

*Is an “Islamic Feminism” Possible?:  
Gender Politics in Contemporary Islamic  
Republic of Iran*

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ABSTRACT. In recent years, Islamic feminism has become a prevalent and controversial topic among scholars from Muslim countries and Western feminists. While respecting the efforts of Muslim activists, this paper argues that because Islamic perspective is inherently anti-pluralist, it is not conducive to feminism and even at odds with it. Since it is impossible to make any generalizations about Muslim countries, this paper focuses on the debate of Islam and feminism as it relates to Iran. Islamic laws that are the ground for constitutions in many Muslim countries treat men and women unequally. In countries with a theocracy, Islam becomes a political system where the power of the ruling elite, which are the clerics, becomes an important obstacle on the way of reforms. As a worldview, Islam provides a fixed identity of women and men that is irreconcilable with any liberating theory. The significance of this discussion lies in the potential of celebration of “Islamic feminism” for reinforcing the fusion of religion and politics in a country such as Iran, which has a religious state.

In the last two decades, scholars from Muslim countries have started analyzing gender and sex equality with a new approach that brings Islam and feminism into one discourse. This trajectory of thought, often called Islamic feminism, has become a prevalent and controversial topic among both scholars from Muslim countries and Western feminists. The very term, Islamic feminism, has been the subject of disagreement: Can there really be an *Islamic* feminism? Is Islam compatible with feminism? Is it correct to call the scholars who work to improve the position of women within the Islamic frame feminists? There have been various responses to these questions. Some argue for the necessity of an Islamic feminism in the Muslim world if the improvement of Muslim women's status is the desired outcome, while others are critical of the idea. Many scholars and activists advocate secular feminism, and some are committed to end sex inequalities in Muslim countries, while refusing to be called feminists.

In this essay I will argue for maintaining a critical space between Islam and feminism. My aim is to consider the question of the possibility of an Islamic feminism in relation to the question of pluralism. I argue that because an Islamic perspective is inherently anti-pluralist, it is not conducive to feminism, which must be pluralist in its approach. Islamic laws are the ground for constitutions in many Muslim countries, and only under a secular state can there be true pluralism. I do not question the viability of efforts of Muslim scholars and activists for improving the status of women in Muslim societies, as they have done significant work in many areas. Nor do I mean to reject feminism as a tool for struggles to end gender inequality in the Muslim world. But, I wish to demonstrate that while Islamic feminism may appear to be the inevitable solution, it is also an inadequate tool for attaining sex equality.

There has been an extensive debate on the subject among scholars from Egypt, Pakistan, Morocco, Iran, South Africa, Azerbaijan, Turkey, Indonesia, Saudi Arabia, Iraq, Afghanistan, and many other countries.<sup>1</sup> However, I believe it is important to recognize that these countries are unique and very different from one another in their cultural, political, historical, traditional, and economic aspects, which makes it impossible to employ the same analysis for all of them. For this reason, I focus on the Iranian debate and draw on the works of Iranian scholars who work in this area.

The situation of women in Iran since the revolution of 1979 has been a complex one subjected to many misunderstandings and oversimplifications, particularly when looked at from abroad.<sup>2</sup> It does not help that Iran has been misrepresented by Western media and even by Iranians who lived abroad during the past thirty-five years. Most Americans and Europeans get their view from unrealistic portrayals of commercial movies such as *Argo*, or at best reading books written by Iranians that give a limited account of a time much different from today. Of course, if one tries to observe Iran firsthand after reading Azar Nafisi's *Reading Lolita in Tehran* or after visiting another Muslim country with more restrictions on women, they might be amazed at the freedom of Iranian women, which in turn might result in overoptimism about their status.

For this reason, a short overview of the Iranian revolution and its outcomes and effects on the position of women seems necessary. After this historical introduction, I will survey different reactions to the concurrence of feminism and Islam. First, I will discuss the positions and arguments in favor of this concurrence, and then I will consider the opposite approach. In doing so, I will draw on the works of some of the most prominent scholars who have been working on this issue. Lastly, I will present my evaluation of these positions and offer my reasons for agreeing with the second group of scholars.

## I. THE REVOLUTION AND ITS IMPACT ON THE SITUATION OF WOMEN

In 1979 the Pahlavi dynasty under Mohammad Reza Shah Pahlavi was overthrown in Iran and eventually replaced by an Islamic republic. Ayatollah Ruhollah Khomeini, who took over the leadership of the revolution, became Iran's first supreme leader as a result. Under the new regime, radical political and social changes took place. The revolution was initiated by a combination of various people and different political and social groups ranging from leftists, nationalists, and Islamists to middle-class women and men and the working class. During the course of this movement, however, the cleric faction following Khomeini's lead started to take power and cast out other groups from the new leadership. This led to some conflicts between different factions involved in the revolution, so much so that the new regime had to suppress its dissidents in the first few years after the revolution. Thus, some say that Iran had two revolutions: a populist revolution and an Islamic one.<sup>3</sup> The leftists and liberals were prominent in the populist revolution that led to the overthrow of the monarchy and gave rise to a republic. However, due to the lack of cohesion and organization, they were marginalized by the clerical caste that brought about the second revolution, the Islamic one, and secured a theocracy in Iran. During the following years, the new government crushed most of its opponents inside the country. Many leftists and liberals fled the country to escape the imprisonment, torture, execution, and assassination that the rest of them faced.

