Women in the Islamic Republic of Iran: Legal Status, Social Positions, and Collective Action

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The road from 1979 to 2005 has been an arduous one for Iranian women. They were, first, the major losers of the Revolution, as they saw their legal status and social positions dramatically decline in the name of religious revival. Compulsory veiling, the ban on women singers, exclusion from political power, economic marginalization, and—adding insult to injury—the return of unilateral divorce, polygamy, and temporary marriage were some of the egregious gender outcomes that characterized the first ten years of the Islamic Revolution. The second decade of the Islamic Republic saw the emergence of policy shifts, new leadership, and rising societal expectations. The promises of reform, however, were not realized, and the protest movements of the late 1990s dissolved from internal cracks or external repression. Nevertheless, much social change has come about—in family dynamics, educational attainment, cultural politics, women's social roles, and attitudes and values—though largely in spite of the state rather than due to progressive state initiatives. This paper will examine changes connected to women's legal status and gender relations; legal disparities, contemporary social realities, and international norms; and the strengths and weaknesses of women's collective action.

Women and the Revolution

Women were major participants in the Iranian Revolution against the Shah, which unfolded between 1977 and February 1979. Like other social groups, their reasons for opposing the Shah were varied: economic deprivation, political repression, identification with Islamism. The large urban street demonstrations included huge contingents of middle-class and working-class women wearing the veil as a symbol of opposition to Pahlavi bourgeois or Westernized decadence. Many of the women who wore the veil as a protest symbol did not expect *hejab* (Islamic modest dress) to become mandatory. Thus, when the first calls were made in February 1979 to enforce *hejab* and Ayatollah Khomeini was quoted as saying that he preferred to see women in modest Islamic dress, many women were alarmed. Spirited protests and sit-ins were led by middle-class leftist and liberal women, most of them members of political organizations or recently-formed women's associations. Limited support for the women's protests came from the main left-wing political groups. As a result of the women's protests, the ruling on *hejab* was rescinded—but only temporarily. With the defeat of the left and the liberals in 1980 and their elimination from the political landscape in 1981, the Islamists were able to make veiling compulsory and to enforce it harshly.[1] Cosmetics were also banned. Some young women who defied the new regulations and wore lipstick in public were treated to a novel punishment by the enforcers of public morality—removal of lipstick by razor blade.

During the first half of the 1980s, the Islamic Republic (IRI) banned women from acting as judges and discouraged women lawyers. It repealed the Shah's Family Protection Law of 1967 and 1973,

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which had restricted polygyny, raised the age of marriage for girls from 9 to 15 years of age, and allowed women the right to divorce. In its place, the new regime implemented a family code based on an extremely patriarchal interpretation of the *sharia* (religious law). The Islamic regime all but banned contraception and family planning, lowered the marriage age for girls to 9 years, and excluded women from numerous fields of study, occupations, and professions. The IRI waged a massive ideological campaign that celebrated Islamic values and denigrated the West, extolled women's family roles, and championed *hejab* as central to the rejuvenation of Islamic society.

The visibility and growing public participation of urban women in the 1960s and 1970s had alarmed clerics and the men of the petty bourgeoisie, leading to calls for women's domestication. Westernized women were blamed for the decline of Islamic values, cultural degradation, and the weakening of the family. In the IRI's remake of Iran's political culture, compulsory veiling signaled the redefinition of gender rules, and the veiled woman came to symbolize the moral and cultural transformation of society. The success of the revolution and the return of Islamic values depended on the appearance and comportment of women—a responsibility that some women gladly assumed but which others found extremely onerous. Ayatollah Khomeini had his women supporters, but the government of the IRI initially included no women in important or visible positions. The regime was masculine in style as well as in composition, consisting overwhelmingly of Islamic clerics.

The effects of the Islamic Republic's preoccupation with cultural and ideological issues and with the definition of women's roles were considerable. The full range of their social impact, which came to light when the results of the 1986 national census of population and housing were analyzed, included an increase in fertility and population growth and a decline in female labor-force participation, particularly in the industrial sector; lack of progress in literacy and educational attainment; and a sex ratio that favored males. Clearly, Islamist politics had produced an extremely disadvantaged position for women. It had reinforced male domination, compromised women's autonomy, and created a set of gender relations characterized by profound inequality.[2]

However, a number of factors came to undermine the Islamic Republic's project for women, family, and gender relations. The changes began after the death of Ayatollah Khomeini in 1989 and continued during the presidency of Hashemi Rafsanjani (1989-1997), in the context of economic liberalization and integration into the global economy. During this time, Iranian civil society developed and a lively women's press emerged. Further changes occurred during the two terms of President Mohammad Khatami (1997-2005), including the growth and vitality of Iranian civil society and a movement for political and cultural reform.

Islamic Modernism, Islamic Feminism

Several factors shaped the trajectory of the Islamic Republic and its efforts to Islamize the country's social structure. Iran's sizable modern middle and working classes had experienced growing rates of literacy and educational attainment under the Shah's economic development and modernization programs. The status of urban women, in particular, had improved, and the memory of this lingered in the post-revolutionary period, resulting in considerable resistance to strict Islamization.[3] Iranian modernization almost certainly had affected women's expectations and aspirations within Iranian society, and may also have shaped the values and vision of many Islamists, whether ideologues of the revolution or officials of the republic. Many women in and around the state apparatus, for example, were appalled by the prospect of unilateral repudiation and lobbied for changes to the marriage and divorce laws.

