere:

Even in the West the way is not so open for women to go everywhere and find out about everything. Because of the natural limitations that women have they cannot have an extensive presence in society and so cannot have complete knowledge and information. (*Zaneh Ruz*, 28 May 1994)

For Bojnurdi this is an undisputed fact and not a matter of defending men and denigrating women. Thus to ensure that a judgment is morally and legally sound, logic and natural justice, as well as the natural limitations of women, dictate that a judge should rely on the evidence of two male witnesses. Bojnurdi insists that the equating of four women's evidence to that of two men would not undermine women's human rights, but would ensure that the judge has the moral conviction that he knows the whole truth. So long as he is not so convinced he cannot pass judgement. For Bojnurdi it is women's absence from the public arena rather than any concern about their humanity or personal judgement that prevents them from being reliable witnesses. If women were present everywhere in society, then the judge would find their evidence morally convincing. But, according to Bojnurdi's definition, this is not the case anywhere in the world, therefore it is logical and self-evident that the evidence of two women cannot give the judge the moral certainty that he needs to pass a fair judgment (*Zaneh Ruz*, 28 May 1994, no. 1460).

This argument is more open to contestation and on this, as on other questions relating to women's legal position, there are a number of leading religious scholars who are willing to offer a different interpretation. Ayatollah Mohamad Jonati, speaking at the congress on women and religion in Qum in October 1993, suggested that the law of evidence could be revised. In his opinion even Koranic laws could be seen as being temporal rather than eternal. He made a distinction between commandments and historical narratives. He argued that where a Koranic dictum was a 'matter of faith and commandment', it had to be obeyed. But where it was 'a matter of description of an external context', it was the duty of the believers to 'understand the real meaning'; that necessity to understand the real meaning also applied to the discussions about the 'nature' and position of women. Jonati argued that where the Koranic teachings referred to the 'real' nature of women in matters such as their physical strength, then arguably the force of four women could be equated with that of two men. But in matters of intellect he was certain that men and women were no different:

they are both human beings and are capable of thinking and speaking...they have no difference in their nature and themselves as humans. (*Zaneh Ruz*, 28 October 1993)

Therefore, he argued, it must have been a matter of circumstances that the evidence of four women was equated with that of two men. Since circumstances change so do matters that depend upon them.

It is surprising that in the extensive discussions that have taken place on this question in Iran, no one has raised the point that in this case, as in many others, notably polygamy, there has been a tendency for men to read only part of the relevant Koranic verse. If we look at the verse in its entirety it is quite obvious that the equation of the evidence of two women with that of one man is specifically related to a given financial transaction, that of contracting a debt for a fixed period:

O you who believe! When you deal with each other in contracting a debt for a fixed time, then write it down; and let a scribe write it down between you with fairness; and the scribe should not refuse to write as Allah has taught him, so he should write; and let him who owes the debt dictate, and he should be careful of (his duty to Allah), his Lord, and not diminish anything from it; but if he who owes the debt is unsound in understanding or weak, or (if) he is not able to dictate himself, let his guardian dictate with fairness; and call in to witness from among your men two witnesses; but if there are not two men, then one man and two women from among those whom you choose to be witnesses, so that if one of the two errs, the second of the two may remind the other; and the witnesses should not refuse when they are summoned; and be not averse to writing it [whether it is] small or large, with the time of its falling due; this is more equitable in the sight of Allah and assures greater accuracy in testimony, and the nearest (way) that you may not entertain doubts [afterwards], except when it is ready merchandise which you give and take among yourselves from hand to hand, then there is no blame on you in not writing it down; and have witnesses when you barter with one another, and let no harm be done to the scribe or to the witness; and if you do [it] then surely it will be a transgression in you, and be careful of [your duty] to Allah, Allah teaches you, and Allah knows all things. (II: 282)

It is clear that this verse deals specifically with debts and commercial transactions. It would therefore be reasonable to argue that its injunctions apply only to the stated cases. What is more, since the verse emphasises the need for a written contract, the choice of four women could have been related to their levels of literacy rather than women's nature. The extrapolations made by the theologians in Iran and elsewhere is not justified by the verse; it is once more a matter of choice – the choice by the *ulama* to base their opinion on one part of the Koranic verse and not on its entirety and its own context.

QASSAS LAWS AND DAYEH

The process of renegotiation of legal terminology and reinterpretation or better interpretation of Koranic dicta began as soon as the Islamic Republic launched its Islamification programmes. The *Qassas* bill was the first major proposal that the Judicial High Council submitted to the *Majlis* in 1981, and from the very beginning there were religious leaders and women scholars who contested the validity of these laws. It was the unequal treatment of murderers which caused particular concern, since the majority of Schools of Islamic law prescribe execution for murder regardless of gender. It is only certain Shiia theologians who distinguish between male and female murderers.

An early critic was Hojatoleslam Ali Golzadeh Qafuri, who in April 1981 publicly expressed his concern about the retribution laws as they stood. He argued that the *Qassas* laws were neither fully Islamic nor were they even consistent with the requirements of Islamic justice and that as they stood, the laws were not only un-Islamic, but since they were 'not true to the spirit of Islam', were 'traitorous to Islam' (*Zaneh Ruz*, 11 April 1981, no. 809).

Qafuri thought the clear distinction made by the bill between the sexes to be 'seriously questionable', since it was not based on an unambiguous Koranic statement. Even if there had been such a statement it would have had to be supported by reason and other evidence. The *Qassas* laws did not meet any of these requirements. Qafuri was particularly wary of laws that could not secure the unanimous agreement of leading theologians and yet were enforced, even though in doing so they endangered the lives of the believers. He noted that the Koran demands a life for a life and that many religious leaders thought it irrelevant whether it was a man or a woman who had to be punished. Qafuri goes on to say that other *foqaha* suggest that if a man has killed a woman, her relatives, or the state, must pay half of his *dayeh* before executing him. He then concludes that if, as in this case, there are differing views on this question then religious leaders cannot claim it to be an Islamic commandment. Unlike commandments, which are clear and uncontested, in the case of *Qassas* whatever they decide would be merely their understanding of the meaning of the law and would remain open to question by other *foqaha* (*Zaneh Ruz*, 11 April 1981, no. 809).

Qafuri's arguments were revised and developed over the decade. There were also some fierce counter-arguments presented by Mohammad Musavi Bojnurdi, who remained firm in his denial that the law

was prejudicial to women. He argued that in terms of doing justice to the spirit of Islam, *Qassas* does not make a distinction between men and women:

if a man kills a woman it is clearly stated that he is subject to *Qassas* and if a woman kills a man the same applies. (*Zaneh Ruz*, 28 May 1994)

The only difference was at the point of execution of the murderers, and the different *dayeh* for male and female murderers. But then, given that men are always the households' breadwinners, they should naturally have a higher *dayeh* so that their dependants are protected after the execution. Blithely disregarding the feminisation of the labour market and the rise in the numbers of female-headed households (Chant 1997; *Zaneh Ruz*, 28 May 1994), Bojnurdi insisted that if a man is executed, that would mean the impoverishment of an entire household who depend on his income:

I must stress that before Islam and today this is the case, the only breadwinner of the household is the man. Naturally if the man is executed then his wife and children are left unprotected. The day that the man is killed, the morrow the family is left with nothing. (*Zaneh Ruz*, 28 May 1994)

Given this assumption, Bojnurdi praises Islam for forestalling the problem by insisting that half of his *dayeh* be paid to his dependants. He asserts that this is the most humane solution which saves his dependants from being punished twice over: losing their loved one and being reduced to begging for a living. This is where getting half of the *dayeh* comes into its own; it gives them something to live on while they sort themselves out. According to the revered Ayatollah, killing women does not result in similar problems. Since they are not breadwinners, according to Bojnurdi, women's lives are dispensable:

of course when a woman is killed it is a major crime. A real crime. But when we think about it rationally if we execute the man then we have made two families miserable; especially the second family who with this execution lose their breadwinner and are reduced to poverty. We have to ask whether executing the man solves any problems. (*Zaneh Ruz*, 28 May 1994)

But he does not ask whether executing a women would make a family miserable or solve any problems! The *Zaneh Ruz* reporter inter-

viewing Bojnurdi asked whether the *Qassas* laws made alternative provisions for the many women-headed households. The reply was negative. Even though the justification for the discriminatory treatment of women had been in terms of the material dependence of the family on the breadwinner, when it came to the application of the laws, Bojnurdi chose to return to their assertion that Islamic laws cannot be altered:

You see the law is about the generality of circumstances and relies on the usual customs and practices. If the case for such judgement was the question of men as breadwinners then your comments would have been valid and it would also have applied to women breadwinners. But in principle we say that we are ruled by the *sharia* laws and not by the causality of these laws. (*Zaneh Ruz*, 28 May 1994)

This is an extraordinary approach since reason, which is one of the principles of Shiism and Shi'a *fiqh*, is simply discarded, as is another pillar of Shiism, justice; in practice the payment of *dayeh* could be a heavy financial commitment and well beyond the means of many less well-off believers. Nevertheless even though it is unjust, impractical and unrelated to reality, Bojnurdi defends the law on the grounds that it would enable the less wealthy to have the moral benefit of magnanimity and forgiveness, which, he notes, is far better than revenge:

in Islam the punishment is extreme, but there are ways to prevent such extreme measures and *dayeh* is one of them... That is why in the Koran it is stated that we must not exaggerate when it comes to killing. It is better not to go for revenge, but to be magnanimous and forgiving. To say pay half of the *dayeh* is a check to prevent *Qassas* from taking place... So that although the punishment of *Qassas* has been encouraged, at the same time the moral responsibility of such a deed is also stated. To forgive is a moral issue and it carries the implication that when dealing with half of the *dayeh* the parents of the murdered woman would come to make peace and not insist on the execution and accept that it is bad enough for a family to be headed by a criminal and a murderer and they should not be punished further and become unprotected. (*Zaneh Ruz*, 28 May 1994)

Nevertheless Islamist women and some leading theologians have kept up the pressure for reforming the laws. Even Bojnurdi has had to agree that there is some room for negotiation. But definitive revisions of the *Qassas* laws are yet to come.

THE CONSTRUCTION AND DECONSTRUCTION OF *QASSAS*

Islamist women have developed their long and detailed scholarly examination of the way in which some Shiia theologians had, quite unfairly according to these women scholars, constructed an unequal legal position in which women were defined as inferior and incomplete, even though such a definition ran counter to both Islamic teachings and Shiia beliefs. The scholar Zeinabsadat Kermanshahi presents a closely argued thesis to reject the gendered provisions of the *Qassas* laws and depicts the way that historically Shiia jurists created the unacceptable concept of gendered inequality. She contests that the discriminatory treatment of men and women contradicts the text of the Koran on *Qassas* and *dayeh* where the equality of human beings before the criminal law is cited. Her learned analysis of the Iranian *Qassas* is backed by a detailed study of Shiia legal discourse. Kermanshahi notes that there is an important division amongst scholars; the majority endorse the Sunni position and do not discriminate between men and women in matters of *Qassas*. Their opinion is founded on the text of the Koran and *ravayat*, reports of the Prophet and Shiia imams' judgments and decisions, which refute the unequal treatment of men and women. The *ravayat*, reports, used are those that mainstream Shiia sources and leading jurists refer to in their treatise to come to the conclusion that:

It is certain that Muslims are not different one from another, whomsoever attacks us we attack them, whoever burns we burn them and who ever drowns we drown them.

The *ravayat* ... do not distinguish between men and women, do not mention gender, they talk of Muslims generally, men or women; of the deed not of his or her sex. These *ravayat* not only do not make any difference between men and women, but also treat their murder in the same way. (1994)

In her substantive argument with the construction of unequal laws, Kermanshahi notes that Shiia jurisprudence, like all other schools of Islamic law, must rely first and foremost on the Koran as the most important source of law. Advice that the Koran does not clearly give is then sought in the reports, *hadith* or *ravayat*, of the legal decisions of the Prophet and in the case of the Shiias, the imams. These reports were initially heard by the companions of the Prophet or the imams who witnessed the process of reaching a judgment. Subsequently all these reports were collected and classified according to the probity and

reliability of the chain of rapporteurs. Those reported by extremely pious rapporteurs throughout have been viewed as authentic and reliable, *sahih*. But where there are unreliable individuals in the chain of reports then it becomes less important as a source of Islamic law (Afshar 1977). It is Kermanshahi's contention that those Shiia juriconsults who have decided that God wishes to impose unequal punishments on men and women, have based their opinions on unsound *ravayat* and have discarded well-known and established ones. They have chosen to accept reports and *ravayat* which are 'weak', that is to say where the chain of rapporteurs, dating back to the time when the decision was made by the Prophet or the imam, to the time it was recorded, includes one or more persons who are not of the highest probity and whose word may be doubted (Afshar 1977). By contrast the *ravayat* which defend equal treatment are of the best quality, *sahih*, and have no untrustworthy individuals in the chain of rapporteurs.

Not all those who condone unequal treatment of women are obscure juriconsults. The authoritative Shiia scholar Javaherkalam uses another source of Islamic law *ijma*, the consensus of the Shiia scholars, of the nineteenth century, to endorse differential treatment of men and women. But, as Kermanshahi quite rightly states, *ijma*, consensus, is one of the weakest sources of Islamic law;⁴ it cannot be used to change the existing laws, though it may be used to confirm them. Kermanshahi notes that one of the founding fathers of Shiia, law, Mohamad ibn Idris derided those Shiia scholars who resorted to *ijma*, consensus, to confirm views. He suggested that their ploy was so ridiculous as to 'make a mother who has lost her child laugh'.

Shiias consider *aql*, reason, to be extremely important in formulating and defining laws. Yet neither reason nor religious sources permit anyone to regard women as incomplete. Kermanshahi contests that this inferior construction of women has been based on the personal opinions and preferences of particular religious leaders who, when refuted by the primary sources of law, have resorted to using secondary ones to arrive at such conclusions. Some Shiia juriconsults who would have normally used reason, *aql*, have, in this instance, resorted to the Sunni analytical tools of *estehsan*, legal preference, and *qiyas*, deduction by analogy, to construct a general law which defines all women for all times to be 'incomplete' and inferior and therefore allocates to them half of men's *dayeh*.

Thus a small group of Shiia juriconsults have chosen the less reliable *ravayat* which are based on weak evidence and weak reasoning, have avoided using *aql*, reason, and, against justice and Islamic

practice, have issued directives, *fatwas*, to discriminate against women in law. They had used false premises to deny women their rights. Therefore, Kermanshahi states that it is the duty of all good women to deconstruct these false paradigms and return to the true Islamic laws which protected them and did not discriminate against them.

In pursuing an unfair line of argument, Shia scholars have failed to honour their own faith in the justice of God, which is a cornerstone of Shia belief. By doing so they have displeased God and misrepresented the eternal laws of Islam:

The Koran and *ravayat* always emphasise God's justice. If we choose to prefer weak *ravayat* to well known established ones and in doing so undermine justice and right, then God will not be pleased and such action would go against the justice of God. (1994)

An important point concerning justice that emerges from Kermanshahi's work is that in the more egalitarian perspective on *Qassas* not only are men and women treated equally but so are the rich and the poor, since it is not the payment of blood money but the crime that defines the punishment. She notes that the difference between Islamic executions and blood money had been blurred by the *Qassas* laws and they had failed to note that:

The judgment of God is *Qassas* and under no circumstances can *Qassas* become money or *dayeh*. (1994)

The current laws in Iran define *dayeh* as a substitute for *Qassas*: to exact punishment the guilty must be paid his blood money; whereas when Islamic law discusses such exchanges it does not require that such payment should be, as a matter of law, made in lieu of punishment. It is not as an obligatory commandment. *Dayeh*, blood money, is only paid if both sides agree that it is a better solution and more conducive to harmony. *Dayeh* was conceived as the person's blood money, paid to the family of the murdered as compensation for the loss or to pay their expenses. Then the jurisconsults added it to *Qassas* to create a general principle that went against the Koran and authenticated *ravayat*. Kermanshahi contends it is wrong to replace the unequivocal Islamic demand for immediate and unconditional punishment of crimes with conditions, particularly when the conditions place heavy financial burdens on the plaintive:

In the differentiated perspective *Qassas* is conditional. This conditionality means that without its fulfilment *Qassas* will not be done;

whereas the *ravayat* that support the equality perspective demand the fulfilment of *Qassas* immediately and without precondition. (1994)

Kermanshahi then takes on the nature/nurture argument, which has been used under the guise of 'reason' to define women as inferior and incomplete. She argues that such definitions make women less human than men. The logical conclusion of such views is that women by nature lack depth and are thus less complete than men. This is why the life of a woman is not equal to that of a man. That is why according to some *ulama* if and when a whole, complete life is taken for an incomplete one, the excess must be paid for (1994). Yet strictly speaking, by making such assertions, these religious leaders are guilty of sinning against the Almighty:

such an idea would indicate that we think that the creator of humanity is capable of faulty creation. (1994)

Such opinions are not only wrong, unjust and displeasing to God, but they also contradict the very text of the Koran where even slaves are recognised as worthy human beings and all, be they male or female, are considered equal before the laws of God. Kermanshahi points out that there are many Koranic verses noting the equality of men and women. The only superiority accorded to individuals by Islam is in terms of piety: the most pious, be they men or women, are the most worthy.

Nor is Kermanshahi prepared to accept that women are less intelligent than men without some conclusive evidence, which has never been produced by the Shiia *ulama*. Contrary to their assertions, scientific research demonstrates that, emotionally and biologically, women are the stronger sex – they live longer, enjoy better health and when it comes to facing disasters, normally it is women who are better at coping.

WOMEN AND THE JUDICIARY

The process of reconstruction and reinterpretation of women's legal rights did not change the *Qassas* laws, but did eventually help them to retain their foothold in the judiciary and counter a backlash that had gained momentum over the first decade and a half against women and their participation in the legal domain.

At its inception, the Islamic government sought to remove women from all legal practice and the judiciary. Within a year of coming to power, Khomeini had sacked all women judges, declared their judicial ranks, earned through years of service, to be null and void and excluded women from the Faculty of Law. Officially he discontinued legal practices by women. Yet, Iranian women lawyers refused to be marginalised. Women had had access to the Faculty of Law since it was set up in 1932 and formed an important part of the legal system before the revolution. After the revolution some continued to practise in their husbands', sons' or brothers' name; others worked as legal advisers to companies and all continued to fight for re-entry to the formal judicial domain. Furthermore from the early post-revolutionary days, women *Majlis* representatives were determined to alter the laws and maintain a place for women within the judiciary and ensure a fairer treatment of women by the law.

Thus as early as 1983 the parliamentarian and lawyer Maryam Behruzi had secured a place in the Parliamentary Committee on Law and was seeking to ensure that women benefited from the Islamification of the legal system, although she found it difficult to convince her 'brothers' on the committee of the importance of women's concerns:

As you know there are injustices which I hope we will remedy when we pass proper Islamic laws. But we have not managed so far though our committed brothers on the Judicial committee have promised to back us...

I feel responsible and hope to serve despite the shortcomings of the laws and the desperate need of people, particularly women who should as soon as possible, gain their rightful Islamic entitlements. (*Zaneh Ruz*, 17 April 1983, no. 861)

In fact, the critical shortage of trained Islamic lawyers had already compelled the state to revise the law to allow women to act in an advisory capacity within the judiciary. Thus even though Article 1 of the 1982 'Selection of the Judiciary Bill', *qanouneh sharayeteh entekhabeh qozateh dadgostary*, expressly stated that 'Judges will be selected from suitably qualified men', women's agitations resulted in the addition of a revisionary note; Article 5 of the 'Five additional notes to the Bill', *qanouneh elhaqeh panj tabsareh beh qanouneh sharayeteh entekhabeh qozateh dadgostary*. It permitted women lawyers to act as 'advisers' in Family Courts and on matters relating to care and responsibility for children and minors. The law allowed access to

a few newcomers and in particular helped to retain some of the women who were already employed by the Ministry of Justice.

In part this loophole had been the result of the hasty Islamification of the courts in Iran. Overnight the courts were expected to implement Islamic laws and be run by judges trained in *Sharia*. Since, until the mid-1980s, women had not been deemed suitable for training in Islamic laws, all the available women lawyers were graduates of Tehran University and therefore strictly speaking secular. But initially there simply were not enough Islamic judges of any kind and so the government permitted the attendance of secularly trained 'advisers' to assist the courts. As a result many women lawyers, though stripped of their formal rank, continued to do the work they had been doing.

At the same time leading religious figures such as Ayatollah Mohamad Hosein Beheshti, the first post-revolutionary Head of the Judiciary, Ayatollah Mussavi Ardabili and Ayatollah Mohaqeq Damad set up informal classes for post-graduate law students, male and female, to teach them Islamic law. This enabled many of the women who had graduated just before the revolution to acquire the necessary Islamic training. Given the shortages of male lawyers and the closure of the Faculty of Law for about three years, those amongst these women who were both educated and had good revolutionary credentials found themselves propelled into relatively powerful positions in no time at all. For example, Azam Nuri, the Director General of the Legal Department of the Ministry of National Guidance, *Ershadeh Meli*, had graduated from Tehran University's Faculty of Law and was appointed in 1980, when she was 24 years old, to her current post. She had been a member of the Faculty's Islamic Society and had attended the informal training courses on Islamic law given by Ayatollahs Beheshti, Musavi Ardabili and Mohaqeq Damad. At the time of her appointment the Ministry had been closed and was in the process of transformation. The Ministry needed a safe pair of hands to run the legal Department, the Islamic Society suggested her and she was appointed.

Despite her revolutionary credentials and long service to the Ministry, Nuri is all too aware that in her post being a woman is a distinct disadvantage:

Unfortunately in our society there is a view which, against all evidence and reality, doubts the capacity of women. Even now occasionally when someone comes into the office or I visit a court I feel that many people are displeased to see me there as a legal

expert. Those who call in expect the Director General to be a man...so do the courts. (*Zaneh Ruz*, 30 April 1994)

However Nuri is an exception. Generally although some women remained in post in the years that followed the revolution, they were not appointed to judicial posts in any great numbers. There were few women working in the judiciary and those who were there were in secretarial and clerical jobs; they did not normally reach the higher levels. Their absence from the higher echelons was used by Ayatollah Mohamad Yazdi as justification for not consulting them at any stage:

You cannot expect us to hand over to such [low-ranking] women the problems of family laws at a national level. (*Zaneh Ruz*, 10 January 1990)

This low expectation of women's competence was shared by many of the more conservative *ulama* who remained wary of the presence of women in the judiciary. Some feared that those in post would gradually progress through the ranks to become judges. To prevent such an eventuality in September 1992 the post of 'adviser to judges' was abolished. In April 1994 the *Majlis* Committee on the Judiciary decided to remove women from the domain of law by discontinuing the posts of 'Assistant' to the Public Prosecutor and Examining Magistrate and by rejecting Article 5 altogether. Their decisions was brought to the *Majlis* for ratification in May 1994.

The Committee had decided to remove women from the judiciary on three grounds: first, on the basis that Islam excludes women from the judiciary and therefore the state has to ensure that women in no way undermine this stipulation. Second, that this exclusion is rooted in the very nature of women; they would be both dangerous and vulnerable to contamination and corruption if they were to insist on pursuing their career in the courts. Finally, that given the practical problem of high male unemployment in the profession, it was necessary to prevent women from usurping men's places.

Many of the *ulama* remained convinced throughout that once allowed in, women would retain the potential of becoming judges and that would counter the very core of the faith as they understood it: that only men can make legal judgments. As the committee's Secretary Mir-Taqi Qazipur explained:

One of the certainties in Islamic law is that the judge is a representative and a part of *valyateh faqih*, Islamic government, and this

God given duty has been imposed exclusively on men. (*Zaneh Ruz*, 7 May 1994)

The Committee's rapporteur, Hassan Soleimani, elaborated the point that to give women a judicial post of any kind would erode the basic requirement that the judiciary should be male. The law as it stood enabled women to gain a firm grounding in and long experience of the judicial system and thus paved the way for women to become judges.

However it was those who were convinced of the vulnerability of women who provided the bulk of the opposition. *Majlis* representative Abas Abassi underlined the prevailing view of many of the *ulama* that it was not in the nature of women to become judges. He contended that the judiciary should be about reason and not emotions:

and we all know, as everybody knows, that women's very nature has been created with an enhanced emotionalism; this shows the love and wisdom of God. Men have their own particular hard-headedness and fierceness which is known the world over and women have their sensibilities.

Abassi was adamant that women should not intervene in any legal domain, not even where the family and children, fostering or custody were concerned. Not only were women not to be allowed to attend the courtroom, but their sensitive nature was to prevent them even from being consulted on drafting the bills:

These are not domains where we should allow sensibilities to rule. These are domains which are suited to the nature of men and to allow women in would undermine the stability of the family. (*Zaneh Ruz*, 7 May 1994)

Majlis representative Razavi Ardakani went further and warned against the impending doom of the feminisation of the judiciary. He stated categorically that it was God's will that women should be sensitive, tender-hearted and ruled by their emotions. The fragility that all could see in women demonstrated their natural weakness. That was why in his opinion in cases where the problems required 'sound judgment, wisdom and prudence' the Deputies had to bear in mind that women 'in their formation' had not been granted 'an abundance' of these characteristics. so he warned the *Majlis* that:

In critical cases they are likely to be swayed by the accused or the defence lawyer and God forbid, their tender nature would lead them to the wrong judgement... Law is a critical issue. Therefore

the penetration of women in this domain, albeit step by step, is dangerous. (*Zaneh Ruz*, 7 May 1994)

Some *Majlis* representatives such as the Chair of Committee, Ali Asqar Baqhani, were fearful that women lawyers exposed themselves to the virulent dangers of mixed company and would thus become dishonoured, abused and worthless. Baqhani, told the *Majlis* that the first imam of Shiia had expressly forbidden the employment of women as advisers; he had told his son Hassan:

Do not consult with women. Do not take their advice. Why? Because they are weak-willed and often their resolutions are temporary. If you ask for their advice they may change your mind, make you doubt what you resolve and undermine you. (*Zaneh Ruz*, 7 May 1994)⁵

Razavi Ardakani suggested that women should choose to serve the country by becoming doctors and gynaecologists instead of lawyers.

There were some Committee members such as Massud Karimpour Natanzi who were willing to admit that women had, over the past decade and a half, proved themselves to be good lawyers. He had worked as an inspector in the judiciary for 12 years and had to admit that the women that he had worked with had been remarkably successful in accomplishing all the tasks given to them, particularly in the posts of legal advisers and assistants in the administration of justice and supervision of Family Courts. They had been remarkably thorough, serious, caring and more systematic than their male colleagues and he wished to congratulate them for this. He had even conducted a survey which demonstrated that the most scholarly and meticulous doctoral theses were submitted by the female graduands from law schools. So he could assure the House that he had no doubt that they were capable of doing the job. Nevertheless Karimpour felt that, as they stood, the corpus of laws were inconsistent. In his opinion if women wanted to work in the domain of law, they should find more honest ways to change the laws radically and systematically rather than use Article 5 to gain access by the back door. So despite his confidence in women's ability, Karimpour supported the abolition of Article 5.

But even if women had managed to alter the entire corpus of the laws, they would still have to contend with the problem of unemployed male lawyers. As Abas Abassi put it:

Men and women are equal before the law but they have different rights...as my respected colleagues are aware we have plenty of

unemployed males who have the appropriate training and we all know that if the male sector of the society has an income it will be easier to form families and reduce societal problems. (*Zaneh Ruz*, 7 May 1994)

In seeking to reject the Committee's proposal, women members of *Majlis* and their supporters had a difficult task. They had to disclaim any wish to aspire to equality or to take charge of the Islamic government or its judiciary, while maintaining their toehold in both. They had to remain centrally within the teachings of Islam and justify their demands in the name of faith rather than of equality. They had to accept that Islam demands that all judges should be male, while arguing that 'advisers', with no aspiration to becoming judges, could be female. The women representatives succeeded in gaining the support of the Speaker of the *Majlis*, Ali Akbar Nateq Nuri. He offered categorical assurances by saying that the issue of judges in Islamic law was one of the basic religious principles which were 'immutable' and were not to be 'diluted on any account'. He then stated that an Islamic judge had to have certain qualifications stipulated by religious scholars and confirmed by the imam:

A judge must be mature, must possess reason, faith, justice, the ability to interpret Islamic laws independently, be pure in mind and body and be male. (*Zaneh Ruz*, 7 May 1994)

Nateq Nuri placated the *Majlis* by affirming that he was quite sure that 'no one', including the women parliamentarians who shared the nation's Islamic faith and commitment, would wish to take any step that would erode male supremacy in the domain of the judiciary. So he advised the House to make a clear distinction between women acting as advisers and their seeking to exercise judgment. To illustrate this point, *Majlis* representative Nafisseh Safa Bakhsh chose to denounce Westernisation and endorse the differential treatment of men and women. She contended that unlike Western egalitarian laws, Islamic laws made excellent and specific provisions for women. In her opinion Islamic Iran had the most advanced pro-women laws and there was no need whatsoever to resort to the West, where the laws resulted in 'uncertainty, injustice, problems and suffering'. As the representative of Islamic Iranian women she wanted to state categorically that Iran was

at the forefront of the best and most forward-looking laws for women. Our only hope is that our laws, legal study centres and

universities will be able to pull out these laws from the text of Islamic teachings and codes which God willing and with the help of *Majlis* will occur very soon. (*Zaneh Ruz*, 7 May 1994)

She warned that the Western media chose to misrepresent these laws. But what she asked the *Majlis* Deputies was to respect the needs of women? To be aware that the very concept of differing needs and the inherent modesty of Islamic women demanded that their 'honour' should be protected by giving them the protection of a feminine ear. Many women simply could not discuss their personal problems in front of men. This meant that they were treated unjustly and could not get a fair judgment:

I am sorry to report that a very properly veiled woman told me how difficult she found it to talk about things that she should not have mentioned in front of male judges. So what I want to know is, where is the male honour which was to defend women's modesty? (*Zaneh Ruz*, 7 May 1994)

In her opinion the most appropriate action was to instruct women advisers to listen to the personal problems of women and then present them in court using the formal legal language of men. The *Majlis* Speaker Nateq Nuri supported this view and noted that over 80 per cent of the applicants to the Custody Courts were women who needed to have a female adviser at hand.