The Islamic Republic of Iran under the leadership of Khomeini approved a new theocratic-republican constitution that gave Khomeini total control over judiciary, executive, and legislative branches of the government. The new constitution applied Islamic law to personal, social, and political areas and compulsory veiling for women.<sup>4</sup> These changes weakened the position of women and decreased their legal status. The Family Protection Laws, which restricted polygyny and raised the marriage age for women passed under the previous regime, was abrogated by Khomeini. Women were banned from becoming judges, and female judges at the time lost their jobs. Beaches, sports events, elementary schools, and junior high

and high schools became sex segregated. Failure to adhere to strict *hejab*<sup>5</sup> was punishable by seventy-four lashes according to the newly passed “Islamic Punishment Law.”<sup>6</sup>

These new Islamic laws changed the status of Iranian women drastically. Under the previous regime Iranian women made gradual progress toward sexual equality. After 1962, they had the right to vote, the right to appeal to the court for the custody of children, and the right to free abortion on demand. Polygamy was banned in 1976, and women gained the right to maintenance after divorce. The prospects of the women’s movement in Iran seemed promising in the 1970s. Under the new Islamic regime, however, women were driven back into the sphere of domesticity and were deprived of the rights they had fought for under Pahlavi’s reign.<sup>7</sup>

Even though Iranian women face significant discrimination as a result of the laws established after the revolution, they have been fighting for equality ever since. This became more evident after the election of President Khatami in 1997, who had women among his prominent supporters. Although Khatami was successful in removing some of the harsher measurements imposed on women, in the long run, he could not oppose the more conservative clerical establishment including the new supreme leader of Iran, Ayatollah Ali Khameneh’i.<sup>8</sup> With the election of Mahmoud Ahmadinejad, even those small freedoms gained during Khatami’s presidency were lost.

In spite of that, women were able to make progress in educational achievements. In 2001, about 60 percent of those who were accepted at universities were women. They were given the right to apply for scholarships to study abroad. In 2002 Women’s Studies as an academic discipline was adopted by Iran’s universities.<sup>9</sup> However, in 2012, Iran’s Supreme Council of the Cultural Revolution changed the name of the discipline to “Family Studies and Women’s Rights in Islam.” Later, it was removed from the list of academic disciplines at some of the major universities in Iran, such as the University of Tehran.<sup>10</sup>

The question we are faced with now is: what is the most effective way to expand on these freedoms and to continue on the road to equality? Should we adopt an Islamic approach to women’s problems in Muslim countries or a secular one? To answer that question, we need to have a discussion of feminism, Islam, and their relation to pluralism.

## II. ISLAMIC FEMINISM: PROSPECTS

Today, there are many scholars and activists who focus their work on the possibilities that exist within Islam and the Islamic Republic of Iran with regard to advocating greater rights for women. This predominant development has many supporters, both inside and outside Iran. In the late nineteenth and early twentieth

century a trend was beginning to form that came to be called Islamic feminism, although not necessarily by its participants. What was unique about this trend was that their arguments were based on Islamic texts and traditions, rather than being based in Western ideas. At the center of this debate was the idea of a reinterpretation of the Quran, one that emphasizes the equality of Muslim women and men before God. It is interesting that in many cases Islamic and secular feminists have joined forces to advance women's causes. There are many Iranian-born feminists in this camp who live in exile. Surely, not all feminists who argue for women's rights in Islamic terms are committed to Islam.<sup>11</sup> What they all share is a pluralist understanding of Islam. They argue that Islam is open to interpretations, and in fact we can find a broad array of views on women and women's position in society based on Islamic texts. They believe that the shortcomings of the Islamic Republic of Iran regarding status of women are a result of its laws and regulations and their being grounded on a rather limited reading of Islamic texts. Their pluralistic understanding of Islam enables them to provide alternative views on Muslim women's rights and positions to Islamic Republic's.

One of the first scholars who started discussing the women's movement in Iran in terms of Islamic feminism is Afsaneh Najmabadi. In her famous essay "Feminism in an Islamic Republic: Years of Hardship, Years of Growth," Najmabadi considers Islamic feminism as an opportunity for dialogue between religious and secular feminists.<sup>12</sup>

Despite the fact that women are not equal to men in legal and social status, Najmabadi sees "an incredible flourishing of women's intellectual and cultural productions" in Iran in the past decades. She points to Iranian women's active presence in fields of artistic, educational, industrial, social, and athletic activities. Although most secular feminists believe that Iranian women have gained these successes *despite* the Islamic Republic and *against* Islam as the dominant discourse in the society, Najmabadi does not see that as a compelling explanation. She believes that the creative energy of Iranian women cannot be reduced to a merely oppositional and reactive force.<sup>13</sup>

After the revolution of Iran, the task of confronting the apparent misogyny of Islam fell on the women who supported the Islamic Republic. No matter what position they took concerning this issue, whether to deny it, justify it, or oppose it, they could not simply ignore it. This gave rise to efforts to rethink gender and women's status in Islam. As a result, a number of women's organizations and institutions began to form, and various journals concerned with women's issues emerged.<sup>14</sup> In her writings, Najmabadi focuses on the views presented in these journals, particularly the one called *Zanan* [Women]. After it was founded by Shahla Sherkat in 1992, *Zanan* quickly became a major voice for reform in the status of women in Iran.

Sherkat believes that gender equality is Islamic and that the religious literature had been misread and misappropriated by misogynists. This belief is mirrored in the articles of the magazine which present a reformist interpretation concerning

women's status based on a selection of relatively woman-friendly sources among authoritative exegetical texts. This movement goes back to the nineteenth century when the Iranian poet and theologian, Fatimah Baraghani, also called Tahereh and Qurrat al-Ayn, was the first modern woman to undertake Quranic exegesis. She denounced polygyny and other restraints put upon women. She discarded her veil and eventually her submission to Islam. Her actions and teachings were not tolerated by the male elite, and she was arrested and executed.

Much like Qurrat al-Ayn, *Zanan* magazine challenges orthodox Islamic doctrines on differential rights and demands equality between men and women.<sup>15</sup> The fundamental concept for Islamic feminists is that gender discrimination has a social origin. In other words, there is no ground for such discrimination in the holy book of Muslims or in the teachings of the prophet. Thus, gender inequalities have arisen from the practices and traditions of Muslim societies, not from a natural or divine origin. For Najmabadi, this view opens up a space for gender equality within the Islamic Republic of Iran.

