

Iranian Women Take On the Constitution

Friday 28 August 2009, by [SHEKARLOO Mahsa](#) (Date first published: 21 July 2005).

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Activists for women's rights are prominent among the many Iranians who fear a reinvigorated crackdown on personal and social freedoms in the wake of the surprise election of the ultra-conservative Mahmoud Ahmadinejad to the presidency of the Islamic Republic. Though Ahmadinejad sought to soften his image on gender issues during the week before the runoff on June 24, 2005, even speaking against "sexist attitudes," his electoral base on the far right continually agitates for a harder line. His base is particularly offended by the looser standards of "Islamic dress" for women and the freer mixing of the sexes in public places that have slowly developed over the two terms of President Mohammad Khatami, who will vacate his office on August 4. In one taste of the pressure the new president might face, the parliamentarian Mohammad Taqi-Rahbar was quoted by the official IRNA news agency as complaining: "Even if women remove the small handkerchiefs they wear instead of a proper veil, nobody says anything." That, Taqi-Rahbar implied, must change.

Women's rights activists do indeed anticipate increased restrictions on dress, as well as other personal and political freedoms, after Ahmadinejad is sworn in. During both stages of the presidential campaign, the women's movement in Iran nevertheless chose to move beyond the vagaries of electoral politics to tackle more systemic problems. The obstacles to the progress of women's rights in Iran, these activists have concluded, are not embodied in individual politicians so much as they are inherent in the constitution of the Islamic Republic itself.

THREE DECADES OF STRUGGLE

The women involved in what is generally known as the women's movement are mostly middle-class and university-educated, but otherwise span a broad political and religious spectrum. The movement is an informal grouping of individuals and organizations that includes secular women as well as pious Muslims, university students and the middle-aged, women affiliated with the parliamentary reformists who tried to change the regime from within in the late 1990s and women aligned with the "religious-nationalists" who have stayed resolutely outside the regime since the 1979 revolution. Hence, one can find within the movement's ranks religious women who shy away from the term feminist, "Islamic feminists" who argue that women's rights can be provided for by Islamic law, "Muslim feminists" who come from religious backgrounds but do not use Islamic law as their point of reference, and feminists who would prefer that the republic in Iran not be "Islamic" at all.

The diverse base of the movement was evident in front of the University of Tehran on June 12, five days before the first round of the presidential election, when approximately 2,000 Iranian women participated in a sit-in to protest the constitution's denial of women's rights. Over 90 women's

groups signed the declaration prepared in advance of the sit-in. Hailing not just from the capital and the major cities of Isfahan, Tabriz and Kermanshah but also from the provinces of Kordestan, Lorestan, Sistan and Baluchestan, and Khorasan, together these groups formed the largest independent women's coalition to appear since the fall of the Shah.

In addition to its breadth, the movement is remarkable for how it emerged from three decades of struggle within and against the state by women loyal to the ideals of the Islamic Revolution. Women who participated in the revolution were dismayed at the absence of women from the initial post-revolutionary ruling structures, and were particularly galled by the new regime's suspension of the 1967 Family Protection Law, which was won on the strength of great efforts by women's rights activists in the era of the Shah. That law, among its other provisions, required men to go to family court in order to take a second wife, obtain a divorce or gain custody of children. The fledgling Islamic Republic suspended those requirements. In addition, women found that the new regime would not allow women to run for the presidency of the new government many of them had fought to empower. The constitution defines eligibility for that office with recourse to the Arabic term *rijal*, which, in its most common usage, means "men." Though this term, in both Arabic and Persian, can also mean "dignitaries" or "well-known personages," the regime has always chosen to interpret it literally. Accordingly, the Guardian Council, the appointed clerical body authorized to ensure the conformity of all legislation to Islamic law and the constitution, has on several occasions blocked the candidacy of women.

Angry at these developments, women bombarded the four female deputies elected in 1980 to the first legislature (or *Majles*) of the Islamic Republic with demands for redress, especially restoration of the Family Protection Law. Due to these persistent complaints and the advocacy of women parliamentarians, the Third *Majles* (1988-1992) enacted some modest improvements for women in matters like child custody and divorce, but nothing like the statute that was in place before the revolution.

COLD COMFORT

Women who had been involved in the revolution, or who came of age at the high point of revolutionary fervor in the early 1980s, went on to play a central role in the popular reform movement that swept the country after the election of Khatami as president in 1997. Their emergence as a formidable voting bloc served as a precursor to their rapid and often politically charged entry into the public sphere. During the reformist era of 1997-2004, the government's declared commitment to nurture civil society allowed many of these women to establish advocacy organizations independent of official bodies. Secular women, marginalized for 20 years by the sweeping Islamicization of politics, culture and society, also found a new opening for their gatherings and activities, even at government-owned cultural centers. Some religious women, whose organizations were sometimes sarcastically referred to as "gongos," shorthand for governmental NGOs, became increasingly concerned with gender-based inequality and discrimination and gradually developed an autonomous feminist identity. The result was a burgeoning number of independent women's associations who advanced their agendas through seminars, workshops, print publications and the Internet. Although political and religious divisions prevented the different women activists from establishing a larger umbrella organization, periodic collaboration contributed to a growing mutual respect.