Following a far more radical line of argument, Maryam Behruzi denied that women were 'naturally' weak. She applauded the 'probity, faith and impartiality' of female lawyers and stated that they made 'wise decisions' using their 'head' rather than their 'heart'. She pointed out that it was far from easy for a female lawyer to become an adviser to a judge. Those who did so had to prove that they were 'undoubtedly' learned, wise and intelligent women, possessed of a deep social insight, who would offer advice that was beneficial to 'humanity be they male or female'. She also denounced those who assumed that women advisers had the means to lead the judges astray:

Some imagine that if women wish to advice the Judge then the advise would be such as to prevent the judge from remaining impartial; whereas as this is not and has never been the case. (*Zaneh Ruz*, 4 May 1994)

In an attempt at reconciliation, Maryam Behruzi sought to smooth the ruffled feathers of those representatives who feared that women's

honour would be compromised by their close physical proximity to the judge. Since 'one of the gentlemen' thought it 'improper' for a woman to sit next to the judge, the female adviser could be required to give her advice in writing and thus avoid any form of impropriety.

Stressing the international importance of the way that women were treated in law in Iran, Behruzi highlighted the exemplary role played by Iran in setting up an Islamic Republic which treated its women in a way that was the envy of women the world over. She noted the 'great achievements' of women under the Islamic government compared to the previous era under the Shah, when women could participate in the public sphere only if they adopted the 'loose, shameful and dependent characters of Western women'. But 'learned, devout, committed and intellectual women' were excluded. She then applauded the revolution, which

has allocated a major part to women and has removed the barrier of Westernisation which viewed the veil as an impediment to participation in the public sphere. Women's active and remarkable contributions to this revolution has been part of its very formation and has clearly proved that Islam is a means of attaining success and fulfilment for women in the Islamic society ... We are the very cornerstone of the future civilisation which will be rooted in Islam and the standard bearers of victorious Islam in the world. (*Zaneh Ruz*, 7 May 1994)

Behruzi was supported by the *Majlis* Speaker Ali Akbar Nateq Nuri, who noted that Iran was setting an example to world:

We say that Islam can rule over people, can run societies, that it offers the very best and most valuable and lively legal structures. On the question of women we emphasise that we rely on Islamic values and honour the rights that it has granted to women. (*Zaneh Ruz*, 7 May 1994)

But Nateq Nuri had to admit that Islamists could not make such assertions without putting some of their policies into practice. He asked the parliamentarians not to be 'narrow-minded' and to bear in mind that there were no religious impediment to women acting as advisers and counsellors. Maryam Behruzi underlined this view by referring to both Khomeini and the creed. Quoting extensively from Khomeini, Behruzi argued that the imam had always supported women's participation in all domains:

Imam used to say repeatedly that Islam has made women equal to men, but heaven knows that the services it rendered to women and the entitlements given to them were much greater than those of men. (*Zaneh Ruz*, 7 May 1994)

Using an idealised interpretation of Khomeini's views, Behruzi came to a conclusion that directly countered his policies and actions (Tabari and Yeganeh 1982). Not only did she defend the hard-won right of women to return to the Faculty of Law, access to which had been banned by Khomeini, but she went much further and contested the view that they should be excluded from any level of the judiciary. In this she chose to refer to the Islamic dictum that God alone is the law-maker and human beings must submit to the laws of God:

If anyone, a representative using his personal inane judgment says that 'Islam has made men the governors of women', then he would be going against the faith and its laws and against what is practised in Iran. Islam does not permit anyone to rule over another. No power other than God Almighty can rule over human beings. Men are not permitted to rule over women nor women over men... when a judge issues a judgment all he is doing is implementing God's laws. (*Zaneh Ruz*, 7 May 1994)

In a press conference preceding the debate, Behruzi had been careful to underline that it was both Islamic and the will of God that women should have a firm footing in the judiciary. This enabled her to brand some of the Deputies as having a less than properly Islamic attitude to women:

Unfortunately we still have such views in the *Majlis* which encourage people not to vote for our cause. But this is a problem of personal views and not of Islamic laws. It is not the laws that are biased against us, it is not Islamic rules that are biased against us. But there is a bias which is rooted in the culture and perspectives of some people. With the ratification of the laws concerning women's posts as advisors and the revision divorce laws it is obvious that such prejudices do not form the majority view of the *Majlis*. (*Zaneh Ruz*, 4 May 1994)

Eventually women managed to retain their foothold in the courts and Article 5 was not revoked; it was in fact extended. The conditions for employment in the judiciary was revised and increased women's judicial functions to allow them to take charge of custody of minors and to act as advisers to the Administrative Justice Courts and Family

Courts. In addition it allowed them access to the posts of Assistant to the Public Prosecutor, Examining Magistrate and offices concerned with legal research and preparation of personal and other laws. It also allowed them to become Legal Advisers in government departments that had a legal affairs department. At the time there were some 140 women lawyers working on short-term contracts for various courts. Within a year of the ratification of the revised provisions Ayatollah Mohamad Yazdi, Head of the Judiciary, set an example for extending women's participation in the judiciary by appointing Malikeh Yazdi to head the Judiciary's Women's Bureaux. She had previously worked in the President's Women's Bureaux. In her new post she was required to:

pay a deeper attention to women's affairs and prevent misunderstandings and undue intervention, *tadakhol*, by the administrative sector into the judiciary on matters concerning women. (*Zaneh Ruz*, 13 March 1995)

By December 1996 provincial juridical centres were lobbying to obtain their own Women's Legal Advisory Centres (*Zanan*, December 1996, no. 31); by January 1997 four such centres had been set up. These Bureaux were intended to play a twofold role, one directed towards the judiciary at home and the second aimed at the human rights lobby. According to the Head of Judiciary, Ayatollah Yazdi, these centres were to:

enable women plaintiffs to present their cases more clearly to the courts...to prepare reports detailing the overall situation of women and criminal offences and suggesting ways of preventing such crimes...and to collaborate with the Islamic Committee of Human Rights. (*Zaneh Ruz*, 18 January 1997, no. 1591)

But women representatives in the fifth *Majlis* wanted considerably more than mere bureaux; they wanted radical legal reforms. Tehran Deputy Marzieh Dastjordi called on Ayatollah Yazdi to remember the Prophet and his teachings:

The Prophet has stated: Those who are honourable do not fail to respect and esteem women and defer to them. Those who belittle women are themselves unworthy. (*Zaneh Ruz*, 29 September 1996, no. 1575)

This, she argued, clearly indicated that the Prophet of Islam wished women and their interests to be protected; therefore, Dastjordi

argued, it was essential for the laws to be modified and the judiciary to be instructed to bear women's interest at heart, as a matter of Islamic duty:

In my opinion those who head the judiciary and those who sit as judges in courts must be people who have a clear Islamic vision in matters concerning women, to reflect the very enlightened view that our national leader has towards women. Unfortunately what we see is that our courts are run by men who have a patriarchal approach and their rulings tend to be to the advantage of men and detrimental to women. These men are not clear about women's Islamic rights and therefore do not grant them their dues. (*Zaneh Ruz*, 29 September 1996, no. 1575)

Dastjordi demanded that the head of the judiciary increase the numbers of advisers from the existing 100 to a level where no woman would be judged without a female adviser attending the court. Finally, in February 1997, Dastjordi, ably assisted by Qodsiyeh Seyed Alavi, Fatemeh Ramazan-zadeh and other women representatives, piloted a bill through the *Majlis* which directed the judiciary to set up Family Courts which within a three-month period had the exclusive right of dealing with matters relating to the family; these included permanent and temporary marriages, polygamy, divorce, *mehre*, marriage payment, *ojratolmessle*, wages for housework, *nafaqeh*, household expenditure, custody of children, wills, appointment of legal guardians, granting permission for under-age marriage and defining when minors have reached maturity. The judges in these courts had to be married, to have a minimum of eight years' service and every court had to have a woman adviser whose views would be reflected in the court's final decision.

By November 1997, with the exception of heading Judicial Sections and issuing judgments, women were occupying most posts in the judiciary and planning to go further. Ashraf Gol Mohamadi, the Judicial Adviser of the Central Province, announced that women were 'actively seeking to fill all the positions in the judiciary to which they were entitled' (*Zaneh Ruz*, 15 November 1997, no. 1631).

JUDGES

The systematic and unrelenting insistence of women eventually reopened the question of appointment of women judges and in Sep-

tember 1996 at the speech to the Faculty of Law at the beginning of the academic year, Ayatollah Yazdi announced that the question of appointment of women to the position of a judge was under active consideration:

Cautiousness to the extent that it would result in injustice against individuals goes against the spirit of Islam. So long as we do not have a firm commandment banning people from certain activities, we should not debar them from their rightful entitlement. (*Zanan*, December 1996, no. 31)

By 1997 Ayatollah Seyed Hassan Marashi, the Head of the Committee for the Revision of Criminal Laws, was in a position to announce that in principle there were no Islamic barriers preventing women from becoming judges:

There are two forms of judgments, one is based on ratified laws and the other on *ijtehad*, religious interpretation. Nowadays judgments are made according to ratified laws and in such cases it is possible for women to be judges. (*Zaneh Ruz*, 18 January 1997, no. 1591)

Thus despite heavy odds against their cause Islamist women have managed over the years to hold on to their small corner in the judiciary and even make a little progress. But despite eloquent arguments and splendid sophistry, they are yet to overturn the Draconian punishments meted to them by the *Qassas* laws. In this as in many other areas the road to success is long and hard, but it would be a mistake to underestimate the determination of the Islamist elite and secular female lawyers in Iran. They are likely to make a slow but steady progress on the long road towards better legal provisions.

6 Marriage in Shiia Discourse

For Muslims in general and Iranians in particular marriage and the family form the cornerstone of society. Far from being considered a site of oppression, Islamist feminists applaud marriage and the family as a haven for men and women alike. Unlike Christianity, Islam does not view marriage and sexual intercourse solely as the means to procreation. There is in Islam an exuberant celebration of heterosexuality and a recognition that women as well as men have and should enjoy their own heterosexual urges. Thus marriage is celebrated as an indication of God's goodwill towards humanity and is applauded as an act of piety:

Among His signs is [the fact] that He has created spouses for you amongst yourselves so that you may console yourselves with them. He has planted love and mercy between you; in that are signs for people who reflect. (XXX: 21)

At the same time, celibacy and denial of heterosexuality are seen as irreligious and a failure to appreciate God's bounty and are therefore abhorred. Although there is a general agreement that marriage involves an economic transaction, some Islamists choose to introduce a spiritual and symbolic dimension. Thus, for example, the late Iranian Prime Minister Mohamad Javad Bahonar thought that the payment of *mehrieh*, marriage price, was not about buying and selling sexual favours, but rather symbolised love and affection, and was paid as a kind of charitable attribute in thanksgiving to celebrate marriage.

Mehre is an indication of love and commitment. It is a religious demand and men must commit themselves to providing it. This is reflected in *nesa*, women, verse 4 where it is stated: 'Offer women their *mehrieh* as a gift, *sadagh*, and a sign of your affection and respect for them.' (*Zaneh Ruz*, 26 August 1995)

Yet, although it reflects the bounty of the deity, marriage is not so much sacramental as contractual; it is a matter of a contract between consenting partners. Some Muslim scholars assert that since Islamic marriage is 'a civil contract' it does not have 'the Christian notion of sacrament' (Abu Zahra 1950: 17). The only religious aspect of the

contract is that in some Muslim countries such as Iran, the marriage contract, which must have the agreement of both the husband and the wife, must be signed by them in the presence of a religious notary. Otherwise as Article 1119 of the Iranian Civil Code makes clear:

Parties to the marriage *aqd*, contract, can include any condition that they wish, provided it does not contradict the marital requirements of the said *aqd*.

The marital requirement stipulates that the husband must make an initial downpayment of *mehre*, before the consummation of the marriage, and for obtaining the exclusive right to the sexual services of the wife. As Ayatollah Yazdi, Head of the Judiciary explains:

Mehre must be something that can be owned and could be sold or exchanged for a price, regardless of whether that is a high or a low price... If I were to protect women I'd advise them to ask in their *mehre* for things that gain in value over time. (*Zaneh Ruz*, 14 May 1994)

In addition to payment for the consummation of the marriage, husbands must also pay *nafaqeh*, maintenance, for the household and the wife so long as the marriage lasts. Nor is marriage a once and for all and continuous commitment; the failure of either partner to fulfil their contractual obligations provides more or less compelling grounds for divorce; although men have the advantage over women where divorce is concerned.¹ Nor is remarriage condemned. Thus Islamist women can, and do, argue that in its recognition and valorisation of marriage, and women's sexuality within it, 14 centuries ago Islam offered women what twentieth-century feminists have yet to achieve, namely a recognised, well-remunerated relationship with a man, who is required to be both physically and financially satisfying and who can, if necessary, be dispatched and replaced by another.

In Iran the rights and duties of marriage partners have been of major concern both to women and to the religious establishment. The Islamic government has been extremely keen to encourage the young to marry and has conducted several high-profile discussions, seminars and conferences to explain the importance, value and benefits of marriage, particularly for women. At the same time women's journals and publications have been publishing debates amongst the *ulama* about the terms and conditions of conjugal life.

MEHRE AND THE CONTRACT

The arguments about Islamic marriage in Iran has, on the whole, not been about spirituality although it is assumed to be an act that is performed to please the God of Islam and acknowledge his benevolence. The debate has focused on the nature of the marriage contract and the duties and obligations of the contracting partners. Clearly marriage involves a financial transaction where a woman's sexual services are purchased by the marriage price, *mehre*. No marriage is valid without a *mehre*. Professor of Law Seyed Mostafa Mohaqeq Damad and the Qum-based scholar Hojatoleslam Seyed Mohsen Saeedzadeh are of the opinion that *mehre* is not merely a negotiable contractual obligation, but is an unavoidable, obligatory religious duty which cannot be waived or altered; as Mohaqeq Damad explains:

Whether specifically stated or not *mehre* is the man's responsibility. The moment you say 'yes' and the marriage is done then he has to pay the *mehre* even if he has stipulated that he would only get married on the condition that he does not pay *mehre*. Because *mehre* is based on a religious commandment and is not subject to his control. (*Zaneh Ruz*, 2 September 1995)

The payment of the *mehre* is imposed by Koranic dictate (IV: 4). Since Muslims must obey the commandments of God, the payment of *mehre* becomes non-negotiable. Saeedzadeh quotes the Shiia imam Sadeq who has stated:

When a man marries a woman, he does not have the religious right to consummate the marriage until he has given something [like] a coin or more . . . to the woman. (1994)

The scholar Majlessi goes even further and, quoting the Prophet, equates even the intention of non-payment of *mehre* with committing a grave sin:

traditions regard the non-payment of the *mehre*, or even the unstated intention in the mind of the husband not to pay, as an unfair usurpation by the husband. The Prophet of Islam (God's praise be with him) has stated 'As far as *mehre* is concerned anyone who deals unjustly with his wife will be seen as a sinner [adulterer] by God.' (Majlessi, 1403: 333 and 362)

Even though the payment of *mehre* is a religious duty, there is a tendency amongst many Islamic scholars, including Saeedzadeh and

Ayatollah Seyed Mohamad Musavi Bojnurdi, a theologian teaching at Shahid Mottahari High School, to view marriage as a form of trade. Saeedzadeh compares the *mehre* to a 'commercial transaction' and is of the view that if initially the parties cannot agree on a 'price', then they can agree that there should be a payment 'and the buyer must pay'. As in other economic transactions, the exact amount of the *mehrieh* may be deferred and determined later. But no marriage contract can exist without it, where the *mehre* it is not specifically stated, it is implied (*Zanan*, September–October 1994, no. 20).

Ayatollah Yazdi is more exacting and underlines the need to state precisely what the *mehre* is and when and how it should be paid. But he argues that if a husband cannot pay the *mehre* immediately, he should have the right to offer to do so in instalments. Musavi Bojnurdi and Saeedzadeh disagree; they contest that since *mehre* is about the consummation of the marriage, then women have a right to their *mehre* from the moment of marriage; it must be paid on demand.

For the wife the *mehre* represents a form of security, which can, if necessary, be cashed. Yazdi advises women to choose something that will gain in value over time, but Musavi Bojnurdi contends that women should be guaranteed not the agreed price, but the inflation-proof purchasing power of the *mehre* on demand:

In my view it is not the actual sum but its economic power which is at issue. The bank notes merely indicate their buying power and it is that buying power at the time of marriage that the man must repay. (*Zaneh Ruz*, 21 May 1994)

Musavi Bojnurdi backed the women's demand for the official marriage contract forms to be altered to make it clear that the contract is about the purchasing power of the *mehre* rather than the actual sum stipulated. Women parliamentarians in the fifth *Majlis* presented a bill in September 1996, which was ratified in January 1997, to make the *mehrieh* inflation-proof. Accordingly *mehre* is now calculated in terms of its real rather than its face value.

Such legislation clearly demonstrates that for Iranian women marriage is very much a matter of a commercial exchange. But, as Shahla Haeri explains Muslims, do not think this undesirable. In fact such relations are embedded in Islamic faith and the believers often enter into such transactions with God (Haeri 1989: 29), hence the Koranic verses:

If you lend unto Allah a goodly loan, He will double it for you and forgive you; and Allah is the Multiplier [of rewards]. (LXIV: 17)

Thus to envisage marriage as a commercial transaction is no more than to seek to do a charitable act with the specific objective of pleasing the Almighty. Islamic *hadith*, reports of deeds of the Prophet and the imams, provide many examples of marriage being discussed as a commercial transaction. Saaedzadeh (1994) quotes the first imam, Saint Ali, who, when asked whether a man could look at a woman whom he wished to marry, replied: 'He is a buyer who will be paying a high price.' Ali is also quoted as saying that a prospective husband 'has priced that woman as if she were a slave'.

However it would be wrong to assume that the comparison made by the imam indicates that the transaction facilitated by *mehrieh* is about the purchase of a woman. In Islamic thinking what is being bought is not the woman herself, but her sexual services (Haeri 1989). As Saaedzadeh explains:

traditionally 'men' have been called buyers and *buz* (vulva) is the commodity and the 'wife' acts as *bayeh*, seller, and *mehrieh* is *saman*, the price...

The Saint Ali...refers to 'a man who owns the *buz* of a woman'... There are many other traditional accounts which regard *mehrieh* as the price paid for taking over the woman's *buz*... (1994)

This transaction has implications in terms of obedience within marriage. Women have sold their sexual services for a specific sum and must fulfil their side of the contract. Therefore they cannot refuse their husband's sexual advances:

According to Islamic laws, *foqaha*, and the Ayatollah Khomeini the most important duty of a wife towards her husband is obedience in matters relating to sexual services. (Mokhtari 1996)

SEX AND MARRIAGE

Although in terms of the marriage contract and payment of *mehre* it is the woman's sexual services which are the subject of the transaction, the husband too has an Islamic duty to satisfy the sexual needs of his

wife. As the Iranian scholar Paknejad explains, married women are legally and by requirement of the faith entitled to regular intercourse:

at the longest once in every four months... the Saint Reza has said that it is a sin for a man who has a young wife not to have intercourse with her after four months. (1981: 121)

This obligation is legally sanctioned so that the inability of a man to satisfy his wife sexually provides legitimate grounds for annulment of the marriage:

faith banishes the impotent man and permits his wife to leave him without even waiting for a divorce. (Paknejad 1981: 6)

Not only are husbands required to have intercourse with their wives, but they must also ensure that she enjoys the experience. The legal assumption made, however, is that if a man were potent, he is likely to satisfy his wife. The potency of a husband is so important that even an adulterous wife of an impotent husband is viewed with some leniency in Islamic law. Only if a husband were willing and able and still his wife strays, can she be punished for adultery. As Ali Asqar Baqbani Chair of the legal and criminal committee of *Majlis* explains:

The important point is that it has to be proven that the woman could have had sexual satisfaction from her husband and chose to go to a stranger. If this were not the case then the punishment is to be flogging, but she must not be killed as would be the case with other adulterous wives. (*Zaneh Ruz*, 2 November 1995)

TAMKIN, NAFAQEH, OBEDIENCE AND MAINTENANCE

In addition to the payment of *mehre* for the consummation of the marriage, the marriage contract imposes on the husband the duty of payment of *nafaqeh*, household expenditure. This consists of provision of food, clothing, housing and the necessities of life, cleaning materials, toiletries and the payment of wages for servants when appropriate. Yazdi, who views this obligation as non-negotiable, notes that the exact sums payable to wives are matters that are defined by prevailing customs and practices. It is the duty of the husband to keep his wife in the style to which she has been accustomed and provide for her 'that

which is appropriate for the time and place in which they live' (*Zaneh Ruz*, 18 June 1994).

All schools of Islamic thought, with the exception of the minority Sunni Zaherite groups, accept that, regardless of her means, maintenance by her husband is the lawful right of the wife (Nasir 1990: 59–60). This duty is enshrined in the Islamic Republic's Family Laws, which recognise women's right to *nafaqeh*, once the marriage prayer has been recited. This obligation is enforced by the Criminal Code in Iran. Article 144 defines the non-payment of maintenance by men who can afford it as a criminal act:

Those who have the means and refuse to pay the *nafaqeh*, living expenses, of their obedient wives... whom they have the legal duty to support... will be subject to three to five months' imprisonment.

Thus, like *mehre*, *nafaqeh* is a contractual payment which cannot be legally avoided. However religious leaders are not agreed to what extent this obligation is binding. In particular there is a disagreement about what is required of men who cannot afford to maintain their family. Ayatollah Yazdi views the legal and moral duty of payment of *nafaqeh* as being absolute and binding at all time, even if this means that the husband is obliged to borrow and become a debtor to pay this due (*Zaneh Ruz*, 18 June 1994). However, other scholars such as Ahmad Beheshti disagree. Invoking the fundamental Islamic principle that God would not load a believer with a burden too heavy to carry, and imam Jafar Sadeq's view that all that is reasonable is legal (Afchar 1974), Beheshti argues that

tamkon, financial ability... is a logical and general condition. That is to say that as a general rule each obligation is conditional on ability and reason dictates that if there is no financial ability there is no obligation... this is so clear that it does not need further explanation. (*Zaneh Ruz*, 17 April 1983, no. 861)

Mohaqeq Damad takes the argument further, suggesting that a husband can legally avoid paying *nafaqeh*. In his opinion although men are obliged to pay maintenance, they have to do so as a matter of contractual duty, not because of religious obligation, which would be eternally binding. Therefore, if the contracting parties to the marriage agree, the man may insert a clause which frees him of his duty to pay maintenance. In Mohaqeq Damad's opinion such a disclaimer would merely help to lighten a little the extremely heavy burden placed on men by their marital obligations:

The bias of the contract is that it places a thousand obligations on the husband and five obligations on the wife and they both sign If the man says nothing then he will have to pay the *nafaqeh* till the day he dies. (*Zaneh Ruz*, 2 September 1995)

Mohaqq Damad, who calls himself 'the defender of women's rights', contends that the payment of *nafaqeh* abuses men's rights and is against natural justice:

The day the man signs the contract he has to submit to this calamity of *nafaqeh* . . . unless he says from the beginning that he is not going to be responsible for *nafaqeh* . . . If for example I myself with all my education and my religious training and prestige, if tomorrow my wife and children need the *nafaqeh* then the law tells me that I have to dig the roads or work on building sites or move mountains to pay my dues. The law leaves no leeway, I have signed on the dotted line and come what may I have to get the wherewithal to feed the wife and children. (*Zaneh Ruz*, 2 September 1995)

Despite his passionate plea, Mohaqq Damad's is a minority opinion. Yazdi, the long-serving head of the judiciary, is implacable in his assertion that all husbands have an irrevocable duty to provide for the family.

Although there is general agreement about the husband's duty to support his wife, the religious establishment is divided as to whether *nafaqeh* is paid as a reward for woman providing their sexual services in marriage, or whether it is paid in return for a woman's total submission to the will of her husband. There is a view that the payment of *nafaqeh* is compulsory once there is a valid marriage contract; in return wives are obliged to obey all their husband's wishes. Thus according to Nasir payment of *nafaqeh* means that the wife

places or offers to place herself in the husband's power so as to allow him free access to herself at all lawful times [the Arabic word is *tamkin*] and . . . obeys all his lawful commands for the duration of the marriage. (1990: 60–1)

What lawful commands are, however, has not been clearly defined. Ayatollah Yazdi defines *tamkin* as the duty of the wife to obey the husband in all things 'when she is required to do so' (*Zaneh Ruz*, 18 June 1994). But he does not explain when and what the requirements are. Although Yazdi would defend the right of men to demand

obedience from their wives, he does not go so far as to say that payment of *nafaqeh* is linked to absolute obedience to all the husband's demands. Yazdi shares the consensus of the majority of *ulama* that the provision of sexual services by women is sufficient to secure the payment of *nafaqeh*. But he notes that in his personal opinion sexual complementarity would mean that wives should always be obedient. However he admits that he does not have any legal or moral grounds for demanding that women should do so as a matter of religious duty, he merely advocates it as a proper exchange:

If it is the man's obligation to provide food, clothing, housing and all the needs for comfort according to her status and if necessary pay for a servant, then this is done in return for *tamkin*; this is the equilibrium, it is not a problem. . . . Even if some people claim that it is a sign of patriarchy . . . well I have provided all the means, so she certainly must accept all the domestic responsibilities from cooking the food to cleaning the house, etc. . . . But these duties do not arise from the legal context. Nor from the moral context . . . We must not mix up common practice with moral or legal obligations. (*Zaneh Ruz*, 18 June 1994)

If maintenance is paid in return for sexual services, then domestic work is not a prerequisite for receiving *nafaqeh*. But Islamists are divided as to what additional conditions are imposed on wives to qualify for this entitlement. There is a degree of agreement that *tamkin* involves the willingness of wives to remain in the husband's domicile and only leave the house with his permission. Authors such as Ali Mokhtari (1996) are of the view that failure to gain his consent to leave the house is valid grounds for withdrawal of *nafaqeh*. The argument is that leaving the house without the husband's consent is indicative of the wife's intention to destroy the home and hearth; to punish her the husband is entitled to withdraw her maintenance payment.

However since within marriage it is the terms of the contract which are paramount, women could insist on retaining their freedom of movement without forgoing the maintenance payment. Seyed Mostafa Mohaqeq Damad supports this view but contends that such a condition would give women an unfair advantage. In his opinion such freedom should be offered by the husband to the wife, rather than being extracted from him. Mohaqeq Damad argues that if it is the wife who insists that she should be 'in charge' of herself, then morally she ought not also to have the right to exact her *nafaqeh* as a matter of

the husband's conjugal duty (*Zaneh Ruz*, 2 September 1995). Mohaqeq Damad is aware of the multiplicity of obligations that women carry and he recognises that there are conflicting duties that require women to leave the house. So he consents that even if women do not insert the right to free movement, they could be entitled to leave their house without impediment for a number of 'legitimate reasons'. The most important one is the right to go to the mosque, which is an inalienable religious right. Parents too are recognised as having some rights. Noting the Shiia belief that in Islam all that is reasonable is legitimate and all that is legitimate is reasonable, Mohaqeq Damad argues that, even if specifically prohibited by the husband in the marriage contract, visiting her parents and relatives could be justified by the wife in terms of the prevailing custom and practices and the way that women's responsibilities have been defined by society:

if a man stipulates in the contract that she should not go to meet her relatives and she does then it is *nushuz*, disobedience. But if the basic principle has been proven to the courts in terms of customs and practice, then it is not *nushuz*. (*Zaneh Ruz*, 2 September 1995)

In contrast to what could be seen as an enlightened interpretation of women's marital duties, the Islamist journal *Mahjubeh*, which literary translated means the modest woman, takes a totally implacable position. It is worth noting that *Mahjubeh* is edited and published by men for women. In its opinion *tamkin* is about sexual and physical obedience and could be extended to both the spatial control of women and a requirement for their absolute submission (*Mahjubeh*, vol. 14, no. 11, November 1995).

