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Can women act as agents of a democratization of theocracy in Iran?

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Introduction

Religion has never been completely separate from the state in Iran, particularly since the establishment of the Safavid dynasty (1501-1722) when Shi'a Islam became the official religion of Iran. However, its complete unification with the state in 1979, after the successful popular revolution, represented a new experiment for Iran regarding religion and modernity. The coalition of conservative religious leaders who ascended to political power had not accepted either the primacy of democracy or the premise of the equality of men and women (or Muslims and non-Muslims) which was contrary to their reading of divine scripture. The large segments of society that had internalized the equality of all citizens, at least theoretically, found themselves in ideological collision with the state that many of them had helped bring to power. And the young state, itself, was a contested domain. Political players representing diverse social, political, and gender visions were in competition for access to power and resources. However, the creation of the novel duel state structure in which non-elected and non-accountable state authorities oversee the elected authorities allows only a limited role for women and the general public to play in these contestations. This state of affairs has led to lively, if contradictory, intellectual and political developments which continue to test the actual and potential capacity of the Islamic Republic to accommodate democracy and gender equality.

Eager to achieve their Islamicization of society by a realization of their gender ideology, the regime, within days of its ascendance to power, annulled many of the basic rights women had been enjoying under the previous government, as they considering them un-Islamic. Ironically at the same time, it was encouraging women to participate in street and electoral politics in support of their theocratic state. In this paradoxical context, while women lent their support to the Islamic state, they no longer felt like silent objects of politics. They thus took the state to task for the rights that they were conscious of as citizens, regardless of whether those rights were expressed through secular or religious perspectives. Furthermore, in pursuit of its Islamicization vision, the state has embarked on intensive social engineering. Women's responses to these interventions, however, have not always follow the patterns ideologues expected, introducing new complexity and intellectual and theological challenges to the ideology of the regime.

This paper will thus examine the following: the development of the Islamicization of education; struggles over contested family law, which remains at the heart of demands for gender equality, as well as of the conservatives' gender vision of an ideal patriarchal family; and women's role in politics and the public sphere. As religion in Iran has come to assume more importance in shaping the everyday life of women than ever before, we also examine the extent to which women, through their women friendly reading of the Islamic texts, have reshaped theological gender discourse through their various strategies. Have the social and political developments in Iran led to a greater receptivity among religious leaders – inside and outside the state power structures – to the idea of gender equality? Have there been more women-friendly politics and policies in response to women's activism and popular demands? In short, have women been able to translate their demands for gender equality into legal reform? Another concern of the paper is to examine the role of secular forces in the political matrix of Iran. Given their differing political perspectives, what are the differences in their immediate demands? By analyzing the gathered data we assess the extent to which women have achieved gender consciousness and whether they have increased their sphere of influence and autonomy in their personal and public life under the Islamic Republic.

1. Historical background: Religion and Politics

By the middle of the nineteenth century the authoritarian rule of the Qajar monarchy was increasingly criticized by many modernists, who, influenced by discourses in Muslim intellectual centers[1], advocated the establishment of a constitutional, representative parliament. The religious leaders, *ulama,* marginalized by the Qajar monarchs, favored a representative government but with religious control over public morality and a significant role within the legal and educational systems.[2] It was in this context that a coalition of *ulama*, liberal intellectuals and modernists joined in an ultimately turbulent political relationship that has since colored Iranian politics. There were two major sources of irreconcilable contention between more conservative *ulama* and other modernists. Firstly, conservative *ulama* claimed a divine source for law, while modernists viewed law as a social creation. Secondly, modernists for the most part assumed a theoretical equality of all citizens before the law, regardless of social class (and, for some, gender or religion), while the conservative *ulama,* who were generally most outspoken, claimed greater rights for Muslim men than for women and non-Muslim citizens. While the modernists viewed the expansion of education and public roles for women (if not political rights) as integral parts of modernity (Afary 1996, 2009; Najmabadi 1993), the conservative *ulama* recognized the ramifications of an ideology of equality and citizenship and were extremely hostile to these ideas, pronouncing them contrary to Islam (Paidar 1995). On a national scale, while the idea of a new state decreasing the power of the monarch appealed to the majority of urban males, most had strong reservations concerning the extension of women's roles and their increased autonomy in the public sphere, recognizing that the effect on marriage and family institutions would inevitably translate into a loss of male positions of privilege and control over their women folk.

