

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES

ISLAM AND HUMAN RIGHTS:
STATUS OF WOMEN IN POST REVOLUTION IRAN

BY

AKIL AHMED SHERIF

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APPROVED BY THE BOARD OF EXAMINARS

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Declaration

I, the undersigned, declare that this thesis is my original work and has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

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1.1. Background

The historical relation between human right and world's major religions has been substantial, complex, and fascinating, especially with respect to the dominant monotheistic religions (Bloom, Martin, and proudfoot, 1996). The modern formulation of human rights grew under the influence of western Christianity and Judaism (Henkin, 1998). However, after the second world war the drafters of the various international human rights instruments, working under the auspices of UN Economic and Social council and its human rights commission (Morsink, 1999), begun to use secular language to rise above the particularities of individual religious and ethical traditions.

Though the Universal Declaration of Human Rights is called `Universal`, it was articulated along the lines of historical trends of the Western World during the last three centuries, and a certain philosophical anthropology of individualistic humanism helped them to justify it (Panikkar,1989:31). According to Panikkar (1989), the basic assumption underlying the Universal Declaration of Human Right of 1948 were of a universal human nature common to all people, of the dignity of the individual, and of democratic social order. In the decade since the Declaration, the term Human Right has become an integral part of both political and popular discourse, particularly amongst western-educated persons. In fact, it is frequently assumed, as well as stated, by many advocates of human rights, in both western and non western (including many Muslim) countries, that human rights can exist only within a secular context and not within the framework of religions (Henkin, 1998:230-231).

However, since the late 1970s there has been a growing interest in the West in the relationship between Islam and Human right. Islam, one of the world`s major religions, “is not just a collection of beliefs and spiritual values; it also incorporates a legal and cultural system to which all its adherents conform” (Qutb, 2001:28). The relation between Islam and human rights has received a great deal of attention in the academic and policy literature (Muedini, 2010:1). Within the overall dialogue of Islam in international affairs, Islam has been perceived as containing different ideologies and laws within one encompassing entity. This can be seen in a number of matters; the different

sects in Islam, the various schools of interpretation and different regions and cultures where Islam has flourished all suggests a number of beliefs and approaches to particular questions regarding the human rights discourses. Such interpretations of Islamic laws are offered by different schools of jurisprudence in Islam that are not only focused on theological and spiritual elements of Islam, but also serve a role in establishing positions on human rights implementation in Muslim states and communities (An-Naim, 1990). Literature within the field of human rights and Islam has included research on specific issues such as Islam, women, and human rights in specific country (Kamilian, 2005).

The status of women in society is neither a new issue nor is it a fully settled one (Badawi, 1995). Women`s status in Islam is one of the most controversial and serious issues of our time, not only among Muslim women and those who represent them in the area of women`s rights in the Islamic world, but also among fundamentalist Muslims (Dagher, 1997:1). Some cover Islam`s achievements for the women, maintaining that it was Islam that gave the women her rights and honor, while other blame all the disadvantages in the position of Muslim women on Islam.

Iran is nearly three millennia old (Kamiar, 2007). Ancient Greeks referred to Iran as “Persia,” and for the next several centuries, the world followed suits. In 1935, Reza Shah, the ruler of Iran at the time, asked the world to call Iran by its proper, indigenous name instead of Persia (Kamiar, 2007; Yarshater, 1989). Islam came to Iran with the Islamic conquest of Caliph Umar in the seventh century (Choksy, 2003).

The status of women in post revolutionary Iran significantly improves in the various segments of the society. Iranian women have been the centre of attention for both the post-revolutionary state and oppositional forces. The massive participation of women in the revolution of 1979 seems to be the main reason behind this interest (Yeganeh, 1982:26). In the post revolutionary Iran, women are active participant of politics, economic, education and the society at large

As for education, the number of women in secondary school as a percentage of the eligible age group was more than double, from about 30 to almost 80% (World Bank,

2004). The corresponding figure for young men also increased but not as dramatically. As of 1999, for every 100 boys in primary school, 96 girls were enrolled, indicating that boys and girls were almost equally likely to be learning basic literacy and numeracy skills (United Nation Development Program, 2001:180). In 2000, half of all Iranian university students were women (Kian, 2002:63), as were 60% of entering students (Shadi, 2001), who were selected on the basis of a nationwide exam.

Iranian women play a remarkable role in economic fields as well. Employment rate of women, reported 84.6 percent in 2008, which has increased 13.5 percent in comparison with two decades ago. In 2005, women make up 27% of the Iranian labour force, up from 20% in 1980 (World Bank, 2004). According to the statistics, in 2009, life expectancy was estimated 74.93 years among women and 70.17 years among men. This rate has increased more for women than for men, across all age categories. With the respect to family planning, “level of childbearing have declined faster than in any other country,” (Roudi-Fahmi, 2002:1), going from 5.6 births per women in 1985 to 2.0 in 2000 a drop accomplished by a voluntary, but government-sponsored, birth control program (Roudi-Fahmi, 2002:3). Thus, concerning women`s status, the Islamic Revolution of 1979 brought about a new dynamic presence of women in Iranian Society and paved the way for their active and effective participation (Ali, 2010).

Generally, it is a common belief that Islamic-based government, when serving as an ideological foundation for government, facilitates the poor protection of human rights. And is responsible for the law status and roles of women in the Middle East and North Africa (Bahramitash, 2003:551). However, in this MA thesis, I will examine and reflect on the status of women`s rights in Iran, a country where political Islam has been in power for almost three decades. If commonly held views about the impact of the Islamic religion on status of women were true, one would expect a steady or sharp decline of the status of women in post revolutionary Iran. In short, having studied women`s role and status in the Islamic Republic of Iran from different perspectives, this thesis will show that Islam is not a factor for repressor of human right in general and low female role in particular in the Muslim countries.

1.2. Statement of the Problem

The problem of human right lies at the heart of modern political discourse. The current international human right discourse is fundamentally Euro-centric, that is a set of culturally based norms and practices that inhere in liberal thought and philosophy. To criticize this western notion of human right, some scholars have even gone so far as to argue that by negating the diversity amongst global culture and by promoting a monolithic set of social values, the mere notion of universal human right, reinforces neocolonial arguments by indirectly signifying western hegemony over the developing world. Thus, the issues of Religiosity and Cultural relativism are at stake in the determination of Universal human rights.

Since the modern notion of human rights originated in a western, secular context, Muslims in general, but Muslim women in particular, finds themselves in a dilemma when they initiate or participate in, discussion on human right whether in the west or in Muslim societies. Much attention has been focused, in the western media and literature, on the sorry plight of Muslim women who are poor and oppressed in the visible and tangible ways. Hardly any notice has been taken, however, of the profound tragedy and pain suffered by the self-aware Muslim women of today who are struggling to maintain their religion identity and personal autonomy in the face of the inflexibility of Muslim culture, on the one hand, and the imperialism of western, secular culture, on the other hand.

By solving the above unarticulated quandary of Muslim women in the “Islamic” world, this thesis pointed out that the Universal discourse of human right rooted in the western origin and orientation poses problems and subject to questioning. Furthermore, the alleged incompatibility between the concept of human right and religions in general, or particular religion such as Islam, needs to be explained in an unbiased way.

1.3. Hypothesis

The current political and economic instability of the Muslim World, impracticability of progressive Ideal Islamic law, the development of secularism in the field of human right

and patriarchal social structure constructed by Muslims are the main sources of the commonly held views that Islamic-based government is repressor of human rights in general and low status of women`s role in particular in the Islamic world.

1.4. Objectives of the Study

1.4.1. General Objective

This thesis will examine the status of women`s human rights in post revolutionary Iran.

1.4.2. Specific Objectives

The specific objectives of the study are the following:

- a) To explore the rights of women in post revolution Iran.
- b) To explore whether the existing situation of women in Iran compatible with human rights of women.
- c) To show that Islam is not factor for repressor of human rights in Muslim countries
- d) To show that human right is not incompatible with Islam.
- e) To provide a fair evaluation of Islam contributed or failed to contribute toward the restoration of women`s dignity and rights.
- f) To show that Qur`an does not discriminates against women.

1.5. Significances of the Study

This research is meant to contribute to the development of human right and Islam by taking examples from Iran. The finding of this study may be used as a source of information for those who are interested in conducting research on women rights in Iran and other Muslim countries.

1.6. Methodology and Method of the Data Collection

By using qualitative methodology, this thesis analyses both primary and secondary sources of data collection. The primary sources includes analyses of Islamic laws, various Islamic human right proclamation such as Islamic Declaration on Human Rights adopted

on 19, September 1981 by the Islamic Council in London, and looking for clues in the works of modern Muslim human rights thinker. The secondary sources include analyses of books, articles and journals on the subject matter. Through quantitative methodology, the thesis also presents the statistical data from accurate sources to show the status of women in post revolution Iran in various fields.

In my case the status of women in post revolution Iran, I do not analyze women`s status in Iran strictly from rights-based perspective. My point is that an account of formal legal rights cannot fully capture the lived experience of women nor their position within Iranian society. Instead of women`s formalized rights under the Islamic republic of Iran, I examine the advancement of women paying special attention to indicators of women`s status such as their access to education, equality in labor force, control of reproductive life, formal political participation, health status and so on.

1.7. Organization of the Study

This thesis is organized into four chapters. The First chapter deals with the human rights and Islam. In this chapter, emphases are given to the basic sources of Islam such as Quran, Sunnah, and Islamic Law. It also discusses scholar`s debate on human right and Islam. The Second chapter is devoted to the background on the status of women in post revolutionary Iran. It discusses the situation of women`s human right in the broader region of Middle East and North Africa. It also deals with the historical outlook at the status of women in Iran. The Third chapter observes statistically the status of women in different spheres such as in education, economy, politics, public and health. The Last chapter deals with the analyses of women rights in Iran in the post revolutionary period. Finally, concluding remark is provided followed by list of references.

CHAPTER ONE

ISLAM AND HUMAN RIGHTS

1.1 GENERAL OVERVIEW ON THE NOTION OF WOMEN'S HUMAN RIGHT AND ISLAM

1.1.1. Brief Concept of Human Rights

The concept of human right is the subject of many historical, philosophical, and political studies. There is no single definition/description which count on consensus or will suit of all purpose. Because definition of the concept of human right is inherently dependent on various factors such as political ideology, culture, religion. However according to a standard definition of human right as its demonstrated in the Universal Declaration of Human Rights of 1948, it is those rights one has by virtue of being human (Donnelly, 1989:9). This definition suggests that human rights belong to every human being in every human society: all human being have them, equally and in equal measure. Human rights are held equally by all humans because “being human cannot be renounced, lost, or forfeited, and human rights are inalienable” (Donnelly, 1998:18). Human rights are universal, and as such they have predominance over other rights given to people for other different reasons.

According to Marie-Benedicte Dembour, the author of “Who Believes in Human Rights? Reflections on the European Convention” (2006), many people, especially but not exclusively in the West, believe that “human rights exist irrespective of social recognition, although they often acknowledge that the plurality of religious traditions and value systems from which they can be derived make their foundation controversial” (Dembour, 2006:1). For those how believe in human rights, the problem of their sources is rarely considered an obstacle to asserting them. For them what is important is that human rights are evident. Accordingly, prominent scholars of human rights such as Jack Donnelly and Rhoda Howard believe that the idea of human right have been the norms of most pre modern or preindustrial societies throughout the world (Donnelly and Howard,

1987:2). For example, the Chinese Emperor was held to rule through a mandate from heaven, and thus was held to be accountable to heaven for his action. Similarly, Islam provides a very detailed set of substantive norms, expressed in the Quran and in Islamic laws, to which rulers are required to conform (Donnelly and Howard, 1987:2). However, Dembour (2006) explain that this is easily forgotten in a world where human rights have become the secular religion of our time.

1.1.2. Historical Development of Women`s Human Rights

By definition, human rights, as deduced from an interpretation of the Universal Declaration of Human Rights of 1948, stipulate that every human being, irrespective of race, gender, age or nationality, is entitled to, among other things, right to life, freedom of choice, equal opportunities, social security, health care, and justice. Such a definition presupposes that the rights of women are an integral part of Universal Human Rights. The cry of an international recognition for women`s rights culminated in the convening of the 1993 United Nation Human Rights Conference in Vienna, “which explicitly placed the issue of the human rights of women on the international government agenda and incorporated that terminology in it is Declaration and Programme of Action, stating that the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights” (Gierycz, 2002: 30).

From 1948 to 1979, not much had been done by the international community to ensure that individual states implemented policies aimed at protecting the rights of women. Of course, several other Conventions had been adopted during this period, such as the International Covenant on Economic, Social, and Cultural Rights, International Convent on Civil and Political Rights (1966), and the optional protocol to the latter one. Even though they had provisions that addressed the question of women`s human rights in general, none of them explicitly addressed any issues such as international trafficking, and cultural prejudice as barrier to the realization of women`s human rights.

On December 18, 1979, the UN General Assembly adopted comprehensive convention on women`s human rights entitled as the Convention on the Elimination of All Forms of

Discrimination Against Women (CEDAW). The purpose of this convention is to eliminate defacto and de jure discrimination and inequality on the basis of sex (Ali, 2000:1). CEDAW has been described as the women`s Bill of rights because it contains comprehensive provisions on women`s rights including what action should be taken to promote, fulfill and protect women from the infringement of the rights. The document contains 30 Articles and each one deals with a specific theme and an agenda for action by country Government to guarantee women the enjoyment of the rights (Ali, 2000:1). Though the Declaration was first an important step in securing the legal foundation of women`s equality, its impact on the ground was more limited; the reporting procedures for the Declaration`s implementation were voluntary, and the level of response from Government was low. Again like other its predecessor Conventions such as ICESCR, ICCPR, CEDAW did not explicitly address the issue of international trafficking as a major barrier to realization of women`s rights (Ali, 2000).

The Vienna Women`s Human Rights Conference in 1993, however brought the matter into the public interest and challenged “the justification that culture, and tradition rule out the applicability of international legal standards, stating that gender-biased violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated” (Gierycz, 2002: 45-46). However, the agreements that are produced by this Conference are not legally binding while they do have ethical and political weight and can be used to pursue Regional, National or Local objectives (Bunch and Frost, 2000).

1.1.3. Women`s Human Rights and Islam

In her introduction to *Women in Middle Eastern History*, Nikkie Keddie (1991:1-2) observes that there are varying opinions on the question of Islam and women`s human rights. While one group holds the view that the Qur`an upholds gender equality and that the prevailing mistreatment of women is the result of Arabian patriarchy and foreign importations, the other group argues that Islam is undeniably ‘gender inegalitarian’. However, the critics discussed below have argued that Islam as a religion does not

command or endorse discrimination against women. Aziza Al-Hibri (1982: viii) in her editorial to *Women and Islam* states that in a situation of conflicting claims, such as noted above, it become crucial to distinguish between Islam and Islamic tradition and culture. She asserts: “there is no doubts that Muslim tradition and culture is patriarchal. But the important question is whether Islam, as revealed through the Qur`an, is patriarchal.” She later on shows that the patriarchal oppression of women stems from cultural practices rather than Islamic teachings (Al-Hibri, 1982: 207-219).

