A CRITICAL ANALYSIS OF THE ROLE OF LAW AND FEMINIST LEGAL APPROACHES IN WOMEN’S LIFE ADVANCEMENT: A CASE STUDY OF THE ONE MILLION SIGNATURES CAMPAIGN

by

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Abstract

Iranian women carry the legacy of five generations of women’s activism over the last 150 years. Through a feminist legal lens, this dissertation surveys this rich history, especially the One Million Signatures Campaign (OMSC). The dissertation raises two major questions. (1) Whether there has been too much emphasis on law and legal reform as means to achieve gender justice in Iranian feminist movements at the expense of other approaches. (2) Whether using certain aspects of liberal and radical feminism as methodologies turned the OMSC into the reflecting surface of the western feminist centre, thus failing to contextualize their work within their sociopolitical and cultural region. This dissertation sheds light on the theoretical and methodological possibilities of drawing more on postmodernist and Third world feminist approaches.

Through historical, textual and discourse analysis, this dissertation explores legal centralist liberal feminism and radical feminism as influential western tropes in contemporary Iranian feminism. Deconstructive postmodern and TW feminism, which tackle universalist and orientalist tendencies in feminist scholarship, are suggested as pertinent approaches for Iranian feminism. Honouring the legacy of and historicizing five generations of Iranian women’s activism, this dissertation complicates earlier categorizations by highlighting class, ideology and religion. OMSC is critically analysed, including its emergence and demise, its strategic legal demands suggesting a paradigm shift from traditional readings of Shari’a law to secular CEDAW norms, and its discursive engagement with western feminism.

By referring to data on the status of Iranian women, this research shows that formal legal indicators fail to capture Iranian feminist praxis in the so-called ‘repressed post-revolutionary era’. It is argued that law cannot be portrayed as the sole factor responsible for stagnation or advancement in women’s lives, as it glosses over how women defy, negotiate, and even bypass discriminatory laws and ideologies. Moreover, it is crucial that future Iranian feminist activism shift its theoretical groundings from hegemonic western feminist legal theory to postmodern and TW feminism. The latter approaches not only de-center law wherever possible, but discursively engage with it. They also challenge totalizing feminist knowledge that homogenizes and universalizes feminist struggles under western feminist standards.
Lay Summary

Iranian women carry the legacy of five generations of women’s activism over the past 150 years. This dissertation critically assesses women’s life advancement strategies that invest in law reform as a primary panacea for women’s well-being. The case study is the One Million Signatures Campaign in Iran. Using a feminist legal lens, this project asks whether there has been an over-emphasis on law and legal reform as means to realize gender justice at the expense of other approaches; and whether using certain aspects of liberal and radical feminism as methodologies turned the Iranian campaign into a misinformed feminist praxis that reflects the western feminist centre. I argue that such a strategy may result in failing to contextualize feminist strategic plans within particular sociopolitical and cultural regions. I suggest that drawing more on postmodernist feminist and Third world feminist approaches is vitally important for the future of Iranian feminist activism.
Preface

This dissertation is the original and independent intellectual product of the author, Shiva Olyaei and submitted in partial fulfillment of the requirements for a PhD degree awarded by the University of British Columbia.

Preliminary drafts of limited portions of this dissertation have appeared in the following publications.


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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CAIFI</td>
<td>Committee for Artistic and Intellectual Freedom in Iran</td>
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<tr>
<td>CEDAW</td>
<td>The Convention on the Elimination of all Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CHRD</td>
<td>Centre for Human Rights Defenders</td>
</tr>
<tr>
<td>CHRR</td>
<td>Committee of Human Rights Reporters</td>
</tr>
<tr>
<td>CIA</td>
<td>Central Intelligence Agency</td>
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<tr>
<td>CR</td>
<td>Consciousness-raising</td>
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<tr>
<td>FFD</td>
<td>Face-to-Face Dialogue</td>
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<tr>
<td>FIDH</td>
<td>International Federation for Human Rights</td>
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<tr>
<td>FPA</td>
<td>Family Protection Act</td>
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<tr>
<td>HDI</td>
<td>Human Development Index</td>
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<tr>
<td>ICW</td>
<td>International Council of Women</td>
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<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>IRI</td>
<td>The Islamic Republic of Iran</td>
</tr>
<tr>
<td>MBD</td>
<td>Migration and Brain Drain</td>
</tr>
<tr>
<td>MP</td>
<td>Member of the Parliament</td>
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<td>NAM</td>
<td>Non-Alignment Movement</td>
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<td>NCW</td>
<td>National Council of Women</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>NGOTC</td>
<td>Non-Governmental Organisation Training Centre</td>
</tr>
<tr>
<td>NPO</td>
<td>New Path Organization</td>
</tr>
<tr>
<td>OIC</td>
<td>The Organisation of Islamic Cooperation</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
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<td>---------</td>
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<tr>
<td>OMSC</td>
<td>One Million Signature Campaign</td>
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<tr>
<td>PBUH</td>
<td>Peace be upon Him</td>
</tr>
<tr>
<td>PJAK</td>
<td>The Kurdistan Free Life Party</td>
</tr>
<tr>
<td>RAAHI</td>
<td>The Women’s Center for Legal Training</td>
</tr>
<tr>
<td>TW</td>
<td>Third World</td>
</tr>
<tr>
<td>UAF</td>
<td>L'Union de l'Action Féminine</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNESCO</td>
<td>The United Nations Educational, Scientific and Cultural Organization</td>
</tr>
<tr>
<td>UNICEF</td>
<td>The United Nations Children's Funds</td>
</tr>
<tr>
<td>USA</td>
<td>United States of America</td>
</tr>
<tr>
<td>WOI</td>
<td>Women Organization of Iran</td>
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<tr>
<td>WCFPB</td>
<td>Women’s Coalition against the Family Protection Bill</td>
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Glossary