A second set of factors that undermined IRI policies on women were brought about by the long war with Iraq (1980-88). The mobilization of all Iranian men created employment opportunities for

educated women in the public sector, particularly in health, education, and (to a lesser extent) public administration. To be sure, these jobs went to ideologically-correct women, but the very presence of women in the public workforce suggested both the determination of women and the flexibility of the regime. Moreover, while women were strongly discouraged from public roles, they were not formally banned from the public sphere; the regime rewarded Islamist women by allowing them to run for Parliament and giving them jobs in the civil service. Four women served in the IRI's first Parliament in 1980, at least two of whom (Azam Taleghani and Maryam Behrouzi) became known as Islamic feminists. Many women parliamentarians and women civil servants ("state feminists" or "Islamic feminists") made demands on the government for equality and greater opportunity. At the same time, a small contingent of working-class women, the most adversely affected by early employment policies, continued to work in factories, whether out of their own need and aspirations, or because the employers could not find men to replace them. These women contradicted the ideal of full-time motherhood and notions of the inappropriateness of factory work for women.

Other factors affecting the IRI's Islamization policies and alarming authorities included evidence linking increased fertility to declining government revenues, indebtedness due to the war with Iraq, and increasing unemployment and poverty. Thus, following the death of Ayatollah Khomeini, the government reversed its opposition to family planning and embarked on a vigorous campaign to stabilize population growth. This policy was enthusiastically embraced by women. Family planning clinics throughout the country began to distribute contraceptives and family planning advice, frequently free of charge. The total fertility rate declined from 3.2 to 2.3 children per woman, one of the lowest rates in the Middle East.

As a result of agitation by Islamic feminists/state feminists, restrictive barriers to women's educational achievement and women's employment were removed. In 1992, the High Council of the Cultural Revolution adopted a set of Employment Policies for Women, which, while reiterating the importance of family roles and continuing to rule out certain occupations and professions as Islamically-inappropriate, encouraged the integration of women into the labor force and attention to their interests and needs. Women were encouraged to enter gynecology, pharmacology, midwifery, and laboratory work. The government also opened the field of law to women in the 1990s. "Women legal consultants" were permitted in the Special Civil Courts, although women still could not serve as judges.[4] About 35 percent of public sector employees today are women. Most work in the Ministries of Education and Health and about 35 percent have university degrees.[5] Indeed, during the academic year 2002-2003, women's enrollments exceeded those of men for the first time since universities were established in Iran in the 1930s. Women hold 12 percent of publishing house directorships and are 22 percent of the members of the Professional Association of Journalists.[6] Despite these changes, however, women's economic participation and rights in Iran leave much to be desired, as indicated in Table 1.

In the realm of politics, women became increasingly visible by the mid-1990s. The 1995 and 2000 parliamentary elections not only resulted in more women members of Parliament but also in the emergence of articulate reform-minded advocates. Women parliamentarians were more assertive publicly, with language in public pronouncement that was less specifically Islamic and more compatible with what may be called "global feminism." Prominent women parliamentarians such as Soheila Jelodarzadeh, Jamileh Kadivar, Fatemeh Rakai, Fatemeh Haghighatjoo and Elaheh Koulai became outspoken advocates of reform and women's rights. They called for changes in the patriarchal family laws as well as more political freedom. Women' affairs offices were established in every ministry and government agency; and numerous non-governmental organizations dealing with women's concerns were formed. A lively women's press emerged, with books, magazines, and women's studies journals taking on important political, cultural, religious, and social issues.

Indeed, a paradoxical outcome of Islamization in Iran has been a kind of quiet revolt by women and the emergence of what may be called a feminist pre-movement. In the latter part of the 1990s, an alliance of secular and Islamic feminists began to contest the institutionalized privileges of men over women.[7] Many young women and secular women dislike compulsory *hejab*, and there were numerous instances of informal and spontaneous individual acts of resistance (though not yet organized protests) against it. Although divorce laws continue to favor men, women were increasingly initiating divorces. According to one commentator, "A 20 percent increase in the divorce rate is regrettable and worrisome, but it is also a sign that traditional marriage is changing as women gain equality."[8] Many articles published in the women's press criticized the subordinate status of women in the Islamic Republic and called for modernization of family law. Feminist leaders became well known in the diaspora, and some, like Shirin Ebadi, internationally. They included women who formed or otherwise helped to sustain women's publishing collectives (e.g., *Zanan, Jens-e Dovvom, Farzaneh, Hoghough-e Zanan,*and *Roshangaran Press*); practicing lawyers or legal experts who explained and critiqued the legal constraints on women's rights and equality; academics who tried to form women's studies courses or programs at their universities or write on women's topics in the women's press; and believing women whose questions about the status of women in Islam and in the Islamic Republic launched the field of Islamic feminism. (*Zanan's* role in the emergence and flourishing of Islamic feminism has been studied extensively by expatriate Iranian feminist scholars as well as in the many women's magazines, journals, books, and films produced in Iran.[9])

Women's votes were crucial to the election of President Khatami in 1997 and in 2001 and to the formation of a majority reformist Parliament in 2000. And yet, they were rewarded in only a meager way. In the aftermath of the presidential elections of 1997, newly-elected President Khatami named Massoumeh Ebtekar, an American-educated lecturer who had been the media voice of the radical students who seized the U.S. Embassy in 1979, as a vice-president in charge of environmental affairs. Culture Minister Ataollah Mohajerani then appointed Aazam Nouri as deputy culture minister for legal and parliamentary affairs, and Interior Minister Abdollah Nouri named Zahra Shojai as Iran's first director-general for women's affairs.[10] They were the first women to serve in top government posts since the 1979 Revolution. These advances, however, were later met by a conservative backlash. In May 1998 conservative members of Parliament who opposed President Khatami's reforms and policies introduced bills to limit women's rights. In July 1999, the pro-Khatami student movement was brutally suppressed, which may also have served to warn women about the risks involved with any burgeoning movement's activities.