In his well known book entitled “Human Rights in Islam”, the renowned Islamic scholar Abul A`la Mawdudi claims that Islam has laid down universal fundamental rights for humanity which are to be observed and respected in all circumstances and that these fundamental rights apply to everyone by virtue of his/her status as a human being (Mawdudi, 1980:11-12). His words indicate that all human beings, irrespective of whether they are male or female, are entitled to the fundamental rights that Islam has granted to its followers. Thus, many scholars have come to agree that ‘(original) Islam is compatible with the modern notion of human rights’ (Moosa, 1998: 508), which presupposes that it doesn` t sanction discrimination against women.

Thus, from the above points, since Qur`nic teaching do not engender the oppression of women or any other human being for that matter, it is only logical to conclude that man-made traditions are responsible for the prevailing marginalization of women`s human rights in Muslim societies.

However, according to khadija Elmadmad (2003), there are no regional binding Islamic conventions on human rights in Muslim and Arab world except for a few draft texts, such as the Islamic Declaration on Human Rights adopted on 19, September 1981 by the Islamic Council in London which, however, speaks only of the rights of married women and ignores women who are not married. This omission presupposes that a Muslim women gains entitlement to rights only when she is legally contracted to a man as if to say that a women`s human rights is contingent on that of her husband and she who has no husband has no rights. This declaration, therefore, simply obscure conformity to

international law, while Muslims throughout the Arab world still subscribe to cultural prescriptions of female subjugations (Elmadmad, 2003:253).

1.1.4. Women`s Status in the Days of Prophet Mohammad

Women have been discriminated against since immemorial time. It may be useful to review briefly in the following first paragraph how women were treated in general in pre-Islamic Arabian Peninsula and within that context it will be easier to appreciate Islam`s tremendous contribution towards the restoration of women`s dignity and rights.

Islam was instituted in the Arab Peninsula in 622 A.D. When Mohammad immigrates to Medina from Mecca after the Meccans sought him to kill for having insulted their gods by preaching a new religion of monotheism (Mernissi, 1991:30). Thus, Medina becomes the first Muslim community in the Arabian Peninsula. The period before the establishment of the Islam in this region is referred to as “Jahiliyya”, meaning the age of Ignorance (Al-Hibri, 1982:208). The age of Jahiliyya was characterized by atrocious practices including female infanticide and slavery. According to Al-Hibri (1982:209), many female infant were killed by their own parents either because of poverty-female children being considered as an economic burden- or from fear of shame, should the daughter be captured during a raid and turned into sex slaves by their captors. “in some cases, female children were sold or exchanged for animals” (Al-Hibri, 1982:209). The sad irony was thus that animals were considered to be a more valuable commodity than human being of the female sex.

Arab women experienced a change in social status when Mohammed appeared in Medina in 622 A.D. bringing with him a new religion, as already mentioned (Mernissi, 1991:30), and way of life that guaranteed equal treatment for all who accepted the supremacy of Allah, women not excluded. Thus, Islam as a religion displaced the matriarchal gods of pre-Islamic Arabian while Islamic culture replaced its traditions. It is indisputable that Prophet Mohammed treated women with the greatest respect and dignity, and accorded them those rights pertaining to freedom of expression, marriage and divorce. El-Saadawi (1982:195) asserts that the “Prophet was more emancipated with respect to women than any man of his time, for he gave his women the right to stand up to him, rebuke him or

tell him where he had gone wrong.” According to Al-Hibri (1982:214), although Muhammad’s record was not that of a feminist’s revolutionary, “he certainly made one brave attempt ‘to undercut patriarchy and regain for women some of their lost rights.’”

Mernissi, in her book *women and Islam: an Historical and Theological Enquiry* (1991: viii), probes the history of Islam in Mohammad’s days and presents ample evidence of “women who enjoyed the right to enter into councils of the Muslim umma, to speak freely to its Prophet-leader, to dispute with the men, to fight for their happiness and to be involved in the management of military and political affairs.” Umm Salaama, for example, belonged to Quraysh autocracy like Muhammad was one of those women in whom physical beauty and intelligence combined to assure her “the privilege of being consulted on matters of vital concern to the community” (Mernissi, 1991:116).

Umm Salaama was not the kind of women who accepted female subservience as a god given role. Her awareness of her personal worth as a women moved her to question certain religious incongruities that persisted in the early days of Islam. According to Mernissi (1991:118), the prophet was not surprised when Umm Salaama raised very political questions that only mature women were in a position to ask: ““why,” she asked the Prophet one day, “are men mentioned in the Quran and why we are not?”. She then waited for a reply from heaven since in those days Mohammed received messages directly from God (Allah), especially when a women or man asked a question concerning his/her status in the new community. Then one day she heard the Prophet recite in the Mosque the latest verse that had been revealed to him and which was an answer to her.

According to Marnissi (1991:119), “the answer of the Muslim God to Umm Salama was very clear: Allah spoke of the sexes in terms of total equality as believers, that is, as members of the community ...and it is not sex that determines who earns his grace: it is faith and the desire to serve and obey Him.” Thus, the verse that Umm Salama heard is revolutionary in that it specifically alludes to women alongside men, breaking free from the pre-Islamic tradition of men only. Umm Salama’s question constitute a milestone in the history of Islam, since it resulted in Islam intruding a new system of laws and regulations which “affirmed the idea of thee individual as a subject, a free will always

presents in the world, a sovereign consciousness that cannot disappear as long as the person lives” (Mernissi, 1991:121). Thus, her question was the spark that ignited recognition for the female individual both within the Quran and in every day religious life. Clearly, Umm Salama was a woman who opposed every form of discrimination and whose action in this regard shows that self-expression is human right not the privilege of a particular group called men.

Regarding the issue on the absence of a feminine label for Muslim female believers, Mernissi (1991:119), explains that Umm Salama`s question represented a general viewpoint among the women of medina and a veritable protest movement by the women, for “not only did the women share Umm Salama`s concern, but they also took that answer from heaven for what it was: a break with pre-Islamic practices, the calling into question of the customs that ruled relations between the sexes.”

With such freedom of expression granted by the new religion (Islam), it is not difficult to see that the situation of women in the first Muslim community at Medina was considerably better than that of pre- Islamic era. Mohamed Chaudhry (2002:13) argues that “Islam, for the first time in the history of man on earth, raised the status of women from mere chattel which was to be owned and possessed and enjoyed like any other object of property, to the status of a human being having the same rights as of man.” Thus, Islam introduced the principle of equality of all individuals before God and raised women from the jail of commercialization to the platform of human dignity.

However, it is worth stating that the patriarchal order of pre-Islamic times, which rotated on the axis of inequality between the sexes, was not completely destabilized with the advent of Islam. But agreeably, the women of Prophet Mohammed`s days enjoyed considerable political, social, and economic privileges. Maimul Khan (2003: 242) makes an important observation on the indispensable role played by Mohammed in the pursuit of human rights:

Under the direct supervision of the Prophet Mohammed, the theoretical concepts of Islamic human rights received the highest level of practical

implementation. After his death, the level of actualization of Islamic human rights differed depending upon the person at the helm of state affairs and the sociopolitical, economic, and cultural development of different Muslim states and societies. Muslim rulers in particulars and the Muslim masses in general did not always fulfill their religious and moral duty to safeguard human rights for others.

Thus, Mohammad`s death marked a break in the pursuit of human rights, especially for women.

1.2. Islamic Laws

In his book *Social Justice in Islam*, distinguished scholar of Islam Sayyid Qutb claims that “Islam does not prescribe worship as the only basis of its beliefs, but rather it reckons all the activities of life as comprehending worship as themselves-as long as they are within the bounds of consciences, goodness, and honesty” (Qutb, 2001:28). Thus, Islam is a complete way of life, implying total submission to God. When referring to ‘Islamic law’, it usually means what in Arabic is called the Shari`a. According to Abdullah An-Naim the term Shari`a refers to the general normative system of Islam as historically understood and developed by Muslim jurists, especially during the first three centuries of Islam-the eight to tenth centuries CE. (An-Naim, 2002:2).

In this commonly used senses, Sharia`s includes a much broader set of principles and norms than legal subject matter as such (An-Naim, 2002: 2-3). While the term Islamic law is generally used to refers to the legal aspect of Shari`a, it should also be noted Muslims tend to believe that the legal equality of those principle and norms derives from their assumed religious authority. Deina Abdelkader, in his book *Social Justice in Islam*, suggests that they are four sources of law in the Shari`a; the Qur`an, the Hadith and Sunnah, Ijma (the consensus of Fuqaha/Muftis on a decision), and Qiyas (Analogy) (Abdelkader, 2000: xv). The first two are accepted as the primary sources of Islamic Law while the last two are identified as dependent/secondary sources of Islamic law.

1.2.1. The Evolution of Islamic Law

Since Quran and Sunnah do not cover all the practical problem Muslim community facing through time, law experts had to recourse to conclusions using Analogy (Qiyas) and Consensus (Ijma) which why these two method of comprehension become the foundation of law (Fiqh), shaped differently for each of the areas it dealt with. A part of the above sources of the Islamic Law, there is also Ijtihad which means “exertion” or “self-endeavor”. In the legal usage, Ijtihad refers to the striving of the jurist to drive principles and rules of law from sacred sources. Interpretation of the Qur`an and the Sunnah of the prophet to extract a necessary rule or principles (Ijtihad) were used by jurists during the first centuries of Islam, but in the, approximately, 10th century, Sunni Muslims had closed the “Gate of Ijtihad”, after which imitation (taqlid) was prescribed. Today, Muslim reformists thinkers proposes re-opening of the door of Ijtihad to address the specific problems that exists in the Muslim world, including the women`s role in it.

Frank E. Vogal states that even though the God`s Law is considered to be perfect and complete, it`s interpreters are not: human understanding of God`s law is limited, which is the reason why there are so many jurisprudence (Fiqh) (Vogal, 2004:4-5). Because of the difference between Shari`a (infallible and unchangeable law) and Fiqh (interpretation of the Shari`a, which constantly evolved) one needs to distinguish the critique of God`s law itself from the critique of human understanding of it. In other words, critique of Shari`a is not necessarily a critique of God`s law, but that of understanding and interpretation of Primary sources: Quran and Sunnah.

In the 8th century, four main Sunni schools of jurisprudence established themselves in different parts of the Islamic World. These are Hanafi, Maliki, Shafi`a and Hanbali. In spite of their formal difference and divergences in details, they grew into agreement on more important matters. They all practice and recognized the same sources; Quran, Sunnah, Ijma, and Qiyas. A part of the four Sunni schools, there also exists three Shi`istic school of interpretation. Large majority of Shi`a Muslim reside in Iran. The Shi`a Muslim believe in the return of the twelfth Imam. And the interpretation of the Hadith must be

made by an authority Imam (Theutenberg, 1986:562). However, the religious leader of the country does have a very strong position in interpreting the Sharia

The Ja`fari school of Shari`a is the predominant jurisprudence in Iran. According to article 12 of the Islamic Republic of Iran`s Constitution, Twelver (Ja`fari School of fiqh) Shi`aism of Islam is official religion. Like the four Sunni school of jurisprudence, the Ja`fari school also drive their Shari`a sources from the Quran and Sunnah. However, in terms of women`s rights, Ja`fari school differs in some respect from the four Sunni school of jurisprudence. For instance, women with no brother are entitled to greater inheritance rights under Ja`fari school than their Sunni counterparts (Tohidi, 2010:125). While in the other way around, Ja`fari school permits the Mut`a, temporary marriage whereby men can marry many women as much as he can through temporary contract of marriage, while the four Sunni school prohibit this.

Although by its definition the term Shari`a relates to different areas of law-e.g. civil, penal, constitutional, international, judicial, economy, and financial law (Doi, 1984:20), the most used sense in the modern time is family law. In contemporary world, in practice many countries in the Middle East and North Africa maintain a dual system of courts: Secular and Religious Courts. The religious courts mainly regulate family law such as marriage, divorce, child custody and inheritance while secular courts perform all other aspects of Jurisprudence. However, countries like Islamic Republic of Iran, Afghanistan and Saudi Arabia maintain religious courts which regulate all aspects of jurisprudence including penal and civil code.

2.2.2. Does Shari`a a Misogynist Law?

As matter of fact, certain verses of Qur`an have been interpreted in a fashion against women`s rights, reducing women to a disadvantage group. Centuries of women`s oppression in Islam can be seen as based on patriarchal interpretation of scared sources of Shari`a (Quran and Sunnah). Amina Wadud, who in her book entitled Qur`an and women: Reading the Scared Text from a Women`s Perspective, argues that the only possible way to overcome, patriarchal interpretations is through a contextual reading and hermeneutics of tawhid (Wadud, 1999:xxvi): “one goal of hermeneutics of tawhid would

be to address the dynamics between Qur`an universals and particulars” (Wadud, 1999:xii).

Alongside Amina Wadud, Aziza Al-Hibri and Niaz Shah, to mention only two of them, state that for the women`s oppression, the patriarchal interpretation and implementation of the Qur`an, and not the Qur`an per se, are responsible. They are calling for reinterpretation, reexamination and egalitarian, anti-patriarchal reading of sacred sources of Shari`a. Just to mention only one of the most quoted verse from the Qur`an on gender inequality is 4:3 about the issue of polygamy. According to Shah (2006:890), “many Islamic legal codes allow a man to marry up to four wives simultaneously. This principle of law is justified on an out of context interpretation” of the verse below:

If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice , two or three or four, but if ye fear that ye shall not be able to deal (with them equitably), then only one, or (captive) that your hand right hand possess. That will be more suitable and, to prevent you from doing injustice (Qur`an, 4:3).

The basic wording of the verse demonstrates that the subject of the verse is doing justice to orphans, not polygamy per se (Wadud, 1999:83). Shah stated that polygamy is “only permitted conditionally in order to do justice to orphans and war captives”. These conditions are (1) if there is fear that orphans will not be treated justly, then marrying up to four wives is permitted, and (2) this permission is further contingent upon “just dealing” among wives. If there is fear of unjust dealing among wives then a man should only have one wife (Shah, 2006:891). Parveen Shaukat Ali makes important point by taking the time when the above Qur`anic verse was revealed “one of the major reasons for granting permission for plurality of wives was the rapid decrease in male population due to wars. This should leave countless widows and innumerable orphans completely unattended and shelterless” (Ali, 1975:23).