Assembly of Experts: Also known as Assembly of Experts for Leadership is Iran’s only constitutional body with the authority to appoint and dismiss the supreme leader in case the current leader dies or becomes incapacitated. It is ironic that all members have been directly-elected after the vetting process by the Guardian Council, but still have to be approved by the Supreme Leader of Iran before being officially considered as a member to the Assembly of Experts.

Expediency Council: Also known as Expediency Discernment Council was primarily formed to resolve conflicts between the Majles and the Guardian Council. It also undertake an advisory role to the Supreme Leader.

Fiqh: Fiqh or Islamic jurisprudence is a human led enterprise to determine legal rulings from Islamic sacred sources which is the Quran and the Sunnah which is the practice of the prophet Mohammad as narrated in Hadith.

Guardian Council: Guardian Council is a council empowered to vet legislation and oversee elections. The 12-member Council of Guardians is a body of jurists that acts in many ways as an upper legislative house. Half its members are specialists in Islamic canon law appointed by the country’s supreme leader, and the other half are civil jurists nominated by the Supreme Judicial Council and appointed by the Majles (parliament). The Council of Guardians reviews all legislation passed by the Majles to determine its constitutionality.

Hadith: Records of Propher Mohammad’s sayings.

Majles: Also known as Islamic Consultive Assembly is the national legislative body of the Islamic Republic of Iran.

National Consultative Assembly: It was also known as Majles Melli was the national parliament of Iran from 1905-1979.

Shari’a Law: It refers to Islamic tradition derived from the primary sources of Islam such as Qur’an, Prophet’s sayings. Later, Fiqh or Islamic jurisprudence developed base on Shari’a and its canon through human scholarly interpretation of Ulama or Islamic Jurists.

Sunnah: The body of Prophet Mohamad’s costumes, practices and behaviors.

Ulama: Islamic Jurists
Acknowledgements

I thank almighty God for giving me faith, courage, hope, patience, perseverance and a loving family to make this dream come true.

This dissertation is in honor of all of the generations of Iranian feminist activist who inspired and informed this work. Their tireless efforts, resiliency, and bravery in the face of injustices continue to shape a better future for women in Iran.

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UBC Graduate Scholarship, Special Graduate Student Award and the Center for Feminist Legal Studies.
Dedication

I dedicate my humble work
To the loving, gentle memory of my father Mohammad

To my caring comrade and ever faithful pillar of life, my mother Nahid
To my best friend, biggest comfort and deepest love, my husband Alireza
To my earnest joy, greatest pride and the light of my eyes, my daughter Niki

And, to my not-yet-born son! We are already in so much love with you and can’t wait to meet you soon.
Chapter 1: Introduction

“For every experience, there is a wide range of possible meanings that can be assigned. And for every possible meaning, there is a range of stories we can tell.”

Women all have many stories to share with the world and many tales that are deeply entrenched in our multidimensional socio-cultural backgrounds. The story of my dissertation is rooted in my experience as both a visibly Muslim woman from the East living in the West, whose religious attire is an anomaly to the Western ideals for modern women, and as a lawyer looking through a feminist legal lens. During my stay in western academia, I found the opportunity to get involved with the One Million Signature Campaign (here and after: OMSC) in Iran due to its proximity in time and space with my generation’s ideals of gender justice. Hence, I have honored this chance to echo OMSC’s socio-legal demands in the Iranian diaspora. My experience with the campaign is well-said in Joan Scott’s words. I gradually became interested in narrating my story of OMSC as a ‘subject of history’ who is temporally placed in the context of her actions, and to explore and explain the prospects of such actions within certain socio-historical contexts. I am aware of Ziba Mir-Hosseini’s critical point that we may work under the guise of objectivity while participating in the reproduction of dominant discourse about “Other” women that can impede the development of ‘resilient feminist politics.’ Her insights encourage me as a story teller of my research to carve a space for ‘disagreement and dissent’ in my feminist/legal praxis. Therefore, I tried to be honest about the possible personal and individual motives I face, while writing about feminism, especially in the Islamic-based socio-legal structure of Iran.