During his second term, President Khatami moved closer to the conservative clerics and took no more bold steps to appoint more women to ministerial posts. Considering the quality of some of the women in the state apparatus, it was probably just as well. In an interview during a visit to Brussels in early July 2002, Iran's advisor to the president on women's issues, Zahra Shojaie, defended death by stoning for adulterers as permissible by the *sharia* "to defend the inviolability of the family."[11] When Iran's top state feminist defends not only capital punishment but also the stoning to death of adulterous women, it is clear that there are serious limits to both Islamic feminism and to the government's reform agenda. More recently, in October 2004, two prominent women's rights advocates, a journalist and the founder/editor of *Farzaneh,* were arrested. **(See Table 1.)**

The Legal Status of Women

Today, in line with the authoritarian nature of the state, the legal framework remains very unfavorable to women and minorities, such as Christians, Jews, and Zoroastrians. Women's legal status is especially problematic in those articles of the Civil Code that pertain to women and the family; in the Labor Law, which prohibits women from being employed as judges; and in the *Qanoon-e Qessas* penal code, which places the value of women at half of that of a man. Iran's laws permit systematic

discrimination on the basis of gender and religion. Men have more rights than women, and Muslims have more rights than non-Muslims. Iran has not signed the Convention on the Elimination of All Forms of Discrimination Against Women, but it is a signatory to human rights instruments such as the Universal Declaration on Human Rights, the Convention of the Rights of the Child, the International Covenant on Civil and Political Rights (ICCPR) the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Abolition of Slavery. Serious contradictions exist between the Iranian family law and these international human rights instruments, as indicated below.[12] Examples of discriminatory laws follow. **(See Table 2.)**

Minimum age for marriage. The Iranian Civil Code provides that marriage contracted before puberty is invalid *unless authorized by a natural guardian* with the ward's best interests in mind. When authorized before puberty, minimum age is nine. Accordingly, sex with a girl-child is legal. A reform to the family law during the presidency of Mr. Khatami raised the minimum age from nine to thirteen, although under-age girls could still be given in marriage with parental permission. This is in clear violation of international conventions. In the Convention of the Rights of the Child, where a child is defined as a person under the age of 18 (Article 1), it is noted that the state has the responsibility to protect children from all forms of exploitation, including sexual (Articles 34, 35, and 36). The Universal Declaration of Human Rights, Article 16, states: "Marriage shall be entered into only with the free and full consent of the intending spouses."

The legal age of marriage in the Islamic Republic of Iran is also at odds with Iran's own labor practices. A girl under the age of 15 can be legally married and work within her husband's household, although the Labor Law establishes 15 as the minimum age for work. It is important to note that the legal codes in Iran do not necessarily reflect the social reality of family life and women's positions in Iran. There is a large gap between what the law permits and what actually occurs in society. For example, the law allows a girl of 13 to be married, but according to 1996 statistics (the most recent year for which such data are available), the mean age at first marriage among women was 22.4 (up from 19.9 in 1986), and among men it was 25.6 (up from 23.6 in 1986). The increase in mean age at first marriage from 1986 to 1996 applied to both rural and urban men and women.[13] Consequently there is a need to conform to social reality as well as international standards by raising the minimum age and prohibiting the marriage of the girl-child.

Marriage Guardianship. Iranian law says that marriage of a virgin girl [even after puberty] requires permission of the father or paternal grandfather. A special civil court may grant permission if the guardian refuses to do so without a valid reason. This contravenes several international laws and standards of human rights. The ICCPR (Article 23); the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (Article 1); and Article 16 of the Universal Declaration of Human Rights all stress that men and women of full age have the free and full choice of entering a marriage to which they consent.

Marriage Registration. Iranian law says the Identity Office must be notified of all temporary or permanent marriages and their dissolution. Marriages between Muslim women and non-Muslim men are not recognized. Bahai marriages are not recognized. These provisions are against Articles 2 and 10 of the ICESCR and several articles of the Universal Declaration on Human Rights, specifically part (a) of Article 16 which notes "Men *and women* of full age, without any limitation due to race, nationality or *religion*, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution." [Italics added.]

