

**Identity and Access in Iran:
Women's Rights Before and After the
Islamic Revolution**

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“*Zaneh Rouz* published the case history of a man who had a long record of domestic violence and clearly lacked the competence to take care of his children. Nevertheless, the courts rejected the mother’s plea and gave him custody; he proceeded to kill all three children. When Ayatollah Moussavi Bojnourdi, a well-known member of the judiciary, was asked to comment on the case, he replied that ‘According to religious and legal requirement the father is entitled to have custody of his children after the stipulated age. The courts can only implement the law.’”¹

“A professional woman in Esfahan, married to a rich man and controlling her own income, used her own money to get her son out of the country during the Iran-Iraq war- an enormously expensive undertaking- against the will of her husband and her in-laws. Short of making a public scandal, which would have hurt him and his wife personally and professionally, the husband had no way to intervene. Control over her money not only gave the woman financial power but also the power to assert her will.”²

Despite the strict limitations placed on women by the Shi’ite regime after the Islamic Revolution in 1979, there have been many developments and positive changes in the women’s realm of civil society in Iran. Consequently, a broad range of social realities exist for women who live under the theocratic government of the Islamic Republic, as evidenced by the stories above. Reports of the position of women in Iran often show them as oppressed, second-class citizens that are subordinate to men, yet in the context of their own society women are widely perceived as powerful. This seemingly paradoxical situation begets a close analysis of how legal policies towards women in Iran changed after the Islamic Revolution in 1979. For better or worse, the attitude of the state towards women’s rights unavoidably determines the condition of women.

¹ Haleh Afshar, “Women, State and Ideology in Iran,” in “Either a Veil or a Beat on the Head,” reprinted from *Third World Quarterly*, Vol. 17, No. 2 (1985), 6.

² Erika Friedl, “Sources of Female Power in Iran,” from *In the Eye of the Storm: Women in Post-Revolutionary Iran*, ed. Mahnaz Afkhami and Erika Friedl (Syracuse: Syracuse UP, 1994), 160.

Understanding the situation of women under the Islamic state is often approached by both Iranian and non-Iranian scholars in one of two distinct ways. The first theory is that the process of Islamization in Iran has marginalized women politically and socially, the second is that the legal policies in Iran actually liberated women and have functioned as a vehicle allowing them to develop a “feminist consciousness.” Each theory has a valid argument and therefore both are adequate tools for evaluating the situation. Even though the Islamic Republic of Iran implemented policies that religiously and politically sanctioned gender discrimination after the 1979 Revolution, Iranian Muslim women have been able to harness these policies to a certain extent and use them to advocate for women’s rights as citizens.

1. *The Notion of Women’s Rights*

Over time Islam has undergone a continuous process of change because of the constant reinterpretation of its sacred texts. Since the death of the Prophet Muhammad, men essentially took over the responsibility of interpreting Islamic law (*shari’a*) and systematically excluded women from the process.³ Consequently, the attitude overwhelmingly accepted by most Muslim men is women should be subordinate to men in divine accordance with the requirements of nature.⁴ In response, Muslim women, who sometimes identify themselves as feminists, have challenged this sexist traditionalist view. They have called for an alternate approach to the texts and reformulation of Islamic law that includes their interpretations. Haleh Afshar, a Muslim woman from Iran, clearly articulates the demands of many Muslim women in her statement, “...they (women)

³ Haleh Afshar, *Islam and Feminisms: An Iranian Case Study* (New York: Palgrave Macmillan, 1999), 19.

⁴ Mahnaz Afkhami, “Women in Post-Revolutionary Iran: a feminist perspective,” from Afkhami and Friedl, ed., 6.

should too 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.”⁵ Afshar’s standpoint reflects many of the questions raised by Muslim women about the source and legitimacy of their rights under Islamic law.

The debates about Muslim women’s rights in the country of Iran are unique because the discourse takes place within Islam but also “within the parameters of a state in which one version of the Islamist vision has been realized.”⁶ In addition to other sources, it is important to take into consideration some of the written works of Iranian women themselves so that the major issues which affect their lives can be understood from their perspective. Their problems are not the same as women’s issues in the West, but they should not be dismissed as hopeless or backwards despite the fact that they willingly operate within a religion that has a strong patriarchal background. A major identity crisis has emerged from this complicated situation, which Ziba Mir-Hosseini aptly describes in her book *Gender and Islam*: “In Iran, as elsewhere in the Muslim world, women who acquired a feminist consciousness in either a Western or indigenous form have always faced a tension between the different components of their identity: their Muslimness is perceived as backwards and oppressed, yet authentic and innate; their feminism as progressive and emancipated, yet corrupt and alien.”⁷

⁵ Afshar (1999), 28

⁶ Ziba Mir-Hosseini, *Islam and Gender: The Religious Debate in Contemporary Iran* (New York: Princeton UP, 1999), 273.

⁷ Ibid, 9

Compared to Western notions of freedom and equality, women in Iran still have a long way to go. However, Western standards are not universally ideal or supreme, and since the concepts of freedom and equality are context-specific, their manifestations vary throughout the world according to time and place. In fact, many Muslim authors argue that Western feminists actually operate from within the kind of patriarchal society they are quick to denounce others for. Muslim authors also point out that the notion of equality in the West is inefficient because it is articulated in male terms, and in order to achieve equality women have no choice other than to act like men. Authors such as Zahra Rahnavard, an Iranian Muslim feminist, have written about the inability of Western women to achieve the same access to the public domain as men.⁸ Interestingly enough, this is strikingly similar to the ethnocentric argument many Western women make about Muslim women.

Many preconceived notions about Muslim women stem from overarching stereotypes of Islam as a religion that explicitly condones violence, extremism, and an oppressive systematic patriarchy. Particular attention has been given to Muslim women living in Iran ever since the oil crisis in the early 1970s and the Islamic Revolution in 1979, which both brought the country into the international spotlight.⁹ From an outsiders' perspective, Western feminists were appalled at the role of women in Iranian society. They labeled them as traditional and backwards, the opposite of their self-identified "modernity." Also, there have been very shaky relations between Iran and Western countries over time. The relationship between the United States and Iran has been

⁸ Afshar (1999), 8

⁹ Eliz Sanasarian, *Women's Rights Movements in Iran: Mutiny, Appeasement, and Repression from 1900 to Khomeini* (New York: Praeger, 1982), 79

strained since a group of Iranian students seized the U.S. Embassy in Tehran in November in 1979 and held it hostage until January of 1981.¹⁰

Events like these have motivated Western media to overlook objective interests and portray a very negative image of Iran. It is not difficult for the media to criticize the Iranian theocracy for its overtly oppressive legal policies pertaining to women, but it fails to take into account the complex history of women's agency within the framework of the Islamic Republic. The incapability to reach across foreign boundaries to appreciate the cultural "other" within the context of their own society and religion initially prevented Western scholars from reaching any sort of understanding about the actual status of women in Iran. In recent years stereotypes of Iranian Muslim women have been overcome to a certain extent; women from the East and West have established avenues of dialogue between one another, and technological advances have rapidly facilitated the spread of knowledge. As a result, the general population has access to more information than ever.

