



## ISLAMIC FEMINISM IN IRAN: A NEW FORM OF SUBJUGATION OR THE EMERGENCE OF AGENCY?

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In Iran, Islamic feminism<sup>1</sup> emerged after the Revolution: the result of a process of social change and a new awareness of middle or lower class women from traditional or religious backgrounds.<sup>2</sup> Largely excluded from the public sphere under the former regime but endowed with social and cultural capital thanks to the expansion of higher education in post-revolutionary Iran, these women considered themselves political “subalterns” and have contested gender inequalities, especially following the end of the Iran-Iraq War (1980-1988).<sup>3</sup> Social stratification is therefore one of the significant explanatory variables of Iranian Islamic feminism and the ways in which it differs from the secular feminism dominated by women from the modern and upper middle classes.<sup>4</sup> In contrast to secular feminism (in its liberal, Marxist or nationalist versions) that characterized the history of

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<sup>1</sup>I draw a distinction between ‘Islamic’ and ‘Islamist’. ‘Islamic’ implies that the principal role of religion is the production of values within society but without the intention of applying religious principles to institutions, the legal system or the field of politics. The word ‘Islamist’, on the other hand, endeavours to impose an overall system for the control of every aspect of society on the exclusive basis of Islam. It must also be noted that some Islamic activists for women’s rights do not regard themselves as feminists, which they see as a western phenomenon. This does not impede them from working to change discriminatory legislation from the point of view of condemning of social inequality between the sexes. It is for this reason that I describe them as Islamic feminists.

<sup>2</sup>The particular distinguishing feature that differentiates members of the modern middle class from other social groups is their possession of cultural competence and capital. With a background in higher education, this group consists of salaried employees in the public and private sectors and the liberal professions. It thus includes, among others, teachers, doctors, lawyers, engineers, army officers, journalists, writers and university students..

<sup>3</sup>Azadieh Kian, “Women and Politics in post-Islamist Iran: a Gender-Conscious Drive to Change”, *British Journal of Middle Eastern Studies*, 24(1), 1997, pp. 75-96; Azadeh Kian, “Women and the Making of Civil Society in post-Islamist Iran”, in Eric Hooglund (ed.), *Twenty years of Islamic Revolution: Political and Social Transition in Iran since 1979*, New York: Syracuse University Press, 2002.

<sup>4</sup>Parvin Paidar, *Women and the Political Process in Twentieth-Century Iran*, Cambridge University Press, 1997.

feminism in Iran throughout most of the twentieth century and based itself on western models and international charters and conventions, Islamic feminism makes reference to the Qur'an and the traditions of Islam, while at the same time mobilizing Islam's symbolic capital in order to construct a rhetoric that lays claim to a gender conscious re-interpretation of Islamic laws and traditions in the aim of establishing gender equality.

The emergence of Iranian Islamic feminism, therefore, draws attention to the heterogeneity of the concept of "woman" and the diversity of trajectories and experiences of middle class women from different socio-cultural origins. Despite this diversity, however, Islamic women's rights activists share a number of characteristics with the secular feminist movements, in that they oppose the predominant conservative vision within the Islamic regime that would naturalize and essentialize the differences between women and men. This vision defines Iranian women exclusively as mothers and wives and excludes all possibility of achieving gender equality. In reaction to the dominant paradigm-of the Muslim/ Shi'ite heterosexual male, which strives to render women invisible and contain them within a situation of inferiority, both Islamic and secular feminisms emphasize women's specificities in order to present them as historical actors and reveal the discrimination to which they are subjected and the dominant position of men. To date, these feminisms have thus not concerned themselves in theoretical or political terms with differences among women as a group (those of social stratification, ethnicity or religion) or the power relations that internally differentiate this group in the multi-ethnic and multi-religious country that is Iran.

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### *Islamic Feminism and Modernity*

Iranian Islamic feminism came into existence within a society where modern values are actively taking root. Today, 70 per cent of the population is urban; the literacy rate for girls aged six and over is 82 per cent; the average number of children per woman is two; and the number of female students in institutes of higher education is two million, or 62 per cent of the student population. Girls' massive access to instruction in post-revolutionary Iran has led to a rise in the average age of first marriage for women (now 23) and has also increased the proportion of marriages that are based on the free choice of one's spouse.<sup>5</sup> The social and cultural consequences of the modernization of Iranian society have contributed to Islamic feminism's claim to multiple affiliations; it is a feminism that rejects a

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<sup>5</sup> For an analysis based on my research in the field, see Azadeh Kian-Thiébaud, "From Motherhood to Equal Rights Advocates: the Weakening of Patriarchal Order", in Homa Katouzian and Hossein Shahidi (eds), *Iran in the 21st Century: Politics, Economics and Conflict*, London: Routledge, 2008, pp. 86-106.

binary vision that draws a categorical distinction between tradition and modernity, the East and the West. Islamic feminism attempts to carry out a synthesis between cultural tradition (including the importance of the role of a woman within the family), modern values (including the active participation of women in social, political, economic and cultural life) and gender equality. This feminism can be described as liberal to the extent that it attempts to bring about gender equality or deliver justice to women (depending on the version) through reform of institutions or of strongly hierarchical laws. The strategy of Islamic feminists is therefore to challenge power relations in both society and state within the context of existing constraints, a version of what Deniz Kandiyoti called "bargaining with patriarchy".<sup>6</sup>

Nevertheless, Islamic feminism, with its claim to multiple affiliations and identities, is often contested by some western feminists as well as some western-oriented feminists from Muslim countries, according to whom Islam and feminism are necessarily incompatible.<sup>7</sup> For such feminists, it is inconceivable that women asserting their attachment to Islam could at the same time involve themselves in an act of subversion. The analyses they offer define Muslim women as subjected and the victims of a patriarchal system that is supposedly rooted in Islam. They therefore refuse to concede that Muslim women have the power of "agency", that they can autonomously initiate action and resist power. As Leila Ahmed pointed out, "Although Western feminists have succeeded in rejecting their culture's myths about (Western) women and their innate inferiority and irrationality, they continue to subscribe to and perpetuate those myths about Muslims, including Muslim women, and about harems as well as to assume their superiority towards the women within them."<sup>8</sup> This feminism is sustained by and reinforces the essentialist/culturalist perspective that draws a categorical distinction between the Western and Muslim worlds, analyzing the latter in terms of deviation in relation to Western history.<sup>9</sup> "Culturalism" interprets Islam as an objective force independent of historical, social, economic or political factors that, it is presumed, shapes the culture and cultural systems, social relations and intellectual traditions of Muslims. "Although religion is seen in western societies as one institution among many, it is perceived as the bedrock of the societies in which Islam is practiced. ...The overall effect of this paradigm is to deprive Muslim women of self-presence, of being. Because women are subsumed under religion defined in fundamental terms, they are

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<sup>6</sup> Deniz Kandiyoti, "Bargaining with Patriarchy", *Gender and Society*, 2 (3), September 1988, pp. 274-290.