Interestingly, the Qur`an adds in the same Sura (chapter) 4, verse 129 that “ye are never able to do justice between wives even if it is your ardent desire.” Many scholar

believe that the Qur`an intend polygamy to protect women`s right only when needed, and otherwise monogamy should be the norm. Al-Hibri found that by combing the above two Qur`anic verse it become logically impossible to ever conclude that the Qur`an gives permission for a man to practice polygamy: The implication of the combined syllogism passage is now clear:

(a) If you can be just and fair among women, then you can marry up to four wives.

(b) If you cannot be just and fair among women, then you may marry only one.

(c) You cannot be just and fair among women.

(b) and (c) are of the logical form: if p then q....i.e. you may marry only one wife (Al-Hibri, 1982:216).

Aziza Al-Hibri believes that Qur`an does not prescribe inequality between women and men. According to her, in the act of creation there is no gender determination. This is obvious from Qur`an 30:21 where it is stated that women and men are created from the same self/soul (Nafs) which is neither feminine nor masculine. Between a women and a man there is no ontological, metaphysical, religious or ethical priority (Al-Hibri, 2000:53). In short, as all of the above researchers mentioned, it is not the Law but traditional interpreter of the law who failed to hear the voice of the women, and is responsible for the women subordination.

1.3. Contemporary Human rights debate and Islam

Within the debate regarding the compatibility of Islam and Contemporary Human rights, a broad variety of positions exist, ranging from those who suggest that “western” notion of human rights are not compatible with Islam to positions that argue for the full compatibility of Islam and human rights. According to Niaz Shah, in his well known article entitled Women`s Human Rights in the Koran: An Interpretive Approach (2006), there are four main approaches used towards understanding the role of Islam in terms of its level of co-existence with international human rights law.

The first position taken has been categorized as the secular approach. The proponent of this approach suggests that Muslim individuals, groups and countries should solely

follow international human right law. However scholars argue that this secular approaches poses problematic to human right discourses. Shah claims that this kind of approach does not address “obvious discrepancies between Islamic and international human right law standards” (2006: 870) in areas such as minority right and discriminatory laws of personal status. With such discrepancies, Muslim states who view any ruling of international human rights law as contrary to their interpretation of Shari`a are unlikely to adopt the secular approach.

According to Shah, this approach will not achieve the equal protection and enjoyment of human rights in Muslim states for three simple reasons. First, Islam is the declared states religion in several Muslim states such as Pakistan, Afghanistan and Iran, and any law incompatible with Islam is considered null and void constitutionally. Second, Muslim states follow the conservatives line of Koranic interpretation in official policies. Finally, the secular approach fails because a majority of the Muslim population wants to live by their religious standards, right recognized in international human right law (Shah, 2006:870). Thus, it’s clear that the secular approach is unlikely to succeed, given the fact that Muslims states will not adopt any notions of human rights that seems to contradict Islamic teachings, which they view as divinely inspired.

The second major approach regarding the relationship between human rights and Islam is the “Non Compatible” approach, a position held by many “conservative” Islamic scholars, along with some Muslim governments who argue that Islam, because it “has its own distinct system of rights and duties,” cannot and should not adhere to western notion of human rights (Shah, 2006:871). Within the non-compatible position lies one of the most contested disagreements of the human rights movement, namely whether human rights are universal, or cultural relative and thus specific to religion, culture, and time (Mayer, 2007).

According to Muedini (2010:3), the proponent of this camp see the modern day of human right discourse as a western construct, used for the benefit of western countries. This is not limited to Islam; other scholars have also examined human rights from other cultural perspective, such as from African and Asian perspective. For example, Pagden explains

that the Islamic objection to the concept of human rights have been joined by appeals on the part of Asian despots... for the existence of a specific set of Asian value “which supposedly places the good of the community over those of individuals” (Pagden, 2003:172). However, this differs from Universalists who suggests that the human rights movement is based on common standards of viewing all individual human as equal, regardless of color, races, religion, sex, or geographic location (Donnelly, 2007:37).

Shah argues that there are three distinct points to be gleaned from an analysis of the non-compatible approach to human rights in Islam. First, in Islam the origin of duties and rights is divine and not a human artifact. Second, human rights in Islam are theocentric, that is, everything belongs to God and man is here only to serve his maker, as opposed to international human rights values, which are anthropocentric, where man is the measure of everything. Lastly, human rights in Islam are granted by God and are permanent and eternal, in contrast to international human right laws, which are man-made and dynamic (Shah, 2006: 871-872). From this non-compatible approach has stem perceptions of a “Clash of Civilization” (Huntington, 1996) between western and Islamic societies. But while such criticism are delivered from non-compatibilists, while critical of international human rights, lack a solid understanding of what human rights are under the international human right system (Shah, 2006). In fact, the non-compatible approach is incorrect in its critiques of international human rights law because a large part of international human rights law is in fact in accordance with rights and protections granted in Islam (Shah, 2006).

The third major approach is reconciliatory approach which claims that Islam and modern human right are in fact compatible. The proponents of the reconciliatory approach argue that “Islamic human right norms are compatible with international human right standards in many respects and that where they conflict, those areas could be reformulated and reconciled with international standard” (Shah, 2006:875). They do not deny the divine origin of Islamic notions rights and duties. They believe that there are similarities and dissimilarities and offer their own formulae on how to reconcile the divergent areas. Method to reconcile Islam with international human rights varies among scholars, and

includes arguments for a “dialogue” of human rights between Islamic government and the West (Monshipouri, 1998).

One of the major reconciliatory approach toward joining Islam and human rights is through the work of Abdullahi Ahmed An-Naim (1990). According to Shah, Abdullahi An-Naim recognize the inconsistencies between the Shari`a and international human rights and argue that reconciliation can be achieved only through the drastic reform of Shari`a (Shah, 2006:879). Abdullahi An-Naim (1990) argues for a revision of shariah law, calling for the contextualization of Quranic Surahs (or Verses), suggesting that many of the Quranic Surahs, particularly Surahs revealed in Medina are time and culture specific, whereas Meccan Surahs posses more of a universal and timeless message. Thus, he argues for focusing on the verses that are applicable regardless of space and time, as opposed to verses that were revealed for context-specific issue during the time of the prophet Muhammad. However, according to Shah, while this approach seems to effectively address discrepancies between Islamic law and international human rights law, the main problem with this approach in terms of applicable is that many Muslims take issue seriously with ignoring any verses in the Quran, since the Quran is seen by Muslims to be divine and timeless in its entirety (Shah, 2006).

Because of the probability of such an approach being implemented in the Muslim World is very low, Shah argues that instead, what is need is an interpretive approach that re-examine the Quran in a modern day context. He specifically believes that the “Quran is a living text and can be re-interpreted to meet contemporary need of given Muslim societies” (2006:881). By interpreting the Quran, we can be lead to the possibility of finding commonality between interpretation of the Quran and modern international human rights law. Shah uses this interpretive approach to re-examine various “conflict areas” between Islam and human rights such as issues of polygamy, religious liberty, and women rights.

For example, regarding the issue of a women`s testimony in court being interpreted by some Shariah law as being equivalent to one-half of a man`s testimony—if accepted at all, scholar explain that after reinterpreting Quranic Surahs that are applicable to this law,

along with taking account context specific factors—as well as historical precedent of when a women`s testimony has been viewed as equal in Islamic context, the interpretation that suggests a women`s testimony is not equal to that of man`s testimony must be seen as invalid (Shah, 2006).

Upon re-examination of the Quran, we find that the Quran itself suggests the “second” female discussed is meant to solely “remind” the other, and is not there to serve as a second witness to equal one male testimony. Scholars, debating why women need an additional person to remind another-whereas the man do not need a remainder, argue that women at that time were not dealing with economic issues on a regular basis, and thus needed an advisor in court for when testifying regarding these economic matters. When applying the interpretive approach to the discussion of Islam and human rights, we also find that the new interpretation of the Quran do in fact grant women divorce, polygamy, and inheritance rights, a position contrary to many previous conservative interpretations of the Quran (Shah, 2006).

According to Shah the interpretive approach has certain advantages over the other approaches discussed above. First, it is an Islamic approach and should be acceptable to Muslim states. It is an internal evolutionary drive, it is an insider strategy. Second, this approach provides answers to the challenges posed by Islamic relativists and supports the Universalists` drive. But it also accommodates the views of the relativists, who argue that every culture and religion has its own rights system because the change would come from within Islamic culture. The theme of reconciliation with international standards in this approach also advances the argument of the Universalists as to the universal application of human rights (Shah, 2006: 883). Thus, such an approach has served valuable in bridging supposed difference between Islam and human rights.

CHAPTER TWO

BACKGROUND

2.1. BREIF INTRODUCTION OF IRAN

The Islamic Republic of Iran, so named since the revolution of 1979, is quite a large country situated between Turkey, the Republic of Azerbaijan, Armenia, and the Caspian Sea. Turkmenistan lies to the North, Turkey, Iraq and Kuwait to the West, Afghanistan and Pakistan to the East, and the Persian Gulf and Sea of Oman to the South (Regional Survey of the World, 2000). According to article 15 of Iranian constitution, Persian is official language and script of Iran.

Iran is a nation with a population of nearly 70 million, among whom 40 percent are below age 15, and 56 percent between ages 15 to 64. Out of total population of the country, over 49 percent of the population is women. More than 50 percent of women`s population in 2006 was under 25 age (New York Times, 2006). Recent effort to control population growth have been quite successful, that has helped to reduce fertility rate from 6.0 births per women in 1986 to 2.0 in 2005, which is one of the lowest fertility rate in the world (Tohidi, 2010: 147).

Called Persia until 1935, Iran, among many Middle East Nations, is a typical Islamic country, and about 98 percent of the total population is Islam believers. Iran has accepted Islam in the region in the 7th century. Although Iran has tried promoting modernization and westernization under Pahlavi`s control since 20th century, it has established the Islamic republic after the popular Islamic Revolution in 1979, and has been insisting on the propensity of the Islamic principles that are evidence in the early Islamic societies of the Middle East. It also has opposed the modernization movement which imitated the western culture and promoted Islamization in the early revolutionary days. Thus, many women related issues have gone under the process of analysis by means of the Islamic principles (Moon, 2004: 22).

According to Plan and Budget Organization (PBO) of the Islamic Republic, Iran is developing country with an upward trend in the human development index (HDI) value from 0.642 in 1988 to 0.758 in 1997 and thus considered among nations with medium human development (PBO, 1999: 15). The key factors leading to human development index gains in Iran during the 1988 to 1997 period have been increased life expectancy (from 61.6 to 69.5 years); higher rates of adult literacy (from 57 to 74.5 percent); and better combined first, second, and third level gross enrollment ratio (from 65 to 75 percent). In 1997, life expectancy at birth was 70.6 years for women and 68.4 for men. In the same year, the female adult literacy rate was 67 percent compared to 81.9 percent for men. Furthermore, the combined first, second and third gross enrollment ratio was 73.3 percent for women and 76.7 percent for men. Thus, Iran graduated from low to medium standing on the gender-related human development index value from 0.454 in 1988 to 0.579 in 1997 (PBO, 1999: 146; Mehran, 2003b).

Women and the image of women played an important role in the outbreak of the Islamic revolution and its continuation. Women actively participated in the uprising and firmly supported the revolution. More than thirty years have passed since the revolution in Iran, however there remain a number of questions and ambiguities about the way the Islamic republic and its law deals with contemporary problems and current circumstances, particularly regarding to women and women`s rights.

The next three remaining chapters of the thesis will shed light on these issues and study the current position of women in various spheres. Particularly this chapter briefly look at the status and situation of women in the broader region of the Middle East and then it will draw historically the status of women in Iran with particular emphasis of competing factors that delay the status of women in 20th century.

2.2. Situation and Status of Women in the Middle East

As the governments of the Middle East and North Africa (MENA) undertake the difficult process of enacting social and political change, the unequal status of women presents a particularly formidable challenge. The Middle East is not the only region of the world

where women experience inequality. In Asia, Africa, Latin America, Europe, and North America, women continue to face gender-based obstacles to the full realization of their rights. For example, in United States, one of the most developed states of our time, women come a long way since the equal pay act of 1963 and the civil right act of 1964, but even today they earn roughly 23 percent less than men (Kelly, 2010: 1-2). However, it is in the MENA region that the gap between the rights of men and those of women has been the most visible and serve.

The Islamic religion seems to have appeared a particularly direct linkage with legal questions that have been at the forefront of the public debates on the status of women in Middle East and North Africa (Offenhauer, 2005:9). According to Sanja Kelly, co-editor of recent extensive book carried out by group of scholars entitled Women Rights in the Middle East and North Africa (2010), stated that deeply “well-established societal norms, combined with conservative interpretation of Shari`a (Islamic Laws), continue to relegate women to a subordinate status.” Women in the Middle East region are significantly underrepresented in senior positions in politics and the private sector, and “in some countries they are completely absent from the judiciary” (Kelly, 2010:2). Perhaps most visibly, women face gender-based discrimination in personal-status laws, which regulate marriage, divorce, inheritance, child guardianship and other aspects of family life. Thus, religious discussion continues because of such preservation of some controversial religious-based laws in most Muslim majority societies (Offenhauer, 2005:9).

Formal political right have gained by women in almost all Muslim countries with exception of two Gulf states, Saudi Arabia and Kuwait, which has been the world`s last holdouts in allowing only men to vote, but their importance is diminished in some cases by the lack of democratic institution and processes (Offenhauer, 2005:87; Baden, 1992: 31). However, despite the limited involvement of women in formal activity, their participation in non-governmental and informal organization and activities is of considerable importance. Women`s organizations have had antagonistic relationship with the states in some periods, and been tolerated or even promoted at some other times, depending on the overall project of the government at the time and its pragmatic interest (Baden, 1992:31).

In some countries like Kuwait and Oman, women are required to achieve higher grade-point averages (GPAs) than men to enroll in certain disciplines at the university level. For example, female students in Kuwait must obtain a 3.3 GPA to be admitted to the engineering department, while male student need GPA of just 2.8 (Kelly, 2010:9). However, the female literacy rate has been grown almost in all region of MENA, in which the highest rate is recorded by Iran (6.8 percent), followed by Yemen (5.8 percent), and Algeria (5.3 percent). In most countries, women outnumber men at the territory educational level, and Iran, Qatar and UAE have the highest female to male university enrollment ratio worldwide (Kelly, 2010:8).

According to Offenhauer, female labor force participation is one area in which “women in Muslim majority countries, at first glance, to live up the stereotype of Muslim women as relatively exclude from public sphere. Women in at least several largely Muslim regions have usually low labor force participation compared to the rates in other countries with comparable economic levels” (Offenhauer, 2005:73). According to the World Bank, in MENA region, only about 27 to 28 percent of women are direct recipients of income through their participation in the labor market, which is the lowest rate in the world though rising since last decade (World Bank, 2004).