The best way for women around the world to collectively progress is to bridge the dichotomies of secular/religious and East/West and to keep in mind the global feminist movement which calls for women's rights that transcend all geographic and historical contexts. This optimistic viewpoint is captured in Fereshteh Ahmadi's journal article "Islamic Feminism in Iran: Feminism in a New Islamic Context," in which she illustrates how Islamic feminists in Iran are benefitting from rethinking gender roles within the teachings of Islam based on the sacred texts. One Iranian feminist, Haleh Afshar, examines one of the many approaches to this endeavor in her book *Islam and Feminisms*

¹⁰ CIA: The World Factbook, "Iran."
<https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>

when she explains that “Islamist women contest male monopoly over *ijtihad*, 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 *ijtihad*, they should do so.”¹¹ Ahmadi makes the claim that women like the ones Afshar describes have generated a new way of debating women’s issues amongst Muslims as well as non-Muslims, and in the process they have also established new connections between Muslim women and Western feminism.¹²

Like all human beings, the women in Iran deserve the right to have their voices taken seriously so that they may strive towards a better life for themselves within the framework of the Islamic state. Mahnaz Afkhami puts it best when she states in her article *Women in Post-Revolutionary Iran: a Feminist Perspective*, “By showing at once the similarity in the historical treatment of women in all societies and the need for women to deny the legitimacy of the patriarchal order in all cultures, Iranian women can challenge the claim that there is something unique in Islam that separates it from other human experiences. The goal is to contest the right and legitimacy of Iran’s patriarchal clerical order to be the sole interpreters of the values, norms, and aesthetic standards of Shi’i Islam- a religion that lies at the core of Iranian culture.” This excerpt is significant because it reflects the need for Iranian women to be understood within the context of their own society. As the quote indicates, they are not trying to eliminate Islam from Iranian culture; rather, they seek to reevaluate the methods by which it is implemented.

¹¹ Afshar (1999), 27

¹² Fereshteh Ahmadi, “Islamic Feminism in Iran: Feminism in a New Islamic Context,” *Journal of Feminist Studies in Religion* 22.2 (2006): 33-53.

2. The Origins of the Women's Movement in Iran

Iran's dynamic political situation throughout the twentieth century highlights how the status of women and attitudes towards women in Iranian society has drastically changed over time. In the first few years of the 1900s under the rule of the Qajar Dynasty, women acquired a larger role within society than they had previously held, but it was relatively minor.¹³ Fortunate elite women were granted unprecedented non-domestic opportunities if they had strong tribal influence and occasionally young girls were allowed a certain amount of education, but only within the home.¹⁴ Despite these small advances, the religious leaders strongly believed that the education of women went against the teachings of Islam, and in 1925 only 3 percent of all women in Iran (at that time, Persia) were literate.¹⁵ Their social and legal situations were dire as well; men and women were strictly segregated, women could not vote or acquire any position in the political arena, child and forced marriages were permissible, husbands could give up their wives whenever they felt like it, and they were allowed to take up to four permanent wives at a time. Furthermore, women were raised to internalize their position in society, so the many of them non-resentfully accepted it as their fate.¹⁶

By the turn of the twentieth century, the first women's movement in Iran quietly began to develop. In the late 1800s and early 1900s the West was heavily involved in the country's internal affairs, and had strongly influenced government programs set forth by the Qajar monarchy. At one point, Britain and Russia were given monopolies over the

¹³ Guity Nashat, ed., *Women and Revolution in Iran* (Boulder: Westview Press, 1983), 14; Sanasarian, 15

¹⁴ Nashat, 16-17

¹⁵ Sanasarian, 13

¹⁶ Ibid, 14

construction of highways and railroads as well as fishing and shipping rights in Iran.¹⁷ The increased interaction with the West also produced “the beginnings of a change in women’s perception of themselves, their awareness of the world outside the harem, and frustration with their lifestyles...”¹⁸ Religious leaders were appalled by these changes; they held extremely negative views of Western countries and saw the policies implemented by the monarchy as passive concessions to the encroaching foreign powers. The *ulama* used their status and influence in the mosques to mobilize the illiterate masses and create a nationalist movement, which was not limited to men’s participation.

The encouragement from the religious leaders combined with the growing sentiment of gender consciousness inspired women to actively take part in the Constitutional Revolution of 1905-6. They formed secret societies and planned out violent and nonviolent actions to express their support for the constitution and opposition to the foreign powers. Eventually the revolution succeeded in introducing a constitution, though it was quickly abolished by the next leader, Mohammad Ali Shah, in 1907. Many of the women who had participated in the nationalist movement returned to their lives as they were before, but some were profoundly affected by their experience in the public sphere.¹⁹ Along with their exposure to democratic and egalitarian ideals from the West, women’s constitutional and nationalist efforts had “awakened in the minority of educated Iranian women a desire to be recognized on an equal footing with men.”²⁰ This provided the foundation for the rise of women’s participation in the discourse pertaining to their rights within Iranian society.

¹⁷ Sanasarian, 13-21

¹⁸ Nashat, 21-22

¹⁹ Sanasarian, 17-25

²⁰ Ibid, 23

Over the next couple decades a series of political shifts occurred. In 1921 the military leader Reza Khan seized power, and in 1925 Parliament voted to declare him ruler. In April of 1926 Reza Khan crowned Reza Shah Pahlavi, and proclaimed his oldest son, Mohammad Reza, Crown Prince. In 1935 the country officially changed its name to Iran; up until that point it was known as Persia. The year 1941 was a major turning point for Iran; a coalition of countries orchestrated the deposition of the Shah and replaced him with his son, Mohammad Reza Pahlavi.