Najmabadi is specifically optimistic about such projects because some of the writers of *Zanan* ground their arguments directly in the text of the *Quran* to support their claims. These feminists have even raised the issue of the right to *ijtihad*<sup>16</sup> for women. This way, *Zanan* attempts to place woman in the position of interpreter and to see women's needs as grounds for the interpretation of Islamic texts.<sup>17</sup> As Najmabadi notes, these feminist writers are open to Western feminism, as they have translated and published many of the writings of Western feminists. Najmabadi is also very optimistic that Islamic feminists such as the writers of *Zanan* might open a dialogue between Islamic women activists and secular feminists. She sees that as an important opportunity for Muslim women and women of the religious minority to join forces for a common cause.<sup>18</sup>

Another prominent scholar who finds the Iranian women's press fascinating is Ziba Mir-Hosseini, who focuses her research on unexpected developments concerning the status of Iranian women after the revolution. Among these developments is the increase in women's participation and involvement in public life and politics, especially because the enforcement of *hejab* has made "public space morally correct" in the eyes of traditionalist families, thus, legitimizing women's public presence.<sup>19</sup>

According to Mir-Hosseini, the revolution in Iran has raised the nation's gender consciousness. Muslim women came to see that there is no essential opposition between having faith in Islam and believing in equality between the two sexes. Even though these activists have different and even contrasting positions—to the point that while some of them object to being called feminists others object to the label Islamist—they have something in common; namely, they all pursue justice and equality for women, even though they might not be unanimous about what constitutes justice and equality and what is the best way toward them.<sup>20</sup>

Mir-Hosseini bases her support of the trend called Islamic feminism in three claims. First, gender roles and women's rights are not absolute or fixed. Rather,

they are “cultural constructs” that arise from lived realities and practices. Thus, they can be changed through the voices of people calling for it. Gender roles and relations “exist in and through the ways in which we talk about them, both publicly and privately, and as we study and write about what gender relations and women’s rights in Islam are and can be.” What is more, Mir-Hosseini’s definition of feminism is broad; it involves “a general concern with women’s issues” and working toward enhancing their status. Finally, she asserts that feminism and Islam are not incompatible. In her view, novel and feminist interpretations of the *sharia*<sup>21</sup> “are not only possible today but even inevitable.”<sup>22</sup>

Thus, Mir-Hosseini makes a strong case against claims for the incompatibility of feminism and Islam. She believes that neither Islam nor feminism have a fixed meaning, and they are full of conflicts in themselves. Hence, it does not make much sense to conceive of the two as opposed when there can be multiple perspectives from which they can be addressed. Mir-Hosseini believes that arguments based on the incompatibility of Islam and feminism fail to take account of realities: “they mask global and local power relations and structures, within which Muslim women have to struggle for justice and equality.”<sup>23</sup>

This emphasis on the realities of the Muslim world and negotiations of gender roles and codes is also at the center of Nayereh Tohidi’s work. Although she was at first critical of the gender policies of the Islamic Republic, later she came to support the possibilities for reform within the system. She believes that women in the Muslim world have been successful in negotiating gender relations and moderating restrictions in the past few decades. In the case of Iran, it can be seen in the ways women circumvent patriarchal rules like transforming compulsory hejab into fashionable styles.<sup>24</sup> To support her view on the possibility of doing feminist work within an Islamic framework, Tohidi points to the nature of Islam as a “human or social construct” that is “neither ahistoric nor monolithic, reified, and static.” Thus, it is feasible to adjust religion to the new demands and realities of the modern world, just like the ongoing process of reconstructing religion in Christian contexts.<sup>25</sup>

Like Tohidi, many scholars have come to change their position on Islamic feminism in recent decades. Haleh Afshar is one scholar who became impressed by how much Iranian women have resisted restrictions during the re-Islamization of Iran after the revolution. She argues that Iranian women have been able to reconstruct “an ideological framework that enables them to make political demands, framed in the language of Islam.” By referring to the discourses of Islamist activists in Iran seeking full participation in the public domain, she notes that these discourses are not framed in notions frequently associated with Western feminism such as liberty and equality: “what the Islamist women demand is entitlements that are balanced by duties. The demands are located firmly within the framework of responsibilities, mutual obligations and complementary roles.”<sup>26</sup> This voice from within Islamic society is something that many supporters of Islamic feminism emphasize. For instance, Nesta Ramazani, by referring to the importance of

*ijtihad*, argues that since no secular scholar is allowed to interpret Islamic law, the task of reinterpreting it in light of modern life realities falls on the shoulders of pragmatic leaders within the Islamic system. In her view, some of these pragmatic leaders have been able to take measures to improve the status of women while rationalizing them in terms of Islamic norms.<sup>27</sup>

One view that this group of scholars share is that Islamic feminism is a legitimate approach toward equality and women's rights. Valentine Moghadam argues that feminists are defined "by their praxis rather than by a strict ideology," and as far as feminist approaches are formed in part by their historical, cultural, and political contexts, it is possible to count Islamic feminism as feminist.<sup>28</sup>

I should mention that in discussing the ideas of these scholars in this section I do not imply that they are actually Islamic feminists. Rather, I discussed their ideas because of their optimism about the possibilities of a feminism conducted within the Islamic system.<sup>29</sup> However, not all scholars share this optimism. Many of them focus on the downsides of a feminism framed in an Islamic system.

### III. ISLAMIC FEMINISM: PROBLEMS

One can see that the possibilities an Islamic feminism opens up are limited and compromised compared to a secular one. Although Islamic feminist advocates argue for a pluralist view of Islam, I believe that at least with regard to gender, Islam is not as pluralist as these scholars suggest. Feminism acknowledges women's right to choose how to live their own lives. There cannot be a fixed image of who women are and how they should be. Thus, feminism is pluralist in the aforementioned sense. This feature makes it difficult to reconcile feminism with Islam. In the rest of the essay I will try to demonstrate the anti-pluralist nature of Islam in theory and practice. And that even though there can be more women-friendly interpretations of Islam, a truly liberating theory based on it is impossible.

For this reason, many scholars support a secular feminism even in Muslim societies. Many believe that in a theocratic country like Iran, there cannot be considerable improvements in women's status as long as the religious state is in place. These scholars are also worried that Islamic feminists delegitimize the activities of secular feminists by providing a less threatening "feminist" option that actually does not result in significant social change at all.

Hammed Shahidian believes that the politics of Islamic feminism in Iran and other Muslim countries are questionable. He maintains that Islamic feminism fails to offer a liberating alternative to the dominant Islamic discourse and practice of gender and sexuality. In his writings, Shahidian tries to show the limits of reinterpreting Islamic texts on gender relations.