For this reason, some have argued that ‘Islam’ is a factor in holding back female participation rates, using simple statistical comparisons. However, female participation rates are very variable between “Muslim countries in terms of both the overall level and distribution of women`s economic activity across different sectors, contradicting the importance of ‘Islam’ as an explanatory factor” (Papps, 1992). Offenhauer`s study indicate that while Palestinian experienced the lowest rates among the region, Morocco, Tunisia, and Iran boast rates that are more similar to global averages (Offenhauer, 2005:76).

2.3. The Status of Iranian Women in Historical Perspective

In ancient Persia some women in higher circles have participated in government, according to sources from 509 until 438 BC. During the Zoroastrian and Sasanian period

women in higher circles seem to be treated quite equally and with respect as well. Several princesses ruled or co-ruled Persia.¹ Also after Islam was implemented by the Abbasside dynasty, women have participated in government, though no written evidence tells us about the situation of women in lower classes. They are several exemplary women in early Islam who played a vital role in Iran (Afkhami, 1994:7). Some feminists writer often blame the development of a Shi`ia clergy after this early period of the religion for women to have lost their rights and privileges and having become prisoners of the veil, though again it is very unclear whether women of lower classes had already experienced such treatment before the emergence of a clergy (Afkhami, 1994:11-14).

At any rate, after the period of early Islam, women were not allowed to go outside the harem of their house except when they would go to the Bath house, which functioned as the meeting place. The central theme in women`s lives was marriage. Women lived in the house of their parents until a marriage contract was signed. Then the often very young girls would move in with the family of their bridegroom, most often complete strangers, and fulfilled their duties. Sometimes aristocratic families allowed girls to learn how to read and write (Bamdad, 1977:7-19).

According Keddie, women`s autonomous political activities begin during the 1906-1911 constitutional revolution. During this time, "Iranian women formed secret societies gathering information on political affair to influence the people involved and enforced patriotic devotion" (Keddie, 1991:84). The constitutional revolution resulted in the creation of constitutional monarchy that began to embrace modernization and westernization. However, despite active participation of women in constitutional revolution, the foundation of the first parliament and establishment of constitution in 1906 did not resulted in improved women`s right. Further in 1909 universal suffrage was denied to women, criminals, offenders, and murders (Bamdad, 1977; 28-30). The first public demonstration by hundreds of women was held outside the parliament building in 1911 and in the same year first women`s newspaper was began to published (Keddie, 1991:84).

¹. http://www.Iranchamber.com/history/article/women_in_ancient_persia.php [accessed 10 December 2010]

The next evolution of women's rights in Iran was under the rule of Raza Shah Pahlavi (1925-1941). His goal was to further modernize Iran in which the state becomes an engine for social reform (Yaganeh, 1993:4). Reza established state sponsored women's organization. Girl's education was an important part of his program as state and private girl's schools were opened, but employment for women remained in the educational sector as teacher (Bamdad, 1977:57).

The largest Shah's campaign regarding women's rights concentrated on unveiling Iranian women and removing the hijab, which the government claimed would liberate women by saving them from the hijab which was an instrument of backwardness and regression. On January 7, 1935 Reza Shah announced a ban on the hijab during a graduation for female higher institution students, and instructed his force to remove the chador of any women wearing them in the street by force. This led a "large number of women refused to go out without a hijab, and so remained inside their house until 1941" (Ali, 2010:3). So the legal banning of the chador² for a part of the Iranian female population had been a limitation of the right, rather than an extension of their legal equality (Fathi, 1985:125).

Furthermore, paradoxically, scholars who write in opposition to the Pahlavi state, as well as those who write supportively of it, share the view that Royalist narratives uncritically dismiss or omit women's activism when it occurs outside the formwork of the state activities. "The notion of women's right as royal grants is premised on a concept of the state as the institutional manifestation of the monarch, with all state laws and policies occurring through the Shah's agency" (Kia, 2005: 227). Thus, women working with the state are acknowledged, but only as instruments of state policy.

Mohammed Reza Pahlavi, after inheriting his father's crown as Shah, preserved but not harshly enforced the initiatives that had affected the general status of women in Iran, like the banning of the chador. He announced the following:

My father was determined to fight the *hijab* and to make women remove it by force. Today I do not see this as necessary. The cultural

². Chador (Hijab) is a garment that covers the head and the body of a woman, leaving the face visible.

conditions are now right for women to remove their *hijabs* voluntarily and to give them up gradually. (Quoted in Ali, 2010:3).

During the reign of Mohammed Shah (1941-1979), many women began to wear the veil again. His reign was characterized by political repression paired with social modernization and capitalism. In 1963 one of the great successes of Shah was that women gained the right to vote. The state also granted women equal education and employment. However, women were not still treated equally in these areas with state policies encouraging them to work in feminine professions and received lower pay than their male counterparts.

One important legal step for the first time in the history of Iran, regarding reducing discrimination against women, was the 1967 Family Protection Law (FPL). This code gave women more rights in the areas of child custody and divorce, yet at the same time remained within the Shari'a. However, women of the lower classes or from rural areas were not likely to profit from FPL, because they were less aware of their rights as a result of illiteracy and seclusion from the outer world. In the year 1967, the divorce rate dropped dramatically because men could not longer divorce at will. In the period from 1953 to 1967 the average divorce rate had been 18 percent but from 1967 to 1977 the average divorce rate was 10 percent which was decreased in 8 percent (Fathi, 1985: 122).

According to Bahramitash (2003:555), from 1960 until the revolution, "there was a general increase in female employment." This period was marked by the Shah's modernization, one of the best known feature of which was the white revolution in 1962.³ During Shah's white revolution, there were significant increase in girls' and women's education, and in women's public role, with a few cabinet appointments, the range of women's jobs grew, including the legal, medical, and business professions. In 1968 the judiciary was opened to women, and most female high schools graduate had to enter the women's literacy and health corps and, like male, serve in rural or backward areas for

³. The White Revolution was the package of policy guidelines that are designed to facilitate the transition from an agrarian to an industrial/modern economy. According to Bahramitash, the fundamental basis of the package was an attempt at land reform imposed by the central government in order to head off a possible peasant uprising. The White Revolution also called the Shah and people's Revolution.

two years (Keddie, 1991:111). However, these reforms, as elsewhere in the Middle East, fell short of gender equality, as men remained household heads who could still force their wives to have intercourse, and polygamy was not ended. Wives still needed husband's permission to travel or reside separately, and honor killing were not prohibited.

In her book *Women in the Middle East: A History*, Nikki Keddie asserts that though "white revolution of Shah improves women participation in public, legal reform and changes in employment opportunity mainly affected modern-educated and upper-class women. Women in rural or urban popular-class sectors might have fewer production activities than before, and even if they worked for money, they rarely controlled their own income" (Keddie, 1991:111). In addition to this, growing cultural and income distribution gaps, dislocation brought by top-down modernization, and the unpopularity of autocratic repressive measure led many popular-class women and men to head the growing oppositional popular revolutionary discourse (Bahramitash, 2005:557, and Keddie, 1991).

2.4. The Image of Muslim (and Iranian) Women in Modern Times

In recent years, the image of the Muslim women has become distorted, with the emergence of popular books such as "not without my daughter" (1991) only further given into stereotypes of Muslim (and Iranian) women. However, scholar critical of ethnocentrism argue that the image of veiled women fails to relate the oppression of women in the East and West. In the literature, the custom of veiling as a constant descriptor used by authors to explain female subordination and oppression as viewed by western powers. But the symbolism associated with unveiling also signals political change. The western discourse has been called "Orientalism" by Edward Said (1979) wherein the "Orient" is produced discursively through false interpretation. Said describes how the views of the Middle East by westerners were distinctively formed by colonization and imperialism. Such views are ethnocentric and fail to accurately depict certain aspects of Eastern cultures.

Scholars such as Chandra Mohanty in well known book “feminism without Border: decolonizing theory, practicing solidarity” (2003) makes similar statements by criticizing such assumption of western scholars and construction of the “Third World women” as part of political and discursive hegemonic entity. Further, she asserts that western feminism fails to differentiate between the difference in oppressions and diversity of non-western women which varies depending on history, culture, and geography (Mohanty, 2003: 35).

For the Islamic Republic of Iran, the western view of veiling is constructed around two events in Iran`s history. During the Pahlavi dynasty (1925-1979), the Shah legislated an unveiling Act in 1936 to respect changes and further strengthen ties with western countries. This act prohibited women from wearing the veil in public and the law was, at times, enforced violently by the Pahlavi police (Naghibi, 2007). According to Naghibi (2007) the unveiling act of 1936 was met with a positive response from reformists and western scholars alike; however, it is noted that some women felt robbed of their Muslim identity and therefore were indirectly bound to their living quarters (Naghibi, 2007). After the establishment of the Islamic republic of Iran in 1979, the clerical leadership introduced compulsory veiling and an Islamic dress code, which has also been strictly enforced across Iran ever since.

The mystery surrounding the veiled women in popular literature, and the political events that are reflected in women`s dress establishes a distinct view of Muslim women. For Iranian women in particular, Muslim, women, or feminists, directly or indirectly are affecting their everyday lives and decision making processes.

2.4. Iranian Islamic Revolution of 1979 and Women`s Participation

The Iranian Revolution of 1979 overthrows a modernizing and western style monarchy which had since the 1920s changed the face of Iran through authoritarian policies (Khosrokhavar, 2004:70). According to Krejci, most revolutions, especially the great ones that broke out in the 20th century can best be understood as domestic responses to a foreign challenge. Among those who did the prominent revolution in this way in 20th

century were China, Russia, Iran, and Turkey (Krejci, 2000:72). Accordingly, the Iranian revolution of 1979, “spirit of the spiritless world” as referred to by Michel Foucault, occurred in an era when all political, economic, social, religions and cultural spheres were exposed to phenomenon called “Globalization” (Hejazi, 2009:1). Thus, one of the main reasons of the Iranian revolution to happen is because of domestic response to foreign challenge.

The Islamic revolution in Iran started as a revolution against the rule of an insensitive and inconsistently innovative regime. It was carried out by people of divergent, often contradictory, views (Krejci, 2000:86). Jahangir Amuzegar called this “momentary complicated revolutionary front as ‘rainbow’ coalition” (Amuzegar, 1991:14). The Pahlavi regime was brought down not so much by a homogeneous movement in which the goals and the means to achieve them would have been clear from the beginning, but by a heterogeneous group of social actors ranging from the traditionalists bazaar people, radicalized clergy, and the young people in the cities who had gone through a long process of modernization within the school and university brought together under the leadership of the Ayatollah Khomeini, to the various leftist forces including communist and other Marxist groups that rejected a government seen as the “messenger of imperialism” (Khosrokhavar, 2004:70-71). Iranians were not alone in trying to end autocratic rule. Iran’s upheaval was part of global change, including the demise of communism in Europe, white rule in Africa, and military dictatorships in Latin America (Wright, 2000:134).

The aim of the Islamic revolution, according to Michel Foucault, was summarized by a slogan repeated in the street of the main cities in which four out of five demonstrators could answer: ‘Islamic government’ (Foucault, 1978:205). However, the different groups that took part in the revolution had different interpretation of this central theme (Khosrokhavar, 2004:71). On the other hand, the Iranian revolution was one of the last upheavals with a bipolar international system in which the soviet communist system and the western liberal system opposed each other and affected, through their interaction, political movement throughout the world, especially in the sensitive frontier areas of their respective zone of influence (Khosrokhavar, 2004). As a result of the occurrence of the

Islamic Revolution in this era, the two powers encountered a frightening shock: a new power had appeared in the global arena that was talking about another reality and denying both the dominant materialistic ideas in the East and the prevalent secular capitalist thought in the West. Clearly, the Islamic Revolution challenged the globalization empire and became the flag bearer of the religious thought in the world.

The role of women in the Iranian Islamic revolution has fascinated observers all over the world (Yegannah, 1982:28). For the first time in the history of political struggles in Iran women took part side by side with men and in similar numbers (Yegannah, 1982:26). Traditional and religious women who before the revolution were confined to the private realm of the house joined public anti-Shah demonstrations and many felt themselves as part of the revolution (Kar, 2007:3). Imam Ayatollah Khamenei, present supreme leader of the Islamic revolution of Iran, maintains that:

If there were not the Muslim women`s endeavors and sense of responsibility based on Islamic teaching, this revolution would not have happen in Iran (Quoted in Hejazi, 2009:2).

The participation for millions of women in political activities during and after the revolution, reflects a new movement in the history of women`s struggle in Iran (Tabari and Nahid Yeganeh, 1982:138). The revolution and its achievements changed the life of women in Iranian society. And it`s raised their consciousness. As demonstrated in next two chapters, as the stage of revolution was progressed, proper attention was paid to women and more than ever before the status of women was raised in amazing paces.

CHAPTER THREE

EMPIRICAL OBSERVATION OF THE CONDITION OF IRANIAN WOMEN IN THE POSTREVOLUTION PERIOD

This chapter presents data of the status of women in post revolution Iran. The interpretations of these extensive data on literacy, education, labour force participation, health, politics, and fertility from World Bank, and United Nation sources, demonstrate trends favourable to Iranian women. Indeed, in these crucial areas conditions appear to be better for women than under the Shah. An extensive review of relevant data from World Bank, UNESCO, World Development Indicator, Iran official statistical data, and other valid sources are useful in this chapter.

3.1. Women in Education Sphere

Education is increasingly being viewed as a basic human rights leading to employment and awareness, as opposed to being regarded solely as a means of bringing about economic growth and political stability. Gelnar Mehran asserted that such “a shift in focus has questioned previously held beliefs and ideologies that regarded education as the guardian of the status quo” (Mehran, 1991:201). It is ultimately argued that education can empower or disempower based on class, gender, race, or ethnicity (Jackson, 1997:59; Stone, 1994; Mehran, 1999).