3. Women's Rights before the Islamic Revolution

During the regime of Shah Mohammad Reza Pahlavi the government was determined to modernize the country. It needed skilled and literate workers to expand industry and undertake a multitude of policy programs to achieve its goal. Educated middle and upper class urban women used this opportunity to break away from their strictly domestic roles and promote their own cause.²¹ Over the years they were successful; the Shah granted them more access to education in 1910, he abolished the veil in 1936, allowed them the right to vote in 1962, reduced the ability of a man to unilaterally divorce his wife and gave women the right to apply for custody of their children in 1973, made abortion on demand permissible in 1974, gave women the right to maintenance after divorce, and banned polygamy in 1976.²² In terms of the public sphere, by 1975 twenty-four members elected to provincial councils were women.²³

²¹ Afshar (1985), 6; Afshar (1999), 13

²² Afshar (1985), 6

²³ Afkhami and Friedl, ed., 192

One of the most important reforms the Shah created pertaining to women's legal rights within the family was the Family Protection Law.²⁴ Within the revised version set forth in 1975, women were given the same rights to file for divorce that men had, mothers were recognized as the legal guardian of her children in the event of the father's death, legal marriages were limited to only two wives per man, the minimum age of legal marriage was raised to eighteen for women and twenty-one for men, a special family court was allocated to deal with alimony and custody issues, abortion with the permission of the husband was made legal, and unmarried women became allowed to have abortions up through the eighth week of their pregnancy.²⁵ Devout and lower class women viewed these reforms as morally degrading so they opted to remain in their domestic roles. Contrastingly, most of the educated middle class women maintained the same modernist position as the Shah, and through his reforms they were able to gain considerable influence in the public sphere beginning in the 1960s.

Between the years of 1967 and 1976, the Women's Organization of Iran (WIO) flourished with 350 branches and 113 centers. Information sessions were offered at the centers that provided literacy classes, vocational training, abortion and birth control information, youth programs, discussion groups, job and legal counseling, and even childcare. WOI successfully lobbied for laws and regulations that benefitted women in the workforce. The measures instated that the WIO was credited for included paid maternity leave for up to seven months, childcare at the working site of the mother, and the choice of half-time work with full-time benefits for a maximum of three years after a

²⁴ Ibid

²⁵ Ibid

women has a child.²⁶ Not only were women responsible for progressive actions that benefitted them as women, but they also held positions that advanced their identity as citizens.

The role of women in the public sphere was admittedly very limited, but it was part of a rising trend that seemed to be headed towards a positive direction. In 1975, of the members elected to provincial councils in Iran 11.9 percent were women (totaling twenty-four). In the same year there were women undersecretaries within the departments of labor, mines and industries, and education. There was also one ambassador, one governor, two senators, six representatives to the *Majile*, and one cabinet member- the Minister of State for Women's Affairs- who were all women. In the field of education women were also making successful strides; over 42 percent of students in the first six grades of school were girls, and in 1978 more women passed the entrance exam for medical schools than men.²⁷ Although these statistics seem to reflect a population of actively engaged and informed women, most of them actually had no idea about the reforms enacted by the Shah that dealt with women's rights.

4. The Role of Women during the Revolution

Despite the breakthrough reforms set forth by the Shah, women from all different social classes played a major role in the overthrow of the Pahlavi regime. Moving beyond their identity as women, they participated in the Revolution as members of different political and social forces. Low class illiterate women mainly supported the revolt because they trusted the religious leaders who advocated his cause with "unquestionable

²⁶ Afkhami and Friedl, ed., 192

²⁷ Ibid

loyalty” just as they had done years earlier in the Constitutional Revolution.²⁸ By the end of the Shah’s rule, the great majority of women lived in either urban slums or extreme poverty in rural villages. They had very limited access to the public resources that were available to the middle and upper class women. What little information they did receive was deemed by the clergy to be an imitation of the immoral practices of the West, and the faithful low-class illiterate women blindly adopted the same position.

Without the knowledge or ability to enforce their legal rights, poor women suffered from unchecked child marriages, excessive childbearing with a high infant mortality rate, physical abuse without legal repercussions, and much more. Eliz Sanasarian recounts a local custom in one village: “A traditional practice in the villages was the use of a handkerchief on the wedding night to establish a bride’s virginity. The handkerchief was then shown to the guests.”²⁹ In light of such a degrading and inhumane environment, lower-class women, who were generally very religiously devout, wholeheartedly supported the clerical leadership of the revolution even if they were unaware of Ayatollah Khomeini’s actual stance on women’s rights.

In contrast, the other women who supported the revolutionary cause were literate, educated, and wealthy women who lived in the urban areas that superficially appeared to be modernized. In reality, the tensions which existed between the strict moral codes and the Westernization attempts completely alienated women.³⁰ Throughout his campaign for power, Khomeini barely addressed women’s issues, and when he did his comments were always vague or appealing to women. In an interview conducted by Le Monde in May 1978, Khomeini was asked how he felt about the status of women, and he responded:

²⁸ Sanasarian, 107-116

²⁹ Ibid

³⁰ Ibid

“As for women, Islam has never been against their freedom. It is, to the contrary, opposed to the idea of woman-as-object and gives her back her dignity. A woman is a man’s equal; she and he are both free to choose their lives and their occupations. But the Shah’s regime is trying to prevent women from becoming free by plunging them into immorality. It is against this that Islam rears up. This regime has destroyed the freedom of women as well as men.”³¹

This kind of rhetoric disguised Khomeini’s true anti-women’s rights stance and rewarded him with the support of the educated middle and upper class women. These women expected the new revolutionary government, once in power, “to guarantee their legal independence and give them the dignity and honor that Islam bestows on all women.”³² Women often denied and were skeptical of claims that Khomeini and the other religious leaders did not support the movement for women’s rights. They blamed their inferior condition on outside sources and were blinded by their hatred of the Shah’s dictatorial rule.³³

Not only was Khomeini’s ideology appealing, but the majority of educated women despised the Shah for many reasons similar to the women’s opposition during the Constitutional Revolution. The Iranian Muslim author Azar Tabari describes him as “...a Shah that for me and millions of other Iranians symbolized barbarianism, oppression and exploitation.”³⁴ The Shah’s attempts to develop policies that would modernize the country were brought about in a “demoralizing and incoherent manner”: he was unable to comprehend the needs of the Iranian people, the unresolved tension between Westernization and traditional values resulted in inadequate development policy, and he

³¹ Sanasarian, 117

³² Afshar (1985), 6

³³ Sanasarian, 117-121

³⁴ Azar Tabari, “Islam and the Struggle for Emancipation of Iranian Women,” from *In the Shadow of Islam: The Women’s Movement in Iran*, ed. Azar Tabari and Nahid Yeganeh (London: Zed P, Distributor, Lawrence Hill, 1982), 5.

willingly refused to incorporate the rising intellectual middle class into the political arena.³⁵ These shortcomings along with the weak reinforcement of laws that were of monumental importance to women lead to his downfall in the eyes of Iranian women. Millions participated in organized street demonstrations to protest the Shah's rule and support Khomeini's takeover; this signified the entry of women into politics on an unprecedented level.³⁶

5. The Transition from Religious Revivalism into a Theocratic State

In 1979 a coalition of religious and secular Iranian citizens came together under Ayatollah Khomeini's leadership. He was living in exile in France at the time, and upon his return the regime of Shah Mohammed Reza Pahlavi was overthrown.³⁷ The Shah and his wife, Empress Farah, left the capital and fled to Egypt; he claimed to have left for vacation, but in reality the prime minister had urged his departure because the rising opposition was becoming increasingly violent.³⁸ On February 11th 1979, ten days after his return from France, Khomeini returned to Tehran and assumed leadership as the Supreme Authority. In December 1979, the country approved a theocratic constitution.³⁹ This monumental event ushered in a new age of politics dominated by religion.