In Iran’s post-revolutionary era starting from 1979, Iranian women were truly disappointed by the socio-legal outcome of Islamic revolution in which women’s movements were repressed and

women lost many of their legal rights. However, they never ceased to fight for gender justice. Particularly after the Iran-Iraq imposed war (1980-1988), Iranian women achieved extensive opportunities for political involvement and civil activism during President Rafsanjani ‘development era’ (1989-1997) and President Khatami’s ‘reform era’ (1997-2005) and put many gender conscious steps forward to advance their legal status both in public and private spheres. The rise of Ahmadinejad (2005-2013), however, was alarming for Iranian women’s movements. This period convinced them that the rapid progress of socio-economic development and cultural/legal reform under Presidents Rafsanjani and Khatami was about to decline. Women learned that their only alternative “lay not in a strategy and practice that seeks solutions within the internal dynamics of social change, but in the social forces arising from below, outside the official discourse of the established authority.”

Amongst these social forces the OMSC as a feminist movement emerged in Iran in from 2006-2010, seeking legal reform to actualize its gender equality aspirations in the Islamic Republic of Iran (here and after: IRI). The campaign is currently idle, in part due to state oppression, although its affiliated websites are still active and occasionally celebrate the campaign’s anniversary by offering scholarly articles and private gatherings.

1.1 Statement of the Problem

Iranian women today carry the legacy of five generations of Iranian women’s activists and feminists over the last 150 years. As I surveyed the dense history of Iranian feminism and their intersection with class, religion, ideology and law, I became particularly interested in critical analysis of the OMSC as a potent example of an Iranian feminist movement. The campaign made two core demands of the Iranian government: (1) Change discriminatory laws against women that are mostly based in Shari’a and are mainly interpreted and legislated by male-dominated Islamic jurists. The laws that have the most negative impacts on women’s lives entail the rules governing marriage, divorce, child custody and inheritance, which treat women as second-class citizens; (2)

---

5 It refers to Islamic tradition derived from the primary sources of Islam such as Qur’an, Prophet’s sayings. Later, Fiqh or Islamic jurisprudence developed based on Shari’a and its canon through human scholarly interpretation of Ulama or Islamic Jurists.
Adhere to the United Nations Convention on the Elimination of all Forms of Discrimination against Women (here and after: CEDAW), an international treaty promoting secular/liberal norms to achieve gender equality, through the Iranian Islamic parliament’s Majles ratification. In its petition, the OMSC prescribes a paradigm shift in the Iranian legal approach toward women through moving away from Shari’a law’s classic male-dominated interpretation and adopting CEDAW norms to change discriminatory laws and achieve gender equality.

During my critical observation, as a lawyer looking from within a legal discipline, I encountered numerous questions regarding Iranian women’s activism and their feminist praxis. I questioned whether law is a viable medium for feminist demands? Can women’s well-being be guaranteed through formal changes in the law? Can formal government-sponsored legal reforms secure gender justice, especially in a country where laws are developed within a religious context? Should feminists collaborate with the state? How does the principle of the rule of law apply in developing countries? Further, thinking of the reintroduction of Shari’a in post-revolutionary Iran, I asked to what extent did Iranian women’s agency empower them and elevate their socio-legal status through extra-legal means? Is Shari’a law to be blamed for the absence of, or at least the undermining of, gender justice in Iranian law? What would happen in Iran if Shari’a norms were replaced by the secular norms in CEDAW?

OMSC has provided a platform through which, I, as an academic analyst, can develop the central questions of my dissertation. These questions are as follows:

A) Has there been too much emphasis on law and legal reform in Iranian feminist movements, especially, but not only the OMSC in the recent past, at the expense of other approaches?

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7 Also known as Islamic Consultative Assembly is the national legislative body of the Islamic Republic of Iran.
B) Have Iranian feminists focused too much on certain aspects of liberal and radical feminist approaches, turning them into a reflecting surface of the western feminist center? Would they better be able to work within their specific geographic and cultural location if they drew more on postmodernist feminist and Third World feminist (here and after: TW feminism) approaches that better represent feminism in the global south?

The thesis hypothesis is:

Through over-relying on legal reform as a mean of achieving gender justice instead of discursively engaging with it, and unreflectively using certain aspects of western liberal and radical feminism as methodologies in its activism, OMSC failed to contemplate how socio-legal changes might further be sought through the lens of geographically situated Third World feminism in the global south as well as a contextually informed postmodern feminist critique of law.