<sup>7</sup> One such feminist is the Iranian-origin Haideh Moghissi, author of *Feminism and Islamic Fundamentalism: the Limits of Postmodern Analysis*, London: Zed Books, 1999.

<sup>8</sup> Leila Ahmed, "Western Ethnocentrism and Perceptions of the Harem", *Feminist Studies* 8 (3), Autumn 1982, p. 526.

<sup>9</sup> Representative of this essentialist vision of Islam are: Bertrand Badie, *Les Deux Etats: pouvoir et société en Occident et en terre d'islam*, Paris: Fayard, 1987; Bernard Lewis, "Islam and Liberal Democracy", *Atlantic Monthly*, 27 (12), February 1993, pp. 89-98; Martin Kramer, "Islam vs Democracy", *Commentary*, 95 (1), January 1993, pp. 35-42.

inevitably seen as evolving in nonhistorical time. They have virtually no history. Any analysis of change is therefore foreclosed".<sup>10</sup>

To better understand what led to the emergence of Islamic feminism in Iran, let us examine the circumstances that encouraged women from traditional social and cultural backgrounds to massively participate in the 1979 Revolution. These women contributed to the overthrow of a regime that had granted them civil and political rights in order to establish an Islamic regime that attempted to circumscribe their rights as well as their social, economic and political freedoms.

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### *Women and Political Rights in Iran under the Shah*

In 1963, Iranian women obtained the right to vote and be elected to office. In the early 1960s, in order to curtail the power of the great landlords, the tribal chiefs and the clergy and secure the support of new social groups (especially the modern middle class and industrial workers), the Shah introduced a program of modernization which he termed the "White Revolution". Of the six points of this program, two provoked the wrath of the clergy. The first concerned agrarian reform, which was also applied to the lands of religious endowments, the *waqf*,<sup>11</sup> which were managed by the clerical institution. This reform threatened to deprive the clergy of its financial independence from the state. The second reform to which the clergy objected involved the extension of political rights to women, which they described as incompatible with Islam. "By granting voting rights to women, the government has disregarded Islam and has caused anxiety among the *ulama* and the Muslims."<sup>12</sup> A number of high-ranking clergy joined their voices to that of Khomeini in declaring that "women's entry into the two *Majles* [the Chamber of Representatives and the Senate] and municipal and local councils is against Islamic law ... and abrogates the conditions Islam has set on voters and the elected representatives."<sup>13</sup>

The grant of political rights to women did not increase their political activity, however. Nevertheless, in 1963, for the first time in Iran, three women from the elite entered the 21st *Majles* (Parliament). By the time of the 24th *Majles* in 1975, the last elected under the Shah, the number of female MPs had gradually grown to 17 out of 226 (7.5 per cent of the

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<sup>10</sup>See: Marnia Lazreg, "Feminism and Difference: the Perils of Writing as a Woman on Women in Algeria", *Feminist Studies*, 14 (1) 1988, p. 86.

<sup>11</sup>A *waqf* is a donation whose revenues finance the clerical institution, mosques and other religious establishments.

<sup>12</sup>From Khomeini's 9 October 1962 telegram to Shah. Reproduced in *Sahifeh-i Nur*, Tehran, 1989, vol.9, p.136.

<sup>13</sup>Telegram sent in February-March to Prime Minister Alam by nine high-ranking clerics, including Golpayegani, Shari'atmadari, Tabatabayi, Khomeini, and Zanjai. *Sahifeh-ye Nour*, Tehran, 1989, p.29.

total). In the Senate, on the other hand, half of whose members were appointed by the Shah, there were only 3 women members.<sup>14</sup>

### ***Reform of the Political, Social and Economic Status of Women under the Shah: Modernization and Exclusion***

From 1967 onwards, the civil rights of Iranian women started to improve, with the introduction of a series of reforms, including a reform of the Family Code on the basis on a more modern interpretation of Shi'ite Islam that was supported by various high-ranking clerics co-opted by the regime. These reforms enhanced the rights of women in both the public and private spheres. However, the Shah's state stopped short of depriving religion of its juridical and social functions and legislation remained close to the Islamic model. Divorce by repudiation was abolished and the process of divorce became a judicial matter. On the other hand, polygamy was not suppressed but was merely subjected to regulation, with the prior consent of the first wife necessary for a man's second marriage; temporary marriage continued to exist;<sup>15</sup> and while women gained the right to divorce and the guardianship of their children after divorce, parental authority continued to belong to the father and the paternal grandfather. Finally, the law of inheritance continued to be based on *shari'a*,<sup>16</sup> according to which women inherit half that of men.

Following these reforms, higher education and various professions, including the law, became more accessible to women, though under some conditions. For example, veiled women could not work for the government, which employed the majority of working women. Likewise, in order to benefit from new opportunities, women from traditional backgrounds were obliged to act against, not only their own culture, but that of their family and their social environment as well. To the objections of religious families were added the

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<sup>14</sup>Azadeh Kian-Thiébaud, "Des résistances conservatrices à la citoyenneté politique des femmes", in Manon Tremblay (ed.) *Femmes et Parlements. Un regard international*, Montréal: Editions du Remue-ménage, 2005, pp. 225-249.

<sup>15</sup>Temporary marriage, (*nekah-e monqate'*, *mot'te* or *sigheh*), whose duration could vary from some minutes up to 99 years, is peculiar to Twelver Shi'ism. See Azadeh Kian-Thiébaud, *Les femmes iraniennes entre islam, Etat et famille*, Paris: Maisonneuve & Larose, 2002.