One of the foundations for arguments in support of Islamic feminism is based on the view that Islam is a historical phenomenon, constantly undergoing modification. As discussed, Tohidi maintains that Islam, like any other religion, is an

evolving social theory, not a fixed religious dogma. Shahidian objects to this view by arguing that Tohidi takes the metaphysical teachings of Islam too lightly. He argues that the problem before Islamic feminists is that these metaphysical teachings cannot be altered. He believes that “Islam’s authoritative discourse leaves little room for foundational changes.” What is particular to Islam as a religion is that it teaches that the Prophet, namely Muhammad, is the seal of all prophets, and that his religion is the most complete, not just one religion among many. The Quran is considered to be the word of God. Shahidian, by repeating the words of Tibi, describes Islam as a “strict, uncompromising monotheism.” With this description, Shahidian recognizes the limit of any interpretation of Islam on woman-centered or feminist bases.<sup>30</sup>

While some scholars, like Najmabadi, are very optimistic about the attempts of Islamic feminists to reinterpret Islamic sources and to root their discussions in the Quran, Shahidian is doubtful that this would solve any problem. He sees dismissals of historical narratives, reinterpretation of the Quran, or even independent reasoning (*ijtihad*), all working in the same direction, which is leaving women’s rights contingent upon interpretations, and as a result, making women vulnerable.<sup>31</sup>

Another important point that Shahidian makes is that sexuality in Islam is a fixed identity into which women and men are born. He refers to the sura<sup>32</sup> *An-Nisa* (Women) in which the proper relationship between men and women was defined by God. In the first verse of this sura we read: “men, have fear of your Lord, who created you from a single soul. From that soul He created its mate, and through them He bestrewed the earth with countless men and women.”<sup>33</sup> Shahidian makes a strong point in arguing that the Islamic reformists do not question this fixed sexual identity. They seem to endorse the idea that people are born either male or female, and that society then assigns them a distinct gender identity. Shahidian writes: “The teleological assumption of the Islamic gender ideology and the fixity of sexuality in this predefined system are not questioned. That physiological differences lead to two, *and only two*, clearly distinguishable sexes is taken for granted in this reformist trend.”<sup>34</sup>

Thus, Shahidian comes to the conclusion that the Islamic imperative limits the horizon of reformist theory and practice. He believes that the changes proposed by Islamic feminists may alter the form and content of patriarchal domination, but it will not create gender equality. He maintains that “the confinement of Islamic women’s reformism in the hegemonic gender ideology leads to reinforcing ideas and priorities that will eventually contain, rather than enhance, women’s struggle against the Islamic state.”<sup>35</sup>

Another argument pro-Islamic feminists make is based on the improvements they claim to have happened in the status of Iranian women after the revolution. For example, the increase in women’s employment in the public domain is interpreted by some as demonstrating the success of Muslim activists advocating for change as well as the regime’s capacity for change. Haideh Moghissi is another

scholar who warns us about the negative consequences of supporting the reformist activities of Muslim women who work within an Islamic framework. She examines in detail the claim about the increase in women's employment.

Moghissi argues that Islamic fundamentalists try to direct women's activities toward "lesser value" occupations that are considered to be women's domain. She cites the examples of the concentration of female medical students and professionals in areas such as obstetrics/gynecology (which has been closed to male students since the installment of the Islamic Republic in Iran), pediatrics, and family medicine, and women's virtual exclusion from medicine's technical frontiers such as neurology. Although one might notice that this is not an issue exclusive to Iran, or even Islamic societies, Moghissi goes on to attribute it to the "ideologization of female education and employment, and the unremitting commitment to segregation in the workforce" by the Islamic regime of Iran. Thus, she concludes that sexual apartheid is at the top of this project.<sup>36</sup>

According to Moghissi, when discussing fundamentalism in the Muslim world it is very important to consider the dynamics of the relationship between the fundamentalists and women, which can be understood through what she calls the relationship "between the 'text' and the 'context,'" which is what fundamentalists wish and what they do in practice. She maintains that the difference between "text" and "context" is not as great as some feminists suggest. In other words, against the optimistic view that even though fundamentalists wish to impose severe restrictions on women, they have failed to a great degree, Moghissi believes that fundamentalists' success has not been that limited either. While women's achievements are remarkable, overemphasizing them carries the risk of overlooking the restrictions they face as a result of the hostile legal practices associated with fundamentalism. Moghissi goes on to say that what fundamentalists "do to women" in recent Islamic enactments is much more than "what women do to fundamentalists."<sup>37</sup>

Unlike supporters of Islamic feminism who take feminism to be broad enough to include activities performed in an Islamic framework, Moghissi believes that Islamic feminism sometimes involves activities that are not feminist in the first place. She believes that the changes in Islamic societies, especially Iran, came about under the pressure of many contradictions and conflicts within the society, including secular women's resistance against Islamization policies. While many conclude that the transformations that have taken place in Muslim societies demonstrate that Islam is compatible with gender equality, Moghissi believes that the more accurate conclusion is that given those conflicts and contradictions, Islamic fundamentalism has had no alternative but to compromise its utopia.<sup>38</sup>

#### IV. AN ASSESSMENT OF ISLAMIC REFORMS

Since pro-Islamic feminists base their arguments on the realities of Muslim societies and the achievements of Islamic activists in modifying the restrictions against

women in these societies, a discussion of these reforms in Iran will help us see how many of these restrictions were transformed in response to the efforts of Islamic reformists.