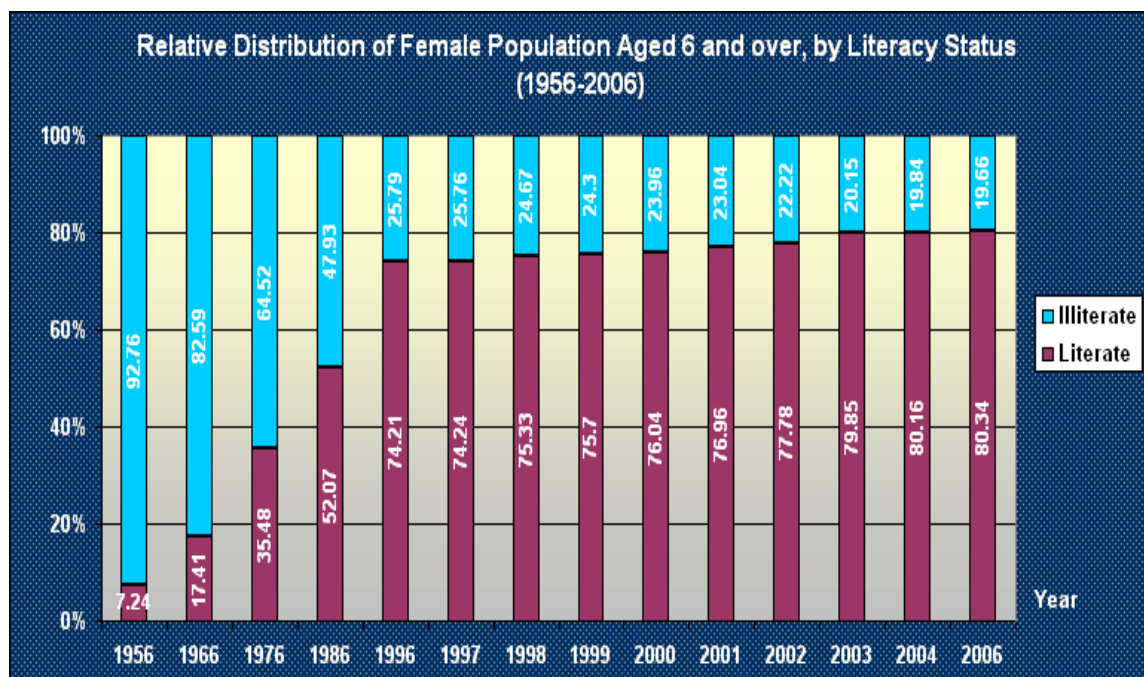
There has been much discussion about the status of female education in the Middle East and North Africa in past decade (Bashshur, 1980; Ozbay, 1981; Vellaso, 1996:42). The available statistics illustrate that female net enrolment rates in the region (71 percent) lag behind other regions in the world, except South and West Asia (67 percent) and Sub-Saharan Africa (54 percent) (UNESCO, 2000). Comparative studies also show that the largest gender gap in enrolment, especially at the secondary school level, exist in the Middle East and North Africa (World Bank, 2001:236).

A popular belief exist among scholars that Islam, as the dominant religion of the region, prohibits women`s education, as was the case in Afghanistan under Taliban rule. Such

explanation has disregarded the Islamic tenet that “the pursuit of knowledge is an obligation of every Muslim women and men.” (Mehran, 2003a:269). Furthermore, they cannot explain the Iranian case where female educational attainment peaked in the aftermath of the 1979 revolution and the establishment of an Islamic government (Mehran, 2003a:269-270).

Iran has achieved major successes with its struggles against illiteracy, which have caught the attention of international organizations including UNESCO which proclaimed Iran as the most successful country in tackling this problem (Ali, 2010:6). Iran has been able to raise the literacy rate of those over the age of six. The female literacy rate in 1956 was 7.24% which rose to 80.34% by 2006, which prove that Iranian women have taken great paces in this area during the past thirty years as shown by the following graph 1.

Graph 1: Distribution of Female literacy over 6 Ages Since 1956



Source: Center for Women’s Participation, National Report on Women’s Status in the Islamic Republic of Iran, 2007

As the above graph illustrate, the overall female literacy rate rose from 35.5% in 1976 to 80.34% in 2006, while men literacy rate rose from 58.9% to 88.74% in the same years. There have been higher literacy rates among men, but the increasing literacy rates of

women during these years clearly indicate that the government mainly concentrated in reducing gender gap regarding literacy. The percentage of literate men and women in both urban and rural areas rose noticeably between 1980 and 2006, with the rate amongst women in urban areas rising by 30.7% and amongst women in rural areas by a considerable rate of nearly 90% (CWP, 2007).

According to UNESCO statistic, adult literacy rate in Iran (age 15 and above) have increased from 63.2 percent (72.2 male and 54 female) in 1990 to 76 percent (83 male and 67.9 female) in 2000. One further witnesses of gender equality in this area can be seen when literacy rates for Iranian youth are taken in to consideration. The Youth Literacy rates (age 14 to 24) have increased from 86.3 percent (91.2 male and 80.5 female) to 93.8 percent (96.2 male and 91.3 female) during the 1990-2000 (UNESCO, 2002:218), pointing to significance progress in female literacy over the decade.

Even during the early period of the Islamic Republic, where Iran faced war with Iraq and economic depression, statistics show that women continued on the same path to education that they followed under the Shah. Data indicates an increase in the amount of female student attending school at all levels, as the following table 1 indicates.

Table 1: Female Proportion of School Enrolment

<i>Year</i>	<i>1976 and 1977</i>		<i>1986 and 1987</i>	
	Total Enrolment	Percentage of Female	Total Enrolment	Percentage of Female
Elementary	4,768,588	38	7,232,820	44
Middle	1,377,696	36	2,299,510	39
Secondary	979,182	36	1,292,013	40
Academic	740,471	40	1,076,762	43
Vocational	192,332	10	201,159	23
Technical	98,518	2	106,829	7
Business	84,233	32	86,183	54

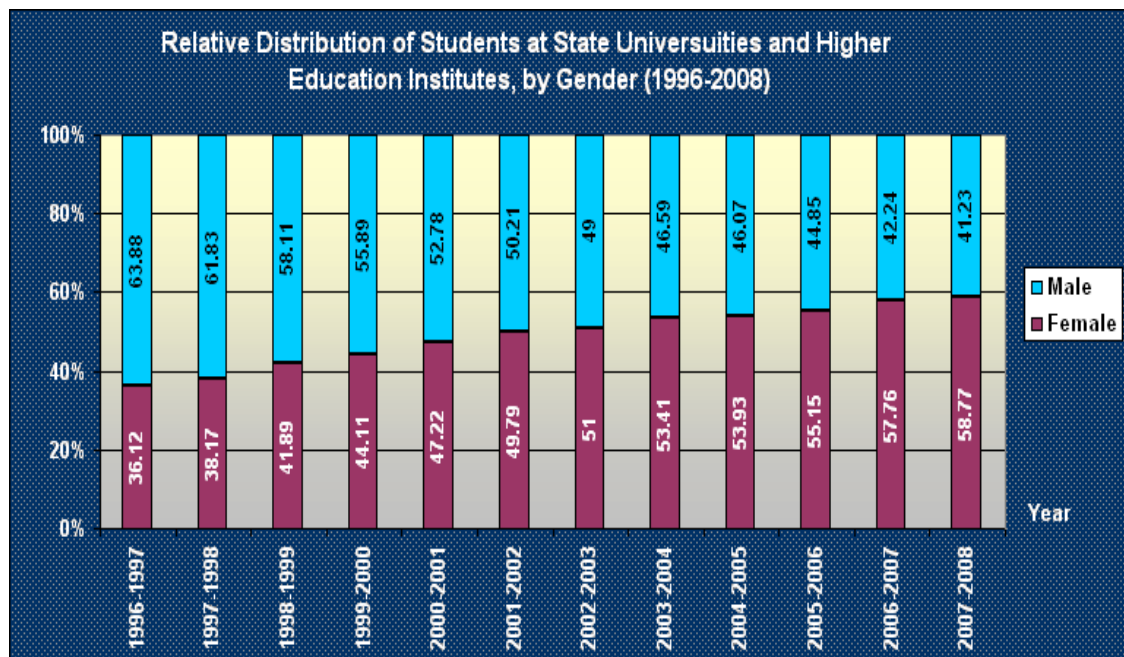
Source: Afkhami, 1994:22

Statistics for academics year of 1986/1987 show that female admission to fields such as dentistry, physiotherapy, audiology, and radiology was on same level with male admissions. In other traditionally male dominated spheres, such as agriculture and veterinary medicine, female admissions rose from zero to 10 percent (Girgis, 1996:3).

An analysis of the trend in education from 1990 to 2000 points to increased gender equality at the primary and secondary school level. The trend in access to primary education in terms of Gross Intake Rate (GIR) shows a gender parity index of 0.98 in 1990-1991 and 1 in 1999-2000, indicating uniformity between sexes in that year. The Net Intake Rate (NIR) in primary education in 1990-2000 was a total of 38.4, with a male rate of 38.7 and female of 38 pointing to a Gender Parity Index (GPI) of 0.98 (UNESCO, 2002:234-235). As far as participation in secondary education is concerned, there has been a shift from a total Gross Enrolment Ratio (GER) of 55.2 (63.7 male and 46.7 female) in 1990-1991 to a total Gross Enrolment Ratio (GER) of 80 (83.1 male and 76.7 female) in 1999-2000. Therefore, over that decade, there has been a shift from a Gender Parity Index (GPI) of 0.73 to 0.92 (UNESCO, 2002:250-251), indicating increased parity between sexes. Based on the above statistics, one can conclude that although disparity in favour of boys still exists at the primary and secondary school levels, there has been considerable progress made towards gender equality in Iranian education since 1990.

The same trend is expected at the higher educational level. According to the Ministry of Science, Research, and Technology (its institution which is responsible for Colleges and University in Iran), there was an increase in the percentage of women enrolled in public university from 27.3 percent in 1990 to 44.1 percent in 1999 (Ghiasi, 2000:16). During the 2001-2002 academic years, women comprised 50 percent of university student as the following graph 2 shows, while 52 percent of those who gained admissions to state universities were women (Ministry of Science, 2002:3, 43). As the following graph 2 demonstrates, after the academic years of 2002-2003, the percentage of women in the state university and higher education is by far greater than percentage of men which is clear proof of successful academic planning for women`s higher education in Iran after the revolution.

Graph 2: Distribution of Students at State University and Higher Education since 1996



Source: Ali, 2010:10

In short, the above statistic indicates that the disparity in favour of women persist in the higher education system in Iran especially since 2003. The percentage of women accepted into universities and higher education institutions rose from 32.5% in 1976 to 59.9% in 2007—a rise of more than 80%. The percentage amongst men fell during the same period by more than 38% (Ali, 2010:10). Since there is a dialectical relationship that exist between education and society, whereby schools reflects macro-level changes at the societal level while, at the same time, the society at large is affected by transformation within the educational system (Mehran, 2003b), the increased number of the educated women will have possibly greater share of visible in politics, economics, media, public and in all other sphere of the country more than ever before.

3.2. Economic Situation of Women

The Middle East and North Africa have exceptionally low female employment, which lends support to the stereotypical views. In this region, the official rate varies from 13 percent in the United Arab Emirates and Oman to 35 percent in Morocco (Bahramitash, 2003:552). In Industrialized countries the employment rate for women is around 40 to 46

percent; among the less-industrialized countries, the rate in South East Asia is around 30 percent, and in Sub-Saharan Africa, it's between 40 and 50 percent, and in Latin America above 30 percent (World Development Indicator, 2001).

After the establishment of the Islamic Republic in Iran, the structure of the labor force and women's participation in it has undergone significant changes. In her book *Women and Politics in Iran: Veiling, Unveiling, and Reveiling* (2007), Hamideh Sedghi stated that gender division of labor, specifically women's work underwent three phases since 1979 revolution, that is during the early period of the revolution, the Iran-Iraq war, and the post-war reconstruction periods (Sedghi, 2007:226). The early Islamization policies saw the first shift in the gender division of labor and the nature of women's work. During this time, women's labor force participation decreased dramatically. Roksana Bahramitash explains that in the early period of the revolution, "the new Islamic state gradually adopted an increasingly conservative religious interpretation of the role women, and excluded them from social, economic and political mainstream." (Bahramitash, 2003:559).

As result, a large number of educated and professional women left the labor force voluntarily because of modesty rule, Hijab. The purification policies resulted in many women losing their jobs, including those who either held high-level positions under the Shah or were suspected of being monarchists (Sedghi, 2007:226). At this time, even though as Nationwide the labor force or active population (employed and unemployed) increased from 9.8 million in 1976 to 12.8 million in 1986, women's labor force participation decreased from 1.45 million in 1976 to 1.31 million in 1986 (Statistical Center of Iran, 2000:82-83).

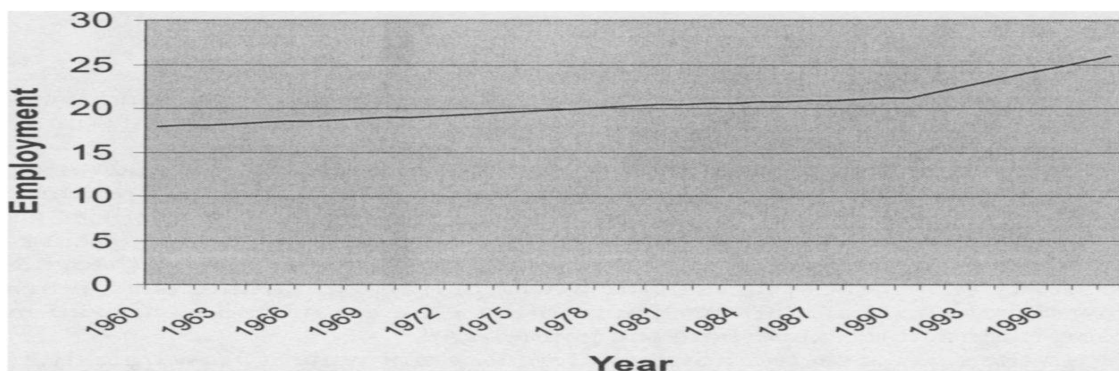
According to Sedghi, during the second shift (the Iran-Iraq war period), women labor force participation increased slightly (Sedghi, 2007:227). Ayatollah Khomeini, during this time, highly encourage women to actively "participate in economic, political,, and social affairs within the Islamic laws and regulation." The need for more women in the market place pressed upon the authorities to modify its ideological position on women status. As demand grew, many women entered Medicine, teaching, and nursing

profession and other services (Sedghi, 2007:227). However, no exact statistical data is available.

The third shift in the gender division of labor and women`s work followed the post-war reconstruction period. Sedghi stated that “despite earlier restrictions and harsh discriminatory policies that discourage women`s work outside the home, the post-war reconstruction policies induced more women to join the labor market” (Sedghi, 2007:221). The number of women in private and public occupation grew even more than in comparison with the statistics of the late 1970`s. The statistical data indicate that, during this period, the labor force or active population (employed and unemployed) increased from 12.8 million in 1986 to 18 million in 1996, while at the same time women`s labor force participation highly increased from 1.31 million in 1986 to 2.0 million in 1996 (Statistical Center of Iran, 2000:83).

According to Sedghi, political and economic reforms, progressive Shari`a interpretation of women, and ideological relaxation of the regime contributed to women`s inducement to join the labor market (Sedghi, 2007:234). The following graph from World Development Indicator clearly illustrates a considerable increasing in female employment trend in Iran since 1990. As the graph shows, the female employment increased from 20.6 percent in 1985 to 25.4 percent in 1996. This increase was much more than the rate prior to the revolution.