Temporary Marriage. Iranian law permits temporary marriage, known as *sigheh*, but it must be for a fixed time period. Temporary marriage has been a subject of debate not only for lawmakers but also for some Iranian feminists. In the early 1990s, then-President Rafsanjani announced that there was

nothing wrong with temporary marriage. A negative reaction ensued, and the president added that he only referred to temporary marriage as a good solution for war widows. During Mr. Khatami's presidency, Shahla Sherkat, editor of the Islamic feminist magazine *Zanan*, suggested that temporary marriage was salutary for young people who for different reasons (such as financial difficulties) were postponing marriage:

> *First, relations between young men and women will become a little bit freer. Second, they can satisfy their sexual needs. Third, sex will become depoliticized. Fourth, they will use up some of the energy they are putting into street demonstrations. Finally, our society's obsession with virginity will disappear.*[14]

Other supporters of temporary marriage suggest that it can prevent the spread of sexually transmitted diseases. One writer says, "The majority of the prostitutes and *sigheh* wives in Iran exchange sex for survival. Being uneducated survival sex workers, they accept risky sex behaviors easily." [15]

Sigheh is a social taboo. It stigmatizes women who engage in the practice. Historically, women who agreed to *sigheh* did so out of financial need; in most cases the man is married and much older than the woman. Moreover, the institution of *sigheh* is clearly biased in favor of men. A married/single man can have as many *sigheh* as he likes, while a woman is required to be unmarried and can only be *sigheh* to one man.

Polygamy. The law says a wife may obtain a divorce if her husband marries without her permission or does not treat co-wives equitably in the court's assessment. Here, inequality is clear since only men are allowed to have more than one partner. Although a woman legally can file for divorce if the husband marries another woman without her consent, in practice this is not easy. In many cases the wife is financially dependent on the husband, and due to the laws regarding guardianship of children, in the case of divorce she will most likely lose custody of her children, even if the father is unfit. That Iranian law still permits polygamy not only flies in the face of international standards, it also is clearly disconnected from the social reality and actual practices of Iranian society. By all accounts, polygamy is almost non-existent in Iran. And yet the law remains and official channels seek to promote the practice. Iranian feminist Parvin Ardalan described a protest by women activists against conservative-controlled state television when it aired a series called "Another Lady," in which a woman introduces her friend to her husband for marriage: "The gathering on April 28, 2004 in Tehran," she wrote, [was] "a voice of protest against the trampling of our rights and promotion by television of polygamy."[16]

Obedience/Maintenance. Under Article 11, a husband must maintain his wife in return for his wife's obedience, *tamkin.* In principle, a wife who is not *nashiza* (disobedient) may go to court if her husband refuses to pay maintenance. The court will fix a sum and even order retroactive payments of maintenance to the wife. In temporary marriage, a wife is entitled to maintenance only if the contract stipulates such; a husband may deny his wife the right to work in any profession "incompatible with the family interests or with the dignity of himself or of the wife." The law also allows a wife to refuse conjugal relations only under exceptional conditions, such as if the husband has contracted a venereal disease. This law undermines all norms and objectives of women's human rights, while also commercializing marital relations. It seems to label as disobedient the withholding of sexual services from one's husband—except if the husband has venereal disease or if the *mahr/mehrieh* has not been paid. Rape in marriage is not recognized.

Providing for the living expenses of the children is a responsibility that lies with the husband, and the wife has no financial obligation with respect to her own children. Two articles of the Civil Code

define maintenance. The first, Article 1199, places full responsibility for children's expenses with the husband, or in the event he is dead or unable to assume responsibility, then it passes to the husband's father or grandfather. Only after exhausting these resources is the mother responsible for the welfare of the children. The second, Article 1206, allows a wife to claim all previous non-payments by lodging her complaint at a court; if the husband is bankrupt, then this is considered a prime debt which must be resolved before other settlements have been made. Some proponents of this law see it as a special privilege granted to women;[17] but in fact it reinforces the notion that the mother is not the guardian of the children and is an economic dependent.

Ziba Mir-Hosseini explains the obligation of the man and the woman in the *Shi'a* marriage contract as follows:

> *With the marriage contract, a woman comes under her husband's isma (authority, dominion and protection), entailing a set of defined rights and obligations for each party; some have a moral sanction and others have legal force. Although the boundaries between the legal and the moral are hazy . . . those sanctions with legal force revolve around the twin themes of sexual access and compensation, embodied in the concept of tamkin and nafaqa. Tamkin (submission, defined as unhampered sexual access) is a man's right and thus a woman's duty; whereas nafaqa (maintenance, defined as shelter, food and clothing) is a woman's right and a man's duty. A woman becomes entitled to nafaqa only after the consummation of marriage, and she loses her claim if she is in a state of nushuz (disobedience), (while she has the right to refuse sexual access until she receives it in full). It is essential to note that a woman retains full control over disposal of her property and management of her affairs. The contract establishes neither a shared matrimonial regime nor reciprocal obligations between spouses; the husband is the sole provider and owner of the matrimonial resources and the wife is possessor of her own wealth. The only shared space is that involving the procreation of children, and even here a woman is not expected to suckle her child unless it is impossible to feed it otherwise.*

As far as the economic rights of women are considered, women are constrained in various ways. First, they are relieved of any responsibility for—or rights to—the household and the care of children. Second, they are legally barred from being judges. Third, a woman does not have freedom of mobility—she needs written permission from her husband or guardian in order to travel or obtain a passport, whether for business purposes or for pleasure. Fourth, in many cases, a woman needs the permission of a male relative for work. Though a woman does not require her husband's permission to work, he can legally put limitations on the type of work she can do. Once again this is in contradiction with Article 6 of the ICESCR, which guarantees everyone the right to work.

Evidently, the only true obligations that the woman has in a marriage are sexual services and childbearing. And, under the principle of patrilineality, custody and guardianship of children reside with the father and his natal family. This contradicts the Islamic Republic's constitutional emphasis on the rights and dignity of motherhood, and it also explains the inconsistencies of interfaith marriage. A Muslim man is allowed to marry a non-Muslim woman because the children are his and must follow his faith, whereas a Muslim woman is not permitted a non-Muslim man unless he converts to Islam.