One of the problematic laws in the Islamic Republic of Iran is the law on custody. This law makes a distinction between guardianship and fostering. According to the law, guardianship of the child is the natural and automatic right of the father, or in his absence, the paternal grandfather. But fostering, which refers to caring for the children, is the natural, though not automatic, right of the mother for up to two years for sons and seven years for daughters. Meanwhile, the father and paternal grandfather remain the guardians of the children and exercise power over finances, marriage, and other important aspects of their lives.<sup>39</sup> What is more, the father or paternal grandfather can leave the guardianship of the children to someone else upon death.<sup>40</sup> This law clearly involves discrimination against mothers, and it prevents the mother from providing a decent life for her children insofar as custody is, legally, not the same as guardianship. Shahrzad Mojab, another scholar who is critical of Islamic feminism, notes that as a result of proposed changes by reformists, the government has introduced a few exceptions to the law of custody, concerning the children of men who have died during the war with Iraq, but the law has not been changed in any significant way, and it still remains as a rule.<sup>41</sup>

Mojab also discusses other discriminatory laws such as compulsory veiling for women and denying them the right to judge that came to pass after the revolution. She notes that the government, under pressure from reformists, passed a single Article that allowed the hiring of women at the rank of judiciary, without the power of judging. Today, women can engage in juridical duties only in the limited sphere of research judge and have to work under the supervision of the all-male heads of the courts, and they do not have access to higher positions such as judge and head of the court. In short, women are “denied the power to pass a verdict.” On this basis, Mojab criticizes Islamic reformists for not being able to do an adequate job. She condemns Islamic feminists for not demanding universal formal equality between men and women. She maintains that the ruling religious elite in Iran can delegitimize feminist reinterpretations of Islamic texts. That is why the achievements of Islamic feminists are limited. She believes that the union of state and religion shapes the status of women not as citizens but as subjects of Islamic patriarchy in Iran.<sup>42</sup>

These observations about the legal structure of Iran suggest that Islamic feminism might not have the potential to be a serious challenge to patriarchy. An appropriate question to ask is: what is it about the legal system of Iran that makes the efforts of Islamist reformists almost futile in some significant areas? To answer that question, we need to understand how laws are legislated and enacted in Iran.

Government has three branches in Iran: legislature, executive, and judiciary, which work independently of one another but under the supervision of the supreme leader. The function of the legislature is exercised through the Islamic Consultative Assembly, or the Iranian Parliament consisting of the elected representatives of the people.<sup>43</sup> All laws and regulations must be based on Islamic criteria.<sup>44</sup> There is also

a Guardian Council, whose task is to supervise the Parliament and, in particular, to make sure that legislation passed by Parliament is compatible with Islam.<sup>45</sup> This council consists of twelve people: Six *Fuqaha* (experts in Islamic jurisprudence) selected by the supreme leader, and six jurists specializing in different areas of law, elected by the Parliament from among the Muslim jurists nominated by the Head of the Judicial Power.<sup>46</sup>

While the compatibility of legislation passed by the Parliament with the Constitution is determined by the majority vote of all members of the Guardian Council, their compatibility with the laws of Islam is determined by the majority vote of only the *fuqaha* on the Guardian Council.<sup>47</sup> Thus, any change in legislation concerning the situation of women can happen only with the consent of *fuqaha* on the Guardian Council who are directly appointed by the supreme leader. This makes it even more challenging for feminists, who do not share the more traditional views of the leader of Iran, to achieve their goal of reforming laws and regulations that are discriminatory toward women.

## V. FINAL CONSIDERATIONS AND CONCLUSION

After reviewing the arguments on both sides, we see that each have compelling reasons for believing in their cause. In the rest of the essay, however, I intend to lay out my arguments for agreeing with the group that are critical of Islamic feminism. In this regard, there are three kinds of evidence I like to discuss.

The first evidence is concerned with experiential/ historical evidences. As discussed, supporters of Islamic feminism refer to the fact that women's participation in public spaces has increased after the revolution in Iran. Although it is clear that today Iranian women, like women from many other countries, are more represented in public spaces, we should be cautious in attributing this change to the revolution and the Islamic regime of Iran. One can argue that the revolution of Iran has slowed this process for Iranian women. After all, we do not know how active women would be in public spaces if the revolution had not happened. Especially if we consider that in his last days of ruling, the *Shah's* agenda was modernization of Iran and that women had already started to become part of the public sphere well before the revolution. Thus, since its initiation the Islamic Republic has been grappling with women's issues in a society with a relatively advanced level of capitalist development. The achievements of Iranian women while living in a completely different regime under the *Shah* could not be undone by this revolution.

According to the family laws passed in 1974 during the reign of the *Shah*, women under the age of eighteen and men under the age of twenty were not allowed to get married, unless in especial cases and after gaining permission from the court. Before this law was enacted, the legal marriage age was fifteen for girls and eighteen for boys. After the revolution, however, girls as young as nine years

old can get married. Interestingly, the legal marriage age for boys is fifteen because they achieve puberty later and puberty is seen as the basis for reaching adulthood in Islam. The same group of laws made changes on the guardianship of children. According to the laws prior to 1974, divorced mothers could have the custody of their daughters until they were seven years old and sons until they were two years old. In 1974, a new law was enacted that made the court responsible for deciding who should have custody of children based on each parent's social, economic, and moral status and children's best interest. As already explained, a discriminatory law against mothers replaced this one after the revolution.<sup>48</sup>

Furthermore, one of the most basic rights of women, the right to dress freely, was taken away from them by the Islamic Republic. Dress code is a very controversial topic among secular and Islamic feminists. As we recall, Mir-Hosseini argues that as a result of enforcing *hejab*, traditionalist families now consider the public sphere safer for women, leading to more participation from these families in public areas. Mir-Hosseini does not give any explanation as to why traditionalist families, who usually see the presence of men in public places as making it unsafe for women, should change their mind about it as a result of the new regulations that constrain women, and not men, who were the problem in the first place. I assume she believes that traditionalist families think men would leave women who hide themselves under *hejab* alone. I, however, do not see how any person who lives in Iran, traditionalist or not, can believe that. Firstly, if the way women dress can improve their safety in public, I am sure women from traditionalist families could dress modestly enough well before the revolution. Secondly, the experience of Iran's revolution attests to the fact that the more you cover women and separate them from men in public places, the more men become greedy and likely to make advances on them.