The Qum-based religious leader Saeedzadeh takes the debate much further by making a distinction between submission, *etaat*, which he claims is not part of wifely duties and obedience, and *tamkin*, which he defines as sexual obedience and which he states is compulsory. Saeedzadeh quotes the distinguished Islamic scholar Javaherkalam:

Some of the religious leaders think that it is not enough to submit physically to the husband but that *tamkin* means that the wife is obliged to offer herself physically and verbally to the husband...that is she has to say to her husband 'I am surrendering myself to you: *taslim*; I am yours whenever and wherever you want me.' Whereas this is not the case with obedience. (vol. 31: 307)

Saeedzadeh agrees with Javaherkalam that obedience is not total submission, it is about accommodating the sexual needs or wishes of

the husband. In his refusal to equate the wife's submission with her entitlement to *nafaqeh*, and distinguishing between the two, Saeedzadeh also resorts to quoting Khomeini, who for the post-revolutionary religious establishment has become a permanent icon:

The point made by imam Khomeini is to differentiate between *tamkin*, submission, and *etaat*, obedience. He has stated that the only underage girl who is entitled to *nafaqeh* is one 'who can accommodate the sexual satisfaction of her husband – in which case she has been obedient'.²

Refusal to have intercourse, if based on religiously permissive impediments such as menstruation, is acceptable. Similarly a woman who is not submissive because she has gone on pilgrimage to Mecca is still entitled to *nafaqeh*, despite her not being submissive. Thus Saeedzadeh contends that once the marriage contract has been signed and the husband has had sexual satisfaction, then he is obliged to pay *nafaqeh* (*Zanan*, September–October 1994, no. 20). The only question that remains for Saeedzadeh is whether there must first be obedience then payment, which is Khomeini's views, or whether there should be first payment and then obedience, a view held by other *ulama*.

The Civil Code endorses Khomeini's view; payment of *nafaqeh* is required by Articles 1102, 1106 and 1108 provided 'the wife fulfils her marital duties', refusing to do so deprives her of the right to *nafaqeh*. But the law does not mention obedience or submission. In the context of the Islamic discourse of mutual obligations, duties and entitlements, failure to fulfil their obligations deprive women of the right to *nafaqeh*, but what these obligations are remain undefined and contested. Given the importance of customs and practices in determining Islamic laws there is a degree of flexibility in deciding what obedience is, and when and how far has a woman transgressed. What is indisputable is the Koranic dictum that ensures the independence of human beings and the right of none to subordinate others:

You are all part of the same whole and need one another and none can subsume the individuality, integrity and independence of the other to that of his own. (IV: 1)

There is however another Koranic verse which states that good women are obedient. In the process of reinterpretation of the text the scholar Ahmad Beheshti argues that this verse is not a commandment, it is merely descriptive:

Good women are obedient and good mannered before their husbands and in their absence guard their wealth and honour. (IV: 34)

Beheshti (1980) states that the intention here is to describe what a good woman would be like, not to imply that all women must necessarily follow this pattern. He is one of many scholars who are convinced that men do not have the right to make unreasonable demands of their wives and demand that they be obeyed. The author Qaeni argues that in the discourse of *fiqh*, Islamic law, it is important to note whom a verse is addressed to and what implication it has for those not so addressed. The question is whether in each case a specific rationale has to be found to extend the stipulation beyond the specific group. The obligatory religious commandments have all been clearly addressed to all believers for all time. But this is not the case with this verse, which states 'and good women are obedient', but does not say 'women must obey'.

Thus we could come to the conclusion that at the end of the twentieth century an Islamic marriage in Iran has been redefined as one which celebrates sexuality, entitles women to both physical satisfaction and material support and in return requires them to be sexually available to their husband without necessarily demanding that they be otherwise 'submissive'. The husband, on the other hand, is required to keep his wife in the style to which she is accustomed, respect her and pay her maintenance. These are not only legally and morally binding duties, but they are contractual obligations that endure so long as the marriage does. Furthermore if the relationship does not work out, marriage is not a once and for all commitment, it can be ended and its end, like its beginning, is subject to mutual contractual agreements and provision.

TEMPORARY MARRIAGES

The twelver Shiias are the only school of Islamic law that allow men and women to be temporarily married. The Arabic word for temporary marriage, *mut'a*, literary translated means marriage for pleasure. Mainstream Muslims denigrate such marriages as being no more than prostitution. Temporary marriage is a verbal contract between consenting partners to be married for a defined period of time, at the end of which they will no longer be married. It can last for five minutes, five months or 95 years. Men can simultaneously marry as many

women as they please on a temporary basis, but women can only marry one husband at a time. Although the marriage ceremony can be performed by a cleric, *mullah*, usually it consists of a verbal agreement that can be initiated by either partner and take place in private. The marriage payment, *ajr*, is agreed verbally and the wife is not entitled to *nafaqeh*, nor can either party inherit from the other. However, the children from such a marriage are legitimate and retain their Islamic inheritance rights to both parents' property. In effect, whereas formal marriage may be seen as a contractual sale of a woman's sexual services, temporary marriage is more like a rental arrangement (Haeri 1989).

In practice since men are not providing maintenance then they can exercise considerably less authority over their temporary wives who would, of necessity, have to have the freedom to seek employment, move out of the confines of the home and, if required, be less than absolutely obedient. Furthermore, in the case of a temporary marriage the waiting period for women before contracting a new marriage is two menstrual cycles, as opposed to three for permanent marriages. Postmenopausal women have no waiting period.

On the whole temporary marriages were not common place in Iran before the revolution. They were seen as a less dignified form of marriage and were considered by many to be a form of legitimised prostitution. But after the revolution there was a campaign on the part of some religious leaders to encourage temporary marriages as a way of ensuring that men's natural needs were met in a morally acceptable way and 'unprotected' women were given a degree of protection.

In addition to the religious establishment, some of the more Westernised women also opted to have a temporary marriage. It allowed them to legalise their relationships with their lovers without depriving them of their relative freedom and independence.

THE NATURE/NURTURE DIVIDE

The positive interpretation of marriage, which fits well within the framework of complementarity, can only retain its attraction to Islamist women if they disregard what the body of literature by male theologians has to say about them. Mainstream Islamists scholars have always argued that the complementary nature of marriage is rooted in the natural differences of the sexes and the pliability and

submissiveness of women. The writings of Mohamad Baqer Mohamadi is typical. He refers to some mythical 'psychological research' which proves that women 'naturally' want to be ruled:

According to psychologists and researchers woman has a natural tendency towards subjugation and subordination and yielding to superior power; she wishes to be subjected to commands and control and seeks to rely on the man and obtain his protection. She enjoys this dependence and submission, this psychological need binds women ever closer to men and the unity of their relationship is enhanced. (1994: 46)

This being the 'psychological' case, Mohamadi then concludes that patriarchy merely reflects and accommodates this female need, which leads normal women to marry domineering men:

Naturally a woman likes to marry a stronger man than herself and to allocate the function of heading the household and directing it to the man, as she prefers him to run the social order. In her very nature and the core of her being she has no wish to rule or manage. Her weaker mind and her fragile nerves find such work demanding and wearing. Instead of making decisions and acting as a director, she prefers to be the person who does as she is told and functions as he requires her to. Instead of opposing and confronting the man and contesting his decisions and commands, she prefers to be his subject and follow him and act as he commands. (1994: 47)

It is therefore in the natural order of things that men too prefer to complement pliant women, so that they can be 'in charge'. Men would be unhappy in a marriage with a 'stronger woman'. This is why, according to Mohamadi, women whose strong points are learning, knowledge, science and education and who 'lack the delightful feminine attractions' are none too successful in finding a husband (1994: 48).

The author Paknejad goes much further, claiming that 'psychologists have proved' that men are superior to women in every respect and that in any case women prefer to be followers rather than leaders (1981: 28). He comes to the conclusion that those who say that 'man is the superior species' are right. His supporting evidence is that men tire of sitting by their 'beloved', whereas women do not. This simple assertion leads him to conclude that women 'like to be the subject and carry out orders' (1981: 30-1). Not satisfied with his demotion of women Paknejad then goes on to argue that women's wish for

subjugation extends to the eroticisation of domination and makes them into both sadists and masochists at the same time!

Unfortunately women have a much greater tendency than men to get their orgasm (gaining sexual satisfaction) [sic] by watching murders and killing . . . they suffer from sadism and more frequently from masochism. (1981: 32)

NUSHUZ AND DISOBEDIENCE

Once women have been defined as natural sado-masochists, then it becomes easier to argue that they must be controlled and if necessary beaten into submission, even though such a conclusion is abhorred by Islam and its sense of justice. In Islamic marriage, as is the case in all other faiths, women are expected to be obedient and to submit to their husband's legitimate sexual demands, so long as they are living together. Nasir defines *nushuz* as 'The wife working against her husband's wishes' (1990: 63). The leading scholar Javaherkalam defines *nushuz* as a specifically feminine sin, one that involves gross immorality:

Nushuz is about women who have been severely immoral and have embarked on unsuitable social interactions. (*Matn Sharye' al Eslam*, vol. 30, p. 103)

But Iranian *ulama* are not unanimous on this point. Saeedzadeh, who champions the Islamist women's cause (Mir-Hosseini, 1996), argues that the condemnation of disobedience is equally applicable to men as to women:

In *Fiqh* we have the word *nushuz* which can apply to both men and women . . . It is not specifically for women alone . . . but they have different meanings . . . Generally speaking *nushuz* means failure to fulfil one's religious duties. (*Zanan*, September–October 1994, no. 20)

Once *nushuz* has been defined, the question that arises is, how can it be proved and punished? Despite the glib assumptions that could have been made by authors such as Paknejad, the Islamist women's vociferous contestations have made many of the *ulama* wary of such rash statements. In his treatise on the family, Ahmad Beheshti endorses Saeedzadeh's views by defining *nushuz* in terms of submis-

sion, rather than obedience. If there is a difference of opinion between spouses then Beheshti quotes Khomeini as stating that:

if the wife says that she has submitted and the husband denies that...the husband's word, without any evidence, is accepted because the basic assumption of submission of the wife to the husband has not been seen to have been achieved by him. (1980)

Given Khomeini's general attitude to women, it is not surprising that he condemns the wife on the mere assertion of a husband. But many other scholars are of the opinion that it is the wife's word that should be accepted and the burden of proof of disobedience rests with the husband.

VIOLENCE

Definition and understanding of disobedience is particularly important not only because it may help those who see women as naturally wayward³ but also because, according to some interpretation of the Koranic text, its proof permits punishment. There is textual support in the Koran for the husband taking charge of such punishment:

Good women are obedient...As for those from whom you fear disobedience, admonish them and send them to beds apart and beat them. Then if they obey you, take no further action against them. (IV: 34)

There is much evidence that Iranian men do use this 'right' to admonish their wives (*Zanan*, June–July 1994, no. 11). But to admit to the legitimacy of violence within marriage would be to admit that the very foundation of the social unit in Islam in general and in the Islamic Republic in particular is inherently flawed. It is therefore not surprising that there has been a concerted effort by Islamist women and those who support them amongst the religious establishment to attempt to counter the prevailing domestic violence and deny that it has any doctrinal justification. Even conservative religious figures such as Khameneyi, who are convinced of the inferiority of women, in the context of the nature/nurture discourse, nevertheless condemn the maltreatment of a wife. Khameneyi argues that the very 'fragility' of women makes it essential that men should not abuse their strength. In his opinion 'even if an action merits punishment' men are duty bound to admonish and 'teach' women rather than beat them:

The rough treatment of women itself demonstrates a failure to understand the core of Islamic teaching, which does not consider women as beings that should be beaten. (*Zaneh Ruz*, 17 April 1983)

Even in the early post-revolutionary days Khameneyi was prepared to say that the laws of the land, which had been blind to domestic violence, should be changed 'on the basis of this correct understating of Islamic law'. Otherwise Muslims wives would continue to be 'tortured' unjustly (*Zaneh Ruz*, 17 April 1983). This was supported by Seyed Mostafa Mohaqeq Damad, who argued that if men were to be law-enforcers within the family then a large part of Islamic laws would have to be disregarded and the courts and Houses of Justice would have to close down. Mohaqeh Damad insisted that Islamic law as well as civilisation demand that men apply to the courts and provide evidence for the wife's *nushuz*, disobedience.

Mohsen Qaeni categorically denounces wife-beating as one of the most undesirable manifestations of patriarchy. He resorts to the reinterpretive approach and underlines the fact that many Koranic statements are not commandments, but rather descriptive statements of the *status quo* and that the intention behind the advice would in fact not result in violence but conciliation. Since at the time men beat their wives for the smallest disagreement, the Koranic verse was sent to teach men to control their temper. They are advised to 'give counsel and guidance to disobedient women'. Should this calm discussion fail, they should then deprive them of intercourse. It is only if these measures do not succeed that the husband is allowed to consider physical violence. Qaeni is convinced that at this point, having had both the time apart to reflect and the discussion to resolve the problem, the couple are far more likely to come to some reasonable agreement (*Zanan*, vol. III, no. 18, June–July 1994).

Khameneyi, who by the 1990s had become the nation's spiritual leader, reiterated his earlier opinion:

Islam abhors a man who treats his wife or daughter badly and the Prophet of Islam has considered it improper for a man to rely on his physical strength to oppress women. (*Zaneh Ruz*, 18 June 1994)

The struggles against domestic violence did eventually result in a change in the laws. By 1995 Iranian men were required by law to prove *nushuz* in the court. Even then, if the case was proved against the wife, in the first instance the court sought to reconcile the couple. It was to 'preach righteousness' and try to 'lead the woman towards

the correct path'. Should she fail a second time and the case be taken back to court, the court would allow him not to sleep with her any more. It is only at the third time of *nushuz* that the courts have the right to punish her. Even then it is the courts that decide what the punishment is to be (*Zaneh Ruz*, 2 September 1995).

In their battle against male violence Iranian women are helped by some of the provisions of the Civil Code. According to Article 1005, a wife does not have the right to choose the family home, unless she has stipulated this right on marriage. But she has the right to leave the marital home, without her husband's consent, if she is in physical, financial or moral danger. Then she can leave and appeal to the court. If she convinces the court that living in her husband's house is detrimental to her, and will harm her, then the judge will not force her to return (Article 1115).

Thus in the case of violence women do have some legal redress. They can go to the Public Prosecutor's Office to complain and the Prosecutor is required to pursue the matter. If there is physical evidence of violence the woman must be examined by the police medical officer where the level and degree of bodily harm are measured and an appropriate certificate issued. Then she has to return to the Public Prosecutor's Office which will appoint a judge to take the case forward. That is to say, if the woman has the courage and support and is able to initiate the proceeding and go through the complex stages to make her case, then she can find a law that will help her. Article 1005 states that:

In such cases the courts will try to reconcile the partners and failing that will accept that she has a separate abode.

Usually the man agrees not to attack his wife again and the wife agrees and a reconciliation is formally registered. If the woman does not agree, then the case is taken to the criminal court to be dealt with. Article 1115 of the Civil Code states that:

If a woman can convince the court that living in a house is detrimental to her and will harm her, then the judge will not force her to return to her husband's house.

What is particularly important here is that successful appeal to the courts would denote that the fault is the husband's and therefore a woman would not be branded as 'disobedient'. According to Article 1115 of the Civil Code if a woman is not disobedient, then she cannot be accused of failure to fulfil her marital duties and the man is obliged

to pay her *nafaqeh* for as long as the danger to her persists and compels her to continue to live elsewhere and prevents her from returning to the marital home.

The acceptance that violence can be separated from obedience and the right of men to beat and imprison their disobedient wives (IV: 34, IV: 15) is an important legal and theoretical point for pro-women activists and scholars.

Mohsen Qaeni (1994) argues that in this case, as in many others, the Koran was merely describing the situation as it existed at the time, but that the verse is not a commandment. Furthermore, as is often the case in the holy book, the indications of imprisonment of disobedient wives mentioned in IV: 15 has been revoked elsewhere both in the Koran and frequently in the Prophet's statements. Similarly beating women was initially condoned, but in the lifetime of the Prophet it was in practice abandoned (Qaeni 1994).

In support of this argument Qaeni quotes 15 *ravayat*, accounts, related by reliable witnesses, about the Prophet and his tolerant attitude towards his own wives, whose misbehaviour, bad temper and wrongdoings he accepted without complaint and his advice to Muslim men to do likewise. Qaeni concludes that by setting an example and by enjoining the believers, the Prophet asked Muslims never to mistreat their wives:

What the Prophet was heard to say at the very end of his life and the moment of death was 'pray regularly, treat human beings well and beware of the wrath of God where women are concerned, treat them well and live well with them'. (1994)

PUBERTY

The problem of adjusting the Koranic dicta and Islamic practices to twentieth-century realities is not confined to those of disobedience and punishment: a far more complex issue is that of the age of marriage. For Muslim women puberty is the marker that separates childhood from womanhood. As Ayatollah Jonati explains:

puberty makes girls eligible for marriage, compels them to pray and fast and observe the creed's rituals; it also gives them control of their wealth and makes them subject to the provisions of the country's civil and criminal codes. (*Farzaneh*, Winter 1993–Spring 1994)

But Muslims are divided as to the age at which girls reach maturity. The Shafei and Hanbali schools of Islamic law take the age of 15 and the Malekis take 17 as being the age of puberty for boys and girls. The Hanafis set the range between 12 and 18 for boys and 9 and 17 for girls. The legal age of marriage too varies in different Muslim countries, ranging from 18 years for girls in Iraq and pre-revolutionary Iran, to 17 in Tunisia and Syria, and 15 in Morocco and Jordan. Shiia *ulama* in general and Khomeini in particular (Afshar 1982) have taken the age of 9 for girls as the age of puberty. This has been endorsed by the Islamic Republic's Civil Codes, Article 1210 note 1, which defines puberty for boys to be 15 years and for girls '9 lunar years'. Accordingly immediately after the revolution the age of marriage for girls was initially lowered to nine. But in an extraordinarily retrograde move even this lower age limit was removed. The 1991 revised Article 1041 of the Civil Code removed all age barriers for girls and made it legitimate for pre-pubescent girls to be married provided the guardian agrees and decides that to do so would be 'in the interest of his charge'. Up to 1991 it was the courts that decided whether such an action was in the interest of the children. This retrograde position is consistent with Khomeini's personal view that the best that a guardian can do for a daughter is to marry her before she reaches puberty (Afshar 1982).

The ensuing problems of child marriages, and forced child marriages, led to a wide-ranging debate amongst Islamists in Iran to try to alter the minimum age. In 1994 a group of elite Islamist women supported by leading ayatollahs such as Mohamad Ebrahim Jonati and Musavi Bojnurdi embarked on a campaign to amend the Constitution and raise the minimum age of marriage and judicial responsibility for girls. The Islamist women's journal *Farzaneh* dedicated a large section of its winter issue to the question of *boluq*, puberty. Jonati explained that although the view that puberty is reached at the age of nine is supported by some of the *ahadis*, reports of Prophetic decisions, by the end of the twentieth century it was the duty of the religious establishment to contextualise these views and revise their position. This, Jonati argued, would be consistent with the *ulama's* duty of *ijtihad*, interpretation, which has evolved to take account of specificities of time and place. In Jonati's opinion it may have been the case that at the inception of Islam when the *ahadis* were being reported girls did reach puberty at the earlier age of nine. But both Bojnurdi and Jonati insist that at the end of the twentieth century this is no longer the case. They urge the *foqaha*, religious

leaders, to take note and review the question of puberty. Jonati goes even further and insists that the *ulama* must realise that 'what defines puberty is not age but menstruation' (*Farzaneh*, Winter 1993–Spring 1994). It is worth noting that this interpretation goes directly against Khomeini, who is firm and categorical on the issue of puberty (Afshar 1982). However, with the demise of the imam differing views can come to the fore. Bojnurdi contests that in practice women ought to have some say concerning their marriage; they should be able to consent on the basis of knowledge and understanding and should be able to negotiate the terms of the marriage contract. It is quite obvious that a nine-year-old girl can do neither and so should not be placed in an impossible situation. Since Islam applauds that which is reasonable as being legitimate and abhors that which is not, it is no longer tenable to maintain that age as the legal minimum for marriage for girls (*Zaneh Ruz*, 7 May 1994).

Bojnurdi adds an international perspective to the argument, noting that linking marriage with the age of nine would look bad in the eyes of the world and would be disadvantageous, not only to girls, but also to the Islamic Republic. Seyed Mostafa Mohaqeq Damad goes much further by denying that Islam sets a minimum age of marriage. He is of the opinion that what is required is the maturity of the girl. As maturity differs in different places and different times according to geography and climate, the religious establishment cannot argue that Islam has indicated a proper age for marriage. Mohaqeq Damad states that although in Shiism the general view is that nine is the age of maturity for girls and 14 for boys, he is amongst the many religious leaders who do not hold this view. Although some books on Islamic law have indicated that the age of nine may be appropriate for marriage, the very same books have stated that if the consummation of such a marriage results in the woman being deprived for life of further sexual intercourse then the husband must pay her damages (*Zaneh Ruz*, 2 September 1995). It is worth noting that this view contradicts Khomeini's which merely asks the husband not to repeat such an act (Afshar 1982).

It is important to bear in mind that whereas the laws permit child marriages, the practice in Iran has been very much in the opposite direction and the age of marriage for women has been steadily going up, so that whereas in 1986 the average age of marriage was 20 and by 1996 it had risen to 22.

There is however the question of control over unmarried daughters of all ages, which is given by law to their fathers who can in theory,

marry them off to whomever they wish, provided they can extract the verbal consent of the bride; in fact, according to Khomeini, they could conduct the marriage in the hope that the consent would come at a later time. (Afshar 1982)

The women's struggles eventually created an awareness that the practice of marrying daughters off against their will was undesirable. By 1994 even President Khomeini called the practice 'ugly and un-Islamic' and conceded that it should end (*Zaneh Ruz*, 18 June 1994). But the good intention is yet to find its way into the statute books. The revision of the Civil Codes in 1991 did nothing to relax the hold fathers have over unmarried daughters. Article 1043 confirms this right:

the marriage of a virgin girl, even if she has reached the age of maturity, is subject to the permission of her father or paternal ancestor.

However Islamist and secular elite women in Iran have finally extracted a legal proviso that should a father persist in his refusal to the reasonable demands of an adult woman⁴ to marry, she can go to the courts and ask them to intervene and grant her permission to marry.

Thus by the end of the twentieth century there has been a concerted effort by certain religious leaders, scholars and elite Iranian women, both secular and religious, to highlight some of the legal problems of violence, obedience and men's governance within marriage and to attempt to initiate changes in the status. But in practice although there have been small changes at the margins, they have not managed to alter the relevant corpus of customs and laws.

7 The Family and Motherhood

It is in the domains of the family and motherhood that Islamist women have had one of the most difficult tasks of reinterpreting Islamic laws. There they faced both a constitutional demand that women should be situated within the household and a Koranic dictum that men are the providers for women and therefore in charge. They also faced the reality that even violence within the confines of the *harim*, home, was considered to be permitted by the Koran. Although in the larger cities the women's struggles have had some impact, there are many provincial towns where the domesticity and submissiveness of women were enforced by society and by law. It is thus all the more remarkable that even in this context revisions and revivals have gone hand in hand.

The post-revolutionary Constitution places women firmly in the context of the family and motherhood. The preamble to the Constitution asserts that women are the most important beneficiaries of the revolution, which has enabled them to return to their 'true non-exploitative, non-imperialist identity and human rights' and regain their basic rights and entitlements, which are a return to the family. It is described as

the fundamental unit of the society and the central kernel for growth and development of humanity which must be nurtured and protected... this is central to our creed and it is the duty of the Islamic Republic to achieve this end... such a position in the family removes women from being objects of pleasure or tools of production and frees them of the burdens of exploitation and imperialism and enables them to find once more their critical duties of motherhood and raising of humanity.

Islamist women such as Rahnavard (n.d.) have defended this position and argue that Western feminism had sought in vain to achieve equality for women and that in the helter-skelter pursuit of feminism, Western women have lost sight of their reproductive duties and have abandoned their honourable social positions as wives and mothers; as a direct result the young in the West have ended up suffering from anomie and alienation; society has been destroyed by feminism. A

return to Islamic values would, the revivalists promised, enable women to have an honoured role as wife and mother. They reminded the faithful that the Prophet had announced that heaven was at the feet of mothers. However, as in the case of contractual marriages, so in the case of the family, the theory is considerably more attractive than the practice. Although the Constitution praises the family and indicates that motherhood is the main, if not the sole, function of Muslim women, it provides little reward or protection for motherhood and women within the family.

Women were assumed to have been rewarded by their return to the family, and it was considered their revolutionary duty to do so. Khomeini's declaration that women's place was in the home was often repeated by the government-sponsored women's organisation *Jamiyateh Zananeh Jomhouriyeh Eslami*:

As the imam has repeatedly said, good men are raised in the laps of good women. If we follow this example then we will find our true station in life and recognise that motherhood is a sacred and holy duty for women. (*Zaneh Ruz*, 25 December 1990)

This obligation was reinforced by the general view held by most leading religious leaders that women 'by their very nature' were suited to meet the needs of the family and the household. To do otherwise would not only contravene the laws of God and the Iranian Constitution, but would also go against the very laws of nature. Thus President Hashemi Rafsanjani was pleased to declare that the most critical and exclusive 'duties' of women, both in religious and biological terms, were 'domestic work' and 'raising of children':

This is something that men cannot do. This is something that the pen of nature at the time of creation has written as the faith of women. (*Zaneh Ruz*, 13 December 1994)

A similar point was made by Ayatollah Azari Qomi in his treatise on women in Islam:

Internal domestic work of the household is the duty of those who have a pure spirit and pure emotions. External activities are based on wisdom and intelligence and therefore the duty of men. (1993: 62)

Not surprisingly individuals such as the first Presidential Adviser on Women's Issues endorsed these views. Almost as soon as she was appointed to her post, Shahla Habibi declared that no woman, whatever

her qualifications or 'however learned', can avoid domestic duties. It is their essential duty to

remain the pivotal core of the family and play their parts as exemplary housewives. (*Kayhan*, 7 January 1992)

The most important contribution that women could make to the revolution and to the process of development in Iran was, according to Habibi, that of making the home a haven for their husband and children. Doing so would ensure that husbands 'felt serene' and could go to work in 'high spirits'. What women were required to be by the organs of the revolution was not active but inspirational:

Women can inspire other members of the family with an earnest desire for hearth and home. (*Mahjubah*, vol. 14, no. 2, February 1995)

The government's propaganda machine was mobilised to ensure that women perceived their domestic duties as paramount. As early as April 1982, a national government-funded seminar on women in the Islamic perspective had come to the conclusion that the highest priority for all women was to fulfil their domestic duties, and to raise their children 'as a matter of devotional duties'. Only when they had completed their maternal duties, if they were able to find some 'spare time' and if there were an appropriate 'opportunity' could they seek to 'serve society' by 'providing for its welfare'. The seminar declared:

Although it is legitimate for women to seek to fulfil their duty towards society; those who are good Muslims would value their holy domestic obligations over and above all else. (*Zaneh Ruz*, 20 April 1982)

A wide range of authors rushed to print, aided by the government's propaganda fund, to endorse such views. All stated that women's holy duty was to the hearth and home; they should not 'allow' themselves to be diverted from this 'holy' goal. A typical example is Mohamadi:

The only time when women are allowed to go out to work is when they have created a calm and secure environment within the home and have tidied up the house from every point of view and have taken care of the husband and ensured that all his needs and comforts are met and secured and have raised their children in this calm atmosphere and have met all their physical and emotional

needs and have looked after themselves as well and ensured that their youth and beauty and emotional calm is maintained. (1994: 38)

Some authors such as Mottahari support the view that women should be beatific and beautiful, but place the argument in the context of natural laws of complementarity. Mottahari is of the view that to understand natural law we must return to the creation of humanity. Women's 'nature' dictates that they see their duties to their families as paramount. But he agrees that husbands and fathers also have duties and responsibilities which they must shoulder:

Familial relations are quite different from other forms of association. By their very nature motherhood and fatherhood create duties and obligations which are anchored in natural laws. Given that men and women are biologically different and have different natures, so their familial duties and obligations too are different. Since each natural talent endorses a natural right. (Mottahari 1980: 151-4)

Ayatollah Azari Qomi, discussing these differences, indicates that the laws of God and nature have made women the protectors and teachers of the child and the father has been made the protector of women:

The father must serve and protect and the mother and provide for her maintenance and comfort. It may appear that the father is the head and manager but in reality he is responsible for and in the service of his wife. (1993: 68)

In these discourses men were seen as the natural, wise and capable heads of household, exercising fair and firm managerial control. Azari Qomi is quite clear that in the domestic sphere, the man as the head of the household is the ultimate decision-maker, women can only be 'advisers', even in internal family matters (1993: 62). Since it is men who have to pay for the survival of the family, so it is they who are responsible for directing its internal management (Javadi Amoli: 366). But these pundits note that this is a heavy burden of responsibility that men must carry as a matter of duty rather than a privilege:

within the sacred realm of the familial home it is men who are responsible for social affairs and economic pursuits and must struggle to meet the household's material need and control its affairs... We must note that from the Islamic point of view this is not a privilege, but an obligation. (Javadi Amoli: 366)

There are however a few Iranian intellectuals who have argued that educated women should be given the right to manage their own household, although the notion of management for them is confined to the organisation of domestic duties. Dr Mohab Ali, Professor and Head of Research on Productivity and Efficiency, *bahrevari*, of Alameh Tabatabayi University, suggests that women should become home planners. They should plan to improve the family and the character and calibre of individuals who form society. To do so they should acquire organisational skills and apply them to the household; then it would become an efficient socio-economic unit in society. So there is an important justification for educating women to plan, forecast and learn the best use of resources for household consumption:

As the director of household they must organise a working system; this takes up a lot of time and energy. But once the system is in place then its like a clean conduit, there are no blockages and the system can run. (*Zaneh Ruz*, 4 May 1994)

Mohab Ali even argues that as good managers women would enforce a fair division of labour within the household and this in turn would produce a committed and capable future workforce:

If in a consumer society we see production levels falling then that is indicative of the people's indifference and we must break this cycle by introducing a learning process within the family where individuals learn to value their time and be educated to plan to participate fully in the household and become organised and responsible persons and learn that work is part of life so that as a fully grown members of society work and consumption will be seen as two halves of the same process. (*Zaneh Ruz*, 4 May 1994)

Thus women are assumed to have both a religious and a national duty to enforce planned domesticity, and if the economists' views are to be respected, they should also train their husband and children to become fully-fledged workers at home and at work.