Post-Divorce Financial Arrangements. Amendments in 1992 broke new ground in divorce provisions of the *Shi'a* school of law. They limit men's ability to act capriciously and protect women by providing them with some financial support, notably the right to claim compensation for household services rendered to the husband during marriage. This version of wages for housework, *ujrat ul-mithl*, is considered a major achievement by the advocates of women's rights in Iran.

Iran's family laws are anachronistic. They contradict both the social reality in Iran and international standards and norms. They are also inconsistent with the IRI's own constitutional guarantees of women's dignity and the precious status of motherhood. Many feminists in Iran and in the diaspora would like to see the government sign, ratify, and implement the Convention on the Elimination of All Forms of Discrimination Against Women. Senior clerics however, argue that if Iran signs international conventions on human rights, then

> *[A]ll will be held accountable. This Convention, which denies any difference between men and women's rights and duties, is in fact a grave step by the UN towards establishing Western dominance and global hegemony of Western materialistic culture . . . . And unfortunately, some of the people in charge, particularly women, are for ill-founded and baseless reasons trying to persuade Iran to join a convention that guarantees problems with religious jurisprudence.*[18]

Women's Collective Action

Women's rights advocates in Iran have discussed ideas about women's rights and needed legal reforms primarily in the women's press. Such well-known Islamic feminists as publisher Shahla Sherkat, women's journal editor Mahboubeh Abbas-Gholizadeh, former parliament member and daughter of former President Rafsanjani Faezeh Hashemi, former member of parliament Azzam Taleghani, and local councilor Marzieh Mortazi, along with secular feminists in Iran (e.g., Shirin Ebadi, Mehrangiz Karr, Shahla Lahiji and Noushine Ahmadi-Khorasani) and many expatriate academics, have collaborated on issues such as the modernization of family law, the need for more political participation by women, support for the reform movement, how to integrate women's concerns into the reform movement, and ways of tackling social problems.

Although common ground exists among women's rights activists, political and ideological differences remain. Lines of demarcation divide secular from Islamist feminists, socialist from liberal feminists, and pro-Khatami from independent feminists. Secular feminists are opposed to the Islamic Constitution and to *sharia*-based family and criminal law codes. Instead, they seek complete separation of religion from state and legal frameworks. In contrast, Islamist feminists seek reform of religious-based laws by contesting traditional and patriarchal interpretations of the Quran in favor of alternative interpretations, and they emphasize its emancipatory and egalitarian content. Most secular feminists use the language of liberal democracy to emphasize political freedoms for the country and personal freedoms for women. They pay little attention to class issues or social rights, including enhanced labor rights for working-class women. Unlike their male reformist counterparts, few secular feminists criticize neo-liberal alternatives to the clerics' monopolistic hold on economic power.

Emotions came to a head in April 2000 after many prominent reformists and feminists attended a conference on Iranian politics in Berlin. Two women who had criticized the application of Islamic law in Iran were jailed for their comments,[19] and five men, including the well-known reformist journalist Akbar Ganji, received jail sentences. Secular feminists were dismayed when prominent Islamist feminists did not come to the defense of the accused. One Islamist feminist, publisher Shahla Sherkat, reportedly sympathized with the plight of her secular sisters but worried that in the general

repressive climate in which numerous newspapers and magazines had been closed, her journal *Zanan,* which was a major forum for feminist views*,* would be closed. No petitions circulated in Iran criticizing the arrests, and no public protests were organized.

Despite the contradictions and inconsistencies of their stances, Islamist feminists are part of a dynamic trend among Iranian women toward the assertion of rights. In addition to their re-reading of the Quran, they challenge the clerical establishment by pointing to the discrepancy between the Islamic Republic's claim of having liberated women and the persistent reality of male privilege in areas such as marriage, divorce and child custody. Islamist feminism in Iran is also part of a larger trend in Muslim countries of believing women who have parted company with Islamic fundamentalist movements.

Is there a cohesive social movement of women that can bring about the necessary legal and political reforms to accompany the very real social changes that have occurred in Iran? At least two expatriate Iranian sociologists describe women's activism in Iran as lacking interest in ideology, economic issues, or strategy. Ali Akbar Mahdi argues that women have created a movement "without direction, leadership, and structure." At the same time, according to Mahdi, this movement reveals women's "greater awareness of human rights, individual rights, individual autonomy within marriage, family independence within the kinship network, and a form of national consciousness against the global diffusion of Western values." Farhad Khosrowkhavar describes the women's movement in Iran as one of the three new social movements to emerge in the late-1990s; the other two being students and intellectuals.[20] These are portrayed as post-ideological, post-class movements, although an alternative perspective might regard them as liberal, middle-class movements.