<sup>16</sup>Though *shari'a* is the concept employed in everyday language in all Muslim countries, the Personal Codes, or family law, are in fact based on the specific interpretations of Muslim *fiqh* adopted by states at the moment of their codification. On this ambiguity and its implications, especially in terms of the possibility for reform, see Margot Badran's article in this present collection, "Re/placing Islamic Feminism".

opposition of certain clerics, including Ayatollah Khomeini, who declared that the presence of women in the administration and the public sector would provoke disorder.<sup>17</sup>

Most women from religious and traditional families refused to get involved in social life and limited themselves to the traditional role of housewife. Others, who were younger and better educated, aspired to a more modern interpretation of Islam and were willing to participate in active life. However, they were forced to restrict their professional credentials to jobs the exercise of which was not incompatible with the wearing of the veil and other religious practices and beliefs. Teaching in the religious schools and high schools for girls that had been established in the 1960s by members of the merchant class (the *bazaris*) and the clergy became a sought-after area of employment for educated Islamic women. A number of them were drawn to the teachings of Ali Shari'ati, an anti-clerical Muslim ideologue (d. 1977) who developed a modern and politicized theory of Islam and Muslim womanhood. His book, *Fateme Fateme ast* [Fatima is Fatima] enjoyed much success among these young women, while between 1967 and 1972 thousands of them attended his lectures at the Hosseiniyeh Ershad, a religious institute in northern Teheran.<sup>18</sup>

Developments in Iranian society reinforced the differences between various categories of women, who continued to construct their distinct identities. Women from religious backgrounds were further excluded from the public sphere by a state feminism that monopolized discourse on women. The highly official Women's Organization of Iran<sup>19</sup> (presided over by Princess Ashraf, the Shah's twin sister, and composed of women drawn from the power elite) was created in 1966. This organization initiated some legislative changes in favor of women but it did not modify the prevailing patriarchal culture or social customs. Moreover, as it was closely linked to the Shah's patriarchal, authoritarian and anti-egalitarian political system, it subordinated the objectives and activities of women to the orders of the monarch. The Shah did not seek gender equality and wanted women to be modern but modest. It was this position that prompted the massive participation of both secular and religious women in the 1979 Revolution, which subsequently institutionalized gender inequality.

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<sup>17</sup>See *Maktubat, sokkhanraniha, payamha va fatavi-ye Emam Khomeyni*, Tehran: Ashena, 1981, p. 18.

<sup>18</sup> Amir Nikpey, *Politique et religion en Iran contemporain. Naissance d'une institution*, Paris: L'Harmattan, 2001.

<sup>19</sup> Azadeh Kian-Thiébaud, "Des résistances conservatrices à la citoyenneté politique des femmes", *ibid.*

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### *The Question of Women's Civil and Political Citizenship in the First Decade of The Islamic Republic*

Following the establishment of the Islamic regime, a model based on a traditionalist interpretation of Islam was applied to women's rights and family law. This included compulsory veiling; significant limitations on women's right to divorce and child custody for divorced mothers; a return to a very early minimum age for marriage and criminal responsibility for girls (which was initially set at nine years and then revised to thirteen in 2002); the legalization of polygamy; the submission of women to the authority and demands, including sexual demands, of their husbands; and control by the husband of the activities of his wife outside the home. According to the penal code, the Blood money (*diyeh*) that must be paid for the murder of a Muslim woman is one-half the blood money for a Muslim male and a woman's testimony in a criminal case is accepted only if it is corroborated by that of a man. The right of inheritance, by contrast, remained unaltered, with women inheriting half the portion allotted to men.

Women who refused to submit to the Islamists' moral order, symbolized by compulsory veiling -- the principal symbol of the Islamic Republic's gendered regime -- lost their jobs and were replaced by typically less well-educated women from traditional backgrounds. Compulsory veiling was therefore to the detriment of the former and to the benefit of the latter. The Islamization of public space thus offered women from traditional backgrounds an opportunity for social mobility with the approval of their families. Many of them pursued higher education, achieved autonomy from their families and social environments and successfully challenged the power of the latter. At the beginning, these women, who considered themselves the heirs of the Revolution, associated themselves with the new revolutionary government. However, the subsequent setback for their rights and their worsening circumstances led to unprecedented gender solidarity, opening up possibilities for collaboration between such women and female activists with diverse political beliefs and social values. "We know that secular women do not share our beliefs. But we have no problem with this as we all work to improve the status of women. We [Islamic activists] no longer think of ourselves as the only heirs of the Islamic revolution ... We are aware that our factionalism resulted in the exclusion of many capable women during the early years of

the Revolution and that this exclusion was to the detriment of all women. We now wish to correct our wrongs.”<sup>20</sup>

Despite the social problems facing women, the government undertook no economic, social or cultural initiatives specifically directed towards them. Women were simply absent from the first Five Year Plan launched during the revolutionary period and the Iraq-Iran war. In the words of an activist, who described herself as an “Islamic feminist”: “Women's rights have suffered a setback. The authorities only needed us to demonstrate in the streets but, once the Revolution had achieved victory, they wanted to send us back to homemaking. I then realized that revolutionary social activity is meaningless when women lose their rights and started to defend women's rights.”<sup>21</sup>

During the same period, the image of Muslim women promoted by the dominant culture and discourse was exclusively that of the wife and mother rather than that of a socially active woman. In the majority of Iranian films, and especially in television soap operas, women spent their time in the house washing, cooking and cleaning. On the rare occasions that a working woman was portrayed, her family life was shown as totally destroyed by the fact of employment. Mosques, Friday prayers and school textbooks all contributed to the propagation of the dominant ideology, and its stance regarding the proper role of women..

This representation of women, which came into conflict with the participatory aspirations of female Islamic activists, together with institutionalized sex segregation, led these women to conclude that the regressive measures targeted all women, regardless of their beliefs.

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### *Islamic Feminists: A Typology*

Islamic feminists may be divided into three categories according to their age, educational profile (theological, university, or both) and their type of involvement in women’s rights (whether via social activities or politics).