Much recent women's activism has revolved around the pursuit of two goals: increasing women's collective social participation and achieving equal legal rights. While the June 12 sit-in attests to the success of the former, the civil and penal codes have proven largely impervious to women's efforts.

The Sixth Majles (2000-2004), which took office at the peak of the reformist movement's power, boasted 13 women members. The previous Parliament had 14, but unlike their predecessors, the new female deputies entered office boldly declaring their intention to change the law in favor of women. Along with male reformist allies, they formed a Women's Bloc to push their agenda. The government Office for Women's Participation lobbied officials and high-ranking clerics to support their goals, such as ratification of the UN Convention on the Elimination of Discrimination Against Women (CEDAW) of 1979, which Iran has never signed. Ultimately, the CEDAW bill and numerous other reformist-sponsored measures aimed at expanding women's rights in marriage, divorce, inheritance and other areas were rejected or severely curtailed by the Guardian Council.

In December 2002, 11 of the women parliamentarians submitted a bill to the Majles that would impose a moratorium on executions by stoning of women accused of engaging in extra-marital or premarital sex. Stoning and other forms of "Islamic punishment" are written into the 1995 penal code, and although their practice has not been routine, they have stood as a powerful emblem of the backwardness and violence of the Islamic Republic's legal system both inside and outside Iran. The bill was not approved, but shortly after the government held trade talks with the European Union later in the month, Hojjatoleslam Mohsen Gharavian, a leading figure in the conservative-controlled judiciary, told the IRNA news agency that "stoning has been provisionally suspended due to its negative effects." The apparent moratorium (a few stoning sentences have since been handed down, but none have been implemented) was widely heralded as an important victory for human rights and women's rights. However, the judicial action also highlighted the limitations upon women's activism as it had been practiced to date. First, Iranian activists thought, years of work with the parliamentary reformists to expand women's rights in other areas had been rendered moot by Guardian Council fiat. Then, efforts by women to end an especially egregious form of violence against women were stonewalled until the state was spurred into action by international realpolitik. All told, women's rights activists felt, they could take only cold comfort in the record of the reformist era. This feeling intensified over the course of 2003, as the Guardian Council blocked or gutted more and more of the record 33 legislative measures introduced by women deputies.

BACKLASH

In February 2004, Iran's reformist moment ended as conservatives regained control of Parliament. Confronted with a Seventh Majles hostile to civil society and women's rights, activist women braced for the backlash. It came in September 2004 in the form of a lengthy article in the right-wing newspaper Jomhuri-yeh Eslami assailing women's NGOs as agents of the West. The article's publication was followed on November 1 by the arrest of Mahboubeh Abbasqolizadeh, a prominent NGO activist, the editor of the women's studies journal Farzaneh and a Muslim feminist who had contributed articles to websites associated with the reformist movement. No charges were ever specified. Though domestic and international pressure secured her release 30 days later, Abbasqolizadeh's arrest served as a warning to her fellow activists. With the Tehran City Council and Parliament in the hands of conservatives, civil society actors were feeling the tightening of restrictions and women's activists were losing the little access they had secured to the public sphere. In terms of advancing their legal rights, women's rights activists knew they had not achieved any real gains. As the 2005 presidential contest neared, it was time to assess past activities and future prospects.

Their collective conclusion was that the Islamic Republic's constitution itself has been the main obstacle to the concerted efforts of secular, religious and government-affiliated women to improve women's legal status. The constitution does not explicitly provide for equality of rights between men and women, as does CEDAW. Rather, Article 20 of the constitution says that men and women "enjoy

equal protection of the law...in conformity with Islamic criteria" while Article 21 stipulates that "the government must ensure the rights of women in all respects, in conformity with Islamic criteria." Most of the personal status laws that discriminate against women in marriage, divorce, inheritance and child custody derive their legitimacy from the clause effectively subordinating women's rights to the state's interpretation of Islamic law. As such, one major focus of women's rights proponents has been to offer interpretations of Islamic jurisprudence that encourage gender equality. However, the Guardian Council and other appointed bodies endowed with the power of official legal interpretation have consistently propagated the concept of equity or "balance" of rights. Following this reasoning, they rejected or eviscerated all of the reformist-sponsored bills aimed at expanding women's rights. Disheartened by the parliamentary reformists' failures to achieve legal reform, activist women decided not to support a reformist or any other candidate in the 2005 presidential elections — and instead to advance a gendered critique of the constitution.