MOTHERHOOD

Although strictly speaking Islam does not demand that all women should be mothers, in terms of the writings of the religious leaders, and enlightened Islamists such as Ali Shariati, motherhood is the very

pinnacle of achievement for Muslim women. Once more the discussion is located in the context of 'nature' and women's 'natural talents' for which they have 'the physical reproductive organs and the emotional characteristics'. The Islamic Propaganda Organisation's Research Centre published a pamphlet in 1994 to announce that its researchers had come to the conclusion that for women motherhood was 'the supreme duty' which overrode all others:

The duty and obligation of women in this world is to become mothers and to provide a healthy new generation for humanity and all other duties and responsibilities that she has are there to accomplish and fulfil this duty. (Mohamadi 1994: 24)

Men of course were by their 'physical nature' the protectors of women. Once more the pamphlet proclaimed that God Almighty in his wisdom has divided humanity into two groups and given each responsibilities and duties that accord with their physical and emotional nature. Women are physically and emotionally tailored for motherhood and men for the provision and orderly running of the world:

their physical, psychological and nervous system has been made to cope with this heavy burden and fulfil this duty... Since women have to concern themselves with the important task of reproduction then they have neither the time nor the energy to work to meet their own need and ensure their own security. (Mohamadi 1994: 25, 28)

It is well known that the Prophet of Islam praised motherhood and stated that heaven is at the feet of mothers. But the emphasis on motherhood by the post-revolutionary state is extraordinary even by comparison to other Islamist countries. Yet one of the more successful plans of the government has been its recent population control programme (Omid 1994).

Nevertheless motherhood remains central to the discourse of Islamists in Iran. Thus for example in August 1992 the High Council of Cultural Revolution, *Shorayeh A'aliyeh Enqelabeh Farhangi*, declared once more that the material and spiritual value of women's role in the family must retain its paramount position and the 'sanctity' of motherhood and the importance of raising the next generation must at no time be forgotten. The Presidential Adviser, Habibi, also developed her theme of the domestic contribution of women to the development process by declaring that

the role of women in development is the role of motherhood, raising good children and cultivating their minds to become useful and righteous individuals in society. (*Mahjubah*, vol. 14, no. 2, February 1995)

Habibi emphasises that women have an Islamic duty to see motherhood as their 'principle role', which should take priority over all other aspects of their life. Furthermore it was argued that the Islamic Republic funded this division of labour by compelling men to pay for the upkeep of the household, so that women could, in comfort and leisure, raise the next generation. *Majlis* representative Hojatoleslam Abasali Amid Zanjani, speaking at the seminar on women's right at Tehran University in 1993, firmly underlined their obligation to nurture children in return for their maintenance. He noted that to ensure that women engage in their mothering duties 'with great security and calm' the Islamic Republic has legally compelled men to pay the *nafaqeh*, maintenance¹ (*Zaneh Ruz*, 25 December 1993).

The insistence on the primacy of motherhood was exacerbated during the eight-year war with Iraq. Iranian women were urged to mother sons who would be come martyrs (Afshar 1982). The propaganda for motherhood was dressed in the golden veil of the inception of Shiism when the followers of the imams were attacked and sacrificed their blood in pursuit of justice. Hojatoleslam Nateq Nuri the *Majlis* Speaker was amongst many who referred to the heroic mothers of the past as 'exemplary women' who shone in the history of Islam. Nateq Nuri chose the mother of Vahab as his heroine. When the enemies of Shiism beheaded her son and threw his head at her feet, she threw it right back declaring that she would 'not take back the gift' that she had 'offered to God'. Nateq Nuri contended that the Iranian revolution was backed by similar women; the self-sacrificing mothers of the warriors who would come to the station to bid their sons goodbye and who would tell them 'victory or martyrdom'.

It is because such women were backing us that we were able to stand against the world. (*Zaneh Ruz*, 13 December 1994)

Not surprisingly the Republic has long since instituted the practice of awarding annual medals to exemplary mothers of martyrs. A typical example is Mrs Abasi, a mother of four martyrs who was given a medal of honour by the President for being 'a brave mother', a 'truly heroic and exemplary mother'. In an interview with *Zaneh Ruz*, Mrs Abasi declared that she would have willingly sacrificed all her six sons

and four daughters to the cause. She argued that being of the poor and of 'the third class' she had been raised to believe in God and be religious. She raised her children from the beginning 'with the mosque', woke them up at dawn to say their prayers. Her children learned to pray when they were five years old and all fasted from the age of nine. They were active supporters of the revolution from the very beginning. During the revolution they were on the roof tops every night calling out *Allah akbar*, God is great, for the revolution. After the victory of the revolution her sons, sons-in-law and husband 'carried their guns to guard the streets' (10 February 1996).

The obsession with elevating motherhood to the level of sanctity is such that in one case an Islamist women actually studied the numbers of times that Khomeini praised motherhood and offered her findings in tabulated form (Table 7.1).

But though highly praised and fêted, motherhood is poorly rewarded by the Islamic Republic. Even the payment of *nafaqeh* is not as automatic as some would have us believe.² Although women have a duty to reproduce, it is the fathers who control their children's fate. Mothers are not the guardians of their children, do not have custody over them on divorce, and have no financial security or control over them. Despite the context of a religious discourse which recognises that both marriage and domesticity should be paid for and even

Table 7.1 Khomeini's praise of motherhood

Statement	No. of occurrence	Percentage
Women's lap is the best place for education of children	39	18.48
Raising and building of humanity is a maternal duty like that of the Prophet	21	9.97
Education of children is the honoured and worthy duty of women	20	9.47
Women's duty is to educate morally and religiously human beings (children)	42	19.91
Happiness, failure and hazards to society are due to the kind of education that mothers offer their children	46	21.81
All religions, including Islam, are focused on the condition of the raising and education of humanity from pre-marital years to old age	43	20.37

Source: Compiled by Fatemeh Soqra (1991: 110).

demands that mothers be paid for suckling their babies, the Islamic Republic has effectively curtailed all such material and financial rights of mothers. Even when a mother gives a property to her child, once the property has been legally transferred, it is the father or paternal ancestor who takes charge of it. The mother has no right to make any decisions concerning that property (Kaar 1996). What is worse, in the final analysis fathers have been given the right of life and death over their offspring (Afshar 1982) with little other than blind obedience left for the mother.

IDENTITY, NATIONALITY AND GUARDIANSHIP

In Iran, as in much of the world, although it is the mother who gives birth it is the father whose nationality and identity are bestowed on the child. In this respect section 2 of Article 976 of the 1934 Iranian Civil Code remains valid:

all those whose fathers are Iranian have the right to Iranian nationality regardless of their place of birth.

Similarly, although the birth registration forms and processes were changed after the revolution, the provision of the note to Article 41 of the 1976 Registration Law continues to apply, so that although women do not change their name on marriage, the child's surname is the same as that of the father. What is more fathers or paternal ancestors have automatic guardianship over children. Articles 1180 and 1181 of the Civil Code make the guardianship of mothers subject to judicial decision:

If a minor does not have a father or paternal ancestor and has not had a guardian appointed for him by the father then it is the courts who will appoint a guardian since the mother cannot be a legal guardian and cannot take charge of the financial affairs of her children.

The pre-revolutionary family protection laws of 1974 made some attempt at diluting the absolute right of guardianship of the father or paternal ancestors. According to Article 15 of that law if the father died or was proved to have been unsuited to take care of his children's affair, then the local Public Prosecutor could request that the courts appoint either the paternal ancestor or the mother as guardian. But the post-revolutionary laws revoked this provision in 1979 and reverted to the 1934 Civil Code.

According to the veteran lawyer Mehranguiz Kaar (1995) the legal construct of absolute guardianship of fathers and paternal ancestors created such barriers and impediments against mothers as to classify all of them equally as insane, minors or the debarred, who do not have the right to intervene in the affairs of their children. Even when there are no living fathers or paternal ancestors, women are not recognised as guardians. According to Article 860 of the 1934 Civil Code a man must be appointed as guardian.

There has been some attempt at easing the male hold on guardianship and Article 61 of the non-jurisdiction act *Qanouneh Omureh Hasbi* has given the mother priority over others to become her children's guardian 'so long as she has not re-married'. But Articles 1251 and 1252 of the 1934 Civil Code state:

if an unmarried mother, even if she is the appointed legal guardian of her children, gets married, she must report her marriage to the local judicial courts within a month.

Failure to report the marriage in the indicated period permits the legal authorities to demand that she loses her right of guardianship.

Yet following the correct procedures does not curtail the control of men as head of household; a mother's request for guardianship of her children must have the endorsement of the new husband. Article 1233 of the Civil Code is categorical on this matter:

Should a woman marry she cannot even offer to become the guardian of their children without the consent of her husband.

The war with Iraq and creation of so many martyrs created severe problems for many mothers who protested about the loss of their rights. Finally in 1985 a new law was passed which gave widows of martyrs the right of guardianship over their children, a right that they could retain even if they re-married. Furthermore such widows were given some financial freedom and were entitled to take charge of the martyrs' pensions:

the custody of legal minors whose fathers have achieved the high rank of martyrdom, or have died, is with their mothers and their cost of living if it is from their own means, is under the control of their legal guardian and if it is provided by the government or its Martyr Organisation, will be under the control of mothers, unless the court decides that the mother is not suitable for such a responsibility.

note 2: Marriage of mothers will not disbar them from their right of custody.

But mothers are only given the right to the payment of *nafaqeh*, cost of living expenses, by the government; they do not have any rights over the property of their children. The only difference between this law and Article 1171 of the Civil Code of 1934 is that it is mothers who receive the government pension for their children.

Thus we have to agree with Mehranguiz Kaar (1995) when she concludes that the pre-revolutionary 1974 Family Protection Law was a brave attempt at limiting the absolute rights of fathers. The post-revolutionary laws have, with few exceptions, reverted to the patriarchal provisions and reinforced the absolute power of men over their children.

VIOLENCE

The obligation to protect the family has, over the years, been interpreted by some men in terms of an entitlement to be violent or even kill. In a debate about violence against women in 1995 Ali Asqar Baqarani, Chair of the Legal and Criminal Affairs Committee of the *Majlis*, was categorical in his view that where necessary men should act as judge, jury and executioner to 'defend their honour':

It is the duty of Muslims to defend his *harim*, private sphere, home even if this means death to the invader. In such cases we are not told to go and complain to the courts... No, when it is a matter of attacking one's honour then Islam has given the Muslims the right to defend their *harim* at all cost. (*Zaneh Ruz*, 2 November 1995)³

During the same debate the *Majlis* representative Hassan Qashqavi felt that there were times when entitlements to justice and fair play were not only inconvenient, but positively harmful to society:

It is my firm conviction that we must resist such notions of rights and freedom; that is to say we must oppose all the factors that in the name of freedom weaken family ties and undermine the social order and drag society towards corruption. (*Zaneh Ruz*, 2 November 1995)

The combined belief in men's duty to protect the 'honour' of the family, which is believed to be always threatened by women, creates a context in which men assume the right to exact the ultimate price, in

the name of 'protecting' the family and its honour. In 1994 a proud civil servant in the provincial town of Banab, south of the city of Tabriz, told a *Zaneh Ruz* reporter:

Here to protect their lives women must be absolutely submissive. They must accept the patriarchal system. In this town and nearby villages patriarchal control is such that men are known as the owners of their women. (*Zaneh Ruz*, 24 December 1994)

The strict adherence to the very word of the Koran does, in terms of familial relationships, carry a very serious threat of violence, which is often expressly acknowledged.⁴ The Koranic verse (IV: 34) stipulates that men can beat their disobedient wives,⁵ it is therefore not surprising that reports in Iranian women's journals show time and again that men choose to exercise this privilege.

In 1994 the campaigning journal *Zanan* asked men in the capital city: 'Do you beat your wife?' Most answered 'Yes'. A typical response was by a cloth salesman talking about his 50-year-old wife:

Yes... I have told her, 'if you do as I tell you I would never beat you,' but she won't.

A school caretaker said:

Yes... she should do her duty and then I would not beat her.

Other responses were depressingly similar:

Yes, I sometimes beat her... Well, from the beginning that is how her family has raised her. So when I beat her she calms down...

No, well it has happened and we have had to sort it out... but it was not real beating... Well you know one is human, you lose your temper and then it's a kick or a slap and so on, but not with a shovel or a pick-axe. (*Zanan*, vol. III, no. 18, June-July 1994)

Such reactionary interpretations of the Koran not only legitimise husbands who beat their wives, but also gives them the power of life and death over their children. Article 220 of the Islamic Criminal Laws of 1991 states:

a father or paternal ancestor who kills his children does not have to pay *dayeh*, blood money.

The Shiia scholar Mohamad Hassan Najafi, maintains that this law accords with classical Shiia laws where one of the condition of sentencing a murderer to death is that he should not be the father of the

murdered person. If a father kills his child he would not be subject to *Qassas*, Islamic death sentence, but must pay *kofareh*, sin money and *dayeh*, blood money. According to Najafi his punishment for killing his child is

to be subjected to beating, at a lower level than the legal minimum. (*Javaherkalam*, 1266 lunar Islamic year, vol. 2, p. 149)

Defending this view, which is reflected in the *Qassas* laws, Hojatole-slam Ali Golzadeh Qafari explains that murdering a child might be part of the heavy burden of familial responsibility carried by the father, who in any case is the legal owner of his children. So according to the *Qassas* laws a child who kills a father will be executed, but if a father kills his child he will not be executed. Qafari argues that this is because fathers have the duty to educate their children; in doing so they might have to beat the children and may in the process accidentally kill them. Such an act would have to be seen as manslaughter and not murder. But Qafari goes much further by contesting that

Even if he had killed them intentionally . . . it can be argued that the children belong to their father and are part of his property. (*Zaneh Ruz*, 11 April 1981, no.809)

THE LEGAL CONSTRAINTS

The 'return' of women to the core of the family was not necessarily intended as an endorsement of violence. In the Constitution it was accompanied by the avowal of a perceived responsibility by the Islamic Republic to serve the family's needs and protect its interests. Article 10 states:

Since the family is the most fundamental unit of the Islamic society, all its laws, regulations and planning must be directed towards facilitating the formation of the family and securing its survival. Since its protection is an Islamic duty its survival must be anchored in Islam's legal and moral foundations.

In practice the notions of family survival have been closely linked with the incarceration of women within the household. But Islamist women and their male supporters have refused to remain silent and accept these suffocating conditions. There has been a remarkable alliance between secular and Islamist women to change the law. The secular

lawyer Mehranguiz Kaar wrote a series of damning articles about the disenfranchisement of women as mothers for the campaigning journal *Zanan* (Kaar 1995, 1996). The leading Islamist Azam Taleqani denounced the Republic for failing its women and burying them in the domestic sphere, and a number of religious leaders and scholars also came to their defence. Taleqani argued that the Republic has demanded that women be submissive, self-sacrificing and hidden in the domestic sphere; in this the state has failed to recognise not so much women's human rights, but even women as human beings:

Unfortunately since the revolution . . . the government and the *Majlis* and even the *ulama* have not paid enough attention to women as full human beings. All their efforts has been concentrated on making women stay at home, at all cost; to make them accept self sacrifice, oppression and submissivness. (*Zaneh Ruz*, 25 December 1990)

To rectify the situation, scholars such as Kazem Musavi and Mohsen Qaeni embarked on a revision of Islamic dicta to prove that the Republic, and particularly its patriarchal hierarchy, has misunderstood and misrepresented Islamic laws and must therefore revise its position. Qaeni reiterated the argument that it is a mistake to consider the Koranic text as if it consisted of injunctions for all time.⁶ Essentially the Koranic text includes some 80 verses that could be recognised, at least in terms of international comparative law, as articles of a code. As for the rest Islam condoned prevailing customs and practices, but did not enshrine them into immutable laws (Afchar 1974). Many of the Koranic verses are concerned with relating history or describing existing events. Qaeni argues that such descriptive verses should not be see as legally binding injunctions:

patriarchy was the prevailing system before Islam and so Islam accepted it as part of customs and practices and incorporated it into its teachings . . . but this was included because it was the prevailing practice rather than a religious duty. (1994)

In a radical reconstruction of the faith, from this axiom Qaeni then concludes that the assertion that men are heads of the household is merely a reflection of things as they stood at the inception of the faith and that nothing in the text of the Koran demands that the situation should continue as such forever. He is categorical in his assertion that as times change so should these practices:

This religion does not appoint the man as head of household, rather it relates that such was the common practice and so it was followed. There are no religious injunctions to follow such a pattern as a matter of duty, what there is, is merely a desire not to disturb the existing order. It is possible for people over time to alter their practices in certain societies. In such cases because the edicts of religious laws had been issued to meet the needs of the time and the times have changed so should the religious laws...or their relevance disappears. (1994)

In his reinterpretation of the faith, Qaeni not only provides grounds for modifying the customs and practices but he also makes the point, made by those who have contested the imposition of the veil (Mernissi 1991), that even the injunctions of the Koran could have been addressed to specific peoples at specific times and are not universally and eternally applicable:

In the discourse of *fiqh* Islamic law there is a question about the importance of Koranic dicta to apply to the lives of those who have not been directly addressed by the relevant verse. The question posed is whether in each case particular reasoning has to be offered to extend the stipulation beyond the specific group...the holy Koran has declared that men...because of their ability to provide maintenance, are guardians of women, but it does not say whether this guardianship is good or bad. (1994)

Kazem Musavi takes the argument about the guardianship of the husband still further, first by denying categorically that men can claim any superiority over women or have more wisdom and intelligence. Musavi (1993) contends that the traditional views of complementarity and reciprocal responsibilities provide 'solid evidence' to allow us to 'dismiss' men from the general managership of the family. According to Musavi the household does not have a manager; it has partners with reciprocal duties and obligations. He refers to the Prophetic statement that:

Man has the duty and obligation to protect the home and its interests and those of his wife and the woman has the duty and obligation to protect the interests of and guard the husband's home and his children.

Then he goes on to explain that what the statement demonstrates is that the husband's obligations include not only protection and provi-

sion for the family but also accountability for his deeds and actions. It is true that protection means that men must shoulder the burden of household costs. But at the same time they must not be egoistic and self-centred. They can be questioned and investigated and must take into account the wife's interest.

In return, the wife is charged with the protection of the home and the wealth of her children. In this context she is the one who is the protector and provider. When the woman is in charge the husband has no right to intervene in her decisions, otherwise, Kazem Musavi (1993) contends, it would be meaningless to appoint women as the guardian of the children's interests.

HOUSEWORK

Just as the rule of the husband is being contested, so the duty of wives to shoulder the domestic duties is being contested by both theoreticians and practitioners. Secular as well as Islamist women who have been ardent defenders of the revolution and who are now working within the establishment are as vocal about the right to share domestic duties as are some scholars, who have gone even further and contest that Islam does not make such demands of women. A typical example is Azam Nuri, General Director of the Legal Department of the influential Ministry of Culture and Islamic Guidance. Nuri was the first post-revolutionary woman to be appointed to the higher echelons of the civil service and she is also an active member of the women's organisations *Jamyateh Zanan* and *Jamiyateh zanhayeh jomhuriyeh Eslami*, where she is a member of the publication committee and in the research and planning section. In an interview with *Zaneh Ruz* Nuri was adamant that the time has come for Iranian men to assume their share of domestic work. She argues that the time when all the housework was the women's responsibility has long since past, that the revolution has given women a new social role and that it is time for men and women to review their views and actions. She could not see why when both partners were working outside the home only the woman was expected to do the housework. She felt that such expectations undermined women's ability to offer their best to society:

Unfortunately in these years at work I have seen wives who are constantly worried. They have to rush home from work to get the housework done to make sure that there are no complaints at

home. Such continuous worry, fear and work destroys women emotionally and physically. The working woman has to rush home to start on her second job.

In my opinion just as the wife helps her husband by going out to work, so he should do his best to at least gain an understanding that housework is not only for women and he should help. This may help to alleviate her fear and worries. (30 April 1994)

Farzaneh Sharifi Aqdas, a neurologist and the first woman kidney surgeon in Iran, takes a rather different view. She concedes that in principle raising a good child is far more important than having a job. But she contends that although domesticity and motherhood are demanded of women, these have never been taken sufficiently seriously by the state and society to make it worthwhile for motherhood to become a well-rewarded, remunerated, alternative to paid work (*Zaneh Ruz*, 10 March 1995, no. 1501). In her view the state and society's unequal approach to the issue of family responsibilities has worsened the lot of women and has made the lives of men all too easy:

if men are successful in society it is because they have only one responsibility. The family for men is an arena of rest and recreation after leaving the burden of office. But for women the family entails an even heavier burden of responsibility. Where women enjoy equal opportunities they have been able to show great power and responsibility. (*Zaneh Ruz*, 10 March 1995, no.1501)

The scholar Ali Mokhtari goes well beyond demands for equal rights by arguing that according to constitutional and religious laws women do not have the responsibility of doing any unpaid domestic work. He first refers to the writings of the leading religious figure Aytollah Montazeri who, in his treatise on legal and religious matters, *Esteftaat*, has specifically exempted women from doing any unpaid housework (p. 221). Montazeri is of the opinion that what women earn is theirs and to make them do housework a man must pay extra:

Whatever a wife has earned and not given to her husband is hers alone and she is entitled to ask for wages for doing whatever her husband has demanded which she had not voluntarily intended to do. (p. 225)

Mokhtari contends that Islamic law recognises work as a kind of property which is valorised through wages. He then goes on to argue that even if a price has not been stipulated for work, such as

a specific wage for housework, because both the Constitution and the *sharia* recognise the principle of 'involuntary work', entitlement to wages remains valid. Mokhtari quotes Article 265 of the Constitution which states:

Whomsoever offers something to someone else it is assumed to have been done so not as a voluntary unpaid act.

What is meant here is that the normal assumption is that all but voluntary acts are done in expectation of payment. Mokhtari concludes that the normal assumption is that all work is done for payment:

if someone begins doing something without stipulating whether or not it is to be paid for, according to this principle it is assumed that it is done for material payment and deserves a wage. It is only if the action has been specifically done as a voluntary act, and has been so defined by the person who is doing it, then it may remain unpaid and there would be no payment due. (1996)

Given that payment for housework, *ojratolmesle*, is an inherent right of women, even if they have not specifically stipulated this right or negotiated the price, both constitutionally and morally the husbands are obliged to pay:

if a man does not pay his wife's wages then he owes them to her and just like all those to whom a debt is owed, she can appeal to the courts to get her dues. This can happen at any time and any place and is not specifically at the time of divorce; this can even be demanded after the husband's death. (1996)⁷

Thus although the discourse of marriage and women's family duties has been framed in an oppressive context and many of the Islamic Republic laws were formulated to confine women to the sphere of domesticity, over the years there has been a systematic resistance to these retrograde views. Elite Islamist women have linked up with secularist women and, helped by a group of reinterpreting Islamist scholars, have set about dismantling all the fundamental assumptions made by the traditionalists. Using Islamic teaching and Koranic texts, they have had a rigorous scholarly and political engagement which is creating some space and freedom for those who are able and willing to insist on and regain their rights.

8 Polygamy, Adultery and Divorce

The patriarchal nature of the development of Islamic personal laws is best seen in terms of the marital rights of men, who have, over the centuries, given themselves the right to polygamous marriages, divorce at will and summary execution of adulterous women. Before the revolution, in the name of equality, secularity and international human rights, Iranian women had succeeded in curbing many of these 'rights', but immediately after the revolution, by personal decrees, Khomeini revoked the legal checks and once more allowed Iranian men to revert to their Islamic marital prerogatives (Afshar 1885). By October 1979 men had regained the right to polygamy, which had been outlawed unless the first wife consented to it, and to unilateral divorce at will, which had previously been made subject to the decision of the Family Courts. The official age of marriage for women was reduced from 18 to 13¹ and men regained the automatic custody of their children after divorce. One of the most difficult tasks of Islamist women has been to confront and alter some of these measures.

POLYGAMY

Polygamy is a vexed question for Muslims since there seems to have been a Koranic injunction for men to marry more than one wife:

And if you fear that you cannot act equitably towards orphans, then marry such women as seem good to you, two and three and four.
(IV: 3)

However, most Muslim men have chosen to rely on the beginning of this verse and ignore its end, which advises them to marry only one wife:

but if you fear that you will not do justice between them, then marry only one. (IV: 3)

The same *sura* has a verse which firmly states that men cannot be so just:

And you have it not in your power to do justice between wives, even though you may wish it. (IV: 129)

In fact the Koranic text advocates monogamy by stating that to marry one wife would be closer to the correct Islamic path and therefore more desirable:

this [marrying only one wife] is more proper, that you may not deviate from the right course. (IV: 3)

Yet over the centuries Muslim men the world over have deviated from the right path and given themselves the right to polygamy.

In the early post-revolutionary days and particularly during the eight-year war with Iraq the religious establishment as a whole supported polygamy in Iran. As young men were killed by the thousands in the war and it was feared that the percentage of women in the population might exceed that of men, the theocracy began advocating the delights of the Shiia custom of temporary marriages.² Difficult as it was, many women did follow these directives, some by choice and most from necessity, since there were not many other options open to them. In November 1985 Hashemi Rafsanjani was advising Iranian men to marry and 'protect' the female population. He lamented the fact that one in every seven women in the 20–50 year age group was single. 'What can we do with these women?' asked the Hojatoleslam. The answer was of course, we should get them married polygamously in temporary marriages if that helped (*Zaneh Ruz*, 2 November 1985). He had made the same point in October 1985: for him the only way of protecting the youth of the country and providing for the multitude of women was for worthy men to embark on polygamous temporary marriages:

We have thousands of widows who need husbands and thousands of men who need a wife. We must not allow old traditions, which are not Islamic in any case, to prevent their marriage... We shouldn't make marriage so difficult as to encourage our youths to hanker after corruptive Western style sexual freedom. (*Kayhan*, 5 October 1985)

Rafsanjani's statement echoed the views of the famous Islamist ideologue Ayatollah Mottahari, who had long ago stated that polygamy was a 'social necessity', which existed in the Western world under the guise of mistresses and illegitimate children (1980: 422); all Muslims had done was to formalise and legitimise the situation. Like Rafsanjani,

Mottahari was of the view that it was the 'a necessary duty' of men to be polygamous, 'just like the duty to do one's military service' (1980: 410).