Graph 3: Total Female Employment Trend in Iran since 1960



Source: World Development Indicator, 2001

The graph clearly shows the early 1990s witnessed a marked increase of employment rate for women. According to a study published by the University of North Carolina Population Studies and Research Center for Asia and the Pacific, the percentage of all Iranian women who are economically active has more than doubled from 6.1% in 1986 to 13.75% in 2000 (Mehryar et al, 2002:8). Such dramatic change in the pattern of female labor force participation might not have been possible if government had not broken the barriers to women entering in the public sphere. By the early 1990s, socioeconomic and political imperatives modified the rigid ideological/legal/religious interpretations of women's work and place in the society (Sedghi, 2007:228). Thus, this third shift slowly brought an increase in women's self-employment, and their participation in the market.

Nayereh Tohidi explains that unlike many other developing countries, which rely on cheap female labor in manufacturing for export, female employment in Iran has gradually shifted away from the agriculture and manufacturing sectors, such as the export-oriented carpet industry, and toward the service sector, particularly education, health, and social services (Tohidi, 2010:137-138; Bahramitash and Salehi Esfahani, 2009:118). This shift, as will be shown in the next chapter, is the result of many different factors, including particularly large oil revenues, a demographic transition, state ideology, and rapid expansion of female education (Bahramitash and Salehi Esfahani, 2009:119; Sedghi, 2007:234). The distribution of women's employment in urban areas in 1996 was 21.2 percent in industry, 73.6 percent in service, and 2.1 percent in agriculture (Sedghi, 2007:234).

In 1992 the establishment of the Social and Cultural Council of Women served as another mechanism to promote women's entry in the public space. More women began to enter the labor market, schools, and colleges. As science and education acquired prominence, and parliamentarianism's women with university degrees debated in the halls of the Majlis and other key political and economic establishments, and educational institutions welcomed girls and women throughout the country (Sedghi, 2007:228). Women's employment in the state sector grew from 30 percent to 42 percent to 60 percent in 1976, 1986, and 1996 respectively. However, the proportion of women with the rank of director or above has been constant for the past 40 years (Sedghi, 2007:234).

Women are also increasingly being paid for housework under a law enabling them to ask their husbands for wages as compensation for their domestic services. Even in the case of divorce, women can demand payments from their husbands for the housework they performed. This domestic wage law was passed in 1993 and was won on the basis of Islamic texts, “an illustration of how Islam may be interpreted in ways favourable to women`s rights” (Bahramitash, 2003a:237).

As of 2006, the female labor force participation rate in both formal and informal sector of the economy was very high. The expansions of the informal labor market become one of the most distinct characteristic of the Iran economy. According to many data from United Nation sources, large numbers of women participate in different kind of informal labor market such as ballet, aerobic, yoga, meditation, and massage classes in their homes. While some of these activities are reported, most stay outside the domain of governmental scrutiny (Sedghi, 2007:237-238). According to World Bank statistic, whose figures include both the formal and informal sectors, estimated that female labor force participation rate in 2006 was 32 percent, coming up from 13.75 in 2000 (World Bank, 2008; Mehryar et al, 2002:8). This data clearly manifests that female labor force participation rate was considerably high, proving that increasing public engagement of women in the economy. So, these trends in the economic status of women reflect the impact of changing state policies and legal reforms (Tohidi, 2010:137).

Iranian women`s economic status does not yet match the remarkable expansion in their literacy rates and educational attainment. However, high participation rates in the labor force, high educational attainment, and increased political participation will slowly change the status of women in Iran in near future (Bahramitash, 2003a:237).

3.3. Women`s Political Participation

Worldwide, the number of women in policymaking positions remains low. Approximately, ninety percent of all cabinet members in the world consist of men (CPW, 2005:76). Formal equality of rights does not translate easily into equal political roles for men and women even in the countries where women are deemed to be most emancipated

(Ottaway, 2004:8). For example, in the United State of America in early 2003, women only occupy 14 percent of the seats in the House of Representatives, and 13 percent in the Senate. Women approach equality with men in political posts, social and economic sphere only in some Scandinavian countries (Ottaway, 2004:5).

Since the Islamic Revolution and after the government formation of the Islamic Republic in 1980, the actual status of women`s political participation as leaders has been improving compared to the early days, and this trend is best exemplified by women`s entry into the Majlis (Congress). Within the Islamic Congress newly appeared in 1979, a total of six elections for congress members have taken place until 2000. As one can see the following table 2, out of 270 total congress members elected in the first election, three were women. Although the number of congress women in the early revolutionary period was fairly low, the female number has been gradually increasing, and 15 congress women out of 290 seats were elected by the sixth election in 2000.⁴ The representation of female members in the 6th congress meeting in 2000 was 5.17% in Iran.

Table 2: Women`s Congress Members after Islamic Revolution (in percent %)

Session	Years	Women candidates	Women congress member	Total congress member	Ratio of female
1	1980	70	3	270	1.11
2	1984	25	4	270	1.48
3	1988	37	4	270	1.48
4	1992	80	9	270	3.3
5	1996	351	14	270	5.18
6	2000	513*	15*	290	5.17

Source: Moon, 2004:27; Shoja`i, Zarah 1992; Mosaffa, 1996, *Weekly Press Digest, 2000

The table shows that the number of female candidates began to increase gradually and it had increased noticeably by the sixth election. However, it is still very evident that the number of female candidates before the third election was remarkably very low. Moon explains that this “probably because the activities of various political parties that participated in the revolution were still very active by the time of the first election.”

⁴. The percentage of congress women in the Middle East Nations were as followed: Algeria 3.4% (1997), Egypt 2.0% (1995), Yemen 0.7% (1997), Turkey 4.2% (1999), Iraq 7.6% (2000), Jordan, Kuwait, and UAE 0.00% (1999) (<http://ipj.org/wmn-e/classif.htm>) [Last Visited, 10 March 2011]. Thus, currently the ratio of female congress members in Iran falls into a comparatively high range among the Middle East Nations.

(Moon, 2004:27). More than ever before, about 513 female candidates were competed for available parliamentary seats in 2000.

Tohidi stated that the quality and composition of the 10 women who won seats in the 290-members of Majlis was encouraging, “although some including Fatemeh Haqiqatjou and Elaheh Koolaee, were persecuted by hard liners due to their outspoken commitment to reform and women`s right issues” (Tohidi, 2010:143). Twelve women were elected to the Majlis in 2004 for the Seventh Parliamentary seats, the lowest since 1988 (Baniyaghoob, 2005). According to Tohidi, the decline was due to in part the “Guardian Council`s mass disqualification of reformist candidates and the effects this had on voter confidence in the electoral process” (Tohidi, 2010:143). However, the number of female candidacy in 2004 was extremely increased from 513 in 2000 to 806 in 2004 (Ali, 2010:15).

In the first Local Council election that took place nationally in March 1999 also saw women actively participating in politics as both voters and candidates (Povey, 2001:50). Out of 4,688 women candidates, 1,120 women were elected as local council members and this was 7.7 percent of the total local council members elected (Moon, 2004:28; Povey, 2001:50; CPW, 2000:60). Even in small cities and rural areas women were elected. This means that a large number of women are participating in decision making at both city and local levels on economic, political, social and cultural issues (Poya, 1999; Povey, 2001:50). In 2005, 11% of all elected city council representative are women (CPW, 2005:78).

Among many issues that deal with women`s political representation, the issue of Presidential eligibility, has become the hottest issue of all in Iran. Moon suggests that articles 115 in the Iranian constitution deals with the presidential eligibility, but it has always been an issue of discussion in analyzing the terms used in this article (Moon, 2004:28). According to 115, the president should have religious faith and be a ‘rajol’ with political knowledge. Here, the word ‘rajol’, which is used to refer to a ‘person’, usually means ‘a person or a human being’ in Persian, but also used to refer to ‘man’ in general (Moon, 2004:29). In other words, an argument can arise in discussing whether a ‘rajol’ is

used to mean 'a person' in general sense, or to distinguish the gender. As to me, the fact that number of women nominated themselves as candidates in the presidential election of 2001, 2005, and 2009, there were probability that women could be elected as president.⁵ So in this case, the term 'rajol' could be used to mean person. However, still there is no consensus among clerics and ruling elite about the meaning of 'rajol' in this context (Tohidi, 2010:144).

Women have began to held posts as ministerial advisors on women`s affairs and government bodies, and have acted as advisors on women`s affairs in varies provinces in the country (Ali, 2010:15). President Khatami appointed the first women as one of Iran`s several vice presidents, and she also served as heads of the environment protection organization. Another women was appointed as Khatami`s Presidential advisors on Women`s affairs and led the center for women`s participation Affairs within the President`s Office (Tohidi, 2010:142).

Ahmedinejad also chose a woman for this post but changed its name to the Center for Women and Family Affairs. Marzieh Vahid-Dastjerdi, who had held a seat in parliament twice before, was appointed as the minister of Health in September 2009, becoming Iran`s first female cabinet Minister (BBC, 2009). At the same time, two other female minister candidates nominated by Ahmedinejad were rejected by the conservative Parliament (BBC, 2009).

The percentage of women among the directors in varies administrative body is highly rising. For example, in 1997 the ratio of women among the directors of bureau in the administrative body is 4.4%, which is equal to 342 (Mosaffa, 1997). As the following table 3 demonstrates, they are mostly working for the organization that belongs to the presidential office, the ministry of public health, or the ministry of education.

⁵ .In the run-up to the 2001 presidential election, 47 women nominated themselves as candidates, and in 2005 that number grew to 100, though it fell to 40 in 2009 presidential election (Tohidi, 2010:144).

Table 3: Ratio of female Director in the Government

Bureau	Ratio of female director
Ministry of Public Health	56.7
Presidential office	9.3
Ministry of Culture and higher Education	9.3
Ministry of Education and the others	24.7

Source: Nasrin Mosaffa, 1997:137

The percentage of female managers, legislators, senior employees, and officials are also increased significantly between 1976 and 2007. The ratio of female managers to total female employee rose from 0.16% in 1986 to 2.32% in 1996, and then to 3.36% in 2006 (Ali, 2010:16), which is in short a clear indication of public and political manifestation of women`s potentials in post revolution period.

3.4. Social and Public Presence of Women

Women in Iran have a visible presence in contemporary literature, poetry, art, and cinema. A number of best-selling books and award-winning movies are the creation of female writers and directors (Tohidi, 2010:147). Women influence their local communities by engaging in civic activities, often through membership in NGOs. In 1997, there were only 137 NGOs devoted to women`s and children rights; by 2005, encouraging by the Khatami`s administration, this number had reached 480 (Amnesty International, 2007). Through their participation in NGOs, women are able to advocate for environmental protection and promotion of sustainable development programs. They have established cooperatives, community-based sources of fundraising and loans, local libraries, study groups and cultural centers. Some are involved in raising awareness about AIDS and the dangers of drug abuse, while other provide antiviolence training, or legal advice and protection for battered women. Still other groups work to improve the living conditions of the poor and working-class women.⁶

⁶. The examples of NGOs include the Women`s Cultural Center, led by Noushin Ahmedi Khorasani; the Training Center for Women`s NGOs, led by Mahboubeh Abbasqoli-Zadeh; the Rahi Center, led by Shadi Sadr; and the Association of Health Advocates, led by Rezvan Moghadam (Tohidi, 2010:155).

Women participate in print and electronic media as journalists, and some even as host of regular shows, although less frequently than men. The Association of Women Journalists was formed to address gender specific discrimination and the concern of female journalists (Tohidi, 2010:149). As the following table 4 demonstrates, the numbers of female journalists increase from 50 in 1977 to 400 in 1997. The number of women publisher also increase from 0 in 1977 to 398 in 1997.

Table 4: Women`s Status in Different Fields

	1976/1977	1986/1987	1996/1997
Number of women`s Newspapers and Magazines	2	2	10
Number of female Journalists	50	Not Available	400
Number of women`s Publisher	0	0	398
Number of women`s NGOs	13	Not Available	137

Sources: Povey, 2001:47; Iran Statistical Yearbooks (1978: 66, 1998: 86, 2000: 120, 601); Khorasani, A. (2000); Zanan Magazine (2000, No. 60); Shahidi, M. (1998).

Official reports indicate that there were 1,641,000 families head by women in 2006, a 35 percent increase from 1996. This suggests a change in family structure and women`s socioeconomic roles. The state provides protective measures for women who act as heads of their households. Legally, such women should receive government support equal to 40 percent of minimum monthly salary, or about US\$ 120 (Tohidi, 2010:149). According to the statistical data from the Center for Women and Family Affair, even in the fields of sport, women have been making remarkable progress. For example, in 2006, the number of female athletes under the state organization was reported 3,246,810 which has increased 2 times and 16 times compared to 1996 and 1986, respectively which is considered a positive step towards the promotion of physical health of women and girls.

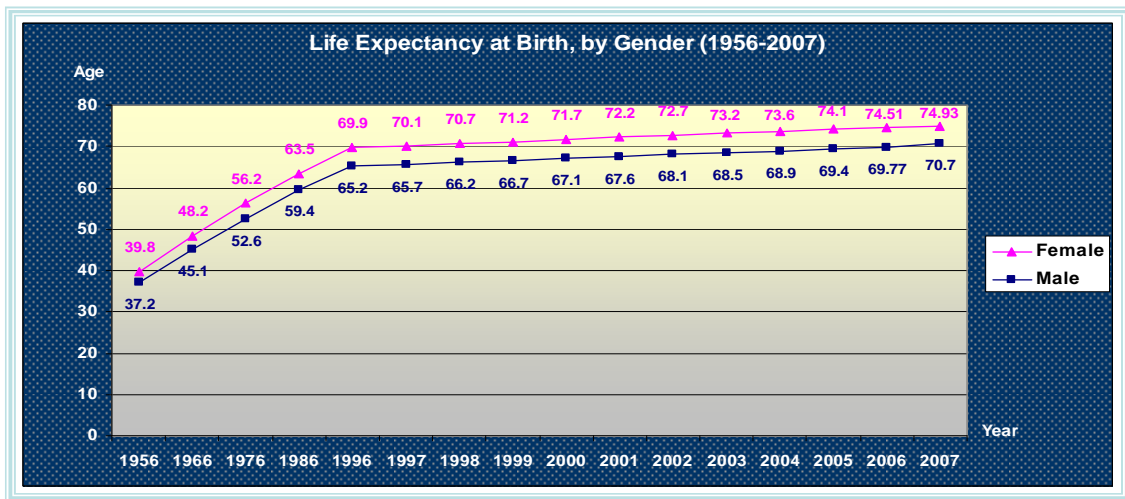
Regarding theater and films, in 2007 the comparative distribution of theater and films carried out by female directors to total number of theater and films carried out was reported 44.44 percent, which has increased 51.10 percent compared to 2005 (Center for Women and Family Affairs, 2009). Thus, in short in post revolutionary Iran, specifically post 1997, women have been increasingly presence in different part of society making their life batter than ever before.