I believe that Iran's government has made public space less safe for women, by imposing such rules as compulsory *hejab*, and policies that separate men and women in public places. The reason for men's advances on women or assaulting them in public places is that they consider public space *their* original domain, and believe that any woman who dares to enter their domain might as well be prepared for the "consequences." Living in the Islamic Republic of Iran for twenty-five years, I always experienced a more hostile environment in places where men were less used to seeing women outside their houses, no matter what I was wearing. My personal experience is that I was more comfortable and less likely to be harmed by men or gazed upon by them, in the areas with wealthier and more educated people. For this reason, I used to wear more relaxed clothes in these areas and still felt more comfortable and safer.

Another point supporters of Islamic feminism make concerning *hejab* is about various styles of dress used by Iranian women. Although these styles involve certain kinds of covering of body parts, they are far from what the Islamic Republic considers appropriate. Many people who live outside of Iran and know about the compulsory *hejab* seem to be taken by surprise when they visit Iran and see that

women do not entirely dress according to the regulations in place. Tohidi argues that Islamic feminists have been able to undermine the clerical agenda in different ways including minimizing and diversifying the compulsory *hejab* and dress code into fashionable styles.<sup>49</sup> It is true that in Iran women have been able to change the compulsory *hejab* into fashionable styles, which the government does not approve of. This, however, should not distract us from the fact that Iranian women are still forced to observe some sort of *hejab*, be it fashionable or not, and that this issue has become a constant struggle especially for young women in their daily lives. At the entrance of many public buildings such as universities and courts there is a unit with people who make sure that no one who is not dressed according to the government's standards enters the building. There are even mobile vans in different parts of big cities, with people who check on the way women dress. They have the authority to seize the people with inappropriate dress, take them to their offices, and make them sign statements saying that they would observe proper *hejab* thereafter. Thus, those who do not observe proper *hejab* according to government standards are likely to be treated as someone who has committed a crime. Showing too much optimism about Iranian women's resistance toward Islamic *hejab* might obscure the everyday struggles of people with the government. For those of us who do not have to face this risk everyday of our life, it might seem easy to look at these fashionable young women and just think how much they have achieved despite living in an Islamic country, and to forget the internal terror and uneasiness that they feel every time they set foot outside their home, knowing that they might be recognized as a bad *hejab*, and therefore a criminal.

Improvements made in the status of women under the Islamic system, although significant, are not enough to make us believe that an Islamic feminism is all that is needed to bring liberation to women who live in Islamic societies. Scholars who support Islamic feminism emphasize the achievement of activists who work within the Islamic system. I think it might be useful to consider what they *have not* achieved regarding the status of women, or what they may never be able to achieve within an Islamic framework. We celebrate the fact that Iranian women have not conformed to the Islamic dress code as approved by fundamentalists; but is being able to dress freely not something that every woman should have the right to? Nonetheless, this is something that seems impossible to achieve under an Islamic state. Yet we are still happy about the small achievements of these brave and defiant women, simply because we do not see them just as women, but as women in a Muslim society, and that, unfortunately, makes us lower our expectations.

The second evidence is a political one. We saw how Islamic reformists strived to modify the discriminatory laws and regulations of Iran and how they were successful to a certain degree but were unable to make significant changes. Another piece of legislation that should also be discussed in this area is the legislation about polygamy. This law is especially important because it is an issue that almost every Islamic feminist considers problematic. In spite of almost complete agreement

among Islamic reformists on the necessity of banning polygamy, they have not been able to achieve this goal. Thus, a discussion of this issue seems to be helpful for our purposes. In Iran men are allowed to practice polygamy. They are allowed to have up to a total of four wives simultaneously.<sup>50</sup> Of course, women are not allowed to have more than one husband at a time. This law seems to be based on a verse in *sura Al-Nisa* in the *Quran*, which reads: “And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice].”<sup>51</sup> In this verse, Muslim men are advised to marry more than one woman in case they are concerned about Muslim women who do not have a male guardian. They are advised to do so only if they can do justice by all of their wives and treat them equally; otherwise, they shall marry only one woman.

As I already mentioned, this law is still in place and consequently women face great discrimination. From what we see with this law and the others discussed previously it becomes clear that the legal system in Iran is gender biased. And since Islamic fundamentalists base these laws on the text of the *Quran*, it is almost impossible to argue with them within an Islamic framework. It is important to try to interpret religious texts as liberally as we can. As we saw in our discussion of pro-Islamic feminists, they give a more tolerant and pluralistic view of Islam that is valuable in itself. However, there is always a limit to these efforts. We should keep in mind that in a country like Iran, Islam is not a matter of personal spiritual choice, but it is a political system. This situation is an obstacle to the cultural pluralism that seems necessary for any sort of liberating theory and for feminism. Islam as a political system obscures the individual choices of people who live and are treated under this system. In such a system the power of the ruling elite, which are the clerics, will always determine the preferred interpretation of religious texts. This question of power seems to have been neglected in discussions that see the efforts of Islamic reformists adequate for eradicating inequalities and injustices toward women in the Islamic Republic. In a country with theocracy such as Iran, religion is not just an individual’s choice, but it has entered into every social and political aspect of citizens’ lives—Muslim and otherwise—due to its entanglement with state power. Thus, the situation is more complicated compared to other Islamic countries that do not have a theocratic state.

We can conclude that Islamic theocracy of Iran reinforces the traditional patriarchal system. Laws and legislation are gender based and the inequality of women and men has taken legal form. It seems necessary for radical legal reforms that religion and politics be separated. Thus, I believe that as long as the Islamic regime is at work, there cannot be true and universal equality between men and women. Feminism must be pluralist in its approach and true pluralism requires a secular state. This becomes clear when we see the oppressive laws of Iran which treat non-Muslim women and men as unequal to Muslim women and men and when we observe Islamic feminism’s failure in challenging gender unequal laws due

to their Islamic character.<sup>52</sup> Any state that has an official religion and bases their laws and regulations on that religion is anti-pluralist. Until alternative perspectives are recognized in that state, there can be no real feminism. Some activists argue that Islam, at least in theory, has the potential to accommodate gender equity. But since religion can be manipulated by whoever is in power, it has been extremely difficult to promote women's rights in an undemocratic state such as Iran's.<sup>53</sup> For this reason, some Muslim activists argue for the separation of state and mosque. The question that presents itself here is that if laws and policies should not be based on religious doctrines, why should liberating theories and practices?