During and in the immediate years after the constitutional revolution (1906), conservative *ulama* were able to capitalize on these patriarchal tendencies to successfully mobilize support for their political vision (Paidar 1995; Afary 1996). This meant that women, along with criminals and the mentally ill, were denied political rights under the new constitution. However this political gain was temporary. With the establishment of the Pahlavi regime (1925-1979), which was committed to modernist ideals though not to democracy, the *ulama*, particularly conservatives, were largely marginalized from legal power structures. However, they continued to command moral authority and nurture alliances among conservative social groups and those excluded from the fruits of modernization. In particular, a sustained alliance with the *bazaaris*, whose diminished social and political prestige under the Pahlavi regime did not affect their significant power within Iran's economy, resulted in their handsome contribution to religious funds which the *ulama* maintained control over (Keshavarzian 2005). This alliance of conservative *ulama* and powerful patriarchal forces has colored Iranian politics and women's struggle for gender equity ever since, particularly regarding family law reform and women's political participation. Conservative *ulama* have continued to mobilize opposition to even the mildest reforms affecting power relations within the family or improving women's legal status.

Aside from the introduction of a minimum age of marriage and a 1936 decree, outlawing veiling, the most significant gender reform occurred in 1963 when women's right to vote was introduced as part of a package called the White Revolution, consist-

[1] Concerned with the reasons for the social, economic and scientific stagnation in Muslim societies while Europe was flourishing.

[2] Importantly, religious leaders were not a homogenous group. Many of the outspoken intellectuals of the 19th and early 20th centuries came from among the *ulama*.

ing of six major reforms, including the long-delayed land reform. The proposed reforms were massively approved in a national referendum in which only men voted. *Ulama*, who controlled large tracts of land under the *owqaf* institution of religious endowments, bitterly opposed the package, which would severely reduce their economic resources. Recognizing that land reform had massive support, the *ulama* tried to mobilize a conservative opposition, including that of key *bazaaris,* by focusing on changes to women's rights and their political participation as un -Islamic. Their unsuccessful uprising resulted in the exile to Iraq of the young Ayatollah Khomeini, the most outspoken political adversary of the modernist Shah.

During his exile (1963-1978), Khomeini developed his vision of a theocratic Islamic state, *Velayat-e Faqih*, where clergy would rule supreme as direct representatives of God and the prophet and would Islamicize the politics and society through the application of *Shari'a*.[3] Khomeini's writings circulated secretly among his followers, thus, were not easily subject to scholarly or theological scrutiny.

In 1967, after decades of lobbying by women, moderate family law reforms were introduced and subsequently revised in 1973 (Sansarian 1982; Paidar 1995). The Family Protection Act modestly improved the position of women within marriage, with the right to divorce shifting from a husband's prerogative to a family court, and limiting polygamous marriages by making them conditional on the permission of first wives or the court. The Act also slightly expanded women's custody rights, based on a child's best interests. Despite their modest scope, the reforms were virulently opposed by the conservative religious establishment, who resented watching their sphere of influence shrink. Thus, Ayatollah Khomeini publicly announced that divorce under the new laws was not religiously recognized and divorced women who remarried would be committing bigamy, their children bastards, unable to marry Muslims .[4]

Women's rights continued to be used by both the modernizing Pahlavi regime and conservative religious leaders in their battle for power, though neither side was truly interested in the plight of women per se (Hoodfar 1999b). And while the conservative religious leaders had little formal political or economic influence, they retained a significant moral authority especially concerning the appropriate roles for Muslim women which they defined based on a restrictive reading of *Shari'a* with little attempt to adjust to social realities in Iran [5]

[3] Ayatollah Khomeini (1998). Velayat-e Faqih –Tehran Publishing House.

[4] Khomeini (1947) Resaleh. This treatise is a book of reference and religious guidance, read by his followers although published illegally during the Shah's rule. Therefore its publisher and exact date are not clear. Also see Paidar (1995) for a detailed account of this debate.

[5] Inevitably women's rights activists supported the limited legal and social advancement of the Pahlavi regime. Nonetheless, the Pahlavi quest for a monopoly on state power increasingly alienated so many segments of society, including women, that eventually it reached its downfall with the Iranian revolution of 1979.