In my view, women in Iran are in a pre-movement phase, without the large public mobilizations and independent organizations needed to constitute a social movement. The discourse and consciousness, however, are present. In time, the contradictions between women's legal status and their social reality and aspirations, along with the blocked opportunities for employment and economic independence, could trigger a wider movement. Positive signs of women's activism and indicators of movement formation can be discerned, including the following indicators:

- Women in Iran are speaking out about their grievances concerning their second-class citizenship in both the private sphere of the family and the public sphere of the state, culture, and employment. Young religious and secular women who dislike compulsory *hejab* (veiling) have staged informal and spontaneous individual acts of resistance—as distinct from organized protests—against it, while articles published in the women's press criticize the subordinate status of women in the Islamic Republic and call for the modernization of family law.
- A feminist leadership is emerging and activists are well known within the country and internationally.
- Feminist gatherings have been held, usually on International Women's Day, although the numbers of women who gather tends to be relatively small. A major public display of feminist collective action occurred on June 13, 2005, when women gathered in front of Tehran University to protest women's exclusion from standing as presidential candidates, and other grievances.
- New forms of activism are emerging, including innovative and entrepreneurial feminist magazines and women's publishing collectives (e.g., *Zanan, Farzaneh, Hoghough-e Zanan, Roshangaran Press*, and the new Cultural Center of Women); legal campaigns on behalf of the rights of women and children; the emergence of Islamic feminism; academics trying to form women's studies

courses or programs at their universities or write on women's topics in the women's press; and the growth of non-governmental organizations devoted to women's empowerment. Publishing collectives, NGOs, and informal networks among the women's rights activists also form part of the mobilizing structures that make "the woman question" and feminist politics visible in Iran.

- Women activists are framing their grievances and demands in Islamic terms to press for women's rights and equality. At the same time, they use secular language and point to international conventions and standards to challenge the dominant political and ideological framework. They conduct feminist re-readings of the Quran, in which they highlight its emancipatory content and dispute patriarchal interpretations and codifications; they point to the discrepancy between the Islamic Republic's claim of having liberated women versus the fact of male privilege in areas such as divorce and child custody; they call for the adoption of international conventions and standards such as the UN's Convention on the Elimination of All Forms of Discrimination Against Women and the Beijing Platform for Action; they participate in international forums such as the Beijing Plus Five deliberations in June 2000; they have formed links (albeit limited) with feminists outside Iran; and they have received various kinds of support from Iranian expatriate feminists and from other international feminist organizations.

Democratization with a Male Face

Serious obstacles to these efforts exist. Tensions between secular and Islamist feminists have already been described. In addition, women's rights advocates tend to focus on the problems of the *sharia*-based family law, leaving untouched matters of economic justice, political reform, and democratization; these issues are left almost exclusively to male reformists. Matters of personal and family status are crucial to the well-being, dignity, autonomy, and equality of women, but issues of civil society and citizenship are equally important to women's empowerment, especially given the limitations on their ability to participate in public life and male reformers' lack of interest in women's rights. Feminists in Iran have yet to contribute to any national dialogue on the need for freedom of association and independent organizations, or on the need to redefine and institutionalize civil, political, and social rights of citizens vis-à-vis the state and the market. Independent organizing and citizen rights are feminist issues that many women's movements around the world have openly addressed. Without feminist interventions in discussions about democratization, state-citizen relations, and economic justice, Iran's reform movement is likely to result in "democratization with a male face" or a capitalist economy that is detrimental to working women's interests—as occurred in Eastern Europe after the collapse of communism and during the transition to liberal capitalism.

Finally, the environment of repression precludes independent and activist organizing. This may be one reason why the women's NGOs in Iran are not integrated into transnational feminist networks such as Development Alternatives with Women in a New Era (DAWN), Women Living Under Muslim Laws (WLUML), the Women's Learning Partnership for Equality, Development, and Rights (WLP) or the many women's health and reproductive rights networks. Nor are they connected to global civil society organizations dealing with human rights, children's rights, or the environment. Expatriate Iranian feminists are trying to facilitate international networking by inviting Iran-based feminists to conferences held abroad; by distributing Iranian women's press calendars and publications; by organizing screenings of films with feminist themes, and by circulating petitions protesting the mistreatment of feminist leaders in Iran. The consequences of the Berlin conference showed, however, that international networking must be done carefully.

Women-centered social movements exist in Iran, but their informal networks, publishing collectives, and non-governmental organizations need strengthening. More formalized and organized groups could recruit members and supporters and engage in more systematic forms of collective action on behalf of women's rights and equality, thereby enabling women to find meaningful work, affordable housing, legal responsibility for their children, and a sense of empowerment. At the same time, women's organizations could build bridges with other social movements – the student movement, the intellectuals' movement, and with associations of workers and professionals – to help redefine and redirect democratic reform and economic justice in Iran.

Conclusions

It is unclear what impact the election of an ultra-conservative president, the virtual disappearance of the reformists, and the conservatives' consolidation of power over all branches of the government will have on women and their fragile hold on limited civil and political rights. While it is unlikely that the new administration will expand women's rights, it would be difficult to undo the social changes and gains of the past decade.

Sylvia Walby's theory of the shift from the private patriarchy of the family to the public patriarchy of the state appears to explain some developments in Iran.[21] Socio-demographic changes, such as the increase in the age at first marriage; lower fertility rates; growing educational attainment and tertiary enrollments; and rising divorce rates, all signal changes in the nature of social dynamics and women's positions within the family, despite the fact that women are still legally disadvantaged. The legal disadvantage may well remain rooted in the patriarchal nature of the state and its institutions, such as the legislature, the judiciary, and state-owned media.