Since marrying polygamously was merely a matter of duty, in Mottahari's opinion, it was not necessary for a husband to consult his wife, or wives, before embarking on the next marriage; he had to marry as a matter of obligation, not choice. To ask for the permission of an 'interested party' before embarking on one's 'obligatory course to fulfil a social duty' was in fact morally wrong (1980: 410).

Given the large corpus of theoreticians and practitioners in the religious and political establishment who were endorsing polygamy, Islamist women such as Azam Taleqani were faced with an uphill struggle. Yet as a matter of fact in Iran there were no surplus women, there was no 'social need' for marriage. As Taleqani explained:

There are 500,000 fewer women than men in our country... Yet we are told that we must accept that our husbands have the right to remarry. I even went to some of our religious leaders and asked them whether they were backing the family or planning to destroy it. Since it is obvious that the moment a second wife steps in, effectively the first wife is discarded and her life is ruined... But they are forcing women in this country to accept polygamy, if they don't then they are told that they have to quit and divorce the husband... How can you have such a policy and still claim that women are respected and valued? What is there left of such a woman? How can she become a good mother and raise a healthy family? (*Zaneh Ruz*, 25 December 1990)

The battle against polygamy was fought both with the help of the media and within the parliamentary system. Women parliamentarians, though few in number had little choice but to back women's interests. Yet the battle to regain the ground lost to polygamy has been one of the longest and hardest that Iranian women have had to fight. After six years *Majlis* representative Marzieh Vahideh Dastjordi had to reiterate the same point, that the statistics were still skewed in favour of men. Given the shortage of women, polygamy in Iran could only result in inequalities not only amongst women, but also amongst men, some of whom would not be able to find a wife at all:

Today in our country the female population is about 3 per cent less than the male and this goes very much against the trend and

international norms. If some men are given the right to marry more than one wife then there will others who will not find any wife at all, particularly men who are less well off. That means that we have committed an injustice against our own people. (*Zaneh Ruz*, 29 September 1996, no. 1575).

With the end of the war with Iraq and the rapid population growth in the first post-revolutionary decade, some influential *ulama* realised that marriage in itself did not make men into providers for the family. Gradually some of the leading religious figures such as Ayatollah Yusef Saneyi began to back the Islamist women and denounce polygamy. He did so by stating the obvious truth that in principle Islam is against polygamy:

Who says there are no barriers to polygamy in Islam? You should study Islamic law and then see whether you can make such a claim. The only thing that some men know about the Koran is the right to polygamy. (*Zaneh Ruz*, 3 February 1990)

A much larger number of religious pundits viewed polygamy as a 'right'. In September 1996, *Majlis* representative and a member of its judicial committee Qolam Reza Mo'tamedinia was arguing that polygamy was an Islamic right. However, it was a sign of progress that, unlike Mottahari, Mo'tamedinia did not see it as a 'duty':

There are some Islamic demands which are imposed as a duty and others which are recommended. Where polygamy is concerned Islam does not impose it as a duty on all men, it merely recommends it and then provided it is conducted with justice. (*Zaneh Ruz*, 29 September 1996, no. 1575)

Some scholars conceded that polygamy was an Islamic practice, but demanded that in the name of justice the first wife should have the right to object to a polygamous marriage. Others returned to the interpretations that declare polygamy to be undesirable. In 1995 the women's journal *Zaneh Ruz* embarked on a campaign to secure the first wife's permission to become a legal requirement for a polygamous marriage. The journal complained that although a man who wished to remarry needed to get the court's approval, the judges considered many issues as relevant and the wife's consent was merely one element, and one that was not binding. There were cases when the court permitted polygamy without the wife's consent (16 December 1995).

The campaigning journal *Zanan* offered a more radical view; its legal adviser insisted that it was both irreligious and uncivilised for men to be married polygamously. The adviser argued that a correct reading of the relevant chapters of the Koran would demonstrate that the Koran wishes its people to live in a civilised and developed society which would not follow unjust customs: 'there should be one man, one heart and one beloved' (vol. III, no. 17, March–April 1994).

The journal was supported by the scholar Seyed Mostafa Mohaqeq Damad, who told the more conservative *Zaneh Ruz* that polygamy was against the spirit of the Koranic dictum, was uncivilised and could even be illegal:

Clearly the Koranic verse indicates that it is desirable to be monogamous and polygamy should only occur in exceptional circumstances. (2 September 1995)

He referred to the contractual right of women to stipulate in their marriage contract that their husband should not take a second wife. If a man were to disregard this clause then, according to imam Khomeini, his second marriage would be invalid and his relationship with his second wife illicit (*Zaneh Ruz*, 2 September 1995).

Mohaqeq Damad echoes the views expressed by *Zanan* that in a civilised society men are monogamous. He also notes the need for Iran to be aware of the international perspectives on women's human rights. These all dictate the necessity for a civilised and developed society to denounce polygamy. In his opinion as the twentieth century draws to a close, Iran as an exemplary international Islamic state should demonstrate that for its women monogamy is a given and not a contractual stipulation:

In my personal opinion now, after the declaration of human rights which considers polygamy to be a form of slavery, it is inappropriate for young educated women to have to make such a requirement. It should no longer be necessary to make this statement [about monogamy], it ought to be a matter of course. I have proposed that this should be so, but for the time being we must continue with the stipulation until all women demand monogamous marriages and we convince the courts that they should refuse men's requests for polygamous marriages. (*Zaneh Ruz* 2 September 1995)

Yet despite continuing efforts Mohaqeq Damad, Taleqani and others have yet to see the end of polygamy. Nevertheless women parliamentarians have continued their struggles to introduce effective laws to

curb polygamy and there is hope that they will have some success in this quest.

ADULTERY AND HONOUR KILLINGS

Since traditionalist men include the right to resort to violence in their perspective on marriage,³ polygamy *per se* could also mean exposing more women to potential marital violence. What is even worse is the concept of honour killing, which in Iran, as in France and many Mediterranean, as well as Middle Eastern, countries, is seen as the natural duty of men. Article 61 of the Iranian Islamic *Qassas*, retribution laws, states that:

if someone kills another in defence of his honour ... provided the force used is not excessive and it is not by government agents, then it will not be considered a crime.

The problem about such a law is that it does not discriminate between rape and adultery; in both cases the man's honour has been compromised and in both cases the woman is not considered as the victim, but seen as the agent. This is partly because since women sell or rent out their sexual services through the marriage contract, they have accepted the entitlements of the husband to whose sexual demands they must submit at all time.⁴ What is more, even if a woman is raped, it is seen as the property of her male relative that has been polluted and he has been given the right to deal with the matter and discard both the rapist and the raped. The contractual rent agreed on marriage for the woman's sexual services explains why many Islamists deny the existence of rape within marriage and argue that in Islamic marriage rape cannot occur.⁵ It is therefore hardly surprising that the law assumes that whatever the reason for the sexual encounter, men have, morally and legally, the right to kill *both* parties. As Ayatollah Seyed Mohamad Musavi Bojnurdi told *Zaneh Ruz*:

If a man were to see his wife in a compromising situation. Then he can kill the man and his wife. (28 May 1994)

The issue is not so much whether the woman is or is not guilty, but the defilement of the husband's honour. Even when the man does not kill the couple, the *Qassas* laws allow the state to stone the 'sinners' to death. What these laws are about is men, their feelings, their honour and their nature, rather than women and violence against them.

However after a wave of 'honour killings' women parliamentarians mounted a campaign to change the law and make all murders, be they *crime passionnel* or not subject to normal legal processes. In the *Majlis* they faced fierce resistance from influential members of the Judicial Committee. Defending the existing *Qassas* laws *Majlis* representative Hassan Qashqavi argued that it was both 'natural' for men to kill in such circumstances and 'good for society' to have fearful laws which curbed 'freedom'. He defended the 'natural instinctive reaction' of Muslim men to kill in such situations; what he wanted of women was 'to think like men' and understand that such violent reaction was normal in the circumstances:

Essentially all women should think like men and all those men who have been fortunate enough not to have had such a dishonourable experience should imagine what it feels like to see with their very own eyes such a terrible thing. Then they will realise that there is a holy feeling, rooted in the Muslim man's sense of honour and dignity and family pride, which suddenly erupts and automatically results in murderous action. (*Zaneh Ruz*, 2 November 1995)

Ali Asqar Baqbani, Chair of the *Majlis's* Legal and Criminal Affairs Committee, also supported the Islamic right of men to act as executioner, and derided 'Westerners' for not understanding the Islamic concept of honour:

If a man sees that his wife is committing adultery with a stranger, what do you expect him to do?... What can he do?... He has seen a dreadful thing and God has given him the right to deal with the matter... He does not have to produce witnesses once he has killed the adulterers, he has nothing to say to the courts. If the relatives of either of the adulterers are suspicious then the burden of proof rests with them... Witnesses are irrelevant here. (*Zaneh Ruz*, 2 November 1995)

Like Qashqavi, Baqbani insisted that Muslim men have the God-given right to murder their wives, even if the women were being violated. For him the issue was not justice for women, but rather the defence of the honour of men. He ridiculed the West for denying men the right to kill an adulterous wife and for suggesting that he should divorce her instead. The Westerners' criticism is based on Western laws, Western values and non-Islamic laws which Muslim men cannot accept. Muslim men should refuse to be intimidated by the fuss they make. Their views clearly showed how ignorant Westerners were of

the deep sense of honour and shame that an honourable man would feel:

He is an honourable man and cannot suffer such dishonour against his name...this poor man has no choice other than having the right, given to him by religious laws, to kill his wife... There is no other way of clearing his name than that given to him by Islam. He has been given the right to be the judge and the executioner. This is because for this poor believer there is no other way. This is the only just solution. (*Zaneh Ruz*, 2 November 1995)

If the eyes of the world were on Iran, then Iranians should show the way to impose proper morality and enable men to control would-be wayward women:

When adulteresses know that if the husband finds out he will kill them there and then this will serve to discourage them from such an act and then society will be protected from such misdeeds. (*Zaneh Ruz*, 2 November 1995)

So firm is the conviction that men's honour should be defended at all cost that those women who are not murdered by their husband are, under the provisions of the *Qassas* laws, stoned to death by the state. Qashqavi claims that such laws are neither barbaric nor unjust. According to him these are difficult, but necessary, punishments, which put the fear of God into potential sinners:

This legal punishment of *had*, stoning to death, it is a hard law to put someone in a hole and to stone them for everyone to see. It is a tough law. Many legal punishments are hard to take for the guilty but they create an atmosphere of fear in society and this fear prevents others from taking off and misconducting themselves. (*Zaneh Ruz*, 2 November 1995)

Islamist women and their allies mounted a concerted effort to revise these laws. An intelligent move was to suggest that such practices were uncivilised and unworthy of true Islamists. They were helped by the decision of Provincial Revolutionary Courts to try to curb the tribal practice of honour killing which was becoming rampant in the more retrograde areas. Thus, for example, Hojatoleslam Taqavi, Head of the revolutionary courts in Khuzestan, Lorestan and Qom, launched a series of provincial and rural meetings to train the local Islamic Committee members and 'purify' public opinion; they were to be taught that:

Even if there is a transgression on the part of the woman there are quite clear legal ways of dealing with it and people do not have the right to take the law into their own hands. Particularly in the case of honour killing often it is the lives of girls and women who are threatened without much ground other than mere suspicion. (*Zaneh Ruz*, 14 January 1995)

In the *Majlis* women representatives had to rely heavily on their male colleagues. Nevertheless in 1995 they succeeded in mobilising support to review the law. The parliamentary debates on the subject focused on distinguishing between rape and adultery. As recently as May 1994 Maryam Behruzi had publicly denied that familial rape existed in Iran. She declared that there was no violence against women. Behruzi compared this idyllic situation with the chaos in the West where, she told the *Majlis*, fathers and brothers rape their daughters and sisters and 'they cannot solve this problem'. Behruzi declared that Iran had been saved by Islamic teachings which have 'liberated' the people from such 'problems'. Since this was a matter of culture rather than law, Behruzi felt that she could extend her claim to include all Muslims:

In Islamic culture there are no such things and no such problems. (*Zaneh Ruz*, 4 May 1994)

Having exonerated the good God-fearing father, brothers and husband, women representatives and their allies insisted that when the intruder was an 'outsider', then it was essential to establish whether or not a woman had 'submitted' to the act. Even Hassan Qashqavi conceded that a wronged husband was required by Islamic law to find out whether his wife was being raped or committing adultery before exercising his 'natural' right to kill her:

From the point of view of religious laws, *fiqh*, if a man sees his wife committing adultery with a man to whom she is not related, provided that it can be ascertained the woman has acceded to the stranger's wishes, then the husband can murder them both. (*Zaneh Ruz* 2 November 1995)

Finally the law was changed to distinguish between rape and adultery:

If a man finds his wife committing adultery with a strange man and if he knows that his wife has submitted then he can immediately kill them both. If the woman has been deceived then he can only kill the man. (Article 132 of the Islamic Criminal Code ratified by *Majlis*, November 1995)

Discussing the issue of submission, Hassan Soleimani member of the Judicial Committee of the *Majlis* argued that it was not enough for a husband to assert that his wife was actively committing adultery and was not being raped, the law had to prove that the woman had obediently accepted the rape: 'We have to prove *tamkin*, obedience'. What this meant was that even if caught *in flagrante delicto* it still had to be shown that she had been 'willing' and 'submitting of her own accord'. Otherwise to kill her would be an act of murder. If a woman was not willing, or was resisting, 'then the case cannot be proven' (*Zaneh Ruz*, 2 November 1995).

Given that slander is a major sin in Islam, a woman could challenge her husband's view. According to Soleimani even if she were caught in the act and submitted to it, she could contend that she had been mistaken and had thought that she was sleeping with her own husband:

If there is any doubt about the willingness of the woman, or if the woman had been deceived, and had thought that she was sleeping with her own husband...then she does not deserve to be killed... So the point is not whether such an act has occurred, but whether the woman has been exploited, raped, forced or unknowingly made to do such a thing. (*Zaneh Ruz*, 2 November 1995)

The important point about the revised law was that it placed the burden of proof on the husband. The laws which allowed the husband to kill the adulterers on sight were reformed. The new laws placed the burden of proof on men. As Soleimani noted, the plaintiff had to prove that the woman was a willing participant; it was no longer sufficient for a man to claim that this was the case; he had to prove it (*Zaneh Ruz*, 2 November 1995).

The shift in the law is important since it makes it extremely difficult, if not impossible, for a husband to prove adultery. Strictly speaking the husband must have four female or two male witnesses to the act. The task is made all the more difficult by the Islamic provision that should a witness have been lying and thereby committing the grave sin of slander, then that witness should be punished severely. These conditions made the Chair of the Committee, Ali Asqar Baqbani, express his fear that given the difficulty of proof men's natural tendency would be to kill first and go to the law later:

You cannot find four people who'd witness such an act... he has no choice but to kill his wife... If he complains he must bring four

witnesses to the act and how can he find such witnesses? And if any of them deny that it happened it is the accuser and the other witnesses who have to be subject to lashes. (*Zaneh Ruz*, 2 November 1995)

The problem about these laws is that they are difficult and very expensive to implement⁶ (Afshar 1985). As Hassan Qashqavi explains, once a man has killed his wife, if he is unable to prove adultery and the wife's submission to the act, then he is subject to *Qassas*. What this means is that the wife's parents must first have the resources to take the man to court and, should his guilt be proven, then they must have the resources to pay for his *dayeh*, blood money, before he can be punished. Thus although Islamist women have managed to separate out rape from adultery in law, there is still a long way before wives gain the right to equal justice. As yet no woman has the right to kill her husband for dishonouring her either by raping or seducing another woman. Honour remains very much a male matter, felt by and dealt with by men alone.

DIVORCE

The pre-revolutionary 1974 Family Protection Law sought to create a form of equality between husband and wife where divorce was concerned. It curtailed the men's unilateral right of divorce at will and made all divorce subject to the ratification of the Family Courts. After the revolution Khomeini decreed that men were entitled to revert to their pre-revolutionary entitlements. Although the Family Courts were reopened in October 1979, under Islamic judges, opinion is divided on their effectiveness on behalf of women. Some (Mir Hosseini 1993) argue that women were able to use the courts to negotiate better divorce terms, whereas others are of the view that:

The aim is not to help women's cause, but to make the men go through the proper legal procedures to divorce their wives...

This author, in all the years that she has spent in the Family Courts, has not once seen a man's request for divorce to have been finally rejected except where there has been administrative problems such as his inability to prove that the marriage has been consummated etc. ... So the knife remained in the wound. (Kaar, 1995)

As in the cases of polygamy and adultery the post-revolutionary state began by envisaging divorce as a matter concerning men, their

honour and their wishes; women were assumed to have only a very marginal or an altogether negative input in the proceedings. Explaining the government's decision to 'return to the Islamic right of men to divorce', Hojatoleslam Mohaqeq Damad returned to the nature/nurture argument and, presenting a wonderfully naïve vision of marriage, asserted that women were merely the passive recipients of love in a marriage and so long as they were told that they were loved, they would naturally stay married and ask for nothing else:

The truth is that . . . nature has so decreed that it is woman who has to capture the man's heart and life, thus if a man continues to tell his wife that he loves her she would be very unlikely not to wish to live with him and not to accept the man, since from the beginning men have been the verb and women the conjugation. (*Zaneh Ruz*, 29 May 1982, no. 867)

Given this idyllic state of affairs it is surprising to hear the then Hojatoleslam Khamene'i state that the inclusion of women in the process of 'decision making' would result in a deluge of divorces. According to Khamene'i, divorce was not a matter of the heart, but one for the head and therefore firmly in the male domain. He argued that there should be nothing emotional about divorce and that it should have 'little emotional impact'. The emotions that were brought to the process were all on the women's part who had little control over their feelings. Given their emotionality, women would be likely to rush to the divorce courts at the merest disagreement and this would incur a heavy cost on the institution of the family. If women were given the unequivocal right of divorce there would be an immediate and rapid increase in the divorce rate:

this is the reason why Islam decided from the beginning to exclude women from this decision making process. Islam is mindful of emotions and understands women's sensitivities. (*Zaneh Ruz*, 29 May 1982, no. 867)

So men returned to the happy days when they could divorce their wives at will and then, if they changed their mind return again and again. This is because there are two kinds of divorce in Islam: the revocable and the non-revocable. The non-revocable, *ba'en*, applies to cases where the wife is unlikely to be carrying the husband's child because the marriage has not been consummated or the woman has reached the menopause (Article 1145 of the divorce laws) There is also a permanent divorce, *khal'*, where a woman can forgo her *mehrieh* in

return for a final divorce. Otherwise divorce is revocable, *raj'i*, during *eddeh*, the waiting period. This is up to three menstrual cycles for full marriages and one menstrual cycle for temporary marriages (see Haeri 1989; Mir-Hosseini 1993), during which time the husband is entitled to change his mind, return and have intercourse with his wife, without having to go through the marriage ceremony. Once again such an act is not considered to be rape, it is merely the husband's marital right. If he divorces her three times over, then the third divorce is irrevocable.

Of course women refused to accept these reversions meekly and from the outset launched a campaign against the loss of their rights. In 1982 *Zaneh Ruz*, published a heart-felt letter of protest to the editor by Shahla Mortezaei, who described herself as one of those 'whose rights were abused by this house of (in)justice'. Mortezaei began her letter by denouncing the revolution:

What have they done for us after the revolution? They ratified the first law for the destruction and subjugation of women 'men can divorce their wives whenever they wish' (this is the law that the Family Courts enforce). (*Zaneh Ruz*, 11 April 1981, no. 809)

Then Mortezaei goes on to compare the new legal perceptions, which were redefined entirely in terms of men's interest, to the pre-revolutionary ones, which at least gave women some rights:

[in the pre-revolutionary days] you could never divorce your wife as easily as drinking a glass of water because of 'incompatibility'. What does 'incompatibility' mean? How does it have to be proven to the court? It is not clear. There is no investigation! No previous evidence!

For the merest disagreement they rush to the family courts and return successful. You know that these same men never dared to go to the 'Family Protection' courts, where they would have failed and got such a firm reprimand that they would not have dared to return again!

These courts nowadays just ask a few questions:

Can you pay her *mehrieh*? Do you pay *nafaqeh*? What about the children's living expenses?... You can see that women are being treated as objects of commercial transactions. (*Zaneh Ruz*, 11 April 1981, no. 809)

Mortezaei concludes that the laws were altered to satisfy the fickle desires of men, even if this meant destroying the home and hearth:

Dear Sister, you know that this law has let pleasure-seeking Iranian men off the leash. They now know that what they say goes, we have returned to the reign of patriarchy. (*Zaneh Ruz*, 11 April 1981, no. 809)

These were not merely the views of the disgruntled anti-revolutionary feminists; they were criticisms that were echoed by Rahnavard, whose impeccable revolutionary credentials gave much credence to the analysis:

The ignorant men do all sorts of harm to their wives and then go to the courts for divorce and in some cases, without any care about the rights of the poor woman. The man leaves the court happy and successful. (*Zaneh Ruz*, 17 April 1983, no. 861)

Rahnavard contended that the revised laws fell far short of the correct Islamic path and practice. Had the Family Courts paid closer attention to Islamic laws they would have seen the multitude of qualifications which are imposed to ensure that the interests of the family are protected. Rahnavard contested that if these details were better understood, then both men and women would benefit and the home and hearth would be protected:

Then the courts, rather than a haven for unjust, ignorant, pleasure-seeking men, would become centres of advice and counselling and not places of separation and parting. (*Zaneh Ruz*, 17 April 1983, no. 861)

As with all the other campaigns of Islamist women, their opposition to the divorce laws took over ten years of struggle to bear some fruit. In the first instance they used the marriage contract⁷ and sought to encourage women to include in it the right to indicate divorce proceedings on behalf of their husbands. They highlighted the legal right of women to benefit from the provisions of Article 1119 of the Civil Code, which allowed parties to the marriage contract to include any condition that they wished, provided it did not go against their marital duties. Women could claim the right to initiate divorce proceeding in cases of polygamy, or if the husband absented himself for more than a stated period or left the family home, or endangered the life of his wife or maltreated her so that their married life together would be untenable.

In addition to the specific stipulated cases Article 1128 of the Civil Code also allowed women to initiate divorce proceedings for certain

breaches, particularly if the husband had lied about his own academic, financial or marital status, even if these assurances had not been written in the contract, but had been given verbally. If they had been central in the woman's decision to marry the man then she had the right to start divorce proceedings.

Once married, if a man failed to support the family, Article 1119 of the Civil Code permitted a wife to initiate divorce proceeding and go to the Family Courts. Once they have proved hardship or failure of the husband to fulfil his contractual duties, then women could act as attorneys of the husband regardless of his wishes. Article 1138 accepted this power of attorney in divorce cases; if the court is convinced, then she could divorce herself acting as her husband's agent.

But even in these cases, the wife could only initiate divorce proceedings if she were able to convince the Family Court of her grievance. Only if the court decided in her favour, would the Civil Code's provision permit her to act as her husband's legal representative and divorce herself. According to Article 4 of the revised Family Protection Law such divorces are *ba'en*, irrevocable.

VIOLENCE

Women could also stipulate from the outset that if the man was morally corrupt or maltreated his wife, then she had the right to apply for power of attorney to divorce herself from him.

However, in practice it was much harder for women to convince the courts of their grievances than it was for men. Violence, for example, was theoretically recognised as a case of hardship and entitled women to divorce, but, as Mehranguiz Kaar explained to a *Zanan* reporter, there was no definition as to what constituted violence and at what level of violence a woman could claim the right to divorce her husband. It was left to the judge to decide 'and the judge is always a man'. Kaar notes that 'culture' and 'customs' led many to assume that a degree of male violence was a normal part of everyday married life:

Of course the courts do not consider every sort of violence as being maltreatment and causing hardship since rows, rough treatment and beating are current in many Iranian families. So in the Family Courts the judge uses his own criteria to define violence. (*Zanan* III, no. 18, June–July 1994)

In particular judges assumed that husbands had to resort to violence as part of their managerial role to impose their control.⁸ There are cases where the wife has been beaten on more than one occasion and the judicial police have recorded and certified those beatings. Yet while these have been considered valid grounds by one judge for a woman to divorce her husband, another judge has disregarded ten certified beatings because in his opinion the man is entitled to beat his wife. The lack of clarity in defining what constitutes violence results in men using their own judgement to interpret and impose the law (*Zanan III*, no. 18, June–July 1994).

Tehran representative Marzieh Dastjordi made very much the same point when she deplored the tendency of judges to tell women to return to their abusive husbands and get on with it. She declared that the laws had to change to deal with 'this major injustice towards women'. She lamented the fact that when women have been beaten by their husband, or even where the husband has buried the wife alive, the courts keep advising these women to continue living with their husband:

We see that even where the Courts have the legal means to give a fair decision, they do not do so. What is more, if a court does decide in favour of a woman, then the men do not obey the orders anyway. Every time it is women who lose out. (*Zaneh Ruz*, 1 October 1996, no. 1575)

As with adultery, so with violence women were also required to have a witness to prove that they had been beaten by their husband. Kaar criticises this requirement which is impracticable in the context of the modern nuclear family. Kaar argues that the section of Iranian criminal law which makes the judge's decision dependent on the presence of witnesses does not work well in the context of the daily lives of women. These laws were founded on the basis of households living within the extended family structures where there would have been plenty of witnesses if a man were to beat his wife, but such laws sit uncomfortably with the twentieth-century flat-dwelling style of urban life. Flat-dwelling women who are beaten by their husbands cannot prove violence and hardship and therefore cannot obtain justice. It is only where the violence is so extreme that the woman is physically scarred that she can claim to have evidence.

Even then she has to prove that her injuries are so great as to be equivalent in terms of religious law repayment, blood money, *dayeh*,

to three camel loads. That is to say to qualify a woman would have had to have been mutilated and crippled by the injuries. (*Zanan* III, no. 18, June–July 1994)

Despite these obstacles, some women did appeal and the courts allowed them to initiate divorce proceedings. But often, if and when they did so, divorced wives were left very little other than their initial *mehre*, which could have been considerably devalued over time.

DESTITUTE DIVORCED WIVES

Eventually women fighting to revoke the easy divorce laws for men found an effective propaganda coup. It was the cases of destitute divorced wives, thrown out on the streets after a lifetime of devoted and obedient marital servitude, that helped the cause. In 1990 the pro-establishment journal *Zaneh Ruz* published the photo and story of an 'old woman found on the pavement with all her meagre worldly goods, crying'. Her message to the journal was:

Write, tell the world that this is the destiny of Zahra Khaleqi, 57 years old, after years of submission and hardships. (25 December 1990, no. 1198)

Here was an obedient wife who had done her very best for a lifetime to serve her husband and this was her reward:

See how I've been dishonoured after 45 years of married life... now that he has got everything, how he has sold my one and only hearth and haven and has made me homeless, this is the wages that I get for accepting and coping for all these years....

I was 12 years old when I married him. He was a builder and our life was hard. I use to buy five rials worth of meat and make it last for the whole family. I held our home together on 10 rials a day and raised our six children and then he decided to marry my cousin and brought her into our home. That was 27 years ago. I have ten children and she has six. Now that my husband has become a millionaire he has bought her everything and sent her children to the United States and now he is planning to join her...

Lady you tell me, if a woman is modest and devoted and lives for 35 years in a slummy house and accepts the poverty of her husband and ends her fast during Ramazan with water and water melon and

raises ten children for him and marries them all off. If then her husband gets from nothing to everything. Should this be her reward at the end of her life? What is worse is that now my 80-year-old husband has decided to divorce me.

You see how I've been treated in my old age. How I have lost face before my family and my sons-in-law? . . . But I will not go quietly. I'll sit here outside his door till someone hears my pleas. (*Zaneh Ruz*, 25 December 1990, no. 1198)

So Zahra Khaleqi sat and her story reverberated through the press. How was the Islamic Republic going to respond to such maltreatment? The state's response was not immediate and the battle continued. In April 1991 Maryam Behruzi demanded that the *Majlis* review the Draconian divorce laws, but to no avail. In 1994 *Zanan* conducted a series of interviews with beggars and destitutes in Tehran and once more demonstrated that submissive, obedient wives were being carelessly thrown out on the streets along with their children. One woman's story was typical of many:

They married me off young.

Who?

My parents.

Why?

They wanted one less mouth to feed.

What did your father do?

He was a labourer.

Your mother?

She was at home raising her seven children.

What about your husband? Why does he let you come here?

My husband divorced me to get another wife.

How old was your husband?

10 years older than me and now he's gone and got himself a wife younger than me.

What about the children?