5.1 Losing Rights as Women

Once in power, the Islamic regime betrayed the optimistic hopes of its female supporters by reversing almost all of the Shah's reforms and replacing them with overtly

³⁵ Sanasarian, 114

³⁶ Tabari and Yeganeh, ed., 5

³⁷ CIA: The World Factbook, "Iran."

³⁸ Ibid

³⁹ Ibid

repressive measures. These changes gradually took place during the early years of the government's consolidation from 1979-1981 as the religious revivalist movement evolved into a theocratic state.⁴⁰ Ayatollah Khomeini, along with the other branches of the government, implemented a strict version of *shari'a* in attempt to socialize women into fundamentalist norms. Within the framework of Iranian clerical interpretation of Shi'i Islam, these norms emphasized women's primary duty as motherhood.⁴¹ As a result, a policy campaign was launched by the government to limit women to the domestic sphere. The following legal policies are ones that deeply affected the lives of Iranian women because of their gender; they are described based on the terms of the legislation enacted at the time of the regime's consolidation years, and since then some of the laws have been amended or exchanged for updated versions. Several branches of the revolutionary government participated in the implementation of *shari'a* with the expectations that a perfect Islamic state would be the result.

The Assembly of Experts was formed to create a constitution for the Islamic Republic, and there was only one woman elected out of seventy-three members, and her name was Monireh Gorji. In an assessment of Gorji's participation within the Assembly, Iranian author Haleh Esfandiari observed that "often, she seemed inclined to go along with the views of the rest of the assembly, irrespective of the manner in which these impinged on women's interests."⁴² Esfandiari also notes that Gorji was almost always silent when it came to issues pertaining to women. By contrast, within the Assembly

⁴⁰ Sanasarian, p. 136

⁴¹ Nahid Yeganeh, "Women's Struggles in the Islamic Republic of Iran," from Tabari and Yeganeh, ed., 5.

⁴² Haleh Esfandiari, "The Majles and Women's Issues in the Islamic Republic of Iran," from Afkhami and Friedl, ed., 65.

there was considerable debate amongst the men about the “women’s question,” and how women’s rights should be articulated within the constitution.⁴³

Despite the lack of unanimous agreement, the final product clearly granted supremacy to men, in both their personal and public lives. The preamble explicitly conveys the inequality between men and women; women are charged with the duty of guarding the family, the foundation of the Islamic Republic. The constitution states at another point that women have been “‘freed’ of the objectification imposed on them by the West, given the ‘critical duty’ of motherhood, and placed firmly in the home.”⁴⁴ It did not bar women from voting or participating in the government on certain levels, but it did prohibit women from the presidency and presiding over the courts. The subordinate position of women within Iranian society was reinforced by other branches of the government as well.

After the Constitution was ratified in 1980, elections for the new Parliament, *Majles*, were held. Out of 270 members, only four elected to participate were women. Unlike Monireh Gorji, who took a relatively indifferent stance towards women’s issues, the women deputies in the *Majles* consciously acted as representatives of the majority of Iranian women as well as defenders of women’s rights within the framework of the Islamic law.⁴⁵ Through hard work and determination, the women deputies introduced and successfully passed bills to extend maternity leave and provide half-time work for women.⁴⁶

⁴³ Ibid

⁴⁴ Afshar (1999), 16; For a translation of the Constitutional excerpts pertaining to women, see Tabari and Yeganeh, ed., 93

⁴⁵ Esfandiari, 79

⁴⁶ Ibid, 78

However, the *Majles* also ratified the Islamic penal code *Qisas*, laws of retribution that demand an eye for an eye and a life for a life.⁴⁷ Under *Qisas*, women were subject to radically worse punishment than men for violating the law. These punishments included flogging, stoning, banishment, and more. Furthermore, those who murdered or injured a woman did not have to suffer the same legal consequences as they would if the victim were a man.⁴⁸ One man's testimony in court was the equivalent to those provided by two women, because women "could not be relied on to be good witnesses."⁴⁹ Women were legally defined as unequal and inherently inferior to men in personal and criminal laws.⁵⁰

Not only were women subject to harsher punishment, but they were more likely to be charged with committing a religious or political crime against the Islamic regime. Evin Prison in Tehran exemplified how serious the situation had become for women. Between July of 1980 and February of 1981, the prison acquired around 300 new women inmates for various lengths of time who had been imprisoned on the basis of suspicious activity. Arrests were made by the Revolutionary Guards, and trials were rare. As the government consolidated its power and the laws of *Qisas* were increasingly reinforced, Khomeini's political and religious influence continued to expand.

As the first Supreme Leader of Iran, Ayatollah Khomeini was considered the highest authority figure in the government, accountable only to the Assembly of Experts. He had the ability to issue religious opinions as well as decrees that were implemented as laws.⁵¹ With this new political and religious power Khomeini enacted formal and

⁴⁷ Afshar (1985), 99

⁴⁸ Louise Halper, "Law and Women's Agency in Post-Revolutionary Iran," *Harvard Journal of Law & Gender* Vol. 28 (2005), 88.

⁴⁹ Afshar (1999), 105

⁵⁰ Halper, 88

⁵¹ Esfandiari, 63

informal legislation justified by what he perceived to be an Islamic “ideological structure based on protection of honor, morality, and equal rights for women.”⁵² Laws pertaining to family issues, marriage, divorce, women in the workplace, and politics all drastically changed to be in accordance with *shari’a*. The subsequent repression of women under the Islamic Republic in the first few years after the Revolution was pursued in three major ways: the removal of pro-women legislation along with the enactment of anti-woman legislation, removing women from the paid work force, and forcing them to wear the *hijab*.⁵³

In the absence of a legislative body during the consolidation period of the government directly after the Revolution, interpretation of the *shari’a* with respect to family issues was the exclusive duty of the clergy.⁵⁴ About two weeks after assuming the position of Supreme Leader, Khomeini requested that the minister of justice examine the Family Protection Laws and eliminate sections deemed to be incompatible with Islam.⁵⁵ As a result of the minister’s conclusions, all divorces that had taken place under it were henceforth considered invalid, women only had legal custody over their daughters until they turned seven and their sons until they turned two, abortion was banned, and men could legally have up to four wives with basically unlimited access to divorce.⁵⁶ In addition, Khomeini issued a statement that highly recommended women wear the *hijab* at all times outside of the home; soon after his statement, it became a social reality. Less

⁵² “On the Situation of Iranian Women: A Report from Iran,” in “Either a Veil or a Beat on the Head,” reprinted from *Women & Struggle in Iran* No. 3 (Summer 1984): 5.