“EQUAL RIGHTS IS OUR MINIMUM DEMAND”

The signal event expressing this critique was the unauthorized June 12 sit-in. Capitalizing on the state's relaxation of restrictions before the election, the informal network of women's non-governmental organizations and independent associations decided to assert their grievances and demands through civil disobedience. Members of environmental and educational NGOs, staffers at university student publications and members of the Islamic Students' Association added their signatures to the protest declaration. Webloggers and male supporters circulated separate petitions of support that attracted hundreds of signatures. Nobel Peace Prize winner Shirin Ebadi, who was traveling abroad at the time of the protest, signed a strongly worded statement against "unequal treatment of half of the Iranian population" and in favor of the sit-in. The petition bearing Ebadi's name also featured the signatures of four other Nobel Peace Prize recipients, including Archbishop Desmond Tutu. On the day of the protest, the organizers released their third and final declaration, demanding that the nation's laws secure women's "fundamental and equal rights" and comply with international conventions such as CEDAW. Until the government meets their demands, the women announced, they will continue a campaign of peaceful protest.

By most accounts, the June 12 protest was a great success. Turnout was high, despite the unapproved nature of the gathering. The incidence of violence was low, notwithstanding the large numbers of police officers who immediately surrounded the main entrance to the university and tried, through physical and verbal intimidation, to scare the women into leaving. After the first 40 protesters stood their ground and as the numbers of women began to multiply, the police mostly tolerated the sit-in. Opting for a strategy of containment, they simply formed a cordon around the women and prevented male supporters who arrived from participating. Noushin Ahmadi Khorasani, a well-known secular feminist activist, writer and publisher, wrote a protest song set to an old Joan Baez tune especially for the sit-in. Copies of the lyrics and protest slogans were distributed throughout the crowd of women, who enthusiastically chanted and sang throughout the one-hour event. The appearance of Simin Behbahani, Iran's most famous living woman poet and long-time supporter of women's rights, sent ripples of excitement through the crowd, as did a personal message from Ebadi.

Acknowledging the broad diversity within the women's movement and the multiple forms of discrimination facing ethnic- and religious-minority women, the protest organizers declared that women shared a common injury: the belittlement of the citizen. "The constitution's belittlement of women as citizens and active social participants has blocked their ability to secure their rights," their statement read. "The potential for reactionary movements and political extremism has forced the women's movement to face the reality that under the current state of affairs, seeking civil justice

from the constitution and protesting the breach of women's rights of citizenship can be an effective step towards achieving democracy, peace and self-determination of the citizenry." Organizers stressed that legal reform was merely a precondition for securing the end goal. In the words of a slogan repeatedly chanted at the sit-in: "Equal rights is our minimum demand."

Absent from the ranks at the sit-in were the women members of the reformist Islamic Participation Front who had served in the Sixth Majles. Their participation would have required them to break from their male counterparts who, for the most part, have privately and publicly opposed the women's movement's confrontational stance toward the constitution. These men often say that the struggle for democracy has priority over the struggle for women's rights. In response, the sit-in organizers' final declaration began: "Democracy cannot be achieved without freedom and equal rights." Also absent on June 12 was Azam Taleqani, a deputy in the First Majles and a disqualified presidential candidate in the 2001 and 2005 elections. She had held a much smaller sit-in protesting women's exclusion from presidential races earlier in the month.

The reformist era provided a space for women to study, organize, develop a gender analysis and create a vocabulary of resistance. While political and religious differences and regime pressures have prevented the establishment of a disciplined and organized front, the drive for equal rights and the greater visibility of women in the public sphere have increasingly brought elements of the women's movement closer together. The sit-in before the University of Tehran was a declaration that the system's fundamental legal structure precludes the possibility of realizing women's full rights, and by extension, meaningful democracy. With an era of increased repression quite possibly on the horizon, it remains to be seen if women's rights activists can broaden their alliances and consolidate their unity to face what will surely be a contentious future.

P.S.

* From MERIP:

<http://www.merip.org/mero/mero072105.html>

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* For background on women reformists in Iran's parliament, see Ziba Mir-Hosseini, "Fatemeh Haqiqatjoo and the Sixth Majles: A Women in Her Own Right," Middle East Report 233 (Winter 2004). The article is accessible online at:

For background on the struggle to reform personal status laws, see Ziba Mir-Hosseini, "Shirin Ebadi's Nobel Peace Prize Highlights Tension in Iran," Middle East Report Online, October 27, 2003. See on ESSF: [Shirin Ebadi's Nobel Peace Prize Highlights Tension in Iran](#)