If he wants a new wife he certainly does not want the children.

Have you been to the courts?

Who cares about the likes of me?

What do the children do?

They're at home.

How old are they?

The youngest is nine months old and the oldest 10 years.

Who looks after the children?

My oldest daughter.

Doesn't she go to school?

You've obviously never gone hungry, who is going to pay for her to go to school? (*Zanan* III, no. 17, March–April 1994)

The series of reports on abandoned divorced women printed periodically in the women's press showed ungrateful men in the Islamic Republic recklessly trampling through the home, family and the hearth. The press was backing the continuous demands by women representatives in the *Majlis* to change the divorce laws to bring them more in line with the true spirit of Islamic justice. Eventually, in July 1993, the *Majlis* ratified a bill which made it more expensive for men to discard their wives at will. But even though much of the debate in the *Majlis* was couched in the language of Islam, the Council of Guardians, *Shorayeh Negahban*, rejected the bill as un-Islamic. But the women parliamentarians refused to give in. The bill was sent to the Council of National Interest, *Majmae'eh Tashkhisheh Maslehat Nezam*, which has the power to reverse the Council of Guardians' judgment.⁹ It did so in 1994.

The bill extends women's right to request permission to initiate divorce proceedings to 12 specific cases ranging from the husband's impotence or imprisonment to his desertion or polygamy.¹⁰ What is more, it alters the perception of marriage and domestic duties and makes divorce a much more expensive affair. Reporting their success to the *Majlis* the Speaker, Hojatoleslam Akbar Nateq Nuri, applauded the women parliamentarians for the way that the process had been handled:

The issues were presented clearly to the Council of National Interest. It was obvious that if anyone feels like divorcing his wife of 50 or 60 years who has spent her youth in his house, he can do so and leave her with her *mehrieh* of 50 years ago... which is all that according to *Sharia* laws he had to pay. (*Zaneh Ruz*, 8 December 1994)

Finally in December 1996 the *Majlis* ratified an additional note to Article 1082 of the Civil Code which linked the *mehrieh* directly to the rate of inflation. Defending the proposal against the usual oppositional views about women's lack of chastity and fears about destruction of the family, expressed by staunch opponents of the women's cause such as Abassi, the representative for Bandar Abbas, and the Qum representative, Marzieh Sadiqi pointed out that men were able

to discard their wives at will. She noted that the high level of inflation meant that for most women their erstwhile respectable *mehrieh* no longer even paid for the taxi fare to and from the Family Courts. After prolonged discussions the measure was eventually ratified and accordingly:

If the *mehrieh* has been calculated in cash and has not been paid on marriage, then when required it must be adjusted to the rise in prices and the consumer index from the time it has been negotiated to the time of payment. (*Zaneh Ruz*, 22 December 1996, no. 1587)

WAGES FOR HOUSEWORK

The debate about additional compensation for the wife, though initiated by bad publicity, had nevertheless to be conducted in the context of Islam and its teachings. The Islamist women and their supporters had to prove that in addition to *mehre* and *nafaqeh* Islam demanded that divorced women be paid for domestic services rendered. The arguments had been contextualised and articulated in terms of the concept of justice in Shiia discourse (Afchar 1974). As the Speaker explained:

This woman after all has spent her youth, her beauty, her strength and her days of happiness in this house and it would be unjust that he should be allowed to throw her out of the house with some derisory sum of money. Here we would have seen an injustice taking place. (*Zaneh Ruz*, 8 December 1994)

The solution, sought by women parliamentarians and ratified by the Council, was both Islamic and almost revolutionary in the context of the previous legislations. Women representatives asked for and gained legal recognition for the Islamic right that wives have to payment of wages for domestic labour, *ojratolmesle*. Nateq Nuri noted that the *Majlis* had come to the conclusion that men should pay the wages for all the years that a wife had worked in the household. It was the duty of the courts to put a monetary value on her housework. Accordingly the new regulations stated that:

If the wife states that divorce has not been initiated by her and if the Courts decide that the demand for divorce is not based in the wife's transgression from her marital duties or her misbehaviour

and bad temper, then the husband must pay, without any conditionality, the equivalent of up to half of the wealth and property that has been amassed during the marriage or its equivalent, as decided by the court. This is to be transferred absolutely and forever to the wife. (*Zaneh Ruz*, 11 February 1995, no. 1497)

As the refusal of the Council of Guardians to ratify it indicates, the issue was far from simple. Islamic law had to be stretched and reinterpreted in the public interest, *estesllah*, in a manner that is more appropriate to the Sunni schools of law than the Shiias' (Afchar 1974). The ultimate success had much to do with the awareness that the critical eye of the world was on the country and the Islamic Republic needed some positive publicity. the Speaker Nateq Nuri announced it as a path-breaking measure:

This is a very intelligent decision and we are very proud of it and it's one that the world could well take on as an example to follow. We demonstrate that Islam offers such back-ups for the protection of women's rights. (*Zaneh Ruz*, 8 December 1994)

The revised divorce laws also led to a change in the marriage contract forms which from 1994 highlighted the woman's entitlement to half of the wealth and property of a husband who decides to divorce his wife without good cause. Announcing the good news at a Friday Prayer, Mohamad Yazdi, Head of the Judiciary, told the congregation:

If a man decides to divorce his wife without a good reason then the court can grant him the divorce after issuing the decision on the division of property. The Court must consider all aspects of the question and can compensate the wife by unconditionally offering her up to half of the wealth that has been accumulated after the marriage. The same court will deal both with the legal separation and with the question of wealth, property and the distribution thereof. (*Ettela'at Beynolmelali*, 21 November 1994)

The question at the heart of the debate was whether or not women's labour in the household was provided free of charge or whether the Islamic undertaking by the husband to keep his wife in the style to which she had been accustomed freed many women from the burden of domestic chores. Strictly speaking those women who had done no domestic work before marriage could expect to do none afterwards.

A more important issue was whether those who provided domestic services did so as a matter of goodwill or as part of their marital

obligation. Nateq Nuri suggested that doing domestic chores was not a marital obligation; rather, such tasks were undertaken as an act of goodwill by the wife. Such services deserved payment, but the payment could be waived or deferred. He argued that a wife is 'not obliged' to wash her husband's clothes or take general care of his needs; those who do so do it as a gesture of friendship. If the husband's behaviour were such that the wife no longer wished to serve him amicably, then she was, according to Islamic law, entitled to revoke the waived or deferred payments. If one day the husband behaves in an unfriendly manner then she has the right to say:

Well I did this work for you and now you must pay my wages. I was not obliged to cook, to suckle your baby. All of these have wages and must be paid for. (*Zaneh Ruz*, 8 December 1994)

Where the services provided were to be paid for, the Court had first to check that the woman had not been at fault and had not been rebellious. Then it checked to see whether the marriage contract made any provisions for divorce; if not, then it mediated between the couple. Only if that failed would the court be willing to initiate proceedings to divide the property. The law states:

After divorce, should the wife demand payment for services rendered which were not as a matter of religious law part of her marital duties, the court will in the first instance seek to negotiate to meet the wife's demand. Where there is no agreement between the couple if there has been any financial stipulations regarding this matter in the marriage contract, then that will be implemented. Where there is none and it is not the wife who has initiated divorce proceedings and where divorce is not for the reasons of wife's failure to fulfil her marital duties and her bad character and bad temper then the following procedures apply... (note 6 to the law for reforming divorce regulations)

At this point the Council was unable to make up its mind and came up with an additional procedure which qualified the wife's entitlement to payment by demanding not only that she proves obedience but also that she demonstrate that she had never intended to offer her domestic work free of charge:

(a) where the wife has rendered services which are not part of her marital duties according to religious laws and had done so involuntarily, and the court is convinced that she had not intended to offer

her work free of charge, then the court will calculate the appropriate payments and order payment by the husband. (note 6 to the law for reforming divorce regulations)

In the event the *Majlis* managed to add a second proviso which enabled the divorced wife to have some payment as a 'gift', even if she could not prove that her domestic services were to be paid for:

(b) Where note (a) is not applicable then, bearing in mind the length of the marriage and cohabitation and the kinds of services that the wife has rendered in her husband's home, and the financial position and ability of the husband to make the payment, an appropriate sum will be decided on which will have to be paid to the wife as a gift. (note 6 to the law for reforming divorce regulations)

The head of the Judiciary, Mohamad Yazdi, clarified the situation by stating that if the court is convinced of the validity of the woman's case, then it is the court's duty to ensure that she receives the appropriate payment by dividing the husband's property. Even if the division of the property has not been stipulated in the marriage contract, the court is legally required to divide the property. 'This is a right granted to women by the law' (*Ettela'at Beynolmelali*, 21 November 1994).

Commenting on the success of the bill, Maryam Behruzi noted the fear that parliamentarians had and, by implication, the Council of Guardians continued to have, about the effect of such a revision on women:

The ones who fear us feel that giving women rights, for example paying them for housework if they decide to divorce them, makes for unruliness and disobedience amongst the women folk. They worry about the prospect of marriage and feel that women may become uppity once they have got a financial security of their own, they might then go for divorce. But this is not so... If women are happy and comfortable in their lives, they would not seek to divorce a husband. (*Zaneh Ruz*, 4 May 1994)

Behruzi assured the grandees that it was only obedient women who benefited from the revised laws, and payment for housework merely constrained less responsible men from rushing to divorce their wives:

The law is about those women whose husbands seek to divorce them. It's for women who have done no wrong, who have been obedient, who have not misbehaved and still the husband wants to

divorce them. Yet we still have people who think that if women have such a right they would exercise it to gain grounds in the family and are therefore against it. (*Zaneh Ruz*, 4 May 1994)

Nateq Nuri concurred, stating that the new laws curbed the tendency of some men to discard their wives thoughtlessly and destroy the family. The law made it clear to all men from the first day when they contemplate marriage that these conditions exist. This knowledge would make him think carefully before 'suddenly deciding one day to ruin the foundation of the family' (*Zaneh Ruz*, 8 December 1994).

Applauding the wisdom of the Council of National Interest Behruzi underlined the importance of this decision in terms of the international reflection of the Republic's position on women. The bill enabled Behruzi once more to claim that the Islamic Republic treated its women better than Western governments did theirs. She argued that in the West couples who divorce must divide their worldly goods equally because there women are obliged to work, so from the start they put in half each into their married life. So when they separate they take half each. But in Iran women are not obliged to work, they don't even have to bring in a dowry – those who do so are offering a gift. But it is the duty of the men to provide housing, to furnish and equip the house, and to pay for the household. Even so those women who stipulate it in their marriage contract can get up to half of their husband's worldly goods, provided they have had the foresight to write it in their marriage contract. They can also claim for suckling the baby and can claim wages for housework, if they have been dutiful and obedient. So Behruzi concluded that, on the whole, by comparison Iranian women did well by the standards of egalitarianism. In fact, they did better than those who ask for equality (*Zaneh Ruz*, 4 May 1994). Nevertheless even Behruzi had to admit that wonderful as it all was, the divorce laws needed some 'minor legal adjustments', not least of these was that, despite all the efforts, men retained their automatic right of custody of children after divorce.

CUSTODY

Men have been given absolute and automatic custody of children. According to Article 1168 of the 1934 Civil Code 'taking care of the children is both the right and the duty of parents'. But Articles 1180

and 1181 give fathers and paternal ancestors absolute right of custody and guardianship over children. Article 1169 of the same Code states that in the event of divorce:

Mothers have priority in the right of custody of children for up to two years after the birth of children, after that it is father who have priority except for daughters who up to their seventh year are under the custody of mothers.

Even where the couple agree to allow the mother to have custody of the children, legally the father or paternal ancestor retains the right to make all the important decisions concerning financial and educational matters; it is they who have to give permission before the children can travel abroad or get married or make any other major life decisions. Women cannot use the marriage contract to 'deprive' men of their right of custody over children, since this is considered to be an inalienable Islamic right. In Iran the theocracy framed its defence of these laws both in terms of nature/nurture discourse and the assumption that men were the sole providers for the family and women could not maintain their children. As Hojatoleslam Khameneyi, speaking at the Round Table on Family Law from the Islamic Perspective in 1982 stated, mothers who are separated from their husbands are allowed to raise their daughters till the age of seven and their sons to the age of two. This, he explained, was to accommodate emotional matters which were the domain of mothers, and practicalities which fell to fathers, who had to fulfil their economics and material obligations. Custody in Islam was about ensuring that the material economic duties were fulfilled; thus mothers who had no financial obligation could not have religious guardianship (*Zaneh Ruz*, 29 May 1982, no. 867).

A decade later *Majlis* representative Hojatoleslam Abasali Amid Zanjani, speaking at a seminar on women's right at Tehran University, contended that the two years that women have as custodians of their children is in itself an illustration of the munificence of Islam and incomparably more important than all the privileges accorded to husbands:

This right of custody granted automatically to mothers till the children are two is an example of the specific legal privileges of women. How can it be compared with any of the privileges given to men? You only need to step into any of the Family Courts to see fathers who are willing to give all they have to retain for example

the custody of their one year old child . . . this is why some men are reduced to accusing the mother of not being able to look after the child . . . In any case this shows a great privilege accorded to women. (*Zaneh Ruz*, 25 December 1993)

However, detailed studies of the Family Courts do not support this view; on the whole it is mothers who seek to keep the children and are willing to forgo much in order to retain them (Mir-Hosseini 1993). Despite such entrenched positions, Islamist women have managed to find gaps and allies and are continuing to fight to alter the legal position. They have used three approaches; one is to concur with the nature/nurture and paternal financial obligations. But they have deployed both these and the concept of social justice to demand a change in the laws of custody. Thus Ayatollah Seyed Mohamad Musavi Bojnurdi, speaking in Qum at a seminar on women in Islam in 1994, argued:

When a little boy has been raised by his mother for two years how can we take him away from his mother and give him to the custody of his father? At this tender age a child needs love and care especially in this day and age when it has been proved that little boys love their mothers even more than little girls do. The mother has custody of her daughter till she is seven years old. If the man remarries immediately, then what happens to that little girl? This has grave social implications that need to be considered carefully. (*Zaneh Ruz*, 13 December 1994)

The second approach has been to argue that guardianship of fathers was conditional on their having moral probity and the economic capacity; therefore in the absence of these circumstances men should not be granted custody. These arguments were accepted even by Khameneyi in the early days of the revolution, when he was not an obvious supporter of women's cause. He agreed that there were exceptional circumstances in which it would be possible to appoint the mother as guardian instead of the father for specific reasons. These included occasions when the father could not, or should not, be permitted to take on his responsibilities, then the jurisconsult could appoint the mother to act as the father and replace him as the guardian. That is to say the duties that the father should have had as the custodian, *valayat*, would be shouldered by the mother as the guardian, *qayumat* (*Zaneh Ruz*, 29 May 1982, no. 867).

The final strategy has been to reinterpret the Islamic laws and refer to relevant reports and interpretations to prove that in essence Islam

wishes mothers to be the guardians of their children. Ayatollah Seyed Mohamad Musavi Bojnurdi is eloquent on this subject:

From the point of view of *fiqh*: Sheikh Saduqi has a *ravayat*, report, that he asked of the imam 'If someone divorces his wife where should we leave his children?' Imam responded 'so long as the mother has not re-married it is best that they be left with the mother.' This is a sensible solution which has many supporters in *fiqh*. Sheikh Mofid, Sheikh Tusi and other leading religious thinkers are of this view. (*Zaneh Ruz*, 13 December 1994)

This view has been endorsed by Khomeini's daughter, Farideh Mostafavi Khomeini, who quotes imam Jaafar Sadeq, the Shiia imam and one of its most important juridical sources, who said that women should have custody so long as they had not re-married. Farideh Mostafavi argued it was only a group of hidebound traditionalists who insisted on denying mothers their right of custody. In her view all the revised laws would confirm women's Islamic right and give a choice to their children:

The views differ: the traditionalist, *motoghademin*, believe that mothers should have custody till puberty and then the children have the right to choose based on a *hadith* from imam Sadeq who said that so long as the woman has not remarried she should have custody. But the modernists, *motoakherin*, have argued that sons till two and daughters till seven can be kept by mothers and our laws have been passed accordingly. Article 1169 of the Civil Code endorses this, but the *Majlis* has decreed that at puberty the children can choose. (*Zaneh Ruz*, 4 May 1994)

In the cases of divorce and custody Iranian women have had a degree of success, but there is much still to do. There has also been some improvements made in the cases of polygamy and honour killing. Opinions are divided as to whether the revised divorce laws have been as effective as they could be. The scholar and commentator Morteza Malekpur is sanguine and argues that the changed law goes far in preventing instant divorce and giving the wife material entitlements. That in fact it places 'a halt' on the automatic right of divorce given to men by Article 1133 of the Constitution, which states: 'A man has the right to divorce his wife at will whenever he pleases.' The single article revision gives the partners no choice but to go to the courts if they wish to divorce. Before, provided both parties consented to the divorce, it was only a matter of registering their divorce at the

notary. But now they must obtain a non-compatibility certificate from the courts. Furthermore, according to note 30 of the Single Article law, divorce can only take place after the full payment, in cash, of all legal entitlement of the wife including *mehre*, *nafaqeh*, living expenses, dowry, etc. (*Zaneh Ruz*, 20 January 1996).

Mehranguiz Kaar is sceptical. She argues that the way that the law was passed shows that it met the needs of the time since it had to be ratified by the Council of National Interest. She admits that at long last the negative impact of some of the hardships experienced by divorced mothers has been recognised. But although the new laws might have slowed down the rate of divorce, Article 1133 remains unchanged. Men can still divorce their wives at will; all they need to do now is submit a two-line request to the courts, wait a couple of months and then get the divorce. All the courts might do is to suggest that he pays something to the wife. Even then if he has a good lawyer he'll manage to avoid the payment (1995b).

National statistics support Mehranguiz Kaar. The percentage of Iranian women who are getting married is falling and that of those who are divorcing is rising. Despite the changes in the law in 1994 marriage rates fell and divorce increased by 12 per cent (*Zaneh Ruz*, 6 January 1996). In the first six months of 1995 there was a further 3 per cent fall in rate of marriage and a 3 per cent rise in the divorce rate compared to the first six months of 1994 (see Table 8.1).

Thus the gradual upward trend of divorce in Iran continues. The last word should go to the daughter of President Rafsanjani, Faezeh Hashemi, who sailed into the fifth *Majlis* on a high tide of votes:

Right now according to the existing laws women's rights are ignored by the courts. Even the implementation of marriage contract stipulations is subject to the court's decisions. The *Majlis* must seriously reconsider these laws. The family is the basic and most

Table 8.1: Marriage and divorce rates

	First 6 months of 1994	First 6 months of 1995
Registered marriages	220,523	219,831
Registered divorces	15,945	16,432

Source: Census Organisation, Public Relations Office press release, September 1995.

important unit of the society. To deal with the problems and increasing difficulties experienced by the families and to stem the rising tide of divorce it is essential that the *Majlis* sets up a special committee to deal with family matters. (*Zaneh Ruz*, 26 February 1996)

9 The Veil and Moral Codes

Almost two decades after the Islamic revolution, it is possible to argue that the only visible sign of Islamification that remains in Iran today is the presence of veiled women (Omid 1996) and substantially lower standards of living (Karshenas 1996). Women have become the major emblem of Islamification and their dress code the most significant identifier of revolutionary success. There has been a continuing insistence on both covering women and separating them spatially from men in the public domain. The veil has become one of the non-negotiable elements governing women's lives. All too often the government asserts its effectiveness by tightening the dress codes and issuing new orders on stricter observation of the veil. Similarly many women assert their opposition to the regime by periodic outbursts of what the moralists choose to call 'nakedness', that is discarding the head scarf. Symbolic though these actions may be, they can and have resulted in attacks and even murder of these women by the self-appointed moral police, the *hezbollahi*, members of the party of God. The note to Article 139 of the Islamic Criminal Code, which was reviewed and ratified by the *Majlis* on 9 November 1995, states:

Women who appear in the public thoroughfare without the Islamic covering will be subject to 10 days to two months' imprisonment.

There is a view that wearing the veil is not only a legal but also an 'Islamic obligation' imposed on women to protect national morality, and that women have no choice in this matter. In 1992 a morality squad was established with its own 'guidance teams' for *amreh beh maruf va nahi as monker*, leading Muslims to the correct path and preventing them from going astray. By 1994 the Guidance Ministry's view was that *hijab* was an obligatory commandment imposed on women and its observance would:

benefit public and familial morality and decrease social breakdown and immorality. (*Zaneh Ruz*, 24 December 1994)

The state's favoured dress code, which is adopted by the most modest women, is the all-enveloping cover, *chador*, which is worn over the scarved heads. The *chador* is a single piece of material which has to be held in place by the wearer holding on to its ends and securing it over her head with her hands; thus it is one of the most debilitating

garments for a woman to have to wear. The more practical women chose to wear a scarf and loose clothing and thus free their hands and gain more mobility.

Most women do, at different times, experience practical inconveniences placed on them by the morality rules. But there is a divide between the Islamist and the secularist elite women in their approach to these rules and the ways that they confront the veil. On the whole the secularists regard it as an unacceptable imposition on their freedom and liberty, whereas Islamist women, supported by some Islamist intellectuals and even a few religious leaders, choose to contest its validity in Islamic terms. However both groups face a substantial and powerful opposition both from the religious and political establishment and from the Islamist media.

VEIL, THE THEORY

The approach to and definition of what the veil consists of varies across Islamic countries¹ and amongst men and women and Islamic scholars within these countries. The basis of the demand for veiling women is the Koranic verse which advises women to be modest:

And say to the believing women that they cast down their looks and guard their private parts and do not display their ornaments, *zinat*. (XXIV: 31)

In Iran as elsewhere there is a wide gap, amongst Islamists, in their interpretation of what the verse means. There is a general agreement that women should cover their breasts. But the question that exercises the minds is, what exactly is *zinat*? Sadeqi Ardastani who writes pamphlets for the Iranian government's propaganda section quotes the Shiia imam Baqer to define it as not only clothes, make up, nail polish, necklaces, armllets, anklets, bracelets, rings, etc. but also as 'the entire female body' (1994). Ardastani contends that women's bodies are their 'physical decoration' and so should be wholly covered. He consents that strictly speaking all that Muslim women need to do is to wear modest garments and a head scarf, but he is of the view that 'good women' would choose to wear the *chador* because it is a 'more complete garment' (1994).

Given the difficulty that women have with mobility and working while wearing the *chador*, the official government's position, endorsed by the national spiritual leader Khameneyi, is that the 'best' *hijab* is

the *chador* but that the *sharia* is open to interpretation on this issue (*Zaneh Ruz*, 13 December 1994).

There is a wide divergence of views about the reasons for the imposition of the veil and who benefits from it. At one extreme there are those religious leaders and pundits who argue that the *hijab* is to cover lasciviousness, which is attributed to women (Sabbah 1984) and protect men and morality, while the alternative view is that the *hijab* honours and protects women by showing their modesty.

A champion of those who fear women's sexuality is Ahmad Azari Qomi, who sees men as an endangered species forever threatened by the prospect of sexual arousal from the mere presence of a passing woman.² According to him Islamic morality and the salvation of men in Iran demand that women should be publicly invisible. He therefore urges the government to take action against poorly veiled women and insist on segregation across the board and on closing down the 'dens of immorality' where men and women might sit and relax together. He asks the Islamic government to 'defend national morality' by controlling and closing 'all corruptive elements'. These include all cinemas and amphitheatres, and 'tight controls' on the radio, television and all newsprint. But his direst warnings are reserved for women:

If the government does not solve the problem caused by women who show the curvature of their bodies – particularly those parts which sexually arouse young men – or wear bright colours, or walk with charm and coquettishness or use powerful perfume or useless scarves... Even if the colour of her skin cannot be seen, but the shape of her body can be discerned, then her veil is not the proper Islamic *hijab*. If the problems caused by such women are not eradicated, then the Islamic society will suffer untold miseries and problems. (1993: 87–93)

Initially there were attempts to separate men and women physically, but in larger towns segregation was limited. Nevertheless sporadic outbursts of zealotry by Islamist men often resulted in considerable practical inconvenience for all Iranian women. They found themselves facing contradictory rules which demanded that they travelled separately from their men folk, and yet for many years they were not accommodated in hotels and rest-houses if unaccompanied by male relatives. On a daily basis the insistence on the gendered division of public spaces made it difficult for women to commute to work or take their children to nurseries. But on the whole the physical separation was honoured more in the breach than observance.

A more lasting controversy has been that concerned with appropriate dress codes for women. Qomi, like the Minister of Guidance Mir-Hosseini, is of the view that wearing the veil is not a recommendation, but a commandment; the prime religious duty of Muslim women is to be totally covered in such a way as to make them invisible to men. The revered Ayatollah is so exacting that he finds that even the Prophet's own daughter was not 'properly veiled' (1993: 73).

There is an important divide between those who demand total physical gender separation and assume that women are eternal sources of temptation and the Islamist women and their allies who see the veil as a protective liberating garment, which enables them to function effectively in the public sphere.

Less hardline interpreters, including the national spiritual leader Ayatollah Khameneyi (*Zaneh Ruz*, 13 December 1994) and Mohamad Javad Bahonar (*Zaneh Ruz*, 26 August 1995) argue that the Koranic verse (II: 187) shows that the need for modesty and protection applies to both men and women:

Women are clothing to protect your honour and your purity and integrity and you are the clothing that protect theirs.

Furthermore Khameneyi argues that although *hijab* is 'an obligatory duty', it is imposed as a sign of respect for women, to protect them and remove them from the level of objectification to that of respectability. He defines the *hijab* as 'the emblem of respect and for women' (*Zaneh Ruz*, 13 December 1994). This is very much the state's position, but one that is not altogether accepted by the majority of urban women. In 1995 the Ministry of Culture launched a campaign to convince women that '*hijab* is protection not limitation'. It described the veil as a 'fundamental means of protection of individuals and society'. It argued that women were duty-bound to observe the veil and defined it as one of the *hodud*, the delineating factor that describes the legal parameters of the faith. Interestingly *hodud* literary translated means limits, something that the state was seeking not to be seen to be imposing on women! (*Zanan*, IV, October–November 1995).

Much of the debate about the veil is framed with the international context very much in the minds of the Iranian political and religious leaders. On the one hand, Iranian women are warned that failure to be properly veiled would make them into sex objects, and on the other, they are exalted to wear the veil as a symbol of Islamism and in support of the oppressed Muslim women in the West. Khameneyi

warned Iranians of the dire consequences suffered by ungendered spaces and uncovered women: they would end up like their sisters in the West:

If *hijab* is undermined then we will experience the same terrible disasters that women in the West have faced, where they have been undermined and exploited. (*Zaneh Ruz*, 13 December 1994)

Minister Mir Salim told Iranian women that 'it was essential' that they created 'a worldwide awareness' of the attractiveness and advantages of the *hijab* which was recognised internationally as 'the symbol of the Islamic revolution' (*Zanan* IV, October–November 1995). He also highlighted the plight of Muslim women elsewhere, who were valiantly fighting for the right to wear the veil. By failing to veil properly, Iranian women were thus failing in both their national and international duties:

Hijab is not merely a covering, it is also a weapon against the invasive Western values. The more our sisters across the world insist on observing the *hijab* the more effective will be their efforts to spread Islam and its light across the darkness and destructive of the West. (*Zaneh Ruz*, 24 December 1994)

From such statements there is but one step to the assumption that even if the veil is not interpreted in its fierce spatial terms nevertheless the only way women could succeed in the public domain in Iran would be by wearing the *chador*. Since it was both the symbol and the emblem of the state it became a necessary uniform for all women politicians. Soraya Maknoun, the First Secretary of the World Congress of Muslim Women, *Majmaeh Jahani Zanan Mosalman*, actually made a public announcement that demanded that all women should wear the *chador* at all political rallies and political events (*Zaneh Ruz*, 24 December 1994). Khameneyi endorsed this view by announcing that without the *hijab* women would not have the necessary freedom of mobility and association to gain access to 'higher positions' (*Zaneh Ruz*, 13 December 1994). In 1997 the newly elected Vice-President, Mrs Modaress, announced that, in consultation with the President, she had come to the conclusion that the *chador* is the most appropriate garment for her.

DRESS CODES

Despite the divergence of views as to what the veil should consist of and who should wear it and when, despite the calls to the international

perspective and the demands for modesty from both sexes in Iran, in practice the veil is enforced as a means of restraining the disruptive effect of women in the public domain. Poorly veiled women in the streets are seen as threatening the moral fabric of society. The law in Iran imposes the veil on women and punishes those who are not properly covered (Article 139 of the Islamic Criminal Code). But the law is not clear as to what exactly an Islamic covering is; views on this question vary considerably both amongst Islamist and across the country. At one extreme there are provincial towns such as Banab in the north-western province of Tabriz, where the town's mayor proudly announced that they were very particular about women's dress codes. All that anyone was allowed to see of women was 'a tiny opening for their eyes' (*Zaneh Ruz*, 24 December 1994).