Now in her 60s, Azam Taleqani is an Islamic women’s rights activist who was involved in oppositional political activities well before the Revolution. She is the daughter of Ayatollah Mahmoud Taleqani, a radical cleric who was very popular within the Islamic left and who died shortly after the Revolution. In 1970, she set up a private school in central Teheran, known as the Alayi school, which she headed until she was dismissed from her post for her

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<sup>20</sup> Author’s interview with Mahhoubeh Abbasqolizadeh, editor of the periodical, *Farzaneh*, Teheran, 27 September 1994. *Farzaneh* was published by Mahhoubeh Abbasqolizadeh and Ma’soumeh Ebtakar, at the time a lecturer in immunology who was later to become vice-president for the environment under Khatami.

<sup>21</sup> Interview with the author. Teheran, 12 September 1994.



political activities and imprisoned. In 1979, she established the Islamic Institute for Iranian Women, became the editor-in-chief of the women's magazine *Payam-e Hajar* and was elected to the first Islamic parliament, convened in 1980. "The idea of setting up a women's Islamic organization goes back to the time when I was imprisoned under the Shah. I understood then that women who belonged to the secular left were better organized and were even able to attract Muslim women. I was therefore convinced of the need for an organization to help women with legal and economic problems.... After the Islamic Revolution and following the implementation of the new legislation, many women came to see us and complained about their situation. Their complaints led us to understand that women have specific problems. I then decided to set up an association to fight for their rights and interests." Inspired by her father's teachings, Azam Taleqani demands social justice and vehemently criticizes both the consumerism of the power elite and the increasing gap between the rich minority and the impoverished majority.<sup>22</sup>

Shahla Sherkat, the founder of the influential magazine *Zanan*, the first magazine in Iran to declare its allegiance to feminism, is one of the country's best known representatives of Islamic feminism.<sup>23</sup> Now in her 50s, she was born into a traditional middle class merchant family in Isfahan, Iran's third largest city, and studied psychology after the Revolution. In the 1980s, she was editor-in-chief of *Zan-e Rouz*, a women's magazine that had existed under the Shah but was controlled after 1979 by the *Keyhan* press group and headed by traditionalists. She was then able to create *Zanan* thanks to a permit granted in 1992 by Mohammad Khatami, then minister of Culture and Islamic Guidance. *Zanan* was banned in January 2008. Shahla Sherkat was among the young, educated and religious women who became a social activist after the Revolution and made a bid to participate in the process of reconstructing Iranian identity.<sup>24</sup> She challenged gender inequalities, took a stand against the ideologization of religion and offered a new, vibrant and up-to-date interpretation, from a female standpoint, of Islamic law and tradition. "Given the problems that women face, a radical change in the law is required. Since certain articles of the Civil Code are based on *shari'a*, their reinterpretation is unavoidable and women should participate in this enterprise."<sup>25</sup>

Other feminists in their 40s and 50s discovered in the latter part of the 1990s that politics was a powerful instrument with which to bring about change in the status of women, their social power and their position in society. Among them were Zahra Rahnavard (in her 60s,

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<sup>22</sup> Interview with the author, 19 February 1996.

<sup>23</sup> See Shahla Sherkat, *Zanan. Le journal de l'autre Iran*, Paris: CNRS Editions, 2009.

<sup>24</sup> In this process, the significance accorded to religion in identity formation was modified in favour of identity statements based on nation and gender.

<sup>25</sup> Interview with the author, Teheran, 27 September 1994.

a professor at the University of Teheran, former dean of Al-Zahra University and the wife of Mir-Hossein Moussavi, who was a presidential candidate in 2009); Faezeh Hashemi-Rafsanjani (the younger daughter of the former President Rafsanjani and a deputy in the Fifth Parliament); Elaheh Koulayi (Professor of International Relations at the University of Teheran and a reformist deputy in the Sixth Parliament); Zahra Eshraqi (grand-daughter of Ayatollah Khomeini and the wife of Mohammed Reza Khatami, President Khatami's brother); Fakhrosadat Mohtshamipoor (the wife of Mostafa Tajzadeh, Deputy Interior Minister under Khatami) and Farida Mashini (of the Islamic Iran Participation Front). Both as elected politicians and as activists within reformist parties, these women struggled for women's rights and their participation in the spheres of power. Notwithstanding their family ties with male politicians, they organized themselves into pressure groups and their influence on the policies adopted by their respective parties constantly increased. This enhanced participation succeeded to some degree in feminizing and diversifying the country.

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### *A Female Re-Interpretation of the Qur'an and Islamic Law*

The end of the war with Iraq in 1988 and the period of reconstruction from 1989 to 1997 offered an opportunity for the demands of an emergent civil society -- and, in particular, those of women -- to be expressed. During this period, activists for women's rights intensified their activities and a women's press developed that gave expression to the voices of educated middle class women. The Islamic feminists began to publish women's magazines such as *Zanan*, *Farzaneh* and *Zan*<sup>26</sup> that criticized discriminatory laws, demanded changes in the civil and penal codes, labor legislation and constitutional law and protested against the inferior status of women. "Iranian women are asking themselves why they are deprived of the right to leadership of the people in spiritual, political and legal matters. We consider that the Qur'an has not forbidden women to play these roles. This interdiction has its origins in the opinions of yesterday's clergy, based no doubt on the model of their own relationships with their wives and the women around them, which they have generalised to all women. It is therefore the consequence of an age when women were prisoners in their homes and led their lives behind closed doors; an age when they

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<sup>26</sup>The daily paper *Zan*, published by Faezah Rafsanjani, was banned in March 1999 by the Revolutionary Tribunal for having published the message of the Empress Farah Pahlavi on the occasion of the Iranian New Year, as well as a cartoon which ridiculed the Islamic penal code and especially the notion of blood money.

were kept apart from society. Today, women are present in all domains and take an active part in public life.”<sup>27</sup>