1.1.1 First Argument

OMSC’s approach implies that law is the ultimate factor responsible for Iranian women’s well-being or misery; hence, the campaign looked for a shift from one legal paradigm to another through law reform. I argue that the legal reform project is a hegemonic mode of socio-legal transformation that gives an imperialistic power to the state and its laws. This approach maintains the constitutive power of law over women’s lives without highlighting the significant role of women’s agency.9 I argue that OMSC is a well-meaning but theoretically ill-informed project. Due to its focus on law (whether secular or faith-based) as the primary medium of change, it failed to tackle underlying power relations in the Iranian political, legal and religious domain. Casting doubt on the ability of law to realize justice, I suggest that the campaign followed a formalist and statist approach to Law in mapping out its egalitarian demands, and reduced the notion of gender justice to legal reform.

9 This approach is very much aligned with the formalist approach of Mahnaz Afkhami who referred to the pre-revolution era in which “[t]he law as the expression of the will of the state was indispensable to the securing of women's rights in Iran.” Mahnaz Afkhami, Women in Post-Revolutionary Iran: A Feminist Perspective in (Mahnaz Afkhami & Erika Friedl eds., In the Eye of the Storm: Women in Post-Revolutionary Iran (New York, USA: Syracuse University Press, 1999) 5 at 14, cited in Louise Halper, “Law And Women’s Agency In Post-Revolutionary Iran” (2005) 28:1 Harvard Journal Of Law & Gender 85 at 87.
I call this formalist and statist approach a ‘transplanting approach’ which aims to replace a ‘bad law’ that treats women as second-class citizens with ‘proper law’. This view is derived from some campaigners’ firm belief in the inherent misogyny of ‘immutable’ Shari’a Law. I argue that such a simplistic transplantation lacks a profound theoretical knowledge of the nature and limitations of law and the ways in which law should be dealt with, especially in the Iranian context. I do not suggest that law is not or never a viable possibility to move towards justice, but I emphasize the ways in which law should be engaged with and encourage its use alongside other mediums such as authentic, unique and complex women’s agency in other sights of struggle. Attention must be paid to undertaking discursive engagement with law as well as carving space for women to explore and express their positioning in relation to socio-cultural, and particularly legal, limitations. Even though the law and the state have a role to play in any given feminist activism, I argue for the de-centering of law and state by focusing on women’s enhanced agency as a way to develop new modes of thinking and as a way to conceive of new forms of social practice and action. These new modes of thinking can transform the state and its laws to sites of struggle rather than tools of reform. I also argue that women’s agency in Iranian feminist movements can be enriched through a strong theoretical understanding of law and discursive engagement with law and power, drawing on postmodern feminist critiques of law and the insights of TW feminism. As an example of women’s agency, my thesis highlights that indicators such as health, education, political participation, etc. in the post-revolutionary era reveal that Iranian women’s advancement was not dependent on the existing laws (whether proper or discriminatory). Instead Iranian women have influenced the law to generate promising developments.

1.1.2 Second Argument

My dissertation’s second argument builds on and explains the reasons for my first argument. Through this research, I observed that the OMSC invested heavily in law reform as a promising bridge towards a just future. Agitating for gender justice within the dominant language of law, which obscures law’s gendered orientation in its content and application, and employing a strictly rights-based rhetoric based on equality analysis, OMSC’s theoretical grounding proved itself to be firmly grounded in the western perception of law as well as a liberal feminist legal approach.
According to this theoretical framework, which is known as mainstream feminism today, the campaign addressed the state to realize its demands through parliamentary legislation, while holding an ideological distance from the IRI and suggesting the transplantation of CEDAW norms into Iran. Hence, OMSC became a statist feminist campaign in its practice, and yet secular in its ideological affiliation.

Radical feminists, however, highlight the dynamics of power and domination rather than equality rights. They preserve the law at the center of their scholarship, but try to push its boundaries to critique the state institutions and systematic structures that perpetuate women’s oppression through repressive outcomes. Radical feminists try to change law’s patriarchal values through a radical theorization of patriarchy. OMSC did not develop such a nuanced analysis of law, and instead maintained its legal centralist approach inspired by liberal feminism. Although the campaign asked the parliament to respond to OMSC’s petition and ratify CEDAW, it was also unwilling to work with the state, which was viewed as the extension of male dominance. In this respect, OMSC followed the path of early radical feminists. Furthermore, in some methodological aspects of OMSC’s successful women-centered story-telling and consciousness-raising (CR: here and after) sessions through Face-to-Face Dialogues (FFD: here and after), radical feminist effects can be traced. These methods were employed to reveal and discuss the masculinist nature of law and its role in degrading women’s lives.

As a result of the influence of liberal and radical feminist methods, many of which are outdated or discredited, OMSC drew too heavily and unreflectively on two strands of western feminism, at least in its theoretical grounding, without considering the consequences and specificities of Iran. Hence, OMSC became, even as an indigenous Iranian feminist movement, a reflecting surface for a First World feminist center, although it was more of an “agentive” than “passive” enterprise.  