⁵³ Sanasarian, 136

⁵⁴ Halper, 88 (footnotes)

⁵⁵ Sanasarian, 124

⁵⁶ Afshar (1985), 6

than a month after the Revolution, on March 8, 1979, the first massive post-revolutionary protest by Iranian women to reclaim their rights took place.⁵⁷

Women staged public demonstrations for five days to express their outrage over the change in legal policies under the Family Protection Laws. Between an estimated 5,000 and 8,000 women protested Khomeini's ruling; they demanded the preservation of the Family Protection Laws, a greater voice within the government, the right to choose what to wear, and equal wages for equal work.⁵⁸ As they feared, the impact of Khomeini's first legislative action and many of the ones that followed proved to be physically and psychologically detrimental to the everyday lives of Iranian women. The policies were blatantly sexist (justified by the theory of women's "natural" subordination) and they stripped women of the fundamental rights they had worked toward throughout the first three quarters of the twentieth century. This argument is repeatedly conveyed by many female Iranian authors who personally experienced or witnessed the gender-based discrimination sanctioned by Khomeini's version of an ideal Islamic state.

The modernization reforms established under the Pahlavis that offered women the opportunity to participate in socially acceptable work were now seen as a threat to the traditional view of man as the dominant member within the household.⁵⁹ Various excuses in the name of Islamic law were used to eliminate the presence of women in the workforce. Certain fields of work and study, such as construction, engineering, mining, and the judiciary, became closed to women. Firms and banks began politely rejecting

⁵⁷ Afkhami and Friedl, ed., 193

⁵⁸ Sanasarian, 125

⁵⁹ Haleh Afshar, "Khomeini's Teachings and their Implications for Iranian Women," in Tabari and Yeganeh, ed., 75

women applicants and female judges were dismissed.⁶⁰ Those who refused to wear the *hijab* in public were removed from their jobs, whether they worked for the government or within the private sector. In July of 1980, 43 nurses were fired from a hospital in the city of Masjedsoleiman on the basis that they “refused to wear the Islamic cover.”⁶¹

Between 1979 and 1982, thousands of women lost their jobs. In the academic realm, married women were not eligible for state scholarships to study abroad unless accompanied by their husbands.⁶² According to Mahnaz Afkhami, the cleric’s reasoning for the prevention of women’s solitary travel was such that “women wanted to go to Europe without their husband’s permission only to prostitute themselves.”⁶³ Under the false pretense of “protecting women’s honor” as demanded by Islam, the government was clearly undertaking whatever measures necessary to limit women to a strictly domestic identity in order to assert the dominance of men. In her book *Islam and Feminisms: An Iranian Case Study*, Haleh Afshar best sums up the challenges that women faced within the domestic sphere: “The patriarchal nature of the development of Islamic personal laws is been 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.”⁶⁴

Women encountered enormous difficulties in the areas of marriage and divorce. Afshar describes how the institution of marriage as prescribed by the Islamic government was intended to “secure public morality,” but instead it actually contributed to the

⁶⁰ Tabari, 15

⁶¹ Sanasarian, 137

⁶² Halper, 88

⁶³ Shahla Haeri, “Temporary Marriage: an Islamic Discourse on Female Sexuality in Iran,” from Afkhami and Friedl, ed., 110

⁶⁴ Afshar (1999), 168

objectification of Iranian women as sex objects. According to Afshar, this happened as a result of the two domestic identities women are supposed to alternate between at any given moment. In almost every aspect of their lives, Iranian women are completely covered, modest, and chaste, but once they are married they are suddenly expected to become “lusty lovers and ensure that their men find nothing more pleasurable ‘in this world and the next’ than their sexual services.” According to the Iranian clergy, “marriage is there to satisfy male sexual urges” and women are required to “‘give themselves unquestioningly to their husband’ and to ‘obey their every command.’”⁶⁵ Afshar points out the irony in this situation; one of the reasons women were required to wear the *hijab* is the supposed sexual weakness of man in public, but once in the home this weakness suddenly becomes a “tower of strength” for him and justifies the authority to demand sex.⁶⁶ As if it was not difficult enough for grown women to comprehend and fulfill these demanding sexual roles, the minimum age of marriage for girls was lowered from eighteen to thirteen years old.⁶⁷

In the realm of divorce, new issues also arose for women. Theoretically women who experienced marital problems were allowed to appeal to the Family Court for a divorce under one or more of the three following conditions: the husband’s lack of financial support, the disappearance of the husband for over four years, or the husband’s mistreatment of the wife.⁶⁸ Yet in practice, they had to convince the male clerics in charge of the courts that “the marriage has imposed an unbearable burden and an unacceptable demand on the wife,” which at the time was an argument that was almost

⁶⁵ Afshar (1985), 10

⁶⁶ Ibid

⁶⁷ Afshar (1999), 168

⁶⁸ Sanasarian, 139

impossible to prove.⁶⁹ In Haleh Esfandiari's discussion of the women who participated in the second *Majles*, she mentions the grievances expressed by female constituents that the women deputies attempted to address during one of the parliamentary meetings.

Esfandiari recalls that "the deputies worried about the frequency with which divorce was granted to men. They asserted that the Islamic judges responded to complaints regarding the ease with which men could obtain divorces by remarking that God's command is such that any time a man wants to divorce his wife, she has to accept his wish and leave."⁷⁰

With little to no voice in the matter, Iranian women were clearly not seen as qualified to contest the implications of the divine *shari'a*.