Several articles of the enforced Civil Code, including one concerning men’s right to polygamy, are directly based on Qur’anic texts and, in particular, the Surat, “The Women” (*Al-Nisa*). This is why some female Islamic activists, without claiming to be feminists, have embarked on a process of historicizing and contextualizing Islam in order to re-examine the Qur’anic verses. The magazine *Payam-e Hajar*, published by Azam Taleqani, was the first in Iran after the Revolution to reject the legalization of polygamy and propose a new interpretation of the texts. “The analysis of the Qur’anic texts on polygamy shows that this right is endorsed by the Qur’an only in certain specific cases, and solely to respond to a social need, with the aim of extending social justice.”<sup>28</sup> These specific instances were times of war during which heads of households were killed at the front, leaving behind numerous orphaned children and widows without resources. In those days, such situations caused significant problems for the Muslim community. In the absence of social institutions to take care of widows and orphans, the responsibility was passed on to Muslim men through polygamy. This new interpretation of the Qur’anic texts confirms that “God has endorsed polygamy in the case of social need and on the condition that men can maintain equity between their spouses.”<sup>29</sup> These women refer to the situation prevailing in post-revolutionary Iranian society in order to exclude any justification of polygamy on the basis of social necessity, since “in contrast to ancient times, the modern state and its institutions are constructed to help needy families and polygamy no longer has a social function to fulfill.”<sup>30</sup>

Female Islamic activists also criticized the penal code’s ~~basis~~ basis in Islamic law. Nahid Shid, a Muslim legal scholar and intimate of Azam Taleqani who has both an academic and theological background argues that: “A large proportion of the laws in force can and should be changed, because they are not based on divine orders. They are based on secondary principles.”<sup>31</sup> Blood money is one of them. It was laid down at a time when men were valued as fighters who made their contribution to the spread of Islam, while women lacked such social value. Times have changed and the laws ought to reflect this alteration.... The law

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<sup>27</sup>Shahla Sherkat, interview with the author, Teheran 27 September 1994.

<sup>28</sup>Forouq Ebn Eddin, “Louzoum-e eslah-e qavanin-e marbout beh talaq, t’addod-e zojat va hezananat”[The need for reform of the laws on divorce, polygamy and the guardianship of children], *Payam-e Hajar*, 10 September 1992, pp. 28-29.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> In Shi’ite *shari’a*, Islamic principles are divided into fundamental principles, described as divine orders that are immutable and obligatory for all Muslims (these include prayer, fasting and the pilgrimage) and secondary principles which govern daily life and are subject to change according to their historical, social or cultural context.

relating to blood money cannot operate in a society where women are doctors, university professors and engineers. Their lives should have the same value as those of men.”<sup>32</sup>

The right of inheritance, which is similarly based on Islamic law, has also been criticized by the Islamic feminists. Contending that it reflects a time when men were regarded as the sole producers of economic value,, they take the view that the unequal division of an inheritance has now been superseded by the contribution of women to economic activities and household incomes.

Among the magazines published by Islamic feminists, *Zanan* occupied a unique position. Shortly after it was launched in 1992, it published a series of articles to demonstrate that the Qur’an did not forbid women to pronounce religious edicts and that it even permitted them to take on leading roles in a society’s religious, legal and political life. Rejecting laws that strengthened men’s superior position in the family, the Islamic feminists made a case for equality under the law and the sharing of responsibilities between the spouses. Their principal argument centered on the active role women took during the Islamic Revolution, one that they continue to play in the present. In re-interpreting Islamic texts and laws, Islamic feminists sought to confirm the legitimacy of female authority in political, religious and legal institutions. “The Qur’an did not forbid women from being judges.”<sup>33</sup> Obstacles to the exercise of religious authority by women are also discussed in a series of articles in the magazine. “In the central Islamic texts, nothing demonstrates or justifies Islam’s ban on women from delivering religious edicts or from becoming objects of imitation. In the secondary sources, however, a number of such indications exist.”<sup>34</sup> According to this author, there is no consensus among the religious authorities to justify such obstacles. Consequently, “a woman is able to deliver religious edicts ... and can also lead the people in the religious, spiritual, political and legal domains.”<sup>35</sup>

Islamic feminists enjoy the support of women familiar with theology and interested in re-interpreting the Qur’an and the traditions to the advantage of women. Monir Gorgi is one such woman. An acknowledged specialist of Islam, she received a religious education and is now director of the Center for Study and Research in women’s issues in Teheran and was formerly director of Jame’at ol-Zahra, the theological school for women. Monir Gorgi rebuts the political position of Islamic jurisprudence that bars women from access to

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<sup>32</sup>Interview with the author, Teheran 22 February 1996. The law allows a person who has caused the death of another person to escape capital punishment by paying compensation to the family of the victim. The blood money of a woman is half that of a man.

<sup>33</sup>Shahla Sherkat, interview with the author, 27 September 1994.

<sup>34</sup>Mina Yadegar-Azadi, “Qezavat-e zan”, *Zanan*, 1992, 5, p. 21 and p. 28. The author of these articles, who adopted a female pseudonym, is in fact Hojjat-ol Eslam Mohsen Saidzadeh. In 1998, he was summoned before the Clerical Court, stripped of his religious position and imprisoned for his reformist ideas.

<sup>35</sup>Ibid.

positions of political leadership on the basis of their supposed physical and intellectual frailty. Making reference to the Qur'an, she offers an analysis of the personality, beliefs and style of government of the Queen of Sheba (*Belqeys*), expressing her view as follows: "The Qur'an mentions only a very few political leaders, yet *Belqeys* is one of them. Furthermore, she is depicted as one of the most just and rational sovereigns. This is sufficient to show that the Qur'an accepts the natural and intrinsic capacity of women to manage and govern. In fact, *Belqeys* is not exceptional. She represents women as a whole. She has shown that women are not weaker than men in the matter of government, and that they can even be better than men, to the extent that the idea of justice was one of the characteristics of the reign of *Belqeys*."<sup>36</sup>

As to the biological differences between men and women, Monir Gorgi observes that, in modern political systems, the predominance of technical knowledge and modern management has rendered obsolete the role of force in the exercise of power. Therefore, she queries questions the applicability of Islamic political jurisprudence, according to which being a man is a necessary conditions for ruling a Muslim country.