10 According to Mansoor, due to “the imposition of certain notions of agency and marginalization prescribed by first world feminist discourses, global feminism has cumulatively remained mired within a binaristic closure. This closure is based on the idea of an agentive Western feminist center and a passive third world feminism at the margin.” One can argue that the margin has the potential within which third world women can define herself as an autonomous, independent agentive subject and turn away her gaze from the any hegemonic discourse of the center. See more at Asma Mansoor, “Marginalization” in third world feminism: its problematics and theoretical
propose that future Iranian feminist endeavors would benefit from a closer look at postmodern and TW feminist approaches that are more helpful within global south. The teachings of the postmodern feminist critique of law for OMSC would be that law’s pretense to neutrality is structurally resistant to feminist demands, especially when it is understood in the liberal/radical feminist framework that reduces law to state law and seeks women’s inclusion in the male state. Thus, law needs to be de-centered in feminist activism and turned into a site of resistance whenever it is possible. Moreover, deconstructive methods drawn from postmodern feminism to challenge dominant gender ideologies and hegemonic feminist rhetoric are enlightening for campaigns such as OMSC to avoid them confirming what they originally planned to contest. I also argue that the rich rhetoric of TW feminism and its critical understanding of the universalizing and orientalizing effects of liberal and radical feminism in the global south form a pertinent response to hegemonic feminist discourse and its western conception of law. It also provides tools for Iranian feminism to challenge the universal representation of women and universalism’s hegemonic value systems, and to differentiate their voice, agency and their complex socio-historical positioning from western tropes of mainstream feminism.

1.2 Contextual Background: Iranian Women

Inspired by the potent encounter with postmodern discourse, deconstruction, feminism and legal theory, the motivation for my research is twofold, with both international and national elements. Through my international experience, as I began to build my academic and general public networks in the West, I realized that different parts of my overlapping identities appeared as an oxymoron to many people. For them, modern law and feminism speak to modernity and secularism, while the faith, spirituality and the geography I come from stand for tradition, backwardness, and patriarchy. Striving to distance my surrounding networks from their media-fed narratives of Iranian Muslim women and through narrating my story, I realized that “young Muslim women reconfiguration” online: (2016) 2 Palgrave Communications 16026


11 See more Smart, Carol, *Feminism and the Power of Law* (New York: Routledge, 1989) [Smart, Power of Law]
have to invest a considerable amount of energy to establish themselves as thinking, rational, literate students/individuals, both in their class rooms and outside.”

For example, an Islamic veil is known as the stereotypical image of submissive, oppressed women victimized by the patriarchal system. However, “in Muslim cultures, the veil’s functions and social significance have varied tremendously; particularly during times of rapid social change.” For instance, in the mid-1970s in Iran, a new image of the hijab as a socio-political phenomenon emerged. This hijab not only conveyed the message of piety but also symbolized a departure and dissent from the secularist Western normative world. For those women who wore this attire, their hijab was the epitome of Third World ideals of solidarity and collective legitimacy. In many of the revolutionary protests in Tehran’s streets, the hijab was a means of “resisting and subverting dominant Euro-centric norms of femininity and the objectification of the female body”. At the same time, “fusing a western liberal account of individualism with Islamic culture,” the hijab of some Iranian women in revolutionary years could be understood as a means to “capture a sense of self-worth.”

Going through these experiences, I learned that reductionist and homogenizing narratives were profoundly influenced by the competing narratives of orientalist and mainstream feminists of the

13 ibid
15 K.H. Bullock, “The gaze and colonial plans for the unveiling of Muslim women” (2000) 2:2 Studies in Contemporary Islam 1 at 20; See also H.K. Bullock, Rethinking Muslim women and the veil: Challenging historical & modern stereotypes, (Herndon,VA: International Institute of Islamic Thought, 2002)
17 ibid at 217.
18 Roksana Bahramitash discusses two terms in her article on War on Terror: feminist Orientalism and Orientalist feminism. For her the former phrase refers to “Orientalists who used women’s rights as an excuse to legitimize their colonial presence and their modern version was the neo-conservatives who raise[d] support for war in defense of women’s rights.” Orientalist feminism, however, is “a modern project and a type of feminism that advocates and supports particular foreign policies toward the Middle East.” In my thesis, I took both phrases into consideration.
West, discussing who a woman like me is and how she should be understood, defined and categorized both in academic and mainstream spheres.\textsuperscript{19} Under the essentialist gaze of orientalism,\textsuperscript{20} exercising its power to delineate boundaries of inclusion and exclusion, “certain women’s experiences as patriarchal and others’ as emancipator”\textsuperscript{21} are being constituted and Islam has been hastily turned into “the sole designator of the Middle Eastern society and … the main determinant of women’s position.”\textsuperscript{22} Consequently, Muslim women are often stereotyped as veiled, doomed “victims and not as agents of social transformation,”\textsuperscript{23} in an entirely homogeneous static Islamic culture. These Muslim women have also been described as a malleable construct, continually redefined to suit particular political, cultural or ideological purposes.\textsuperscript{24}