The Ministry of Education's dress code is somewhat less Draconian, Primary school girls are allowed to wear any colour garment they wish provided it is modest and they do not wear see-through stockings or high heels. Secondary school girls are required to wear grey, dark grey, cream, navy blue, olive green, brown or black. They are not allowed to wear see-through stockings and their long socks must be plain and simple. They are not allowed to wear high heels or even low 'metallic heels' or tights and shoes 'of bright colours'. Nor are they permitted to wear any jewellery or to have long nails or to carry or use any kind of make up. Nor can they wear head scarves or covers or coats which are of bright colours or have any pictures or lettering in foreign languages. The Ministry is firm that all pupils should 'obey' these rules at all times (*Zanan IV*, no. 25, August–September 1995).

To enforce the dress codes and the prohibitions, the over-zealous revolutionary guards periodically ban the sale of all inappropriate garments. In 1993 the Islamic Revolutionary Komiteh in the northern province of Mazandaran prohibited the sale and wearing of:

Short length coats, that is coats that are above the knee or with any pictures of markings on the collar, bodice or arms. Thin stockings, or stockings with arrows, pictures or in bright colours. (*Iran Bulletin* no. 3, second series, July–September 1993)

THE ENFORCEMENT

The insistence on the imposition of appropriate dress codes occasionally results in massive campaigns against women. Generally, as the

summer approaches, the willingness of women to follow the restrictive rules diminishes and the insistence of the semi-official arms of the state to enforce the laws increases. There are three major sections of society who have in the past sought to enforce *hijab*: they are the revolutionary guards, *pasdaran*, the Party of God members, *hezbollahis*, and Islamist pupils and students. The revolutionary guards are the Republic's alternative Islamic police force who are controlled by local revolutionary Komitehs and have not flinched at using violence to achieve their aims in the past (Afshar 1985; Omid 1994). The *hezbollahis*, are self-appointed defenders of Islam who tend to mount attacks particularly against women whom they regard as un-Islamic; they also organise 'spontaneous' demonstrations and protests. The Islamist pupils and students are usually based in universities and secondary schools and are loosely connected to the state-initiated Islamic Women's Organisation. These young girls occasionally get organised for specific occasions, such as public displays on saints' days and use the opportunity to protest against poor observation of the *hijab*.

In the summer of 1993 there was a major onslaught against poor veiling. The measures ranged from banning the sale of 'inappropriate' garments, to summary closing of rafts of shops and boutiques, to the rounding up and physical attacks on disobedient women. In the first two days of August 15,000 young girls were arrested by the revolutionary guards as part of the campaign for reinforcing the dress codes. Three hundred of them were hauled before an audience in the Teachers Town Hall in Tehran to recant publicly. The same campaign led to the murder of a 17-year-old girl, Bahareh Vojdani, who was pursued by the revolutionary guards and shot in a telephone booth for being 'inadequately attired' (*Iran Bulletin*, no. 3, second series, July–September 1993). The death of Vojdani led to widespread protest and enabled secular and Islamist women to open a new dialogue to seek to lighten some of the more restrictive dress code demands.

These resulted in a number of public statements by Khameneyi and others suggesting that a degree of tolerance was necessary and that the state should not 'exaggerate' its demands concerning the veil (*Zaneh Ruz*, 13 December 1994). The apparent success of women resulted in a backlash by the *hezbollahis* who organised a series of demonstrations at the end of the summer of 1995. They protested vociferously that 'westoxified' people were beginning to argue that politics could be separated from religion in the Islamic Republic. In September they held several rowdy public demonstrations in the Vali Asre Square in Tehran and other urban centres to 'defend moral values' and denounce

the slackening of morality. They announced that they were unhappy about the 'careless' and 'unrestrained' behaviour of some women and their poor observance of *hijab* and other symbols of respect for Islamic values in public places, ministries, offices and government departments. They denounced 'dissidents' in the government and its bureaucracy who were soft on the *hijab* and demanded that they be named and sacked. The *hezbollahis* reminded the Islamic Republic that it was against the law for women to dress improperly or transgress public modesty rules. They demanded that such women be arrested and punished as criminals since they had transgressed and failed to fulfil their duty of wearing the *chador* as the most important national emblem. The *hezbollahis* declared that if women did not comply with their religious duty then in the name of their Islamic obligation of leading the believers away from the wrong and directing them to the straight and narrow they would take charge of the enforcement of the veil to ensure that 'evil' was fended off. The demonstrations usually ended with a group of motor bike riders charging around and yelling 'death to the *bad-hijab*, poorly veiled'. The condemnation of women were extended to fashion boutiques which sold such garments and to the entire media and the cinema. The *hezbollahis* felt that the state had failed to secure the appropriate moral order and that all those who transgressed in any way had to be severely punished. Film-makers and television programmers had to be closely supervised by Islamic censors to ensure that their films accord with the Islamic teachings and requirements (Afshar 1996b). The *hezbollahis* offered their representatives as moral assistants who would give a verbal warning to the miscreants about their misdeeds and lead them to the correct path (*Zanan* IV, October–November 1995).

These opinions were echoed by some schoolgirls. Taking advantage of the celebration parades for the birthday of the Prophet's daughter Fatemeh Zahra, these girls took up the cudgels for morality and the *hijab*. At a public gathering attended by the President they demanded that the state should enforce proper veiling. The President of course agreed and commended their devotion (*Zanan* IV, October–November 1995).

THE STRUGGLES: HOMA DARABI

Despite the opposition of certain powerful groups and the insistence of the state on the *hijab*, Iranian women, both Islamist and secular,

have been struggling to erode the more oppressive aspects of the veil. In particular there has been a concerted effort by urban middle-class women to substitute modest clothing for the all-enveloping *chador*. In 1994 many women and their supporters were struggling to deal with the constraints which meant that those who did not comply were reprimanded, then disciplined and then sacked. Many protested and some, like Homa Darabi, resorted to self-immolation.

On 21 February 1994, Homa Darabi, Professor of Child Psychiatry at Tehran's National University, Shahid Beheshti, tore off her *hijab* in a public thoroughfare near Tajrish Square in the Shemiran suburb of Tehran. Darabi passionately called for liberty and condemned oppression crying 'Down with tyranny, long live freedom, long live Iran!' She then poured petrol over herself and set herself alight. Darabi was a popular teacher and respected researcher. In December 1991 she had been dismissed from her Chair for 'non-adherence to Islamic dress code, *hijab*' and although the decision was overturned by the Employment and Grievance Tribunal in May 1993, the University refused to reinstate her.

Her death led to widespread protests in Iran and abroad. An estimated 10,000 people attended her memorial service on 24 February 1994, at the Aljavad Mosque in Tehran. The meeting was held despite the government's intention to ban it. Furthermore Iranian exiles organised well-attended protest meetings in her memory in London, Paris, Los Angeles and other cities in the US and Canada.

The negative repercussions of Darabi's death around the world encouraged Islamist women and government supporters to argue against the more severe dress codes. The March issue of the campaigning women's journal *Zanan* carried an article by Kazem Musavi emphasising that the veil in Islam does not mean the imposition of invisibility on women and that if there is to be modesty it must apply to men as well as to women. Musavi contended that the correct reading of Islamic text would permit a much less restrictive interpretation. He also stressed the point made by many women and echoed by Khameneyi and others that demands for modesty should be made of men as well as women:

Furthermore all these musts and must nots which continuously demand of women not to speak, not to walk, not to choose the colour of their clothes fail to address the disturbed males and demand of them... not to appear in an arousing fashion. (1994)

Musavi argued that men too had an obligation to fulfil their Islamic duty of being modestly attired. In addition he noted that men had an obligation to control their gaze and their lust. Even if unveiled women were being un-Islamic, it was the duty of Muslim men to avert their gaze. They should bear in mind that it is the observer, the gaze, which is sinful and not the object of the gaze. Therefore Muslim men should close their eyes and clear their heart to avoid sinning (1994).

Even the pro-state conservative women's journal *Farzaneh* devoted some space in its spring 1994 issue to an article by Ayatollah Mohammad Ebrahim Jonati, who declared that the insistence that women should wear black was not only undesirable, but also went against the teachings of the faith. He quoted some of the *ravayat* and *ahadis*, reports of the Prophet's injunctions, which specifically prohibited the wearing of black garments which was the garment of the Pharaohs. Jonati noted that Muslims were told not to wear black when praying, nor should they cover the dead in black. He argued that Islamic sources deal with only two colours in any specific way: black and white. Black is always decried and denigrated, and white is always praised. He goes on to say that the Shii'a imams have always advised believers to wear white, which is 'purer and cleaner' (1994).

By the end of the summer of 1995 it was obvious that many women were less and less willing meekly to accept the veil. A silent rebellion began to take form; it consisted of women wearing looser scarves or flagrantly disregarding the law and showing a well-dyed golden fringe escaping from under the head scarf. Some even went as far as applying permanent tattooed red make-up on their lips or black lines over the eyes. In particular affluent middle-class brides, who are traditionally accompanied by a convoy of tooting cars from the bride's to the groom's house, paraded their 'nakedness' by dashing across the city's highways in their white, low-cut bridal gowns and having the procession filmed for posterity!

The momentum of the 'dissipation' was such that the Ministry of Culture and Islamic Relation felt obliged to organise a seminar to analyse the problem and try to find ways to encourage *hijab paziri*, acceptance of the veil. The Ministry's spokesman Mohammad Hadi Taskhiri warned that the situation was critical. He complained that it was becoming increasingly difficult to 'protect' Islamic values and its most 'public symbol', *hijab*. Every year girls and female students at schools and universities became more reluctant to observe the dress codes and the level of *bad hijabi*, poor veiling, was rising steadily. Taskhiri warned the public that such behaviour was a clear sign of a

'cultural attack' by the West and that it was essential for the government to find 'a solution'. What was needed according to the Ministry's agenda was to show women what a central role *hijab* played in securing both political and economic growth and development in the Islamic Republic. It was not only a political symbol, but also facilitated female participation in the public sector. What was needed was for the younger generation to appreciate the importance of *hijab* and the role it played in the fight against cultural invasion (*Zanan* IV, October–November 1995).

But the only firm conclusion reached by the seminar was that the violence used in enforcing the veil had led to the refusal by young women to don the veil properly. The only 'solution' offered by the pundits was that the over-zealous agents of the state had to be controlled. A university researcher, Dr Golzari, presented the arguments:

Unfortunately both within educational institutions and on the public thoroughfares the security forces have used force and at times I am sorry to say bad manners in dealing with *bad hijabi*, poor veiling. . . . Psychologist talk about psychological reactions whereby if people feel that they have been forcefully deprived of choice by an external factor, they would do their uttermost to regain that choice . . . so what we must do is to remove the element of force . . . We must use the Islamic teachings and enlighten and convince people about the importance of the *hijab* so that they choose it through conviction and personal wish. (*Zanan* IV, October–November 1995)

By 1995 the general opinion was moving towards a relaxation of approach, particularly towards the imposition of the *chador*, and attempts towards justifying the sombre colours in terms of practice rather than faith. The Presidential Adviser on Women, Shahla Habibi, declared that women must not be faced with any restrictions in their choice of colour in clothing. She emphasised that as far as civil servants and pupils were concerned, the question of the colour of their garment was not so much an Islamic issue, but more a demand that they should wear appropriate uniforms. So she concluded that the demands of the ministries that women can only wear black, navy blue or brown was merely an indication of the kind of uniform that civil servants, had to have, 'just like the Post Office' where men were obliged to wear navy blue suits (*Akhbar* newspaper, 12 November 1995). But Habibi did not discuss why male pupils and civil servants were not required to wear such 'uniforms'!

The Minister of Education appealed to the nation's spiritual leader Ayatollah Khameneyi about the decision of some provincial authorities to impose the *chador* as the appropriate *hijab* for schools. Khameneyi's response was helpful: although the *chador* is both 'desirable' and the 'best kind of *hijab*', the *sharia* does not stipulate any specific garment as *hijab* and therefore individuals could not be compelled to wear the *chador* (*Zanan*, vol. IV, no. 24, June–July 1995).

Shahla Habibi extended this view and concluded that for Iranian women it was a matter of choice whether or not to wear the *chador*. It was undoubtedly 'the best Islamic veil' and a 'national costume' for women, and it was 'appropriate' that they wear it to show their respect for the Almighty. But Habibi insisted that no one should be forced against their will to wear the *chador*. Women had to respect the Islamic traditions and respect the Islamic *hudud*, limitations, distance between the sexes (*Akhbar* newspaper, 12 November 1995).

At the same time women parliamentarians took up the cause of women who had been harassed by overzealous guards. By 1993 many women students were reacting to the campaign against poor veiling by boycotting classes in protest against harassment during body and bag checks (*Iran Bulletin*, no. 3, second series, July–September 1993). Using the substantial evidence of brutality and Homa Darabi's high-profile self-immolation, and its adverse national and international impact, women parliamentarians insisted that the government had to show its support for and 'protection of' women by standing firm against harassment. In November 1995 they managed to get an anti-harassment bill through; the *Majlis* revised and ratified Article 121 of the Islamic Criminal Code to protect the honour of women and curb their harassment accordingly:

Anyone who on the public thoroughfares harasses or strokes women or children or by using unacceptable language or gestures, causes them any inconvenience and undermines their honour, will be subject to two to four months' imprisonment and up to 74 lashes.

The law provided some protection against the haphazard attacks on women by guards and *hizbollahis*. What was more important, it turned the tables by making the state responsible for 'protecting' women and their 'honour' against such violence.

THE BACKLASH

The more conservative elements could not deny the validity of a law that protected the 'honour' of women. But the veil is the most important emblem of Islamification and attempts to give women some choice and dilute the severity of the dress codes was not going to be allowed to pass unnoticed. Once more the *hezbollahis* organised mass demonstrations in Tehran. Ayatollah Jonati, head of the morality squad reactivated the guidance teams for *amreh beh maruf va nahi as monker*, leading Muslims to the correct path and preventing them from going astray. The group's women's section concentrated on drawing up the limits imposed on appropriate garments for women and on teaching students about *hijab*. They also demanded a national ban on the use of Latin words, which they felt were facilitating westoxification. Their activities were supported, particularly in some provincial universities, by an organised backlash against poor veiling in general and Habibi's arguments in particular. A typical response was an irate open letter by the Mashahd Islamic Women's Association of the Faculty of Architecture and Engineering. First and foremost they rejected the notion that women should have a 'choice' where *hijab* was concerned:

Mrs Shahla Habibi, we do not and have never seen ourselves as empty bubbles who just as a matter of whim or fashion would change our black *chador* or simple clothes for something in a different colour for simple superficial reasons of pleasing ourselves! We do not change our colours at every turn . . . those who have such a superficial attitude towards their Islamic dress code do not have the right to make statements about the clothing of the devout Muslim woman who follows the Prophet and adopts his teaching and advise as a matter of faith. (Sobh newspaper, 21 November 1995)

Nor were they willing to allow un-Islamic concepts such as freedom and liberty (Afshar 1994b; Omid 1995; Shariati, *Zaneh Mosalman*) to enter the discussion:

Those un-Islamic people have already proved their worth by their support for moral turpitude by their silence when faced with badly veiled women and those who advocate 'liberty' and 'modernity' . . .

Now, as in the past, we will fight against corruption and the slavish followers of fashion and superficial opinionated people who

undermine the pure and Islamic cover of women in Iran. We do not permit anyone to alter in any way the social presence and importance of the *chador*, this superior symbol of purity, which must not be subjected to imported so-called 'liberal' opinions. (*Sobh* newspaper, 21 November 1995)

But despite the backlash the state has been less exacting in its dealing with poorly veiled women. In part this reflects the divisions amongst the religious leaders and the power groups in Iran. More importantly it is a reflection of the continuing and successful struggles of the elite secular and Islamist women and an awareness of the international women's agenda and human rights demands. Some leading Islamist women have themselves been transgressing a little. During the 1996 parliamentary elections the President's daughter Faezeh Hashemi conducted her high-profile campaign by occasionally wearing a colourful scarf, visible under her less than tightly enveloping *chador*. In the event Hashemi got the second highest vote cast for any representative in Tehran; in the subsequent interviews with the international press she sported a red spotted head scarf! She caused an uproar by attending her first parliamentary session in a pair of jeans which were clearly visible under her *chador*. In Iran today, women's resistance can best be measured in terms of such minor transgressions, backed by such an impressive electoral support.³

SPATIAL SEPARATION

The insistence on the veil, for those who support it, carries two important implications: separation of the sexes and prevention of contact between them. The conservative elements interpret the veil not merely as a covering for women, but as a physical, structural separation barring their way to the public sphere (Mernissi 1991). Ahmad Azari Qomi was a firm supporter of this position, contending that the only effective veil is one that 'prevents a woman from seeing a man' (1993: 93). Separation had to be spatial, physical and absolute:

the fact that in our country and other Islamic countries the practice is for women to go shopping without any veil separating them physically from male shopkeepers means that we as a Muslim nation are failing in our religious obligation. (1993: 87)

In the early days of the revolution the state reimposed the nineteenth-century regulations that demanded that men and women appear separately in public (Bamdad 1977). In some of the smaller provincial cities the segregation of women was almost absolute. A civil servant in a little provincial town boasted that where he came from:

Neither the men nor the women seek to threaten the city's mores and moral codes. This is how we raise our children to behave like their parents and not to destroy the traditional ties. No one questions these. In Banab, married couples, or brothers and sisters do not normally appear in public together. If a married couple wish to choose something together, then they go to shop in Maragheh [the nearby provincial centre]. (*Zaneh Ruz*, 24 December 1994)

Where such restrictions applied, they were imposed by law and by public opinion, and transgressions were not easily accommodated. Thus a hard done by civil servant who had been posted from elsewhere complained to the press that he was forced to conform. When he had gone to town with his wife he had been told by friends and relations 'not to behave in a destructive manner'. He was warned that their behaviour threatened public morality. He felt that in the circumstances, if he wished to continue with his job and living in Banab, he had no choice but to conform to the public segregation rules (*Zaneh Ruz*, 24 December 1994).

In the larger cities, the restrictions were firmly imposed in government offices and universities. Men and women were required to work and study in separate sections and at the height of the morality campaign the slightest contacts were denounced and punished; employees of Tehran University even received a directive demanding that 'they should not walk in a speaking manner'! Secular, free-thinking women working in the public domain were placed under constant pressure and surveillance and frequently dismissed for minor dress code transgressions. In 1993 a woman professor was sacked because she was seen shaking hands with a male colleague: the charge was standing adultery, *zenayeh istadeh*. A male and female student in the Teachers Training College were caught talking. They were immediately expelled and a court sentenced them to be lashed for the crime of 'adultery by interview', *zenayeh mosabeheyi*. They appealed to the Chief Justice who quashed the sentence, but the college refused to readmit them because of their immoral behaviour (*Iran Bulletin*, no. 3, July–September 1993).

Besides streets, schools and universities, the conservative elements were particularly wary of hospitals and clinics, where women were

likely to expose their naked bodies to the eyes of unprotected men. The *hezbollahis* were adamant that the state should ensure that medical practices were run in accordance with the Islamic teachings, and that men and women did not gaze at each another's naked bodies (*Zanan* IV, October–November 1995).

The Deputy Minister of Health Larijani was adamant that the state should:

reduce to a minimum the contact between sexes in medical centres. This is one of our serious principles and no amount of seemingly enlightened thinking would deviate us from this correct path. Operation theatres must not be a place where people expose their bodies. Hence the need to have all-women hospitals and clinics. (*Iran Bulletin*, no. 3, second series, July–September 1993)

The obsession with the separation of men and women has resulted in restrictive as well as ludicrous situations and has on the whole been breached out of sheer impracticality. Although schools are segregated, some of the teachers are male; although offices are segregated, women still hold posts in the civil service; although men and women sit on separate aisles, university classes are mixed; although buses and taxis are supposed to be segregated, in practice men and women end up sitting in close proximity. As for weddings and celebrations, it is even harder to impose the segregation laws, although the government remains ever watchful. In 1995, The Office for Combating Corruption, *monkerat*, issued a directive warning hotels, restaurants and wedding halls that on no account were the groom or the bride permitted to enter the rooms occupied by the opposite sex; nor were female guests to be served by male waiters and vice versa, and on no account was live music or lively music to be played. It was inevitable that wedding parties would disregard the law and enforcement agencies would attack. In 1995 Revolutionary Guards raided a wedding in Mashad and caught the bride and her sister dancing with male partners. She was given 85 lashes and her sister 75 lashes. The bridegroom, who was dancing with the bride, had to pay a fine (*Iran Bulletin*, nos 10–11, autumn/winter 1995). The news of such inhumane behaviour reverberated across the world news agencies and the Iranian government was singled out as oppressive and violent. No subsequent morality attacks were reported by the media.

One of the more difficult examples of the government's attempts at spatial segregation was a directive in 1994 which proclaimed that women should not sit next to men in public transport vehicles, or in

shared taxis. The result was mayhem for women who found it more and more difficult to get to work, to school or to the shops. *Zanan* compiled a telling reportage on the plight of women caught by this morality directive. Its reporter interviewed the taxi organisation's public relations manager, Behzad Jadadi; he blamed the government:

The Law and Order Organisations sent us a directive which we passed on to the taxi drivers to say that if we see a woman sitting between two men the driver will be stopped. They said that it is illegal for a woman and man who is not related to her to sit together in a taxi and it is illegal to have two women sitting in the front seat next to a male driver... they sent us a fax to say that if they catch such a taxi they'd take it off the road. (*Zanan*, vol. III, no. 18, June–July 1994)

The immediate result of the directive was that taxis were no longer willing to take women passengers because by doing so they forfeited the chance of filling the remaining empty seats with men who are more frequent passengers. Some taxi drivers decided to give women the front seat and charge them double for the two places.

The *Zanan* reporter demanded an explanation. She pointed out that in offices, universities, the bazaar and elsewhere men and women were both present and worked together; so why had they been segregated in taxis? What happened to women who were accompanying their husband on a shopping trip or a man and wife sent on an official mission together by their employers?

Unwisely, Jadadi tried to convince the reporter that he was acting according to Islamic teaching. The journal printed their discussion verbatim:

- Jadadi* In an Islamic society we have to have such rules.
reporter But has Islam ever demanded such things?
Jadadi In essence we wish the ladies to be comfortable.
reporter But what you are doing is not comfort, it's problems... the taxis will not take women passengers and so the women cannot go to work and are furious.
Jadadi I don't know how properly you behave, but in my opinion if you have a couple of young louts sitting in the back seat then you must not have a lady sitting next to them.
reporter I have to tell you that basically... when you make such a difficult problem out of a daily need and then make out

that it's because of Islam all you succeed in doing is turning people against Islam.

Jadadi In fact, inside the taxi such proximities go against religious teachings and we must do something about it.

reporter But *shar'*, religious laws, do not say that we must have laws that leave the women on the curb and treat them disrespectfully.

Jadadi We say that there should be no contact of any kind between a woman and a man who is not related to her.

What the report made clear was that it was not God or religion, but the views of certain men who felt threatened by women, that have prevailed in formulating the laws. However, in practice women have been both effective in subverting and in opposing the spatial and the physical segregation rules. Even veiling, which has been publicly regarded as non-negotiable, is seen as problematic by elite Islamist women. They are all too aware that the enforced veiling of women would be counterproductive in matters of faith and trust in the revolution. But the negotiations are complex, as are the participants. The Islamist elite women are watched over by more zealous religious groups, and the state is constrained by the Islamists at home and at the same time is intensely aware of the need to reflect a positive image of Islamism to the world. The tensions are hard to resolve and in such a context minor successes provide some grounds for optimism.

10 Conclusion

Elite Islamist Iranian women have succeeded in extracting a great deal from what appeared at first sight to be intolerable conditions. The revolution was heralded by the faithful as offering an alternative, non-Western, non-imperialist, pro-women perspective. On coming to power the theocracy interpreted this to mean the return of women to the home and hearth to become 'obedient' wives and mothers. An opinion not shared by Iranian women who already had over a century of struggles for freedom behind them. Over the decades the campaigning Islamist and secular women have gradually made it unacceptable for any government in Iran to exclude them from the public arena. At the same time they have collaborated with the international women's movements to sustain a high profile for their demands for equal human rights within the country. The need to gain internal legitimacy and establish an international credibility has made the state gradually more responsive to women's demands. This in part has been because women have managed to demonstrate their centrality in Iranian politics; not only does their veiled presence provide the public face of the revolution, but also increasingly they are winning elections and their support appears essential for candidates at all levels, including presidential elections.

Women are determined to extract a price for becoming the emblem of Islamification, they want to dictate what the Islam that their veiled presence upholds is about: it is something to aspire to and something that accommodates their needs. They have refused to be brow-beaten by the more misogynistic of the *ulama* and have insisted that the revolution should pay them their due both for supporting it at the outset and for becoming one of the few public and obvious signs of Islamification, a prospect that is offered as an exemplar to the rest of the Islamic world. At the same time Iranian women have begun reconstructing a multifaceted Islam which is increasingly delivering what elsewhere could have been called feminist demands. Elite Islamist women have resorted to a reconstruction of the past and setting up new standards in the light of the lives of the first women of Islam in the glorious early days, *sadre Islam*; standards that the state has had to meet in order to live up to its own slogans and projected principles of fairness and revolutionary concern for the oppressed.

In the absence of organised political parties, Iranian women, both secular and religious, have found common cause and have acted as an important political force in the more recent elections. They have bridged the large gap that divides Islamists from secularists by fighting together for the cause of women. The road has been long and hard. In the first years of the revolution women lost much ground, but they remained indomitable. The sole advantage that they retained was a political one. Despite Khomeini's opposition to female suffrage in the 1960s, after the revolution he and the post-revolutionary state recognised the valuable contribution that women had made to the cause and rewarded them by lowering the age of suffrage to 16. Women have used this right wisely. From the very beginning the Islamic parliament, *Majlis*, has always had a handful of female representatives. In the 1990s, however, the women's vote gained momentum and women representatives, who eventually increased to over a dozen, managed to push through a series of laws that at least firmed up the ground and in some cases opened new opportunities for women. Throughout the arguments for women's liberation has been couched in the language of Islam and every demand has been backed by the relevant textual religious evidence. What has occurred is the creation of a new dynamic Islam specifically suited to the condition of women in Iran. They have altered concepts which had made them appear as 'naturally' inferior to many leading religious and political figures in Iran. They have contended that this very 'nature' has made women industrious, fastidious, thorough as well as caring and able. The interpretations have been both scholarly and politically astute and they have obliged many of the leading male theologians and politicians to reconsider their views and their politics. It is no longer acceptable to denounce women as inferior in public, as the presidential elections of 1997 clearly demonstrated those, like the contender Nateq Nuri, who ignore women or deny their rights, do so as their own peril. Quite against the expectations of the theoreticians and the political architects of the revolution Iranian women are now at the centre of the political stage. The incoming President Ayatollah Seyed Mohammad Khatami recognised this reality and, in his inaugural speech, in August 1997, declared his commitment to furthering the cause of women in Iran. An admirable aim.

But we must end on a note of caution. Iranian women have demonstrated that they will not easily be defeated or marginalised. Yet they still have a great deal of ground to cover to regain the position they occupied before the revolution. What is noteworthy is that they are all

too aware of what they have lost. They are fighting their corner, not in the name of liberalism, or feminism or any other Westernism. Of necessity they couch their demands in the language of Islam, but a close examination shows that the myriads of Islams that they have created facilitate demands that are easily reconcilable with the post-modernist recognitions of the raft of feminisms that exist in the world today.

Notes

INTRODUCTION

1. Cf. Ali Shariati.
2. Sabbah may well be Mernissi's pseudonym used earlier in her career.

1 ISLAMIST WOMEN IN IRAN

1. A similar point is made about the political participation of women in Iran and about the selection of the leader from the *rejal*, which can be translated to mean men or people. See chapter 2 on politics.
2. Personal interview with the author, spring 1995.

2 THE REINSERTION OF WOMEN IN THE POLITICAL ARENA

1. For detailed discussions, see chapter 7 on the family.
2. For detailed discussion see *noshuz*, disobedience, and the section on *fitna*, rebellion.
3. See chapter 5 on the judiciary.
4. Already in the 1840s scholars such as Qoratolayn in Iran were embarking on the process of reinterpretation. By the 1920s scholars such as Nazira Zin-al-Din in Lebanon and in the 1940s Zeinab Al-Ghazali in Egypt had developed the process to present an alternative Islamic vision which offered women high visibility and leading roles both in the religious and political establishments.
5. For detailed discussion see pp. 34–5.
6. For detailed discussion see chapter 6 on marriage.
7. For detailed discussion see Ziba Mir Hosseini's 'Women, Marriage and the Law in Post-revolutionary Iran' in H. Afshar (ed.) *Women in the Middle East*, Macmillan, London, and Mir-Hosseini, Ziba, 'Marriage on Trial, A Study of Islamic Family Law', I.B. Tauris, London and New York, 1993.
8. See chapter 8 on divorce.
9. See chapter 6 on marriage.