Patriarchy is in crisis in Iran, due to the increased educational attainments of women, changes in family structure, the proliferation of a lively feminist press, and the emergence of what Shahla Sherkat has called an indigenous feminism (*feminizm-e boomi*). But patriarchal attitudes and practices still govern the lives and life-options of low-income urban and rural women. The social relations of gender present themselves in two contradictory ways. One is the superstructure of active pro-reformist women from various social classes; a growing proportion of women enrolled in universities; a prodigious women's press; a dramatic decline in fertility; and a large number of non-governmental organizations staffed by women. Beneath that, however, lies a socio-economic base of profound inequalities, high unemployment (especially among women), low salaries, inflation, economic stagnation, corruption, and serious social problems such as drug addiction, prostitution, divorce, runaway teens, a shortage of affordable housing, domestic violence, and an alarming brain drain. The political-juridical structure prevents these issues from being properly addressed and resolved.

In particular, the transition from patriarchal to egalitarian gender relations—whether in the home or in the wider society—cannot occur until women have achieved economic independence. That goal is elusive as long as women's access to paid employment remains limited. Institutions such as *mahr* and *ujrat-ul methl* not only perpetuate the patriarchal gender contract, they also concentrate the burden of responsibility for women's well-being within the family. This relieves the state of any obligation to provide for the welfare, empowerment, and equality of its women citizens—an obligation that it would have to face if it signed international conventions such as the CEDAW.[22]

Women's rights advocates agree that there must be a major overhaul of the family laws in the Islamic Republic of Iran. Also needed is consistency in Iran's approach to its international obligations; and harmonization of its laws with international standards and norms as enshrined in the international human rights instruments. Finally, enhancing women's economic participation and rights should be at the center of the feminist agenda in Iran.

Table 1: Indicators on Women's Participation and Rights in the Islamic Republic of Iran

Socio-demographic indicators	
Life expectancy at birth (years, female/male), estimates for the 2000-2005 period	71.9 f 68.9 m
Sex ratio (thousands, male/female), 2005	33,995 f 34,925 m
Average age at first marriage, all women, 2005	22
Adolescent marriage (% 15-19 ever married, female/male), 2000	22% female 3 % male
Number of births/1,000 women (age 15-19), 2000-2005	33
Total fertility rate (births per women), 2000-2005	2.3
Bodily integrity and health	
Maternal mortality (per 100,000 live births), circa 2000	76
Infant mortality rate: (per 1,000 live births, female/male), 2002	34% female 37% male
Contraceptive prevalence rate (% women aged 15-49) 2005	74%
Sexual abuse of women (% of total population), 1995	n.a.
Physical abuse by an intimate partner (% adult women)	n.a.
Literacy and educational attainment	
Youth literacy rate (% ages 15-24, male/female), 2000	91.3% female 96.2% male
Estimated adult literacy rates (% ages 15+ and over, male/female), 2000	68.9% female 83.0% male
Net secondary school enrollment (% female/male)	68% female 74% male (1996)
Tertiary enrollment rates, gross enrolment ratio, (%, male / female), 2000	9.5% f 10.3% m

Note: n.a. indicates data not available.
Sources: *The World's Women 2000; World Culture Report 2000; World Health Organization, May 2001; Human Development Report 2005; UNFPA State of World Population 2004; Population Reference Bureau: The World's Youth 2000*; UNESCO *EFA Global Monitoring Report 2003/4*.

Indicators on Women's Participation and Rights in the Islamic Republic of Iran

Economic participation and rights	
Adult economic activity rate (ages 15 and above, % female/male)	11% female 75% male (1996)
Female share of paid labor force	12.6% (1996)
Estimated earned income (PPP US$, female/male), 2002	$2,835 f $9,946 m
Female professional and technical workers (as % of total)**	33%
Length of paid maternity leave and source 2004	90 days, 67%, Social Security
Political participation and rights	
Seats in parliament in Single or Lower chamber (% female), 2004	3%
Seats in government at ministerial level (% female), 1998	0%
Seats in government at sub ministerial level (% female), 1998	1%
Female legislators, senior officials and managers (as % total) **	13%
Cultural participation and rights	
Access to computers, internet (%, male/female)	n.a.
Print and electronic media (number owned or controlled by women)	n.a.
NGOs (number of feminist groups)	43
Tertiary students in fine arts and humanities as % of all tertiary students (total/female), 1994-1997	13% total 18% female
Existence of Paternity Leave (Yes/No)	No
Museums (% female staff)	
	n.a.
Ministry of Culture (decision-making staff, % female)	n.a.

Notes: *According to *Human Development Report 2004*, estimates are based on data for the most recent year available during the period 1991-2001; ** data refer to the most recent year available during the period 1992-2001.

Sources: *Human Development Report 2004; The World's Women 2000; ILO Labousta* database; Inter-Parliamentary Union data base; *World Culture Report 2003*; Tehran University, Center for Women's Studies.

Table 2

International Covenant of Civil and Political Rights (CCPR, 1976) [plus Optional Protocol]	International Covenant of Economic, Social, and Cultural Rights (CESCR, 1976)	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1981)	Conflicts btw family law and international instruments
24 June 1975	24 June 1975	Not State Party	CCPR: Articles 2, 3, 23 24, 26. CESCR: Articles 2, 3, 6, 10. The IRI family law contradicts the above articles due to the discriminatory laws based on sex, culture and religious rights in respect to one's choice of job, spouse, equal rights to inheritance and rights to marriage and divorce.