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### ***Islamic Feminism and Women's Political Citizenship under the Rule of Islam***

Although women have lost a significant part of their civil rights, they have been able to maintain their political rights thanks to their participation in the revolutionary movement. This led Ayatollah Khomeini to change his earlier stands and endorse women's political rights. In contrast to the majority of high-ranking clerics who opposed the presence of women in the public sphere and wished to see them return to domestic life, Khomeini spoke out in favor of the social and political activity of Islamic women: "God is pleased with their great service. It is a sin to obstruct their activities in the public sphere."<sup>37</sup> With his approval, four women were elected as deputies in each of the first three Islamic Parliaments in 1980, 1984 and 1988, occupying 1.5 per cent of the seats. The excessive privileges extended to men by the Islamic legal provisions rapidly aroused discontent on the part of the female population, including those who, at the time of the Islamic Revolution, had themselves demanded the application of Islamic law. Islamic women deputies were subjected to criticism by (female) voters who came from traditional and religious families and were unhappy about their worsening legal status and conditions. These deputies, who, with the exception of Azam Taleqani, shared a traditional point of view and subscribed to

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<sup>36</sup>Monir Gorgi. "Zan va zamamdari. Negahi beh hokumat-e malakeh-ye saba dar qoran", (Women and Government. An Examination of the Government of the Queen of Saba in the Qur'an), *Farzaneh*, vol. 1, Autumn, 1993, pp. 9-29.

<sup>37</sup>Declaration by Ayatollah Khomeini, 12 March 1982, *Sahifeh-ye Nour*, Teheran, 1989, vol. 17, p. 211.

the dominant ideology, strove for the “Islamic needs and rights of women”. They declared that Islamic legislation furnished women with all their rights and that, if such laws were applied fully, women would obtain their rights.

The discontent of the female population led to a more significant mobilization on the part of Islamic women in elections for the Fifth Parliament, which sat from 1996 to 2000. The elections also afforded women the opportunity to demand their rights explicitly and overtly and insist that candidates should make their views on various issues of interest to women known. Out of the 320 female candidates (six per cent of the total), some were regarded by women as advocates for women’s rights. These included Soheila Jelodarzeh, a working class politician who was elected to the Fifth, Sixth (2000-2004) and Eighth (2008-2012) Parliaments; Faezeh Hachemi-Rafsanjani, President of the Council for Sporting Solidarity in the Muslim countries; and Marziyyeh Seddiqi, a candidate in Mashhad (the country’s second city). Each of these three was often elected with the support of women voters. The thirteen elected women who occupied five per cent of the seats tried to improve the conditions of women.

Faezeh Hachemi-Rafsanjani refused to accept the fixed and rigid interpretation of Islamic precepts of the religious and political authorities and demanded their re-interpretation: “It is not Islam but the interpretation of its precepts by the clergy that hinders women’s access to public office.”<sup>38</sup> Fatemeh Ramezanzadeh, Soheyla Jelodarzadeh and Marziyeh Seddiqi, for their part, argued that the dynamism of Islam should be reflected in the Civil Code and asked for women’s equal rights to divorce and child custody.<sup>39</sup> The Fifth Parliament approved the establishment within the assembly of a special commission for family and women’s affairs to look into how women’s rights might be better protected. Despite the opposition of conservative members, activist women deputies succeeded in amending some legislation in such a way as to limit men’s unilateral right to divorce. To request divorce, couples were to present themselves before courts empowered to appoint legal counsel. In January 1996, 200 women were appointed to such posts, representing a first step towards the reinstatement of women as judges.

By the time the general elections for the Sixth Parliament were held in February-May 2000, the gulf between reformists and conservatives had become intractable.. The elections were highly politicized and women’s issues were relegated to the background.<sup>40</sup> Despite their restricted numbers and the resistance of a significant sector of the political and religious elite, which aimed to safeguard patriarchal authority, the reformist women deputies of the

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<sup>38</sup> Faezeh Hachemi-Rafsanjani, Teheran, 31 July 1996, interview with the author.

<sup>39</sup> See *Zan-e Rouz*, 1577, 19 October 1996, pp. 18-19 and p. 60.

<sup>40</sup> See Azadeh Kian-Thiébaud, *Les femmes iraniennes entre islam, Etat et famille*, op. cit.

Sixth Parliament, who were well-known as activists for women's rights,<sup>41</sup> attempted to change certain laws by recourse to *ijtihad* (the right of interpretation). For this purpose, they embarked on a dialogue with the reformist religious authorities. In doing so, they sought, in particular, to have imprisonment substituted for stoning as the penalty for adultery (*zina*), establish equality between men and women in the matter of blood money and the raise the minimum age for marriage. In December 2002, the Grand Ayatollah Youssef Sane'i, who took the view that Islam does not bar women from becoming judges, issuing religious edicts or governing the country, issued a *fatwa* according to which the value of a woman's life is equal to that of a man. Thanks to the support of reformist clerics, women deputies often succeeded in passing laws designed to improve the legal status of Iranian women. However, the Council of Guardians<sup>42</sup> overturned these reforms on the grounds that they were incompatible with Islam. Among the draft legislation that was thus blocked was Iran's adherence to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); a reform of divorce law that would have facilitated divorce on the wife's initiative; the payment by the principal heirs of a pension (*nafaqeh*)<sup>43</sup> to a wife after the death of her husband (according to the law, a wife inherits only one eighth of the estate of her husband if the couple have children and a quarter if they do not); assisted pregnancy; and the equalization of blood money payments for men and women. For the first time since the Revolution, however, international women's day (8 March) was celebrated at the initiative of a number of newly elected women, including Elaheh Koulayi, a deputy for Teheran.

Constitutional law granted men the exclusive right to positions of religious and judicial authority in society (in Articles 5, 107 and 163) but remained ambivalent with regards to the question of political leadership. Article 115 made use of the word *rajol*, which means "a man" but can also apply to any well-known individual. This ambiguity led some women to demand recognition for the principle that a woman could serve as the country's political leader: "What is the difference between the Presidency of the Republic and the direction of an administration? None. In both cases, what is at issue is executive responsibility. Why, therefore, can a woman not run the country when she can be at the head of an administration?"<sup>44</sup> Taking advantage of the same ambiguity, eight women declared their candidacy in the presidential election of 1997, challenging the vision of the traditionalists.

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<sup>41</sup>In particular, Elaneh Koulayi, Fatemeh Haghghatjou, Fatemeh Rakeyi, Jamileh Kadivar, Akram Mansourimanesh.