3.5. Women and Health

In contrast to earlier pronouncements encouraging larger Islamic families, Khomeini`s 1989 Verdict (Fatwa) aimed at legalizing the use of contraceptive and men`s sterilization (Sedghi, 2007:228). Today, women have reasonable access to family planning methods, which has helped reduced the fertility rate from 6.6 birth per women in 1979 to 2 birth per women in 2000 (Roudi-Fahmi, 2002:1; Abbasi-Shavazi and MacDonald, 2005). There has also been an expansion of primary health care`s networks, an overall increase in life expectancy, and a more than 50 percent decrease in child mortality rates, which has also reduced the motivation for multiple births (Tohidi, 2010:147). Tohidi suggests that all these appear to correlate with an increase in the literacy rate among women and an increase in the average age of first marriage for women from 20 in 1986 to 24 in 2005 (Tohidi, 2010:147-48).

Women are also protected by law from harmful traditional practices such as female genital mutilation (FGM) and forced marriage. Article 479 of the penal code establishes qisas for the cutting of women`s genitalia; the amount of blood money owed to women depends on the extent of the damage done (Esfandiari, 2009). In practice, however, FGM is sporadically practiced in certain parts of Iran, in particular in Iranian Kurdistan. However, research indicates that as awareness regarding the hazards of FGM increases, educated parents are refusing to impose the practices (Tohidi, 2010:148). As the following graph 5 from women`s information and statistic center, under the Center for Women and Family Affairs, shows the life expectancy since birth has been 75years for females and 70.2 for males in 2007

Graph 4: Life Expectancy by Gender since 1956



Source: Center for Women and Family Affairs, 2009

As the graph shows the index has increased more for women than men in the past 30 years. The index for women is increased more than 18 years. Variation of this factor for women compared to 1996 was +5.03 years and compared to three decades ago was +18.73 years. In short, the noticeable increase in this factor during the past three decades shows a remarkable increase in the level of health in the country, especially for women.

CHAPTER FOUR

ANALYSIS OF WOMEN'S RIGHTS IN POSTREVOLUTION IRAN

4.1. WOMEN'S RIGHTS IN IRANIAN CONSTITUTION

The current constitution of Islamic Republic of Iran was adopted on 2-3 December 1979, with significance revisions expanding presidential powers and eliminating the Prime Ministership in 1989. Article 4 of the Iranian Constitution stipulates that “all law civil, penal, financial, economic administrative, cultural, military, political, as well as any other laws must be based on Islamic criteria”. This provision applies generally to all articles of the constitution and other state`s laws and regulations. The Guardian Council (GC) oversees whether such law and regulation conform to this article (Kar, 2007:4).

Dr. Fatemeh Haghghatjoo, a former member of the Iranian Parliament during Khatami`s era, states that although traditionally it was the community of the Ulama who defined Islamic criteria, the Iranian Constitution restricts this power to the Guardian Council (Haghghatjoo, 2010:11). Thus, Shari`a is the only source of legislation under article 4 of the constitution. Therefore, any changes or reforms made to women`s rights are contingent upon the political influence of the Guardian Council (Islamic clerics) and their interpretation of Islam (Tohidi, 2010:125).

According to Haddad, the role of women in Iranian society is viewed by many of the leaders that shaped Iranian laws after the revolution as critical to the development of an ideal Islamic state (Haddad, 1985:275). With the status of women viewed as critical to the survival of Islamic Republic, the roles of women become an issue of constitutional debate following the revolution. The dual right and responsibility of the post revolutionary women is clearly reflected in a section of the Iranian Constitution entitled as “Women in the Constitution” as follows:

The family is the fundamental unit of society and the major center for the growth and advancement of men...this view of the family

unit delivers women from being regarded as an object or as an instrument in the service of consumerism and exploitation. Not only does a woman thereby receive her momentous and precious function of motherhood, rearing alert and active human beings. She also becomes the follow struggler of man in all the different areas of life. Given the weighty responsibility that a woman thus assumes, she is accorded in Islam great value and nobility (Algar, 1980:21-22).

Thus, the Iranian Constitution consider “women`s employment and their social and economic activities to be very meaningful and conducive to social well-being” while at the same time, emphasizing the role of the women “as a mother and her significance in maintaining strong family bonds and affectionate relationship” (Women`s Bureau, 1997:58).

The role of women in Iranian society, however, is not simply limited to philosophical percept and language in the introduction of constitution. Quite to the contrary, the Iranian constitution of 1979 contains two guarantees of equality and rights specific to women and girls. Article 20 “provides all citizens of the country, both men and women, equal protection under the law and enjoyment of all political, economic, social and cultural rights in conformity with Islamic criteria”. Article 21 also states “government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals:

- A] Create a favourable environment for the growth of women`s personality and the restoration of her rights, tangible and intangible;
- B] The protection of mothers, particularly during pregnancy and child rearing and the protection of children without guardians;
- C] The creation of a competent court to protect and preserve the family;
- D] The provision of special insurance for widows and aged and destitute women.”

4.2. Status of Women and Laws and Policy Reform since 1979 Revolution

Iran has undergone three distinct stages since the 1979 revolution (Wright, 2000; Mehran, 2003b:6). The question`s of women and her rights and status have been addressed in each three stages (Mehran, 2003b:6). The first stages, which include the period between 1979 to the end of the war with Iraq, focused more on the consolidation of the Islamic republic as the new form of state rule in Iran. This period was marked by war with Iraq, economic harshness, international tension, and political sanction. It was also a time during which ideology was in command and strict Islamic measures were enforced. The exemplary citizen of this stage was a “doctrinaire” Muslim and a “committed” revolutionary whose ideal was self-sacrifice and, ultimately, martyrdom for the cause of the revolution (Mehran, 2003b; Wright, 2000).

As result, during this moment the new Islamic state had adopted extreme interpretation of Shari`a regarding women rights without taking the context of time, and real situation of women and excluded them from the social, legal and political mainstream (Baharmatish, 2003:559). For example, right after Khomeini`s successful return from fifteen years of exile in February 1979, his office made known his policy that “the 1968 Family Protection Law (FPL), which governed marriage, divorce, and child custody was non-Islamic” and replaced them with laws in accordance with its traditional interpretations of “Shari`a” (Mir-Hosseini, 1996:142).

As consequence of this, a variety of forms of legal discrimination against women`s rights exists including different weight attribute to the testimony of men and women, different inheritance rights, different rights within marriage, and at the termination of marriage (during divorce), decrease the age of girls for marriage from 15 to 9 (Halper, 2005:92). Again during the early first half of 1980s, the new regime banned women from acting as judges and discourage women lawyer (Moghadam, 2004:1; Mir-Hosseini, 1996, 2002). Certain fields of study such as construction, mining, and law, became closed to women. Unmarried women were not eligible for state scholarship to study abroad unless accompanied by their parents or legal guardians (Halper, 2005:88; Tohidi, 2010). However, despite all these challenges, as Halper argues, often it is Iranian women

themselves who bring these problems to the forefront of public debate and successfully mobilize for changes (Halper, 2005:92). In short, during this period many laws were implemented in way against women`s rights based on extremely patriarchal interpretation of Shari`a laws. The above changes in women`s legal position were far more serious for women from the upper and middle classes than for low-income urban, rural, and tribal women (Baharmatish, 2003:559).

However, many Muslim scholars argue that Family Protection Law (FPL) which had among other restricted polygamy, raised the age of marriage for girls from 9 to 15 years, and allowed the women right to divorce, is Islamic because it`s based on progressive interpretation of Shari`a law which takes the situation of women within modern context of time (Baharmatish, 2003; Mir-Hosseini, 2002). Shirin Ebadi, the Iranian human rights lawyer and activist who won the Nobel peace prize in 2003, also maintains that “there is no contradiction between an Islamic Republic, Islam and Human Rights.” (Valla, 2003). From her point of view, as halper asserted, a progressive interpretation of Islamic Law is compatible with democracy, human right and women`s rights advancement and a popular movement can achieve it (Halper, 2005:27).

Keddie suggests that “in the early years of the Islamic Republic women were discourage from working outside the home, and women`s labor-force participation decline in most spheres, with a gradual comeback since the 1990s” (Keddie, 1991:113). One of the factors that created a problem for women was the imposition of an Islamic dress code, the chador. It was precisely rejection of the dress code that led many women of upper- and middle class background to leave their jobs. There were other reasons for disproportionate setback for upper-and middle class women in the field of employment. Many low-income families in either urban or rural areas depend heavily on the income that women brought in, and a change of state ideology or dress code could not force these women out of their jobs as easily as it did for the other classes. In addition, certain industries could not survive without high female participation. For instances, it would be unimaginable to think that the new regime could ban women from the agriculture sector (Baharmatish, 2003:560). Thus, the overall impact of state policy, during this stage, did

not do much to force women out of the labour market as it might be expected at first glance-in fact, it indicates a gradual increase in the latter two stages.

The second stage (1989-1997) was known as the period of a reconstruction (Wright, 2000), referring to the need for reconstruction a country that had experienced a devastating eight-year war with Iraq. Postwar Iran witnessed increased levels of political exchange, and reduced isolation in the international arena. The new terminology included such as economic growth, and population control was begun to be used. This period may be viewed as a transitional phase that prepared the ground for the next stage (Wright, 2000; Mehran, 2003b). While the early position of the Islamic Republic had discouraged women from working outside the home, this changed quickly (Halper, 2005).

During this period women who never had been employed outside the home were encouraged by the state to enter the work force so that they could support their families. President Hashami Rafsanjani even declared that Iran was “in need of women`s labor force.” (Ramazani, 1993:413). Labor practices favorable to working mothers, such as part-time jobs with significant full time benefits implemented (Paider, 2001:328), and requirements that work places provide day care were adopted to make work and motherhood compatible (Ramazani, 1993:414).

In the late 1980s women were given access to all courses of study in higher education including law, construction, and mining that was closed from women in the early 1980s (Halper, 2005:116). At this time, while university admission tended to be outstanding to urban women, a campaign to improve rural women by bringing health care and literacy to isolated areas was also implemented. By 1996 the percentage of women who are literate has reached 74.2% comes up from 52% in 1986 (CPW, 2007). Since gender parity in literacy is considered by UNESCO to be “significant indicator of the empowerment of women in society” (UNDP, 2001:18), women during this period was highly empowered. In short, they were encouraged to participate in all areas of social, educational, political and economic life and contributed to post-war reconstruction period (Mehran, 2003b:7).

From the election of President Muhammad Khatami in 1997 to the present is known as the reform period in which terms such as civil society, political development, tolerance, religious democracy, dialogue of civilizations, citizenship rights and responsibility, and meritocracy are permeating the air (Mehran, 2003b:7-8). While some continue to present a strict version of the Islamic and revolutionary ideology as the “true spirit” of the Islamic Republic, other (Reformers) are attempting to introduce a more “gentle version,” one that does not demarcate between the “self” and the “other” and seeks domestic and international dialogue based on mutual respect and understanding (Mir-Hosseini, 2002).

The right-based approach of this period no longer views women as instruments of the revolutionary ideology or economic growth. Instead, it seeks to empower women for her own sake and raise her consciousness regarding her rights and responsibilities (Mehran, 2003b:8). Women`s vote were crucial to the election of President Khatami in 1997 and 2001 and to the formation of a majority reformists in Parliament in 2001 (Moghadam, 2004; Halper, 2005; Mir-Hosseini, 2002).

Even though certain discriminatory laws still exist in Iran, during this period almost all laws that were implemented during early period of the regime against women were changed or at least reformed in favor of women`s rights based on progressive interpretation of Shari`a that are more or less resemble Family Protection Laws of 1967 (Hapler, 2005; Mir-Hosseini, 2002). For instances, state-imposed gender segregation and dress code policing which directly affect women are dismissed as over-zealous interpretation of the faith (Akhbarzadeh and Benjamin MacQueen, 2005:3). Reform to the family law during the Presidency of Khatami rose the minimum age for marriage from nine to thirteen (Moghadam, 2004:5). Polygamy was restricted unless the wife give consent to her husband to marry another wife, in that case the husband should have legal license from the court that his wife allow him to marry (Moghadam, 2004:6). In 2000, scholarships for study abroad were made available to unmarried women without the consent of their parents or legal guardians (Mir-Hosseini, 2002:49-50). In 2003, women were allowed to become judge and serve as legal counselors (Tohidi, 2010:142).

In the field of economy, more than ever before women were participating in different fields of this sector. For example, today more than about 35 percent of public sector employees in Iran are women. Most of them work in the Ministries of Education and Health and 35 percent have university degrees (Moghadam, 2004:3). Indeed, as demonstrated in chapter three, during the academic year of 2002-2003, women`s enrollments exceeds those of men for the first time since universities were established in Iran in the 1930s. Women also hold 12 percent of publishing house directorships and 22 percent of the members of the Professional Association of Journalists (Baghi, 2004:19).

In the realm of politics, women become increasingly visible by the late 1990s. The 1995 and 2000 parliamentary election not only resulted in more women members of parliament but also in the emergence of articulate reform-minded advocates (Moghadam, 2004:3). Thus, the election of President Muhammad Khatami serve as turning point of the new approach to woman`s rights in post-1997 Iran as he himself nicely stated in the following words:

We are not the guardians of women to give them something by force or take it away from them. We are only preparing the ground for women to recognize their rights and capabilities, and acknowledged their own merits. Once they have done that, they will reach rightful position in the society. And the first prerequisite is to increase women`s knowledge and education (La`li, 1999:239).

So, this period looks at women as independent entities- not merely wives, mother, or soldiers of the revolution- who are entitled to basic human rights in order to improve their own lives. As it`s clearly seen from the above point of discussion, the regime has reformed its policy dramatically over times since its creation, especially with regard to women`s legal status.

4.3. The Role of State and Women`s Rights

As demonstrated in the above at the latter stage of the regime, a sort of circles was created in which the government had to keep its promise to women. In this way, as Mir-

Hosseini writes, “the revolution and its aftermath had empowered Iranian women by gradually opening a space for them to claims their rights...” (Mir-Hosseini, 2000:174). Once the war ended, women not only felt empowered, but also obliged, to discuss their status and establish the continuity of their participation in public life in both politics and employment. Hoodfar writes that the situation of women has always been “central to the debate surrounding the national goals of modernizing and building a strong independent nation in Iran.” (Hoodfar, 1999:26).

Soon after the revolution, the state agreed to undertake the task of protecting and promoting women rights advancement and social participation as one of its overt goals, rather than simply responding piecemeal to women`s issues as it had during the war. One of the important way the state undertake to accomplish the above objective was through the establishment of institutions, which the creation of entities within the government that focused on women`s issues directly (Halper, 2005:117). Until then, women`s issues were the purview of government-sponsored quasi-NGOs and women`s press (Shaja`i, 2003). In 1988, under then-President Ali Khomeini (who has since replaced Ayatollah Khomeini as Supreme Leader), the government created the Women`s Social and Cultural Council as a formal means of providing recommendation to the executive branch on women`s issues (Gheytauchi, 2000:445; CPW, 2005:86).