Besides men's unilateral ability to end their marriages, they were also granted full custody of the children in the event of a divorce. When the revolutionary government repealed the Family Protection Laws, it reverted back to Article 860 of the 1934 Civil Code which stated, "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."⁷¹ It did not matter whether a man was physically, financially, or mentally stable enough to raise children. The implementation of this law proved to be particularly problematic when Iran entered into a war against Iraq; many women had become widows and they loudly protested the denial of custody rights over their children. As a result of their efforts in 1985 a law was passed that gave widows of martyrs the right of guardianship over their children, even if they remarried.⁷²

⁶⁹ Afshar (1985), 11

⁷⁰ Esfandiari, 77

⁷¹ Afshar (1999), 158-160

⁷² Ibid

Another issue that women were unable to contest was the regime's legalization of polygamy. As long as a man was able to financially support more than once wife, the Family Courts were willing to ratify polygamous marriages. A man could legally take up to four wives at a time, but a woman could only have one husband at a time and had to keep a waiting period of three months between each marriage. In 1984, a writer for the journal *Zaneh Rouz* reported that the courts granted an average of six requests for polygamous marriages per hour.⁷³ Religious leaders invoked the views of past Islamist ideologues, particularly those of Ayatollah Mottahari, who once claimed that "polygamy was a 'social necessity', which existed in the Western world under the guise of mistresses and illegitimate children."⁷⁴

Polygamy was especially encouraged during the Iran-Iraq war when thousands of men were killed and the subsequent rise in the number of widows created a potentially massive financial burden on the state. The government posed economic incentives- in the form of small dowries- for men to engage in polygamous marriages and disseminated religious rhetoric that claimed it was a man's duty to do so.⁷⁵ Furthermore, since it was a man's "duty" or "obligation" to take on more than one wife, he was not required to consult any of the women he was currently married to first. However, over time it has been hard for the *ulama* to claim a solid religious justification for polygamy because the Qur'an explicitly states that monogamy is "closer to the correct Islamic path."⁷⁶

Not surprisingly, the legalization of polygamy resulted in "an epidemic of often short-lived polygamous marriages; frequently between older men taking a younger bride

⁷³ Afshar (1985)

⁷⁴ Afshar (1999), Chapter 8

⁷⁵ Afshar (1985)

⁷⁶ Afshar (1999), 160

for a fling and retaining the old one for work.”⁷⁷ This activity was better known as *mut’a*, or temporary marriage, which was another practice legalized by the Islamic regime.

Mut’a is a Shi’i custom particularly condoned by Twelver Shi’ites, which is the Islamic sect Ayatollah Khomeini himself adhered to. Generally there is a negative connotation attached to *mut’a* because many people view it as a form of legalized prostitution. This association is rightfully grounded; the prostitution market that once existed out of sight came to thrive in the streets of towns and cities. In fact, in 1984 it was documented that highly influential men with ties to the regime actually owned many of the legally sanctioned religious prostitution markets known as “Sigheh.” At these markets women would wait all day for volunteers to engage in a *mut’a* contract with them; the reason being that singleness displeased the regime.⁷⁸ The Iranian author Shahla Haeri has written a brief but informative analysis of Islamic temporary marriage; in it, she explains how *mut’a*, along with polygamy and slave concubinage, is a social practice created to accommodate male sexuality. She concludes that its legalization stood for yet another policy that reinforced the gender inequalities already rampant throughout Iranian society.⁷⁹

Furthermore, women were required to wear the *hijab* when they went out in public. In the eyes of the clergy, covering a woman’s body was supposed to bestow respect and dignity upon women, and modesty was equated with piety. From a slightly different perspective, the Iranian author Farzaneh Milani describes it as “a deliberate, obsessive attempt to keep that which symbolizes the private realm- that is, woman and

⁷⁷ Afshar (1985)

⁷⁸ “On the Situation of Iranian Women: A Report from Iran” from “Either a Veil or a Beat on the Head”

⁷⁹ Haeri, 98-114

everything associated with her- hidden.”⁸⁰ She goes on to explain how the ambiguity within the Qur’an in reference to the veil allows for a variety of understandings with far-reaching implications; such is the case in Iran. Khomeini declared the *hijab* obligatory within a month of assuming the role of Supreme Leader. Although it was not an official law, social pressure and other indirect regulations essentially forced women to comply until it became one. In the summer of 1980 the veil became mandatory for all women working in government and public offices, and in April 1983 it became compulsory for all women, including non-Muslims, foreigners, and tourists.⁸¹ Muslim women who openly defied the law by going out in public without wearing the veil were subject to the punishment of seventy-four lashes.⁸² Besides this punishment, they risked verbal and physical harassment. In March of 1980, more than five girls who went out in public unveiled were stabbed in the northern city of Urmieh.⁸³ Wearing the *hijab* became a matter of life and death.

A group of anonymous Iranian women who wrote to the journal *Payam-e-Azadi* (The Message of Freedom) cite within their letter the *hijab* as one of the main causes of the immense psychological damage inflicted upon women by the Islamic Republic. They recall the slogan that was introduced along with the requirement of Islamic cover, “*Ya Roosari, Ya Toosari*” (“either a veil or a beat on the head”) which soon turned into the taunt “*Ham Roosari, Ham Toosari*” (“Both veil and a beat on the head”). The authors explain that the government enforced veiling under the pretenses of “battling the manifestation of sin and prostitution,” and the regime maintained that any woman

⁸⁰ Farzaneh Milani, *Veils and Words: The Emerging Voices of Iran Women Writers* (Syracuse: Syracuse UP, 1992), 21

⁸¹ *Ibid*, 37-40

⁸² Afshar (1985), 8,

⁸³ Sanasarian, 137

without a veil was unquestionably a prostitute. In attempt to extend its political agenda to cover all women in Iran, the government's Islamic assemblies (the clergy) distributed mass propaganda in the form of statements, posters, and slogans. The messages included "Veillessness propagates prostitution," "Be the guardian of the martyr's blood by your coverture!" "Lack of coverture is the extreme of Westernization, and Westernization is the extreme of prostitution!" and others along the same lines. For the women authors of the published letter, the *hijab* was only the beginning of systematic subjection that led to the "emotional defeat" of the Iranian women.⁸⁴ The anonymous nature of the letter in itself is indicative of the inability of women to voice their dissent because of possible repercussions from the government.

Khomeini's personal views on the veil were revealed during a famous interview with the Italian journalist Oriana Fallaci, who was notorious for her edgy and straightforward interview style. Their dialogue was published by Time Magazine in October of 1979. The interview took place in Khomeini's home, and as a sign of respect Fallaci donned the chador, a large piece of cloth Muslim women in Iran wear over their head that covers all other clothing. At one point during the interview, when they were discussing the role of women in an Islamic society, Fallaci made a very blunt statement about the chador, and how it was symbolic of the segregation women were subjected to since the revolution. "They have to take a dip apart in their chadors," she said. "By the way, how do you swim in a chador?" Khomeini answered, "Our customs are none of your business. If you do not like Islamic dress, you're not obliged to wear it because Islamic dress is for good and proper young women." "That's very kind of you," said Fallaci, "And since you said so, I'm going to take off this stupid, medieval rag right now." Khomeini

⁸⁴ "On the Situation of Iranian Women: A Report from Iran" from "Either a Veil or a Beat on the Head"

got up and left the room without saying a word. However, he agreed to see her again the next day.⁸⁵ When they readdressed the chador, Khomeini provided his own personal opinion:

“The women who contributed to the revolution were, and are, women with the Islamic dress, not elegant women all made up like you, who go around all uncovered, dragging behind them a tail of men. The coquettes who put on makeup and go into the street showing off their necks, their hair, their shapes, did not fight against the Shah. They never did anything good, not those...And this is so because, by uncovering themselves, they distract men, and upset them.”⁸⁶

The tone of Khomeini’s rhetoric concerning women’s issues had blatantly shifted after the Revolution. It exposed his real attitude towards women, although it had already been made abundantly clear by his policy initiatives, and revealed the extent to which he felt personally threatened by their presence outside of the home. Khomeini had succeeded in convincing his supporters, albeit temporarily, that his vision of the Islamic state manifested in the Islamic Republic of Iran was founded on the correct interpretation of *shari’a*. With the support of the *ulama* Khomeini had enough political and religious power to drown out any voices of opposition, especially those expressed by women.