NOTES

[1] For an elaboration of these early events, see Azar Tabari and Nahid Yeganeh (eds.), *In the Shadow of Islam: The Women's Movement in Iran* (London: Zed, 1982); Guity Neshat (ed.), *Women and Revolution in Iran* (Boulder, CO: Westview Press, 1983).

[2] For an empirical discussion of gender inequality in the IRI, see V.M. Moghadam, "The Reproduction of Gender Inequality in the Islamic Republic: A Case Study of Iran in the 1980s", *World Development,* vol. 19 (1991): 1335-50. See also Ch. 6 in V. M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East* (Boulder, CO: Lynne Rienner Publishers, 2003).

[3] For an account of women's resistance narrated by women themselves, see Haleh Esfandiari, *Reconstructed Lives: Women and Iran's Revolution* (Washington, DC and Baltimore: The Woodrow Wilson Center and The Johns Hopkins University Press, 1997), especially Chapter 5.

[4] Islamic Republic of Iran, *Zan va Towse-eh: ahamm-e eqdamat-e anjam-shodeh dar khosus-e banovan pas az pirouzi-ye enqelab-e Eslami* (Tehran: Shura-ye Hamhangi-ye Tablighat-e Eslami, 1994), p. 15.

[5] *National Report on Women in the Islamic Republic of Iran: Prepared for the Fourth World Conference on Women.* Tehran: Bureau of Women's Affairs, pp. 45-6. See also Moghadam, *Women, Work, and Economic Reform*, Ch. 7

[6] Emadeddin Baghi, "Hope for Democracy in Iran", *The Washington Post* October 25, 2004, p. A19.

[7] See Elaheh Rostami Povey, "Feminist Contestations of Institutional Domains in Iran", *Feminist Review*, no. 69 (Winter 2001): 44-72.

[8] Baghi, ibid.

[9] See Ziba Mir-Hosseini, "Women and Politics in Post-Khomeini Iran: Divorce, Veiling, and Emerging Feminist Voices," in *Women and Politics in the Third World*, ed. Haleh Afshar (London and New York: Routledge, 1996): 142-169, and "Stretching the Limits: A Feminist Reading of the Sharia in Post-Khomeini Iran," in *Feminism and Islam: Legal and Literary Perspectives*, ed. Mai Yamani (NY: New York University Press, 1996): 285-319; Nayereh Tohidi, "'Islamic Feminism': A Democratic Challenge or a Theocratic Reaction?" *Kankash* (no. 13, 1997) [in Persian]; Afsaneh Najmabadi, "Feminism in an Islamic Republic: 'Years of Hardship, Years of Growth'," in *Women, Gender, and Social Change in the Muslim World*, eds. Yvonne Y. Haddad and John Esposito (New York: Oxford University Press, 1998): 59-84; Parvin Paidar, "Gender of Democracy: The Encounter between Feminism and Reformism in Contemporary Iran", Geneva: UNRISD, Democracy, Governance and Human Rights Programme Paper no. 6, October 2001; Elaheh Rostami Povey, "Feminist Contestations of Institutional Domains in Iran," *Feminist Review*, number 69 (Winter 2001): 44-7; Val Moghadam, "Islamic Feminism and Its Discontents: Toward a Resolution of the Debate", *Signs: Journal of Women in Culture and Society* (vol. 27, no. 4, Summer 2002).

[10] The Iranian media described Shojai, who had been a professor at al-Zahra University in Tehran and a member of the Interior Ministry's Women's Commission, as "a long-time women's rights activist." Associated Press, "Woman Named Iran Culture Deputy", Aug. 31, 1997, via Internet;

"Women's Activist Gets Iranian Post", Sept. 2, 1997, via Internet; Agence France Presse, "Iranian President Names Woman as Advisor", Oct. 18, 1997, via Internet.

[11] Guy Dinmore, "Death by Stoning Defended in Iran", *Financial Times*, 8 July 2002, p. 5.

[12] All references to Iran's family law are taken from the on-line data base of Emory University's global study of Islamic Family Law, under the direction of Abdullahi An-Naim.

[13] http://www.unescobkk.org/ips/arh-web/demographics/main.cfm. UNESCO's demographic profile for Iran, 2003.

[14] http://www.library.cornell.edu/colldev/mideast/tmpmrig.htm

[15] http://www.nlm.nih.gov/

[16] http://www.iranian.ws/iran_news/publish/article_2203.shtml.

[17] http://www.farzanehjournal.com/archive/Download/arti2n7.doc

[18] Cited in Parvin Ardalan, **"**Joining on the Condition to Discriminate," *Bad Jens*: *Iranian Feminist Newsletter* (22 May 2002).
http://www.iiav.nl/ezines/web/badjens/2002may/badjens/Joining.htm

[19] For transcripts of the comments, see Lili Farhadpour, *Zanan-e Berlin* (The Women of Berlin), Tehran: Cultural Center of Women, 1371 [2002].

[20] Farhad Khosrokhavar, "New Social Movements in Iran," *ISIM Newsletter,* no. 7 (2001): 17; Ali Akbar Mahdi, "Caught Between Local and Global: Iranian Women's Struggle for a Civil Society," paper presented at the CIRA annual meeting, Bethesda, MD, April 2000 (http://www.owu.edu/~aamahdi/globalization-final.doc).

[21] Sylvia Walby, *Theorising Patriachy* (London:Blackwell, 1991).

[22] Support for war widows is an exception—and appears to be largely oriented toward maintaining the widows' allegiance to the regime.