<sup>42</sup>This body consists of six clerics appointed by the Guide of the Revolution and six jurists put forward to Parliament by the head of the judiciary, who is himself appointed by the Guide. Its task is to supervise the constitutionality of legislation and its compatibility with Islam. It also validates all candidates for election.

<sup>43</sup>In the case of permanent marriage, the husband should provide a pension (*nafaqeh*) for his wife. The pension covers the cost of housing, subsistence and the purchase of clothes and furniture (article 1204 of the Civil Code).

<sup>44</sup>Faezeh Hachemi-Rafsanjani, *Teheran*, 31 July 1996, interview with the author.

Azam Taleqani put it thus: "I have the right to put myself forward as a candidate. In addition, I would like the word *rajo* used in the Constitution to be clarified. If the Council of Guardians respects Islam it will give me its support."<sup>45</sup>

In the presidential election of 2001, 47 women, of whom the boldest was only 19 years old (since the law said that candidates should be between 30 and 75), defied the conservative membership of the Council of Guardians once more by putting themselves forward as candidates. In 2005, this figure reached 89 and, in 2009, it was still 42. Nonetheless, the word *rajo* was not clarified and none of the candidates was approved, a decision for which the Council of Guardians offered no explanation.

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### ***From Hope to Radicalization***

Responding to questions regarding the absence of women ministers in his government following his victory in the 1997 election, President Khatami said he had chosen on the basis of ability, not of gender. Despite the fundamental role played by women in his election and the hopes to which it had given rise among them, no radical change occurred in the status and condition of women. In this respect, the policy of the Khatami government was no different from its predecessor. Despite the fact that a number of eminently well-qualified women were available, including the female deputies of the Sixth Parliament, the President persisted in his refusal to appoint women as ministers following his re-election in 2001. Zahra Shoja'i, the President's adviser for women's affairs and Director of the Center for the Participation of Women, and Ma'soumeh Ebtekar, Vice President and in charge of environmental protection, were the only women in President Khatami's administration, prompting criticism from the female Islamic deputies. At the time, Jamileh Kadivar, the second woman elected to represent Teheran in the Sixth Parliament, made the following statement: "We know that the presence of one or two women in the government is not going to resolve women's problems but we believed that the appointment of women as ministers would have positive consequences for society and culture.... In this country, we produce a lot of propaganda about the participation of women but we make little use of their abilities."<sup>46</sup>

In the opinion of Akram Mansouri Manesh, the female deputy for Isfahan, "the refusal [by the President] to appoint women, despite their being much more able than the men

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<sup>45</sup>Zanan, 34, April-May 1997, pp. 6-7.

<sup>46</sup>See the statement by Jamileh Kadivar in *Siyasat-e Rouz*, 115, 4 September 2001.



selected as ministers, is an affront to all women.”<sup>47</sup> Throughout Khatami’s tenure as President, (1997 to 2005), the policy of the Islamic Republic towards women remained ambiguous. As Zahra Shoja’i observed: “More than two decades after the Revolution, we still do not know the views of the Islamic Republic in relation to women. Should the proportion of economically active women ~~who are active~~ increase or not? There is no overall program as regards women. Neither the four principles of the Constitution nor the sermons of Ayatollah Khomeini nor the history of women in the early days of Islam can lead us towards the idea of a comprehensive plan!”<sup>48</sup>

This doctrinal ambiguity extends beyond the policies of the Islamic Republic relating to women and goes back to the very foundations of the regime, which seeks to present itself as both republican and Islamic.

The slowness of reform during Khatami’s presidency disappointed the educated and modern women who had played such a prominent role in his election. It contributed to their disenchantment with politics and their radicalization. The lack of mobilization among this group of women favored the rise of the conservative or even ultra-conservative women who were elected, thanks to a very low turnout, to the Seventh Parliament (2004-2008). With a conservative majority, this Parliament included twelve women, of whom only one was drawn from the reform movement.<sup>49</sup> As soon as they were elected, two of them -- the most anti-feminist<sup>50</sup> -- lent their support to polygamy, argued for the adoption of repressive measures against women deemed insufficiently veiled and expressed their opposition to the adoption of the CEDAW. These postures gave rise to protests on the part of urban women, who were supported by women’s magazines, reformist newspapers and the former reformist women deputies. Their reaction obliged the conservative deputies to backtrack on the issue of polygamy but they remained unanimous in their rejection of CEDAW, as a statement made by one of them, Effat Shari’ati, illustrates: “We have no need for this Convention on the Elimination of all forms of Discrimination against Women. We have already prepared an Islamic convention and if it is ratified other Muslim countries could also adopt it.”<sup>51</sup> Women members of the traditionalist Party of the Islamic Coalition criticized feminism as a “legacy of western colonialism”, deplored the “lack of respect by Iranian

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<sup>47</sup>See the statement of Akram Mansouri-Manesh, *Zanan*, 79, September 2001, p. 12.

<sup>48</sup>Zahra Shoja’i, interviewed by Mahboubeh Abbasgolosadeh, (editor of the women’s magazine *Farzaneh*), Teheran, Spring, 2001.

<sup>49</sup>This was Mehranguiz Morovati, the deputy from Khalkhal, who had also been elected to the Sixth Parliament. The other women were from the conservative camp. Rafat Bayat, deputy for Zanzan was an independent conservative. Fatemeh Alia, Nafiseh Fayyazbakhsh, Elham Aminzadeh Laleh Eftekhari, Fatemeh Ajorlou and Fatemeh Rahbar were deputies for Teheran. Effat Shari’ati, Hajar Tahriri, Eshrat Shayeq and Nayereh Akhavan-Bitaraf were the elected representatives of Karaj, Rasht, Tabriz and Isfahan respectively.

<sup>50</sup>Fatemeh Alia and Eshrat Shayeq

<sup>51</sup>See the statement by Effat Shari’ati in *Sharq*, 535, 28 July 2005, p. 3.

women for the Islamic veil” and demanded the “Islamization of society”.<sup>52</sup> These positions, adopted three decades after the–Revolution, revealed the failure of an Islamist social project that had fallen short of imposing an overall system to oversee all aspects of society on the sole basis of Islam.