Given these different experiences, this dissertation gives me a scholarly medium through which I can contribute to the ongoing dialogue among feminists to enrich legal and feminist literacy, particularly in Iran. I came to understand that my knowledge and experiences are in sharp contrast with the mainstream representations of Iranian and Muslim women. There are first-hand stories available to me that cannot be “acquired through books or even distanced observation and study of a particular reality”.\textsuperscript{25} Therefore, I will narrate the story of Iranian women who are culturally

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\textsuperscript{19} Narratives of Muslim woman's status evolved from an extensive body of literature by female missionaries and female western travelers that reinforced the dichotomous opposition of the modern Christian west and the traditional Islamic Middle East. Displaying their profound desire to change Muslim women's status, in early twentieth century, between 1907 till 1912, for example, Christian sisters reached out to their "Moslem" sisters' "Cry of need from Lands of Darkness" They mourn for them being buried alive in Hijab by Mohammad, the prophet of Islam and expressed their advancements, saying that Persian women "are adopting our dress, they will get our education in a measure, perhaps our freedom to a certain extent. Shall they have our Christ?" Annie Van Sommer & Samuel Marinus Zwemer eds., \textit{Our Moslem Sisters; A Cry of Need from Lands of Darkness} (New York: F. H. Revell Co., 1907) at 6.

\textsuperscript{20} The Orientalist gaze plays an important role in constructing a fantasy of what the non-West is at best or sustaining occupation at worst. In this dynamic a woman is clearly not seen as an equal but rather as a weak, needy and willing conquest for men. See more at Jasmine Zine, “Between Orientalism and Fundamentalism: The Politics of Muslim Women’s Feminist Engagement” online: (2006) 3:1, Muslim World J. Hum. Rts. 5

\textsuperscript{21} Sara Salem, “Feminist critique and Islamic feminism: the question of intersectionality” online: (2013) 1:1 The Postcolonialist 1 \texttt{http://postcolonialist.com/civil-discourse/feminist-critique-and-islamic-feminism-the-question-of-intersectionality/}. (last accessed February18, 2018)

\textsuperscript{22} Parvin Paidar, \textit{Women and the Political Process in Twentieth-Century Iran}, (NY, USA: Cambridge University press, 1995) at 5 [\textit{Paidar, Political Process}]

\textsuperscript{23} Supra note 18 at 224.

\textsuperscript{24} ibid at 321.

\textsuperscript{25} Supra note 15 at 245.
defined as Muslims struggling for justice, peace, human dignity and equality. I will recount the story of brave Iranian women whose historical praxis proves that the auspicious notion of gender justice is neither exclusive to the ‘West’ nor necessarily secular. In offering a better understanding of the story of Iranian women, I consider “the complex interaction between class, culture, religion and other ideological institutions.” In light of Mohanty’s point that “there can be no apolitical scholarship”, it is also a mandate for me not to essentialize western feminism as a monolithic, homogeneous body of theory and practice. Hence, I alternatively employ the term, mainstream feminism, as needed.

My motivation to write this dissertation was also the current contradictory national and international perceptions of women’s activism in Iran, and the latter’s relation to the power of the state and law. I want to examine these differing approaches in the context of post-revolutionary Iran with its Shari’a based laws. Eliz Sanasarian, an Iranian professor of political science at the University of Southern California, identified the Islamic revolution of 1979 as an era during which women’s movements, and subsequently women’s status, were repressed after long periods of mutiny and appeasement. She outlined the history of women’s struggles and activism between 1900 to almost 1982 involving the interactions amongst many individuals, groups, associations and different political regimes, and surveyed how these players encouraged or impeded women’s rights according to their agendas. She suggested there was an ‘effective and potent’ development of an independent women’s rights movement during the constitutional era from 1905-1925 and that it waned drastically under Reza Shah’s state-directed organization of women’s activism. She then referred to the ‘co-optation’ and ‘homogenizing appropriation’ of the women’s movement during the 1950’s and 60’s during the reign of Mohammadreza Shah. Sanasarian was of the opinion that women’s movements and feminism in particular were compromised in the years following the


1979 revolution as women failed to carry their feminist and political demands into the post-revolutionary era, and she downheartedly described women’s status in post-revolutionary Iran as ‘non-human’.29 Years later in 1994, Mahnaz Afkhami, minister of women’s affairs under Mohammad Reza Shah Pahlavi, also referred to the pre-revolution era as one in which “[t]he law as the expression of the will of the state was indispensable to the securing of women’s rights in Iran”30 and “loss of governmental support has cost Iranian women dearly”31 in post-revolutionary Iran. Therefore “without the support of the modernizing state and its political organs, which were controlled by men, women’s equality rights are unattainable in an Islamic society.”32