Unfortunately the problems facing women in Iran are not limited to the issues which have been addressed throughout this discussion. Dismal predictions were made about the future of women’s rights in Iran by those living both inside and outside of the country. Given the measures the early regime had employed to obviously impede the progression of women’s rights, one would expect to find that today the condition of women has declined even more in the years since. However the was not the case; as

⁸⁵ "Khomeini and the Veiled Lady," *Time Magazine*, October 22, 1979.
<http://www.time.com/time/magazine/article/0,9171,947512-1,00.html>

⁸⁶ Sanasarian, 134

Iranian author Farzaneh Milani states, “Thus this popular prediction that the Islamic Republic would strive to eliminate women from social and productive life and limit them to the four walls of the patriarchal household has not materialized.”⁸⁷ Statistics evidence a series of trends that have actually been favorable towards the advancement of women in the years since the Revolution of 1979. A closer analysis of these trends show they take place in areas in which women operate primarily through their identity as citizens, instead of as women.

5.2 Gaining Rights as Citizens

On the one hand, the institution of *shari'a* created restrictions that negatively affected women in aspects of their lives that were determined solely by their gender. On the other hand, many elements of women’s agency as citizens actually benefitted from some of the laws the regime passed. These benefits came from laws which were enacted for the purpose of advancing the overall condition of citizens throughout Iran, as well as laws that were originally intended to ensure the reelection of the conservative parties within the Islamic regime. Throughout the years after the Revolution, statistics show the first category of laws ultimately proved to be effective, and the increase in women’s political participation evidences the positive results of the second category of laws.

The ruling authorities of the revolutionary government viewed literacy as a “prerequisite for industrialization and technological advancement.”⁸⁸ Subsequently, Iranian women have been the main recipients of literacy education since the Revolution in 1979. The success rate of the literacy training programs is confirmed by the fact that in

⁸⁷ Milani, 43

⁸⁸ Golnar Mehran, “Lifelong Learning: New Opportunities for Women in a Muslim Country (Iran),” *Comparative Education*, Vol. 35, No. 2, Special Number (21): Lifelong Learning and the Education of Mature Adults (June 1999): 201-215.

1976 women's literacy rate in Iran was 35.5 percent, and by 1986 it had increased to 51.9 percent. An important distinction to point out is the urban-rural dichotomy; in 1976, 17.3 percent of rural females were literate and in 1986, 36 percent were. This change was due to the prevailing attitude that literacy was a basic human right for all women. The literacy rate of urban women also rose between 1976 until 1986, from 55.6 percent to 65.4 percent. This information was derived from information gathered by the Iran Statistical Center in 1990. The claim that literacy is a basic human right for women appears to be inconsistent with other policies produced by the government; upon closer examination it becomes obvious that the Islamic regime placed heavy emphasis on literary programs so that it could deeply entrench the revolutionary doctrine within the Iranian citizens.

Besides the rise in literacy rates and education, data from the United Nations and World Bank evidences favorable trends towards women between the early years of the Islamic Republic until today in the areas of labor force participation, health, and fertility. In 1980 women made up only 20 percent of the work force, and in 2000 they constituted 27 percent of it. Furthermore, the percentage of economically active women doubled between 1986 and 2000. Between 1985 and 2000, levels of childbearing declined faster than in any other country. This can be attributed to the government-sponsored birth control policies and anti-natal family planning programs initiated in 1989.⁸⁹ It is interesting to note that the policies within these programs are strikingly similar to those of the Family Protection Laws, which the Islamic regime originally eliminated; this example foreshadows the pre-revolutionary standards that the government eventually re-codified

⁸⁹ Halper, p. 90; A. H. Mehryar, B. Delavar, G. A. Farjadi, M. Hosseini-Chavoshi, M. Naghavi & M. Tabibian, "Iranian Miracle: How to Raise Contraceptive Prevalence Rate to above 70% and Cut TFR by Two-thirds in less than a Decade?" (presented at the International Union for the Scientific Study of Population, IUSSP, 24th General Conference, Brazil, August 18-24, 2001), 45.

in the 1990s. The statistics provided by the World Bank and the United Nations signify some of the substantial ways in which women have achieved progress in the domain of civil society because of laws set forth by the Islamic government. However, women have also gone to extraordinary lengths to form their own methods of activism within the framework of Islamic law.

The opportunities for women to fight for the expansion of their rights were made possible by their participation in the political arena of Iran. Their involvement took place in two legally acceptable ways: women were permitted to hold elected positions in certain levels of the government, and the regime allowed for women's continued suffrage. The government clearly did not condone, let alone anticipate, the rise of women in the public realm; Khomeini had awarded women these rights as an acknowledgment of their role in the Revolution and also because they constituted an electorate that was vital to political success. Perhaps unbeknownst to him, some of the laws enacted by the Islamic Republic, within the framework of *shari'a*, had unintentionally created a space for women's activism to develop.

Women's minimal role in the new government immediately after the Revolution was granted partially in order to impress the international community. The leaders of the revolutionary government were determined to portray the country as one in which Islam and women's rights were compatible in order to gain international credibility. They attempted to do so by depicting women as a vital element of society who had access to public life.⁹⁰ This depiction materialized in the small amount of women who were permitted to take part in the earliest sectors of the government. As discussed in an earlier section, one woman was elected to the Assembly of Experts and four women were

⁹⁰ Esfandiari, 79

elected as members of the first session of the new parliament, *Majles*. The government also wanted to present its approach to women, a supposed balance between tradition and modernity, as a template for other Islamic nations to follow.⁹¹

As time progressed, the Islamic regime continued to uphold women's right to participate in politics even though women were gaining considerable support and momentum. The government's motivation shifted to the need to appease the international community, which has been increasingly exposed to the true condition of women in Iran by the secular and Islamist women activists who publically campaign for their rights. Iranian women have not only successfully have made their exclusion from any government in Iran flatly unacceptable, but they have demonstrated their centrality in Iranian politics.⁹² In post-Khomeini Iran, events have proved to the clerics in power that if they want to retain their positions, they need to address the popular demands for freedom, tolerance, and social justice.⁹³

In the *Majles* elections in 1996, there were more women candidates than ever before, and some of them even beat conservative opposition. One woman who participated in the election, Fa'eze Hashemi, ran on a platform promoting women's general involvement in society. In that year thirteen women deputies were elected to the parliamentary body which, although small, was an increase from the previous *Majles*, where there were nine women deputies. In the presidential election in 1997, eight women nominated themselves, but the Council of the Guardians failed to approve any of them. In the Constitution of Iran, the presidential position is reserved for *rajul*, which in Arabic

⁹¹ Afshar (1999),17

⁹² Ibid, 215

⁹³ Mir-Hosseini, 273-279

means “man,” but in recent years has been more commonly interpreted as “human.” A woman’s right to be president is still a controversial topic, and is often publicly debated.