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### *The Return of Islamic Feminists to the Political Scene*

Since the election of the radical-populist Mahmoud Ahmedinejad as President, which was mainly due to the massive abstention of the reformist electorate in the second round of the 2005 presidential election, significant setbacks in women’s rights and feminist activities have prompted certain reformist Islamic feminists to reassert their active presence in the political and public spheres. The draft of the Family Protection law drawn up by the judiciary and presented to the Parliament in November 2007 by President Ahmedinejad’s government was an opportunity for these women to air their discontent. Under the pretext of consolidating the foundations of the family, this draft law extended numerous additional privileges to men in relation to permanent polygamous and temporary marriage while limiting yet further women’s rights in the case of divorce. A man’s second marriage was made conditional on the authorization of a tribunal which was dependent solely on the man’s financial means. In a resolution adopted against this draft law, some Islamic feminists criticized the obstacles the authorities had placed in the way of women’s rights, which they described as oppressive, discriminatory and liable to retard the country’s development. They took a stand against the conservatives, who were sought to restrict women’s roles to that of procreation: “To limit the part played by women to their traditional roles and stereotypes, to describe women’s participation in social and political activities as superfluous and to place restrictions on the actions of women’s rights activists, while halting plans for the development of women can only perpetuate the vision of a ‘secondary’ sex.”<sup>53</sup>

In September 2008, more than fifty secular and Islamic feminists<sup>54</sup> conducted a mass petition of Parliament. Focusing on the rivalry between Ahmedinejad and Ali Larijani, the Speaker, they succeeded in obtaining the repeal of two legal provisions that particularly discriminated against women.<sup>55</sup> The interaction between Islamic and secular militants

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<sup>52</sup>Ibid.

<sup>53</sup>Resolution entitles *Eteraz beh layehy-e khanevadeh* [Protests against the draft family law]. Signed by the Women’s Committee of the Islamic Iran Participation Front, the Society for the Protection of Women’s Rights, the Association of Women Journalists,

<sup>54</sup>Amongst whom were Elaheh Koulayi. Farideh Mashini and Fakri Mohtashimpour from the Islamic Iran Participation Front, the main reforming party, and Azam Taleqani, Shahla Sherkat, Minou Mortazi-Langeroudi and Ashraf Geramizadegan, all journalists and activists in NGOs.

<sup>55</sup>These were the taxation of the widows’ inheritance and article 23, which permitted polygamous marriages for men disposing of sufficient financial means without mentioning the condition of permission from the first wife.

played a key role in winning intellectual autonomy for the movement and constructing gender and class solidarity (they are all from the urban middle classes), which enabled them to defy and sometimes influence institutions, laws and traditions that they had previously regarded as powerful and unalterable.

The extent of the government's conservatism and sexism, on the one hand, and the activities of Islamic and secular feminists, on the other, even led anti-feminist women conservatives, including some deputies, to publicly express discontent with the policies of their own political faction in regards to women. They avowed their disappointment with the refusal of the Council of Guardians to approve the eligibility of women candidates in the presidential election, criticized the limited representation of women in policy-making bodies and expressed disapproval over President Ahmedinejad's refusal to appoint women ministers. These conservative deputies also reacted forcefully when their male colleagues opposed the election of a woman to Parliament's executive institutions. "To say that the presence of women in Parliament's executive bodies is not compatible with the modesty of Muslim women is only a pretext. The truth is that these male deputies believe themselves superior to women."<sup>56</sup> The elections for the Eighth Parliament, which took place in April and May 2008, once more aroused the ire of certain conservative women in politics. These included Maryam Behrouzi, a former deputy, member of the Islamic Coalition Party (the main conservative party) and Chairwoman of the conservative Zeynab Association., when the conservatives refused to present more than four women candidates. Behrouzi had demanded that 30 per cent of all candidates be women and presented a list of ten women to be incorporated into the Party's list of thirty candidates for Teheran. When her plan was rejected, with the conservatives stating that they would present no more than four women candidates, Behrouzi refused to participate in the elections.

.In the event, the Eighth Parliament contained just eight female deputies. Concerning the obstacles raised to the presence of women in Parliament, Behrouzi remarked, "Women should participate actively in policy making. There is no legal barrier to their presence in Parliament. It is the dominant patriarchal system which desires the removal of women from the public sphere."<sup>57</sup>

The 2009 presidential election represented a further opportunity for activists to challenge the patriarchal political order. A broad coalition of secular and Muslim women activists asked the future President of the Islamic Republic to take steps to ratify the CEDAW and to

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<sup>56</sup>See Nayereh Akhavan-Bitaraf's remarks *Aftab-Yazd*, 1599, 3 September 2005, p. 2.

<sup>57</sup>See Maryam Behrouzi interviewed on the German radio station Deutsche Welle, 19 February 2008. <http://www.dw-world.de/dw/article/0,2144,3137038,00.html>

modify particularly discriminatory articles of the constitutional law, penal law and Civil Code.

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Faced with the Islamic state, which manipulates religion to justify gender discrimination and strengthen the patriarchal system, Islamic feminists and Islamic women's rights activists reject gender-based social inequalities in the name of this same religion. Drawing upon a dynamic, critical reinterpretation of the Qur'an and the Islamic traditions from a female point of view, they move towards the historicization and contextualization of Islam and reject determinist conceptions of the religion. Calling into question traditional identities and the gendered roles assigned to women, they argue for the idea that differences between men and women are a matter of political choice, not divine will, and demand full citizenship rights for women. They also seek to re-establish women's authority in the religious domain. Their strategy is to construct female interpretations of Shi'ite Islam that will free them from male domination and the religious authorities, which have hitherto monopolized the interpretation of Islamic laws and traditions to women's disadvantage.

Iranian Islamic feminism also challenges the validity of a unitary model of emancipation that is meant to be based on Western history and ~~western~~-models. It invites us to interrogate the prejudices that surround the representation of Islam as a fixed and immutable body of doctrine. Through their interventions, their actions and their struggles, Islamic feminists lay a claim to being autonomous actors, seek to renew Islam and endeavor to change the relations of power between men and women.

It remains to be seen whether, in the absence of state cooperation, these intellectual efforts and social struggles will be sufficient to bring about structural, institutional and cultural change.

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