In contrast, Haleh Esfandiari, an Iranian-American academic and the Director of the Middle East Program at the Woodrow Wilson International Center and the former colleague of Mahnaz Afkhami in the Pahlavi era, suggested that since the revolution, “women have persistently emerged as one of the most dynamic political forces in the Islamic Republic.”33 In addition to these Iranian perspectives, the American Louise Halper identified the post-revolutionary era as one in which “women have successfully made claims upon the state for public goods, including education and health care.”34 Halper also referred to “the action and agency of Iranian women, sometimes acting together with men, but mobilizing specifically and consciously as women”35 as a crucial factor responsible for promising developments in women’s status. In examining this history, I too will suggest that the legal structure cannot be held as the sole factor responsible for the stagnation or advancement in women’s lives.

29 Ibid at 185
31 Ibid at 12
32 Ibid at 14
34 Louise Halper, “Law And Women’s Agency In Post-Revolutionary Iran” (2005) 28:1 Harvard Journal Of Law & Gender 85 at 91
35 Ibid.
To provide a smooth entry to a more detailed context within which the thesis questions will be answered, I will briefly relate the story of Iranian women.

1.2.1 Who Tells the Story of Iranian women?

“[A]ny conceptualization of movements which attempts to ignore this rich diversity among movements and their often self-contradictory features will become lost in the foggy unreality of its own abstract.”

The story of Iranian women is both diverse and at some points self-contradictory. Indeed, researching and presenting reports about Iranian women has always been a very delicate and complicated task and may lead to significant socio-political corollaries. For example, homogenizing western reports on women of the Middle East are generally filled with mottos of the liberation of Muslim women, and have been used to justify the war against countries such as Iraq and Afghanistan. In particular the “Bush administration’s identification of the ‘liberation’ of Afghan women [was] a key objective in its invasion and occupation of Afghanistan.” Furthermore, in the Iranian context, essentialist depictions of passive, silent and veiled Iranian women were used to pave the way for another US attack on the region after the Iraq and Afghanistan wars, and for extending its unprecedented colonial and imperial project. For instance, in the aftermath of the highly contested presidential election on June 12th, 2009 in Iran, Sakineh, a villager woman, was accused of committing adultery and was sentenced to stoning by a rural court. Her story was widely covered by the media around the world and provoked massive uproar

36 Paul Wilkinson, Social Movement (New York: Praeger, 1971)
worldwide.\textsuperscript{39} Thus, although Sakineh became a doomed victim by the culture, patriarchy and ultimately the judiciary system, her story was systematically misappropriated as the epitome of subjugation of all Iranian women and used as a pretext to overthrow the theocracy in Iran with the help of the US. This representation of Iranian women is incomplete and reductionist, as my thesis will show.

Unseen in these accounts are Iranian superheroines, such as lawyers and human rights activists who have received little or no coverage from more popular or mainstream media while they were either in prison, living in solitary confinement, on hunger strikes, experiencing travel bans or in exile. These women are courageous, outspoken and very well educated, such as Nasrin Sotudeh,\textsuperscript{40} Shirin Ebadi, Narges Mohammadi\textsuperscript{41} or Shiva Nazar-Ahari.\textsuperscript{42} They did not compromise their feminist or human rights demands and dedicated their lives to justice and equality. The failure to report on the stories of these Iranian women was because their images and the causes they fight for were often incongruent with the western colonial projects and their women’s empowerment projects. Shirin Ebadi was an exception to this rule, being awarded the Nobel Peace Prize in 2003 for “her efforts for democracy and human rights [and her focus] especially on the struggle for the rights of women and children”\textsuperscript{43} and commanded a much larger and wider audience. These human


\textsuperscript{40} Nasrin Sotoudeh is a prominent human rights lawyer and a member of the Centre for Human Rights Defenders (CHRD)

\textsuperscript{41} Narges Mohammadi is a distinguished human rights defender. She is also the vice president of the Defenders of Human Rights Center that is chaired by the Nobel Peace Prize laureate Shirin Ebadi.

\textsuperscript{42} Shiva Nazar Ahari is a blogger and journalist. She is also a member of the Committee of Human Rights Reporters (CHRR)

rights and women’s right advocates did not support any form of US meddling and aggressive policies in Iran. They also contributed to building counter-narratives to the images that have been produced both under the patriarchal states and the mainstream western or orientalist gaze. This gaze stemmed from the persisting “scopophilic desire to get behind the veil to know and to contain the elusive Iranian woman”  and to see them in the prison of veils and harems. Indeed these hegemonic views had roots in colonial and feminist history, beginning in the mid-nineteenth century with female missionaries, later with women travelers and, most recently, as feminists advocating for universal sisterhood through their version of modernization and advancement in Iran. 