The final evidence is a philosophical one that is concerned with the compatibility of Islam with feminism. There are some views in the text of the *Quran* that are most difficult to reconcile with feminism. One of these is about equality between women and men. There is a verse in the *Quran* that refers to men as *qawwamun* over women because God has given the one more (strength) than the other.<sup>54</sup> The word *qawwamun* has various meanings including superiority, protecting, maintaining, guiding, and advising. While recent interpretations of this verse emphasize the last two meanings, this verse nonetheless seems to assert inequality between women and men, especially because there is no verse in the *Quran* that introduces women as advisers of men. My understanding of Islam and the *Quran* is that women and men are equal before God. They are judged based on their piety. But, they have different duties and responsibilities toward each other. Consequently, they have different rights. For example, men are responsible for supporting women in their families financially. This difference in responsibility leads to other disparities, including men being the head of the family, women inheriting half of the amount men inherit, and finally the financial dependence of women on men.<sup>55</sup> The *Quran* gives a view of men and women in families, which men are the head of, distinguished as two completely distinct sexes with different functions in the family and society. This fixed identity of women and men in Islam is in contrast to pluralism, which is the requirement of feminism.

This point particularly becomes important when we consider the gender policies of the Islamic Republic of Iran concerning homosexuality. Any type of sexual activity outside a heterosexual marriage is forbidden in Iran. Homosexuality is punishable by imprisonment, corporal punishment, or even execution of the accused under the laws of Iran's current government. This law is based on the *Quran* and *hadith*. The *Quran* contains references to homosexuality in telling the story of people of *Lut* who were destroyed by God as a result of their sexual practices.<sup>56</sup> Although some have suggested reinterpretations of the *Quran* that do not flatly forbid homosexuality,<sup>57</sup> reconciling Islam with homosexuality seems an even more tremendous and exhausting task than reconciling it with feminism. Islamist women reformists cannot adequately take on this issue, because fixed sexuality is in fact part of the Islamic feminist worldview. This is another point that proves Islam is anti-pluralist and thus does not have the potential to support a truly liberating theory or practice. It is essential for any feminist theory to work against

keeping human beings in fixed identities. Feminism is centered on the idea of equality. Fixed identities as found in Islamic worldview is opposite to that. To be a true Muslim, you need to have the identity of a true Muslim as described in the Quran. To deviate from that identity is to be a lesser Muslim. That is why it is detrimental to feminism to be bound to a worldview such as Islam's. Feminism should support a society where individuals can live their lives without being limited by such social, cultural, or religious constraints. After all, what is a feminist theory if it cannot include people with different beliefs and faiths, people with different sexual orientations and gender identities? How can a feminist theory be a true one when it cannot contain lesbian women?

I believe the most important matter here is whether or not we should endorse and celebrate the reform activities that introduce themselves as Islamic, which are happening inside the Islamic Republic of Iran. My concern is that what is called Islamic feminism, be it truly feminism or not, might reinforce the fusion of religion and politics in a country such as Iran, which has a religious state. I believe that resistance of the Iranian people to the government after the presidential election of 2009 shows their objection to the theocratic regime. Iranians have exhausted every possibility within the Islamic system to reach their demands. And they are still not satisfied. What Islamic feminism suggests as the Muslim woman's identity is not what many Iranian women identify themselves with. Islamic feminism cannot answer all demands of Iranian women. Especially now that more than ever the legitimacy of Islamic theocracy in Iran is doubted, Islamic worldviews would not help the situation of women in Iran, nor do they gain much support among them. I believe that Iranian women have passed the point where reinterpreting Islamic texts to make them more woman-friendly would be enough for them. What they need is a secular feminist practice that fights for their rights based on them being humans, not Muslim women.

## NOTES

1. See, for instance, Nilüfer Göle, *The Forbidden Modern: Civilization and Veiling* (Ann Arbor: University of Michigan Press, 1997); Nawal El Saadawi, "Marketing Muslim Women," *Journal of Middle East Women's Studies* 4, no. 3 (Fall 2008): 119–20; Anouar Majid, "The Politics of Feminism in Islam," *Signs* 23, no. 2 (Winter 1998): 321–61; Azizah Al-Hibri, "Muslim Women's Rights in the Global Village: Challenges and Opportunities," *Journal of Law and Religion* 15, no. 1/2 (2000–2001): 37–66; Lila Abu-Lughod, "The Debate about Gender, Religion, and Rights," *PMLA* 121, no. 5 (2006): 1621–30; Saba Mahmood, *The Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, NJ: Princeton University Press, 2005).
2. See Nikki R. Keddie, *Modern Iran: Roots and Results of Revolution* (New Haven, CT: Yale University Press, 2006).
3. See Valentine M. Moghadam, "One Revolution or Two? The Iranian Revolution and the Islamic Republic," in *Socialist Register 1989: Revolution Today, Aspirations and Realities*, ed. Ralph Miliband, Leo Panitch, and John Saville (London: Merlin, 1989), 74–101.
4. *Ibid.*