2. The Islamic Republic: Islamicization Policies and Public Responses

2.1 Revolution and the establishment of the Islamic Republic

The Pahlavi regime, supported by vast oil money, had transformed Iran into a police state with few intellectual or political freedoms, whether from religious or secular camps. While many secular intellectuals and modernist social critics disproved of a blind importation of European cultural practices and values, particularly by the political and economic elites, their voices were silenced. Further, unlike the religious opposition, secular forces did not have independent sources of economic or institutional support with which to promote their views amongst the citizenry at large. Nonetheless, publications like Jalal Al-e Ahmad's *Gharbzadegi* (1962, translated variously as "western-struck", "westoxification", or "occidentosis") , criticizing the denigration of Iranian culture and mores in the name of modernity, struck a chord with many nationalists and discontented secularists and provided a framework for reclaiming a modernity and development beyond the Western pattern.[6] The regime's uncritical importation of development policies devised in Europe and America economically marginalized the majority and greatly increased the income disparity between rich and poor, despite growth in the economy. The ranks of the dissatisfied continued to swell.

While the promotion of social justice and the transformation of women's roles were a focus for many secular critics, there was little interest in the 'women's question' by liberal and leftist social forces, despite the discrimination and injustice suffered by women within both domestic and political spheres.

Ali Shariati (1933-75), was one of the few intellectuals who publicly addressed the women's question. His writing and talks re-interpreted Shi'a Islam as revolutionary, with an emphasis on social justice. Extremely popular amongst students and intellectuals, Shariati came from a religious background but criticized the religious establishment as stuck in the past while society moved forward without guidance. In the 1970s his popularity grew with the publication of *Fatemeh is Fatemeh*, and *A Muslim Woman*, drawing on the life of the Prophet's daughter to critique the treatment of women in Shi'a Islam as dehumanizing; at the same time he decried the regime's western-style women's liberation as 'Hollywood', turning women into sexual objects (Hermansen 1983). Highlighting the women scholars and social activists trying to improve Iranian women's lives, he struck a chord with young women of all backgrounds. Shariati helped politicize masses of women intrigued by his reading of women's rights within Islam, and provided those from religiously inclined backgrounds a legitimate political avenue within their religious framework, contributing to women's mass participation in the 1979 revolution and beyond.

The 1979 Iranian revolution was one of the most popular revolutions in history. Iranians of vastly different backgrounds and political tendencies demanded an end to the monarchy. Yet there was no common political platform or program for establishing a new state and allocating power in the event of success. Democracy and social justice

[6] Jalal Al-e-Ahmad (1923-1969) was an early political activist. However, after the CIA orchestrated a coup-d'état in 1953, he left politics and continued to write novels and anthropological observations of life in different communities in Iran. His critical view of the modernization process and its devaluation of Iranian mores is best reflected in *Occidentosis: A Plague from the West*. It was clandestinely published in Iran in 1962 and remained an intellectual milestone for Iranians of all tendencies; religious, nationalist or leftist. (See Roy Mottahedeh, 1985/2004, for a contextualized assessment of his role in the ideological framework of the revolution.)

were the common, if vague, primary demands, but the various constituencies never collaborated on any strategies for achieving these goals once the Shah's regime fell, nor was there any practical, unified vision as to how the state would be run. Moreover, due to the severe political repression under the Shah's regime after the CIA-engineered fall of democratically elected Prime Minister Mossadegh in 1953, most of the oppositional groups had been forced underground or exiled (Risen 2000). Consequently, almost no organizations had effective national networks to facilitate communication. The exceptions were the conservative religious groups, particularly that of Ayatollah Khomeini,[7] under whom diverse religious and conservative groups had united to share his vision of a theocratic state, *Velayat-e Faqih*. With a country-wide network of thousands of mosques, Khomeini had the infrastructure and material resources no other political group enjoyed,[8] and within a few months of the uprising Khomeini and his followers took over the leadership of the anti-Shah movement.

Given the diversity of participants in the Revolution and the strong demand for democracy, Khomeini's vision of a complete theocracy could not be implemented. The emerging compromises resulted in a complex "republican theocracy". This system, enshrined in the new constitution, includes two structures: the Supreme Religious Leader, whose legitimacy rests on a claim of religious, divine power (though after Ayatollah Khomeini the Supreme Leader has been elected by the Council of Experts), and an elected parliament and president who have to be confirmed by the Supreme Leader.[9] The Supreme Leader holds his position for life and is not answerable to any person or body. He controls the regular Army, the Revolutionary Guards, a military force created to counter the power of the regular military, and the *Basij* organizations (National Mobilization Organization), another institution charged with safe-guarding the principles of the revolution (Sadeghi 2009). The Supreme Leader appoints the head of the judiciary and controls the state-monopolized radio and television. The 12 members of the Council of Guardians, which oversees the elected parliament, ensure that any laws passed by parliament do not contradict their interpretation of Islamic law. Although not clearly stated in the constitution, the Council oversees the approval of political candidates and thus only ideologically conservative candidates are approved, eliminating any opportunity for competing political visions to emerge officially. While the members of the Council of Guardians are hand-picked by the Supreme Leader from among conservative allies, he ensures that various interests are represented. Thus despite their similar conservative views on gender, their views on many economic and other issues differ, resulting in some ideological clashes. In practice, Iran now has a theological political system in which a small, un-elected group oversees and controls the "elected" government and law-making bodies with considerable consequences for the development of democracy and gender equality, as we will discuss below. Thus a journey begun in 1501, when the Safavids declared Shi'a Islam the state religion, has culminated in the complete, formal fusion of religion and state in every dimension.