The creation of the above institution was in effect an admission by the conservatives in control of the executive branch that women`s issues had a existence independent of those of society at large (Halper, 2005:118). Moreover, those issues had to be addressed not only through the mechanism of the Majles, whose female representatives might or might not raise particular questions, but a direct and coherent fashion (Halper, 2005:118). The women`s Social and Cultural Council had impact on a number of issues. In higher education, it had by mid-1989 succeeded in persuading the regime to lift restrictions on enrolment of women in technical and law faculty (Paider, 2001:321). In addition, with respect to women`s participation in the workforce, in 1992 the High Council of the Cultural Revolution advocate the adoption of a policy that “encouraged the integration of women in the labor force and directed attention to their interests and needs” (Moghadam, 2002:1140; Halper, 2005:118).

In 1991, the Bureau of Women's Affairs was set up within the framework of the President's Office. In 1997 this office was renamed as the Center for Women's Participation (CWP) after President Mohammed Khatami's came to power (Motee, 2000:4; CWP, 2005:86). The center has office within every ministry and is responsible for attending to the interest of women and for assessing the impact of its work on women (Halper, 2005:118). The center's director has cabinet status. The center has proven effective in opening new positions for women in previously male-dominated occupations, such as police enforcement and bus driving, as well as in more traditional government jobs (Motee, 2000:5; Halper, 2005).

Despite the above roles of the state in protecting women's rights, the Iranian State has not yet acceded to the Convention on the Elimination of Discrimination Against Women (CEDAW)⁷ (Boxer, 2002). Attempt by reform-oriented members of the parliament (the Islamic Consultative Assembly, Majlis) to ratify the convention were blocked by the conservative Guardian council since they have veto power over bills passed by elected parliament (Tohidi, 2010:123). Yet again state sometime arrests those individual members of women's rights groups who participate in demonstration against government (Tohidi, 2008). For example, in last two years, 68 women involved in the one million signatures campaign to change discriminatory law (change for equality) have been arrested though they were released on bail within a day (Feminist School, 2009).

However, authorities have recently broken with the practice of releasing activities on bail. In February 2009, Alieh Eghdamdoust, 57, became the first women's rights activist in the Islamic Republic to have her prison sentence implemented (Tohidi, 2010:127). According to the International Campaign for Human Rights in Iran, the sentence was based solely on her activities promoting women's rights (International Campaign for Human Rights in Iran, 2009). She was charged with violation of national security through participation in an illegal protest and disrupting public order. Eghdamdoust was initially sentenced three years and four months in prison but an appeals court reduced the penalty to three years in

⁷ . Iran, Somalia, Afghanistan, and United States have refused to accede to this International treaty. Barbara Boxer argues that the US Senate should ratify CEDAW in order to bring new attention to the treaty and encourage other countries to ratify.

prison. Her lawyer, Nasim Ghanavi, argues that her participation in the peaceful protest was authorized by Article 27 of the constitution, which holds protests to be legal as long as the demonstrators do not carry arms or insult Islam (Change for Equality, 2009). However, despite this challenge, the Iranian women`s movement remain as one of the most vocal women`s movement in the Muslim world (Fazaeli, 2007:7), that is striving for equal rights to eliminate discriminatory laws and bad cultural practices in Iran (Haghighatgoo, 2010:10).

4.4. Women`s Rights Movement

Women`s movement in Iran can be traced back to the twentieth century. There were accounts of women fighters, dressed as men, who fought during the constitutional movement that occurred in the period between 1905 to 1911 (Afary, 1996; Kiddie, 2000; Bayat, 1978; 1982). Likewise, women smuggled weapons and other material to men who were mobilized to defend the majles (Parliament) during the constitutionalist struggle. Moreover, the first women`s society called Anjomans were also established during the constitutional movement and they mobilized in support for the constitutional as well (Afary, 1996; Bayat, 1978; 1982). Indeed, Janet Afary (1996) state that the constitutional revolution marks the first starting points of the modern Iranian Women`s Movement. She also explain that women`s movement during the constitutional revolution played major role in pressuring politicians in the resistance against Russian influence and the survival of the constitutional government of Iran (Afary, 1996).

During the pre-revolutionary period there was very little discourse between traditional and modern women in Iran concerning their different conceptions of women`s rights. Afary (1996) has described the disconnection between modernists women (left-Socialists) and traditionalists women (rights-Islamists) as being in “nearly total ideological rupture” (Afary, 1996:2). These two disparate trends continue to exist in Iran today, but following three decades of post revolutionary debate the two sides appear to be in the process of reconciling their difference and implicitly concentrating on areas of broad agreement (Afshar, 1998; Mir-Hosseini, 1999; Afary, 1996; Kiddie, 2000).

In post revolution period, women`s movement is occurring within the context of broader national debate about personal freedom. At times, women`s movement have achieved prominence within this debate, particularly during the 1996 election to the parliament. The current women`s movement has been developing support from a broad cross section of traditional and modern Iranian women`s groups (Afshar, 1996; Keddie, 2000). Currently, Women`s rights become one of the most debated issues in government circles (Moghadam, 2005:1141).

Haleh Afshar asserts that women in Islamic countries have been fighting on different fronts and for different causes but none have been successful as “those who have located their political action in the context of Islam and its teaching” (Afshar, 1996:200). She reasons that since the Islamic Republic of Iran prides itself on its adherence to what it defines as Islamic values then “the believers have been better able to engage to positive discussion and extract “Islamic” measures which are liberating (Afshar, 1996:197). Accordingly, as the dynamism of the women`s movement in Iran become increasingly apparent during the 1990s, some began to revisit the question as to whether the Iranian women`s movement might have been enabled by aspect of the post-revolutionary discourse. In particular, Haleh Afshar (1998) has argued that Islamic ideologies in Iran are being “re-constructed” to accommodate an expansion of women`s rights in Iran. She refers to this process as “capturing” the Islamic discourse (Afshar, 1998:155).

In this way, Muslim feminists engage in the issue of dynamic Ijtihad and call for the interpretation of sacred texts themselves, arguing that the door of Ijtihad, i.e., “independent analysis or interpretation of Islamic law, should be reopened” (Esposito, 1995:254; Najmabadi, 1998:65). Muslim feminists describe dynamic Ijtihad as means of interpreting Islamic texts to satisfy the need of modern reality of women, entailing identification of those parts of the Quran that are historical and hence subject to change (Tristianasen, 2004). They further argue that the Quran and other religious texts have been interpreted by the male religious elites in way that fortifies patriarchy, using these distorted interpretations to favour men over women (Fazaeli, 2007:5). Hence, feminist working in Islamic context in Iran are calling for dynamic ijthid as one tool for reforming male-dominated Islamic jurisprudence (Fazaeli, 2007:5). Indeed, the women`s

movement in Iran has clearly begun to use the resonant revolutionary discourse, the most obvious being the Qur`anic message of egalitarianism, to gain support for their movement goals.

Today, there is a vibrant and daring women`s rights movement in Iran that is fighting for equal rights in laws and society. This movement is quite powerful and in recent years Iranian women have had many achievements (Haghighatjoo, 2010:10). For example, recently in 2006, women`s rights activists launched the one Million Signature Campaign as a “follow-up effort to peaceful protest of the same aim” (petition: International Support for Women`s Campaign,”par.1). Having been key actors in both the revolution and the vibrant civil society that emerged in response to the early revolution`s failure and paradoxes, women`s rights activists who launched the signatures campaign capitalized on the last three decades of struggle that politicized them and brought them into the public sphere in unprecedented numbers⁸.

The goals of the campaign are to collect one million signatures through door-to-door contact, meetings, and the internet “in support of changes to discriminatory laws against women,” and to promote dialogue and discussion among women and men in meetings and public seminars and conferences (Campaign for Equality, Article 19). The signatures` collection is seen as the first phase of the campaign; in the second phase legal experts will drafts new laws to replace unjust laws in the form of a bill. The signatures` campaign, building on the last three decades of women`s activism, has contributed to the shifting consciousness among ordinary Iranian citizen about women`s rights and equality (Tohidi, 2010).

Another most vocal opposition of women`s movement to restriction on women`s rights come from the women`s press. In this respect, the most dynamic press is women`s magazine, Zanan (women), which is remarkably adept at revealing the underlying contradiction of many conservative positions (Mir-Hosseini, 1999:20). The discussion concerning whether women should be allowed to run for the Presidency offers a good example of how Zanan operates with respect to furthering a pro-women`s rights agenda

⁸. <http://iranquest.com/?=13353>. [Last visited march 15, 2011]

in Iran. Since currently there is no formal barrier to a women becoming President in the constitution though some conservativists claim that women are not suit for this position, Zanan did a survey, during the 1997 Presidential election in which no women were allowed to run for the Presidency, that asked whether a woman could be President in which 67% of the population answer yes (Zanan, 1997). Inevitably, during 2001 Presidential election the issue was re-visited, particularly when a woman, Farah Khosraavi Talebi, announced that she intended to run for the Presidency, she was soon followed by another 47 women who want to run for Presidency (Tohidi, 2010). Though all of them were rejected at the time, state takes the issues seriously to give solution to the problem.

Other one last concrete achievement of women`s movement is legal age of consent, a change that was an advocated by many women with very different political views and religious backgrounds (Barlow and Akbarzadeh, 2008). The old law allowed for girls who have not reached the age of consent, 14 years of age, to be married to a man with the consent of her father. However, the reformed law state that girls under the age of 14 have to receive permission from a civil court before getting married (Povey, 2001:53). Thus, in short women`s movement in Iran is a positive step toward “eliminating existing discriminatory laws and attaining human right and women rights” (Fazaeli, 2007:2).

4.5. Summary of the Major Funding

One of the funding of this thesis is that Qur`an does not discriminated against women in any spheres of life. Nonetheless, some verses of the Qur`an have been interpreted out of their proper Qur`anic and social contexts, in ways that favour the discriminatory legal norms currently practiced in Islamic jurisdictions. When these verses are interpreted in their proper Qur`anic and social contexts, we reached different conclusion: that the Qur`an never discriminates on the basis of gender.

The second funding is while the Pahlavi monarchy had “encouraged a controlled degree of participation by women in formal politics,” (Paider, 2001:21), in practice, women`s participation under the Pahlavi regime was limited to those who had access, both financially and socially, to modern institution. The Pahlavi`s adversaries perceived the involvement of such women as collusion with the undemocratic regime.

Third unexpected major funding is in the early days of the Islamic Republic, approaches to women`s issues were divergent, even contradictory. On the one hand, the regime instituted mandatory hijab, purged women from being judge, and announced an unwillingness to implement Family Protection Law of 1967. On the other hand, the government retained women`s rights to suffrage, and encourage women`s political activities in support of revolutionary discourse, and women`s educational attainment was increasing.

The fourth funding is the new Muslim women, as perceived by Iranian constitution, are product of the coexistence of tradition and modernity. She is, thus, faced with paradox. She is expected to fulfil her traditional role: a dedicated wife and mother. At the same time, she is also expected to be an active member of the society in all fields.

The fifth funding, despite the above seeming contradiction, reviewing Iran`s empirical data indicates a steady increase in overall women`s status during the past three decades since the Islamic revolution. This overall increase of women`s status in various fields including education, political participation, labor force participation, health, sport and

public, particularly since the 1990s, has been much more impressive than during the previous secular, pro western regime.

Another finding is statistical data on status of Iranian women in post revolution, especially after election of President Mohammed Khatami, contradict commonly hold views about the impact Islam has had on women`s status and role in the Middle East. In fact, the rise of the Islamic regime in Iran broke the barrier to participation in public life that had previously existed for women, especially those of lower socioeconomic background. A close review in the way in which the Islamic regime relied on women`s political mobilization reveals the fact that women in general and those from the lower classes in particular were brought into public domain as part of a revolutionary interpretation of Islamic religious doctrine.

The last but not the least finding, a close review of the history of women`s status in post revolution in different phases could indicate that Shari`a, foundation of the Islamic Republic of Iran`s legal regime, has been modified, procedurally adopted, and legislatively changed in respect to women`s rights since Iranian revolution. Thus, practically Shari`a law is open to reinterpretation through a process of political and social negotiation within its framework in the Islamic Republic, and that Iranian women have been forceful agents of that reinterpretation.

CONCLUSION

A populist Islamic revolution in 1978-1979 put an end to Iran's long standing tradition of monarchy, replacing it with a unique Islamic Republic, wherein women's role in the revolution were boundless. Azar Tabari once suggested that for the first time in "relatively traditional society, in the contemporary history of a Third World country, millions of women was participating in organized militant contingents of street demonstrations." (Tabari, 1982:5). These women who, along with their brothers, had been deprived of all political and social rights overlong years of domination and dictatorship by the Shah's regime, drew strength from the gains of the people's Revolution and were pulled in to political struggle along with insurrectionary masses (Tabari and Nahid Yeganeh, 1982:138).

The role and status of women in post revolution Iran had passed different phases in respect to women's rights since 1979 Revolution. Despite the women's massive participation and played powerful battle in the revolution, the early days of the Islamic Republic had threatened the legal, and social status of women. At least the treat comes when the new Islamic regime has made its belief that the 1967 Family Protection of Law was un-Islamic.

However, during the period of reconstruction a new approach were evolved regarding women's status. The end of the war with Iraq had created favourable opportunities for the increased participation of women at different levels of society as extensive data in chapter three indicated. The establishment of new institution such as Women's Social and Cultural Council was stepping stone for paving the way for women's advancement. Some laws that were adopted during the early period of the regime were now lifted. And the status of women during this time begins take new direction. However, still there remain certain discriminatory laws and cultural practice that hinder women's status in certain fields.

Since President Khatami took the office in June 1997, reform has been implemented in all areas and recognized as the period of economic, social, health, and political

development for women. A cornerstone of reviewing the past policies and laws regarding women rights was take place during this reform period. Any laws and policies that hinder women`s status was removed. Currently, women can be seen in all spheres including in judiciary, cinema, sport, Presidential office, labor market, and so on.

There are also growing number of women`s rights movement, especially in the past 10 years, that has been challenging remaining certain discriminatory laws and cultural practices in various areas of life including those that prevent them from become Supreme Leader and President. So far they have achieved many successes in changing and reforming many laws and policies that are unfavourable to women`s status before.

In short, today the status of Iranian women is outstanding in all areas of public and society more than ever before as Louise Halper briefly capture situation of women in Iran and help me to finish in his words as follows:

In Iran, the condition of women`s lives become salient and today remain salient to voters judging the success or failure of the regime. This has meant that both the democratic and theocratic elements of the regime have paid attention to women`s issues (Halper, 2005:120).

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