5. *Hejab* refers to the veil or any other body covering worn by Muslim women. Muslim women should cover their bodies and hair appropriately after the age of puberty (which is nine for females) in the presence of adult males, with a few exceptions, like their father, brother, husband, uncle, and son-in-law. In Iran, a few months after the revolution, Ayatollah Khomeini made *hejab* compulsory in public places.
6. See Elham Gheyntanchi, "Appendix: Chronology of Events Regarding Women in Iran since the Revolution of 1979," in *Social Research* 67, no. 2 (Summer 2000).
7. See Haleh Afshar, "Women, State and Ideology in Iran," *Third World Quarterly* 7, no. 2 (April 1985): 256–78.
8. Janet Afary, "The Human Rights of Middle Eastern and Muslim Women: A Project for the 21st Century," *Human Rights Quarterly* 26, no. 1 (February 2004): 106–25, 118.
9. *Ibid.*, 119.
10. Mina Einifar, "Women's Studies Discipline in University of Tehran Cancelled," *Shargh* 1337 May, 21, 2013, 6 (In Farsi).
11. For a review of the women's movement in Iran after the revolution, see Nikki R. Keddie, "Iranian Women's Status and Struggles since 1979," in *Journal of International Affairs* 60, no. 2 (Spring/Summer 2007): 17–33.
12. Afsaneh Najmabadi, "Feminism in an Islamic Republic: 'Years of Hardship, Years of Growth,'" *Islam, Gender, and Social Change*, ed. Yvonne Y. Haddad and John Esposito (New York: Oxford University Press, 1998), 59–84.
13. *Ibid.*, 59–60.
14. *Ibid.*, 61–62.
15. *Ibid.*, 64.
16. *Ijtihad* is independent reasoning and making a decision according to Islamic law. *Mujtahed*, the person who practices *ijtihad*, decides on rules and regulations according to the current needs of Islamic society. These rules must be rooted in the Quran and the *Hadith* (sayings of the Islamic prophet, Muhammad), and must be in agreement with other Islamic rules. *Mujtaheds* have the authority to interpret Quran, and other Muslims who are not a *Mujtahed* themselves should follow them. Being a *Mujtahed* is a very high rank among Islamic clergies, and requires many years of studying in Islamic sources. Traditionally, in the *Shia* branch of Islam, only men are believed to be qualified to become a *Mujtahed*. But there is contemporary debate on whether or not being male is one of the conditions of being able to become a *Mujtahed*.
17. Najmabadi, "Feminism in an Islamic Republic," 71.
18. *Ibid.*, 77.
19. Ziba Mir-Hosseini, *Islam and Gender: The Religious Debate in Contemporary Iran* (Princeton, NJ: Princeton University Press, 1999), 7.
20. Ziba Mir-Hosseini, "The Quest for Gender Justice—Emerging Feminist Voices in Islam," *Islam* 21, no. 36 (May 2004), 3; ([www.islam21.net](http://www.islam21.net)).
21. Sharia is the moral code and religious law of Islam. There are two primary sources of *sharia* law: the guidelines set forth in the *Quran*, and the example set by the Islamic prophet Muhammad.
22. Mir-Hosseini, *Islam and Gender*, 6–7.
23. "Feminist Voices in Islam: Promise and Potential," OpenDemocracy, November 19, 2012.
24. Nayereh Tohidi, "The International Connections of the Iranian Women's Movement in Iran: 1979–2000," in *Iran and the Surrounding World: Interactions in Culture and Cultural Politics*, ed. Nikki Keddie and Rudi Matthee (Seattle: University of Washington Press, 2002), 283.
25. Nayereh Tohidi, "'Islamic Feminism': Perils and Promises," *Middle East Women's Studies Review* (Fall 2001): 13+. *Academic OneFile*. Web. July 5, 2014.
26. Haleh Afshar, "Women and Politics in Iran," *European Journal of Development Research* 12, no. 1 (June 2000): 188–205, 196.
27. Nesta Ramazani, "Women in Iran: The Revolutionary Ebb and Flow," *Middle East Journal* 47, no. 3 (Summer 1993): 409–28.
28. Valentine Moghadam, "Islamic Feminism and Its Discontents: Toward a Resolution of the Debate," *Signs* 27, no. 4 (Summer 2002): 1135–71, 1165.

29. In an article published in 2011, Mir-Hosseini challenges the label “Islamic feminism” and expresses her discomfort with being categorized in the camp of Islamic feminists. See Ziba Mir-Hosseini, “Beyond ‘Islam’ vs. ‘Feminism,’” *IDS Bulletin* 42, no. 1 (January 2011).
30. Hammed Shahidian, *Women in Iran: Emerging Voices in the Women’s Movement* (West Port, CT: Greenwood, 2002), 75.
31. *Ibid.*, 76.
32. A sura is a division of the Quran.
33. Koran, 366.
34. Shahidian, *Women in Iran*, 83.
35. *Ibid.*, 108.
36. Haideh Moghissi, *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis* (London: Zed, 1999), 115–16.
37. *Ibid.*, 119–20.
38. *Ibid.*, 99.
39. Mehrangiz Kar and Homa Hoodfar, “Personal Status Law as Defined by the Islamic Republic of Iran: An Appraisal,” *Women Living under Muslim Laws Special Dossier* (1996): 96.
40. Shirin Ebadi, “Iran’s Laws and Mothers’ Rights,” *Irannameh* 15, no. 3 (1997): 442.
41. Shahrzad Mojab, “Theorizing the Politics of ‘Islamic Feminism,’” *Feminist Review* 69: 133–34.
42. *Ibid.*, 135–40.
43. Constitution of the Islamic Republic of Iran, Article 58.
44. *Ibid.*, Article 4.
45. *Ibid.*, Article 91.
46. *Ibid.*, Article 91.
47. *Ibid.*, Article 96.
48. Mehrangiz Kar, *Legal Structure of Family System in Iran* (Tehran: Roshangaran, 1378) (In Farsi).
49. Nayereh Tohidi, “The International Connections of the Iranian Women’s Movement in Iran: 1979–2000,” in *Iran and the Surrounding World: Interactions in Culture and Cultural Politics*, ed. Nikki Keddie and Rudi Matthee (Seattle: University of Washington Press, 2002), 283–85.
50. See: Kar, *Legal Structure of Family System in Iran*, 63.
51. Quran, 356.
52. For a discussion of discrimination against religious minorities in Iran, see Jamsheed Choksy, “Non-Muslim Religious Minorities in Contemporary Iran,” *Iran and the Caucasus* 16 (2012): 271–29.
53. For a discussion of this view, see Homa Hoodfar and Shadi Sadr, “Islamic Politics and Women’s Quest for Gender Equality in Iran,” *Third World Quarterly* 31, no. 6 (2010): 885–903.
54. Quran, 4:34.
55. Quran, 2:180 and 240, 4:7–11 and 19–33, 5:106–8.
56. Quran, 7:80–84, 11:77–83, 21:74, 22:43, 26:165–75, 27:56–59, and 29:27–33.
57. Muhammad Jalal Kishk argues that there is no prescribed punishment for homosexuality in Islam, and Scott Kugle argues that people of Lut were not punished because of their sexual acts but because of their infidelity.

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