One of the major outcomes of the 1997 presidential election was the recognition of women’s votes as an officially decisive factor. Another crucial decision made by the Islamic regime is that it did not usurp women’s suffrage. Khomeini had opposed women’s suffrage in the 1960s; in 1962 he publicly described women’s right to vote as “an instrument for the moral corruption of women and of society in general.”⁹⁴ However, after 1979 he recognized the valuable contribution women had made to the success of the Revolution through their participation in the anti-Shah protests, and as a reward he even lowered their legal voting age to sixteen.⁹⁵ As Mahnaz Afkhami puts it, “Suffrage was a prologue to the acquisition of other rights as women began to exercise political power, meager though it was, in the major patriarchal institutions: the family, society, and state.”⁹⁶ Since the early 1990s politicians have learned it is in their best interests not to alienate the electorate of women who grew up in the beginnings of the Islamic Republic and demand equal rights in the name of *shari’a*.⁹⁷

In addition to the increase in political participation by women, there have been exceptional advancements in recent year also within the legal realm that have empowered women. In 1997 a law was passed that required the dower, or *mahr*, to be revalued in accordance with inflation rates. This is important because it reduces the incentive for a man to unilaterally pursue a divorce since he would most likely end up paying his wife a large sum of money. The year 1998 opened up monumental job opportunities for women;

⁹⁴ Esfandiari, 62

⁹⁵ Afshar (1999), 216

⁹⁶ Afkhami from Afkhami and Erika Friedl, ed., 11

⁹⁷ Mir-Hosseini, 273-279

in April women were once again appointed as judges and in September the police force began officially recruiting women.

Along with these two critical rights (to run for election and to vote), women have figured out how to manipulate some of the restrictions placed upon them by *shari'a* and use them to make additional advancements outside of the domestic sphere. Women often engage in social events under the pretexts of religious activities. Pilgrimages to saints' shrines and weekly graveyard visitation parties are two examples of the ways women are able to network through religiously motivated social activities. Most of the time Iranian women take advantage of the benefits associated with strict observation of the piety codes. By adopting a non-resentful, conformist approach, irrespective of how they actually feel, women are noted for morality which in turn increases their probability of advancement. The anthropologist Erika Friedl observed that "In the Islamic Republic many women, especially those in the middle-class and the former elite, have perfected the art of dissimulation and the use of the code of piety to the extent that their private and public personae are almost totally different."⁹⁸

As part of the code of piety, women's acceptance of the *hijab* has often proved to work to their advantage in the context of Iranian society. This is the common stance taken by several women Iranian authors throughout their writing. They believe that the laws which made the *hijab* compulsory presented an interesting paradox: the veil ultimately became literally and symbolically empowering for those women who it was targeted to restrain. These women included the "so-called Westernized, middle-class women, now politically marginalized."⁹⁹ Despite its physically and mentally restrictive nature, Iranian

⁹⁸ Erika Friedl, "Sources of Female Power in Iran," from Afkhami and Friedl, ed., 151-168.

⁹⁹ Mir-Hosseini, 273-279

women such as Ziba Mir-Hosseini and Farzaneh Milani argue that wearing the veil has legitimized women's presence in the public, which is typically a male domain in Iranian society. Milani acknowledges the shift in meaning of the veil over time, and how what used to be a "major barrier to a woman's struggle for autonomy and authorship" has changed into a means of access into the public arena.¹⁰⁰ Mir-Hosseini makes the claim that "The Traditionalists' obsession with enforcement as one of their key instruments gives these women a means of subverting it by exploiting its possibilities as a fashion statement."¹⁰¹ By acting in accordance with Islamic law, Iranian women have been able to gain considerable public influence in a social, religious, and politically acceptable way.

As a result of women's clever manipulation of Islamic law to their own advantage and their increased familiarity with the legal rights either granted to them by the state or earned through their own efforts, women "have carved a legitimate space in Islamic discourse in which to articulate their demands" in context of the Islamic Republic.¹⁰² The utilization of this space is evidenced by statistics which show the increasing involvement of women within civil society roles, particularly in the political arena. The fact that women have been able to gain more rights over time and "extract a great deal from what appeared at first sight to be intolerable conditions" without ever leaving the religious framework of the Islamic Republic suggests that the problem does not lie within the religion or the government, but rather within deeply entrenched patriarchal norms.¹⁰³

The challenges facing Iranian women posed by the advent of the Islamic regime left them with little to lose and everything to gain. The situation they faced presented a

¹⁰⁰ Milani, 5-10

¹⁰¹ Mir-Hosseini, 278

¹⁰² Afshar (1999), 19

¹⁰³ Afshar (1999), 215

complicated dilemma; given the restrictions of the theocratic government and the stigmatism of Western secularist ideas associated with immorality, in the words of Leila Ahmed, “women have to choose between betrayal and betrayal.”¹⁰⁴ However, both secular and Islamist women alike devote extraordinary efforts towards campaigning for their rights and opening up avenues for dialogue inside and outside of the framework of Islam. Within the framework of Islam, some women contested men’s monopoly over interpretation of the sacred texts, and others conformed to the repressive measures installed by the regime in order to change the system from the inside out. Iranian women operated outside of the Islamic framework by exposing the conditions under which they were living to the international audience at a time when human rights violations were under strict scrutiny. This way, women made it politically deplorable for the government to exclude them or deny them their basic rights. In the process of gaining international recognition, Iranian Muslim women opened channels of dialogue with Western feminists, which have allowed both groups to overcome the secular-religious dichotomy and break down existing stereotypes. By employing their gender-based identity as women in order to effectively lobby for change, Iranian women have been able to gradually achieve some of their goals over time that positively affected their agency as citizens in society. As a result, women’s presence in the public domain has become uncontested, allowing them to facilitate more progressive reforms in the Islamic Republic of Iran than ever before.

¹⁰⁴ Mir-Hosseini, 277

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