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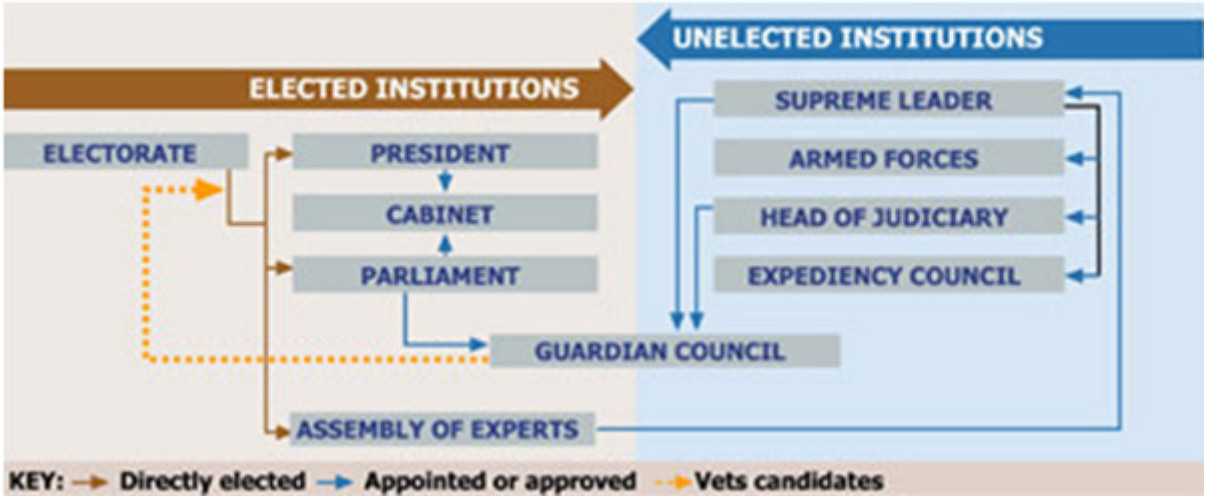
[7] Ayatollah Khomeini 1373. Velayat-e Faqih –Tehran Publishing House.

[8] However, there is no evidence that the mosque network was used for political mobilization in any substantial manner until the eve of the demonstrations in 1978, during a wave of funerals for martyrs.

[9] The Council of Experts is elected from among religious leaders nominated by the Council of Guardians, which technically has final approval of all constitutional and legal revisions. However, the Council of Guardian's rigorous adherence to religious laws potentially undermined the practical functioning of the state. To address this, in 1987 Ayatollah Khomeini established the Council of Expediencies (formed in 1366/1986) to resolve disputes between Parliament and the Council of Guardians. In 1988/1368, when the constitution was revised, the Council of Expediencies' responsibilities were expanded (articles 112, 111, 177).

Following the Revolution, as tensions between the Council of Guardians and the bureaucrats actually managing the nation increased, Khomeini established the Council of Expediency (see footnote 9), which could override decisions of the Council of Guardians deemed impractical for the functioning of the nation. Thus the state, established to govern in accordance with the most conservative interpretation of "*Shari'a*", was forced to acknowledge that administering a large, diverse nation required some ideological compromises in order to retain legitimacy. This opened the way for reformists to develop new approaches to *Shari'a*; as we will see, the Council of Expediency has been a very important vehicle for addressing gender issues.

The fact that the revolution resulted in a republican theocracy, structured to allow for mitigation of religious leaders` rulings for practical purposes, suggests that political Islamists and religious conservatives did not achieve power without contestation and compromise. Scholars and political opponents agree, however, that the Iran-Iraq war (1980-1988) helped Khomeini and the religious councils avoid further compromises with democratic forces, using the rhetoric of war to suppress both secular and liberal religious opponents.



Source: Revised version of *One Minute World News*, BBC News Online.

2.2 Islamicization policies and women's responses

The complete amalgamation of political and religious power has had considerable implications for women's equality: the role of women in society was a significant platform