3 EDUCATION

1. See chapter 9 on the veil.

2. See tables in this chapter.

4 EMPLOYMENT

1. *Majlis* representative Mostafa Moazenzadeh reporting to *Majlis* 15 August 1991.
2. *Majlis* representative Mostafa Moazenzadeh reporting to *Majlis*, 15 August 1991.
3. *Majlis* representative Mostafa Moazenzadeh reporting to *Majlis* 15 August 1991.
4. For detail discussions, see chapter 5 on women and law.
5. Interview with Mohamad Husein Nejatian on domesticity and development, *Zaneh Ruz*, 8 December 1993.
6. Jalsh Shahriar Afshar, feminist researcher interviewed in *Zaneh Ruz*, 29 August 1992.
7. Mohamad Hashemi, quoted by *Zaneh Ruz*, 6 May 1995.

5 WOMEN AND ISLAMIC LAWS IN IRAN

1. See chapter 8 on divorce.
2. See p. 115.
3. However, this is not the view of women parliamentarians who made an unsuccessful attempt in January 1998 to add *ojratolmesle*, wages for housework, to a wife's lawful inheritance entitlements. This would have somewhat eroded the one quarter or one eighth that they normally inherit from their husband.
4. See sources of Islamic law in the chapter 1.
5. This may be seen as a criticism of A'isha, who actively opposed Ali's caliphate.

6 MARRIAGE IN SHIIA DISCOURSE

1. See chapter 8 on divorce.
2. See discussion about age of puberty and marriage, p. 146.
3. For detailed discussions see *fitna* in the introductory chapter.
4. Adult here must legally be over the age of 16, but customarily the courts would not consider appeals from women under the age of 20.

7 THE FAMILY AND MOTHERHOOD

1. See chapter 6.

2. See discussion on *nafaqeh*.
3. See chapter 5.
4. For detailed discussion, see chapter 6 on marriage.
5. See chapter 6.
6. For detailed discussions, see chapter 2.
7. In 1998 Women parliamentarians failed to gain enough support for a proposed bill which would have compelled men to pay wages for household work and would have enabled women to claim back-pay after their husband's death.

8 POLYGAMY, ADULTERY AND DIVORCE

1. See discussion on puberty in chapter 6.
2. See chapter 6.
3. See chapter 6.
4. See chapter 6, section on *nushuz* and *nafaqeh*.
5. The failure to distinguish between rape and adultery has been one of the more disturbing problems posed by the male interpretations of Islamic law. The *zana*, adultery laws in Pakistan, also confuse these two issues and have been opposed vigorously by women's groups there.
6. See chapter 5 on law.
7. See chapter 6 on marriage.
8. See section on violence in chapter 6 on marriage.
9. According to Article 12 of the revised Constitution of the Islamic Republic, The *Majma'eh Tashkhiseh Maslehat Nezam* is to delineate the national interest at a time when the Council of Guardians, *Shorayeh Negahban*, considers a *Majlis* bill to have been against religious laws or against the Constitution and the *Majlis* contests this ruling which it considers to have been against the public interest; then the Council for delineation of public interest is consulted to give a final ruling.
10. The cases where woman can go to court to initiate divorce proceedings are:
 - (a) Where the husband has not paid maintenance for up to six months for whatever reason and where he seems not to be able to fulfil this duty.
 - (b) Bad behaviour and bad company and bad society frequented by the husband to such an extent as to make the continuation of the married life unbearable for the wife.
 - (c) Having incurable diseases to such a degree as to make the continuation of married life dangerous for the wife.
 - (d) Madness of the husband in cases where it would not be possible to annul the marriage according to *sharia*.
 - (e) Refusal of the husband to comply with the court's ruling to avoid the kind of employment that has been deemed demeaning and dishonourable and against the interest of the family.
 - (f) Irrevocable conviction of the husband by the courts to five or more years of imprisonment or fines which his inability to pay results in such

imprisonment or the combination of penal and financial sentences which would result in five years or more imprisonment; at the time when these penalties have taken effect.

(g) Husband's addiction to anything that is deemed by the courts as endangering the basis of the family's survival and making the continuation of the marriage difficult for the wife.

(h) The husband deserting married life without a legitimate excuse, the recognition of the husband's desertion and definition of legitimate excuse will be the responsibility of the court, or leaving his marital home for six consecutive months, without a legitimate excuse, acceptable to the court.

(i) Definite conviction of husband of a crime and his punishment for a crime which is demeaning and dishonourable to the wife. The decision of whether the punishment dishonours the family will depend on the court.

(j) If after five years of marriage the husband has been proven to have been infertile or suffering from a sexually transmitted disease.

(k) If the husband disappears and does not appear within a six-month period after the wife has appealed to the court.

(l) If the husband marries another woman without the approval of the first wife and if the court considers that he is not treating them equally or justly.

9 THE VEIL AND MORAL CODES

1. See introductory chapter.
2. For detailed discussion, see introductory chapter.
3. See chapter 2.

Bibliography

- Abbott, Nadia, *Aishah The Beloved of Mohamad*, Chicago: University of Chicago Press, 1942; reprinted 1985 by Al Saqi Books, London.
- Abu Shiqā, Abd al-Halim, *Tahrir al-mara'a fi 'asr al-risalah* [The emancipation of women during the time of the Prophet], Kuwait: Dar al-Walam, 1990, quoted by Shaaban, Bouthaina, in 'The Muted Voices of Women Interpreters', in Afkhami, Mahnaz (ed.), *Faith and Freedom; Women's Human Rights in The Muslim World*, London and New York: I.B. Tauris Publishers, 1995..
- Abu-Zahra Muhammad, *Al Ahwal ush Shakhsiyya-Qism uz Zawaj* [Personal Status: On marriage], Cairo, 1950.
- Afchar, H. 'The Muslim Concept of Law', *The International Encyclopedia of Comparative Law*, The Hague and Paris: J.C.B. Mohr Tübingen, 1977.
- Afkhami, Mahnaz (ed.), *Faith and Freedom, Women's Human Rights in the Muslim World*, London and New York: I.B. Tauris, 1995.
- Afkhami, Mahnaz and Friedl, Erika, *In the Eye of the Storm, Women in Post-Revolutionary Iran*, London and New York: I.B. Tauris, 1994.
- Afshar, H. 'Khomeini's Teachings and Their Implications for Women', in Tabari, A. and Yeganeh, N. (compilers), *In the Shadow of Islam*, London: Zed Press, 1982, pp. 79–90.
- Afshar, H., 'The Theocracy', in *Iran, A Revolution in Turmoil*, London: Macmillan, 1985(a), pp. 220–44.
- Afshar, H., 'Women, State and Ideology in Iran', *Third World Quarterly* 7(2) April 1985(b), pp. 256–78.
- Afshar, H., 'Women in the Work and Poverty Trap in Iran', in Afshar, H. and Agarwal, B. (eds), *Women, Poverty and Ideology in Asia*, London: Macmillan, 1989.
- Afshar, H., 'The Emancipation Struggles in Iran: Past Experiences and Future Hopes, in *Women Development and Survival in the Third World*, Harlow: Longman, 1991, pp. 11–29.
- Afshar, H., 'Women and Work: Ideology not Adjustment at Work in Iran', in Afshar, H. and Dennis, C. (eds), *Women and Adjustment Policies in the Third World*, London: Macmillan Women's Studies at York Series, 1992.
- Afshar, H., 'Muslim Women in West Yorkshire, Growing up with Real and Imaginary Values amongst Conflicting Views of Self and Society', In Afshar, H. and Maynard, M. (eds), *The Dynamics of Sex and Gender*, London: Taylor and Francis, 1994 (a).
- Afshar, H., *Why Fundamentalism? Iranian Women and their Support for Islam* University of York Department of Politics, Working paper no. 2, 1994 (b).
- Afshar, H. and Maynard, M. (eds), *The Dynamics of Race and Gender: Feminist Interventions*, London: Taylor and Francis 1994(c).
- Afshar, H., 'Women and the Politics of Fundamentalism in Iran', in Afshar, H. (ed.), *Women and Politics in the Third World*, London: Routledge, 1995.
- Afshar, H., 'Islam and Feminism: an Analysis of Political Strategies', in Yamani, M. (ed.), *Feminism and Islam, Legal and literary Perspectives*, Reading: Ithaca Press, 1996(a).

- Afshar, H., 'Freedom, and Culture in Khomeini's State: What Price Islam? Love, the media and the coffee drinking Vietcongs', paper presented at the seminar on State and Civil Society in Post-Revolutionary Iran, Oxford, June 1996(b).
- Afshar, H., 'The Needs of Muslim Women and the Dominant Legal Order in the UK, forthcoming.
- Ahmed, Leila, *Women and Gender in Islam*, New Haven and London: Yale University Press, 1992.
- Akhavi, Shahrough, *Religion and Politics in Contemporary Iran*, New York: State University of New York, 1980.
- al-Afghani, Sa'id, *A'isha va al-siasa* [A'isha and politics], 2nd edition, Beirut: Dar al-Fikr, 1971, quoted by Mernissi (1991).
- Al-Khayyat, Sana, *Honour & Shame, Women in Modern Iraq* London: Saqi Books, 1990.
- Al-Azmeh, Aziz, *Islam and Modernities*, London: Verso, 1993.
- al-Ghazali, Sheikh Muhammad, *Sunna Between Fiqh and Hadith* Cairo: Dar al-Shruruq, 1989, quoted by Sahaban (1995).
- al-Ghazali, Zeinab, *Ayam min hayati*, Dar al-shurua, Cairo, n.d. quoted by Hoffman, Valeri J., 'An Islamic Activist: Zienab al-Ghazali', in Warnok Fernea, Elizabeth (ed.), *Women and the Family in the Middle East* Yale University Press, Austin: University of Texas Press, 1985, and Ahmed, L., *Women and Gender in Islam*, New Haven and London: 1992.
- Al-Khayyat, S., *Honour & Shame Women in Modern Iraq*, London: Saqi Books, 1990.
- al-Zarkali, *Al-a'lam, qamus ash'ar al-rijal wa al-nisa' min al-arab wa al-must'arabin was al-mustshraqin*, Beirut: Dar al-ilm li al-Malayin, 1983.
- Amin, Qassem, 'Tahrir al-mar'a' [The liberation of women] (1899), in *Al-'mal al-kalima li Qassim Amin* 'Amara, Massud (ed.), Al-mu'assasa al-'arabiyya lil-dirasar wa'l nashr, Beirut, 1976, referred to by Ahmed (1994).
- An-Na'im, Abdullahi, 'The Dichotomy between Religious and Secular Discourse in Islamic Societies', in Afkhami, Mahnaz, (ed.), *Faith and Freedom, Women's Human Rights in the Muslim World*, London and New York: I. B. Tauris, 1995.
- 'Arafa, Muhammad, *Huquqal-mar'a fi'al-Islam* [The Rights of women in Islam], Al-Maktab al-Islami, 1980, quoted by Mernissi (1991).
- Azari Qomi, Ayatollah Ahmad, *Simayeh Zan dar Nezameh Eslam* [Woman's face in the Islamic order], Darolelm publication, Qom, 1993.
- Bagheri, Shahla, 'Naqsheh ejtemayi zan dar farhang javameh', *Zaneh Ruz*, 7 January 1996.
- Bagherian, Mitra, *Revandeh Eshteqaleh Zanan dar Iran* [Iranian Women's Employment Trends Plan and Budget organisation], Department of Population and Human Resources, Tehran, 1994.
- Behdad, Sohrab, 'Iran dar bezangah bohran eqtesadi', [Iran at the point of economic crisis], *Cesmandaz*, no. 15, autumn 1995.
- Beheshti, Ahmad, 'Khanevadeh az didgaheh Eslam', [Family from the Islamic perspective], *Zaneh Ruz*, 9 January 1980; 17 April 1983, no. 861.
- Bojnurdi, Musavi, Ayatollah, 'Ba taayineh seneh barayeh boluq dokhtaran mokhlefam' [I am against a pre-defined age for puberty of girls], *Farzaneh*, Winter 1993-Spring 1994.

- Chant, Sylvia, *Women-headed Households: Diversity and Dynamics in the Developing World*, Basingstoke: Macmillan, 1997.
- Chhachhi, A. 'Forced Identities: the State, Communalism Fundamentalism and Women in India', in Kandiyoti, D. (ed.), *Women, Islam and the State*, Basingstoke: Macmillan, 1991.
- Doubleday, V., *Three Women of Herat*, London: Cofe, 1988.
- Efati, Mohamad, 'Shivehayeh jalb moshrekateh zanan rustayi dar barnamehayeh toseh' [Ways of including rural women in development programmes], *Zaneh Ruz*, 28 May 1994.
- Ehteshami, A., *After Khomeini, The Iranian Second Republic*, London: Routledge, 1995.
- Emrayi, Zahra, 'Charkh tolid, kargaran zan, Jaryan Zendegi' [The wheel of production, women workers, the process of life], *Zaneh Ruz*, 28 January 1995.
- Eqbal, Alameh, 'Az Didegaheh Zende Yadeh' [Dr. Ali Shariati, in living memory of Dr. Shariati], *Kayhan*, 24 July 1991.
- Farzinia, Ziba, 'Naqsheh amuseh zanan dar roseeyeh farhangi Iran' [The role of women's education in the cultural development of Iran], *Siasateh Khareji [Foreign Policy]*, vol. IX, Summer 1995.
- Fawzi El-Solh, Camillia and Mabro, Judy (eds), *Muslim Women's Choices: Religious Belief and Social Reality*, Oxford: Berg Publishers, 1994.
- Gleave, Robert 'Marrying Fatimid Women: the relationship between legal theory and positive law in Shi'i *fiqh*', paper presented at the 10th AFEMAM conference, Aix-en-Provence, July 1996.
- Govahi, Zahra, 'Ejتهadeh Zanan' [Women's religious interpretations], *Zaneh Ruz*, 23 December 1995.
- Haeri, Shahla, *Law of Desire Temporary Marriage in Iran*, London: I.B. Tauris, 1989.
- Higgins, Patricia J. and Shoar-Ghaffari, Pirouz, 'Women's Education in the Islamic Republic of Iran', in Afkhami, Mahnaz and Friedl, Erika, *In the Eye of the Storm, Women in Post-Revolutionary Iran*, London and New York: I.B. Tauris, 1994.
- Hoffman, Valerie J., 'An Islamic Activist: Zeinab al-Ghazali', in Warnock Fernea, Elizabeth (ed.), *Women and the Family in the Middle East*, Austin: University of Texas Press, 1985.
- Husayn, Qadariyya, *Shahirat al-nisa' fi'l-alam al-Islamiyya* [Famous women in the Muslim world], translated from Turkish by al-Khanji, A.A., Cairo: Matba'at al-Sa'adeh, 1924.
- Ibn-Khaldun, *Al-Muqaddima*, Beirut: Dar-al-Kitab al-Arabi, n.d.
- Iran dar Ayineyeh Amar* [Iran reflected in statistics], Statistical Centre of Iran, 1988.
- Javadi Amoli, Abdollah, *Zan dar ayineh jalal va jamal* [Women seen in the mirror of light and beauty], n.d.
- Javaherkalam, Mohamad Hassan Najafi, *Matn Sharye' al Eslam* Beirut: Dar-alehya altaras alarabi publication, 1266 lunar Islamic year.
- Jonati, Ayatollah Mohamad Ebrahim, 'Seneh 9 sal mozuyiat nadarad' [The age of 9 is not relevant], *Farzaneh*, Winter 1993–Spring 1994.
- Kandiyoti, D., 'Bargaining with Patriarchy', *Gender and Society*, vol. 2, no. 3, September 1988.

- Kaar, Mehrangiz, 'Why Women are Barred from Opening Saving Accounts for their Children', *Zanan*, no. 22, February–March 1995.
- Kaar, Mehrangiz, '*Hoquqeh Siassi Zan dar Iran, as Bahman 57 ta emruz*', [Iranian women's political activities February 1979 till today], *Zanan*, no. 20, Sept–Oct 1994(a).
- Kaar, Mehrangiz, '*Moshavereyeh Qazayi zanan, forsati digar am nah beh bahayeh nistyi*' [Women as judicial advisor, an opportunity, but not at the cost of cessation], *Zanan* III, no. 17, March–April 1994(b).
- Kaar, Mehrangiz, '*Madaran Cheh Mikahand?*' [What do mothers want?], *Zanan* IV, no. 26, October–November 1995.
- Karshenas, Masoud, 'The State and the Private Sector in the Post-revolutionary Iranian Economy', paper presented at the seminar on State and Civil Society in Post-revolutionary Iran, Oxford, June 1996.
- Karshenas, Massoud and Pesaran M. Hashem, 'Economic Reform and the Reconstruction of the Iranian Economy', *Middle East Journal*, vol. 49, no. 1, Winter 1995, pp. 89–111.
- Keddie, R. and Baron, B. (eds), *Women in Middle Eastern History; Shifting Boundaries in Sex and Gender*, New Haven and London: Yale University Press, 1991.
- Kermanshahi, Zeinabsadat, '*Jayegah zan dar feqeh keifari eslam*' [Women's position in Islamic criminal law], *Zanan* November–December 1994.
- Khomeini, R., *Islamic Government*, New York: Manor, 1979.
- Khomeini, R., *Hokumateh Eslami*, Bosorg Bookshop, 1981.
- Khomeini, R., *Simayeh zan dar kalameh emam Khomeini* [Women in Khomeini's opinions], Tehran: Amir Kabir Publication, 1361, 1982.
- Lazreg, Marnia, *The Eloquence of Silence Algerian Women in Question*, New York and London: Routledge, 1994.
- Lemu, B. A. and Hareen, F., *Women in Islam*, Leicester: Islamic Council of Europe Publication, 1978.
- Madudi, S.A., *First Principles of Islamic State*, Lahore, Pakistan, 1978.
- Madudi, S.A., *Political Theory of Islam*, Lahore, Pakistan, 1976.
- Mahmoudi, B., *Not Without my Daughter*, London: Bantam, 1988.
- Mahmoudian, Hoda, 'Tahira: an Early Feminist', in Fathi, A. (ed.), *Women and the Family in Iran*, Leiden: E.J. Brill, 1985.
- Majlessi Alameh Mohamad Baqer, *Baharehnavar*, Beirut: 1403 lunar year third issue, vol. 73, Daralhayat assarat al Arabi.
- Malekpour, Morteza '*Hoquqeh zojeh dar talaq*' [The wife's rights in divorce], *Zaneh Ruz*, 20 January 1996.
- Maynard, M., 'Race, Gender and the Concept of "Difference" in Feminist Thought', In Afshar, H. and Maynard, M. (eds), *The Dynamics of Race and Gender: Feminist Interventions*, London: Taylor and Francis, 1994.
- Mernissi, Fatima, *Women and Islam; an Historical and Theological Enquiry*, Oxford: Blackwell, 1991.
- Mernissi, Fatima, *The Forgotten Queens of Islam*, Minneapolis: University of Minneapolis Press, 1993.
- Mernissi, Fatima, 'Arab Women's Rights and the Muslim State in the Twenty-first Century: Reflection on Islam as Religion and State', in Afkhami, M. (ed.), *Faith and Freedom Women's Human Rights in the Muslim World*, London: I.B. Tauris, 1995.

- Milani, Farzaneh, *Veils and Words, the Emerging Voices of Iranian Women Writers*, London: I.B. Tauris, 1992.
- Minces, J., *The House of Obedience: Women in Arab Society*, London: Zed, 1982.
- Mir-Hosseini, Ziba, 'Women, Marriage and the Law in Post-revolutionary Iran', in Afshar H. (ed.), *Women in the Middle East*, London: Macmillan, 1993a.
- Mir-Hosseini, Ziba, *Marriage on Trial, A Study of Islamic Family Law*, London: I. B. Tauris, 1993b.
- Mir-Hosseini, Ziba, 'Stretching the Limits: a Feminist Reading of the Sharia in post-Khomeini Iran, in Yamani, Mai (ed.), *Feminism and Islam, Legal and Literary Perspectives*, Reading: Ithaca Press, 1996.
- Mirza, K., 'The Silent Cry: Second Generation Bradford Women Speak', *Muslims in Europe*, 43, Centre for the Study of Islam and Christian-Muslim Relations, 1989.
- Moghissi, Haideh, '*Feminsimeh populismy va "feminsimeh Eslami"*' *Kenskash*, forthcoming.
- Moghissi, Haideh, 'Factionalism and Muslim Feminine Elite in Iran', in Rahnema, Saeed and Behdad, Sohrab (eds), *Iran after the Revolution*, London: I.B. Tauris, 1996.
- Moghissi, Haideh, *Populism and Feminism in Iran*, Basingstoke: Macmillan, Women's Studies at York, 1994.
- Mohamadi, Mohamad Baqer, *Esteedadhayeh Zan* [Woman's talents], Tehran: Islamic Propaganda Organisation's Research Centre, 1994.
- Mojahedin, Khalq, *Zan dar assyreh Rahayi* Tehran: Mojahedin's Publication, 1980.
- Ali, Mokhtari, '*Zan va khanedari*' [Woman and housework], *Zaneh Ruz*, 10 February 1996.
- Molyneux, M., 'Mobilization without Emancipation? Women's Interests, the State, and Revolution in Nicaragua', in *Feminist Studies*, vol. 11, no. 2, summer 1985.
- Momen, M., *An Introduction to Shi' Islam*, New Haven: Yale University Press, 1985.
- Mottahari, M., *Nezameh Hoquqeh Zan dar Eslam*, Qum: Islamic Publication, 1980.
- Mottahari, M., *Marx va Marxism* [Marx and Marxism], 3 volumes, n.p. n.d.
- Musavi, Kazem, '*Simayeh Zan dar Nezameh Eslami?*' [Woman's Face in the Islamic Order], *Zanan* III, no. 17, March-April 1994.
- Nasir, Jamal J., *The Status of Women Under Islamic Law* London: Graham & Trotman, 1990.
- Omid, H., *Islam and the Post Revolutionary State in Iran*, Basingstoke: Macmillan, 1994.
- Paidar, Parvin, *Women and the Political Process in Twentieth-century Iran*, Cambridge: Cambridge University Press, 1995.
- Paknejad, Seyed Reza, *Ezdevaj and ravesheh Zandari dar eslam*, [Marriage and the method of wife keeping in Islam], Tehran: Nashreh Eqtesadeh Eslami, 1360, 1981.
- Pesaran, M. H., 'Economic Development and Revolutionary Upheavals in Iran', in *Iran a Revolution in Turmoil*, pp. 15-50.
- Pesaran, M.H., 'Planning and Macroeconomic Stabilization in Iran', paper presented at the conference on Iran, London, January 1995.

- Pickhall, Marmaduke, *The Meaning of the Glorious Koran*, New York: Dorset Press, n.d. quoted by Mernissi (1991).
- Qaeni, Mohsen, 'Kotak zadan yeke az asar ryasat mard', [Beating is a symptom of the governance of man], *Zanan* III, no. 18, June–July 1994.
- Qahraman, S., 'Siyasateh hokumateh Eslami pīramuneh dastressi zanan beh amouzeshah ali va assarateh an bar moqeyiyateh ejtemayi va eqtesadi zanan' [The Islamic Republic's policies on women's access to higher education and its impact on the socio-economic position of women], *Nimeyeh Digar*, no. 7, summer 1367, 1989.
- Rahnavard, Z., *Toloueh Zaneh Mosalman*, Tehran: Mahboubeh Publication, n.d.
- Rahnavard, Zahra, *Zan, 'Eslām va feminism'* [Women, Islam and feminism], *Majaleh Saisateh Khareji* [The Journal of Foreign Policy], vol. IX, no. 2, summer 1995.
- Rejali, D. M., *Torture and Modernity: Self, Society and State in Modern Iran*, Boulder: Westview Press, 1993.
- Rezayi, M., *Horiat va Hoquqeh Zan dar Eslām*, Milad Publication, 3rd reprint, Shahrivar 1358, 1979.
- Sabbah, Fatma A., *Women in the Muslim Unconscious*, New York and Oxford: Pergamon Press, 1984.
- Sadeqi Ardastani, Ahmad, *Pushehseh zan Musلمان* [The dress code of the Muslim women], Tehran: Islamic Propaganda Organisation's Research Centre, 1994.
- Saeedzadeh, Seyed Mohsein, 'Boluqeh dokhtaran, tabiyi ya feqhi?', [Girls' puberty, defined by nature or religious laws?], *Zanan* IV, no. 25, August–September 1995.
- Saeedzadeh, Seyed Mohsein, 'Feqh, zan Arzeshha' [Religious laws, women and values], *Zanan*, no. 20, September–October 1994c.
- Salame, G., *Democracy without Democrats; The Renewal of Politics in the Muslim World*, London: I.B. Tauris, 1994.
- Sasson, J. P., *Princess, A Shocking, True Story of Life behind the Veil*, London: Doubleday, 1992.
- Schirmer, J., 'The Seeking of Truth and the Gendering of Consciousness; the Comrades of El Salvador and the CONAVIGUA Widows of Guatemala', in Radcliffe, S. A. and Westwood, S. 'Viva', *Women and Popular Protest in Latin America*, London and New York: Routledge, International series on women and place, 1993.
- Shaaban, Bouthaina, 'The Muted Voices of Women Interpreters', in Afkhami, M. (ed.), *Faith and Freedom Women's Human Rights in the Muslim World*, London & New York, I.B. Tauris, 1995.
- Shaditalab, Jaleh, 'Zan dar toseeh' [Woman and development], in *Zanan*, December–January 1994–5, vol. 2, no. 15, pp. 8–12.
- Shariati, Ali, *Fatima is Fatima* (translated by Leila Bakhtiar), Tehran: Hamdami Foundation, 1980.
- Shariati, Ali, *Tashiiyeh Alavi va Tashiiyeh Safavi* (Alavi and Safavid Forms of Shiism), Hosseiniyeh Ershad publication, n.d.
- Shariati, Ali, *Zanah Mosalman* Tehran: Shirazi Foundation, n.d.
- Sir, Afifi, Abdol, *al-Mara'a al-arabiyya fi jahiliyatihā was Islamiha* [Arab women in her Jahiliya and Islam], Cairo: Matba'at al -Ma'arif, 1933, quoted by Shaaban (1995).

- Soqra, Fatemeh, *Olguyeh Ejtemayieh Zaneh Moslaman Dar Jameyeh Eslami*, [The model of Islamic woman in an Islamic society], Tehran: *Markazeh chap va naqsheh sazemaneh tabliqateh Eslami* [Centre for print and publication of Islamic propaganda], 1370, 1991,
- Tabari, A. and Yeganeh, N. (compilers) *In the Shadow of Islam*, London: Zed Press, 1982.
- Tohidi, Nayereh, 'Gozaresh as didaareh zanaeh jahan dar Pekin', a report on the meeting of the women of the world at Peking, *Zanan* IV, no. 25, August–September 1995.
- Tohidi, Nayereh, 'Modernity, Islamisation, and Women in Iran', in Moghadam, V. (ed.), *Gender and National Identity* London: Zed Books, 1994.
- Westwood, S. and Radcliffe, S. A., 'Gender Racism and the Politics of Identities', in Radcliffe, S. A. and Westwood, S., 'Viva', *Women and Popular Protest in Latin America*, London and New York: Routledge International series on women and place, 1993.
- Yamani, Mai, (ed.), *Feminism & Islam, Legal and Literary Perspectives*, Reading: Garnet Publishing, 1996.
- Zahedi, Shamsolsadat, 'Women's Position in the Universities in Iran', *Zanan* III, no. 21, November–December 1994.
- Zia Katouzian, Leila, 'Education in Iran' Royal Institution Conference Proceedings, London, 1989.
- Zin al-Din, Nazria, *al-Fatat wa'l-shiukh*, Beirut, 1929, quoted by Shaaban, Bouthaina, 'The Muted Voices of Women Interpreters', in Afhkami, Mahnaz (ed.), *Faith and Freedom; Women's Human Rights in The Muslim World*, London and New York: I.B. Tauris, 1995.
- Zin al-Din, Nazira, *al-Sufur wa'l-hijab*, Beirut: Quzma Publication, 1928, quoted by Shaaban Bouthaina, in 'The Muted Voices of Women Interpreters', in Afhkami, Mahnaz (ed.), *Faith and Freedom; Women's Human Rights in The Muslim World*, London and New York: I.B. Tauris, 1995.

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