1.2.2 The Post-Revolutionary Era: A Turning Point for or against Iranian Women

“Who says that all problems are legal [fiqhi] so that some form of adjudication [ijtihad] can resolve them? Who says that all the intellectual and economic transformations of the present age are summed up in legal transformations?”

To understand the question of the centrality (or lack of) in law in relation to women’s equality, and to further historicise and contextualize the critical analysis of OMSC’s strategic plans, my thesis requires a brief historical context regarding Iranian women’s advancement and their relation to state law and power in post-revolutionary Iran. I focus on the fluctuating condition of Iranian women’s formal legal status and the contradictory sociolegal perspectives provoked by the 1979 revolution and its effects on women’s lives. More specifically, I address the post-revolutionary era when women experienced regressive laws, yet managed to advance in many aspects of their lives, specifically and consciously as women. Some statistical data lead us to the main statement of the thesis.

44 Nima Naghibi, *Rethinking Global Sisterhood: Western Feminism and Iran* (Minneapolis: University of Minnesota Press, 2007) at 70.
45 See more *Ibid* on the orientalist characterization of Persian women both from missionaries, travellers and twentieth-century feminists of the West and post 1979 vocal response of post-1979 indigenous Iranian feminists to such practices.
Through my survey of the five generations of Iranian women’s activism in Iran in chapters three and four, I identify the 1979 revolution, popularly known as the Islamic Revolution, as a turning point for women in Iranian history. In this revolution, Iranian women played a crucial role in developing not only the ideology but the actualization of revolutionary Iran. Mobilized as one of the strongest forces against the Shah, both religious and secular women inspired by the prominent opposition leader, Imam Khomeini, poured into the streets to support his movement. The “religious women who had always supported … [religious authorities] but remained secluded in their homes” were inspired by female symbols of Islamic resistance to unjust rules, for example, courageous Hazrat Fatemeh and outspoken Hazrat Zeinab who have been glorified by Ulama as well as religious intellectuals. One interesting phenomenon was that these religious figures and their thoughts and teachings created such excitement in women that “some younger, secular, unveiled women resorted to the chador (veil) in a symbolic defiance of the Shah’s Westernized dictatorship and solidarity with the massive women’s participation.”

However, in the early post-revolutionary days, Iranian women were genuinely shocked by the outcomes of the revolution. When the Islamic Republic of Iran was established in January 1979, the hijab became mandatory for women working in governmental offices and women were

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47 Shah is a title given to the emperors/kings and lords of Iran a.k.a. Persia. Here the title Shah refers to Mohammad Reza Pahlavi, the second monarch of Pahlavi dynasty and the last monarch of Iranian monarchy.

48 She is the daughter of Prophet Mohammad (pbuh). In the book Fatima is Fatima, she is known for her own personhood as a woman and not for her kinship to the prophet’s and Imam’s progeny. See more at Shariati, Ali, *Fatima is Fatima*, Laleh Bakhtiar trans., online: Iranian Chamber Society [http://www.iranchamber.com/personalities/ashariati/works/fatima_is_fatima1.php](http://www.iranchamber.com/personalities/ashariati/works/fatima_is_fatima1.php) (last accessed February 18, 2018).

49 She is the granddaughter of the prophet Moammd (pbuh), daughter of Fatemeh and the courageous sister of the third Shia’ Imams, Imam Hossein. This brother and sister “brought deep revolution to mankind and who fought for honor and freedom and who opposed despotism and oppression.” Shariati, Ali, *Fatima is Fatima*, Laleh Bakhtiar trans., online: Iranian Chamber Society [http://www.iranchamber.com/personalities/ashariati/works/fatima_is_fatima1.php](http://www.iranchamber.com/personalities/ashariati/works/fatima_is_fatima1.php) (last accessed February 18, 2018).


52 Keyhan Newspaper, Press Release, *Hejab* [Veiling] 10655 (March 7, 1979)10655 at 1
prohibited from becoming judges.\textsuperscript{53} The 1967 Family Protection Act (here and after: \textit{FPA}) on marriage, divorce, maintenance and children’s custody rights for women was abrogated by a declaration from Imam Khomeini’s office\textsuperscript{54} in April 1979. This change resulted “in dismantling a large part of the pre-revolutionary reform”\textsuperscript{55} and the establishment of religious courts with appointed religious judges to oversee the implementation of Islamic laws. Through the application of the \textit{FPA}, women had been given more and easier grounds to get divorce and custody of their children in civil family courts, the unilateral right of man to divorce and receive child custody was significantly limited and the age of marriage was raised from 13 to 18 years old. However, in the post-revolutionary climate, classic Shari’a law was reintroduced,\textsuperscript{56} offering a “non-reciprocal and unequal emphasis on the rights and obligations of spouses.”\textsuperscript{57} This rapid legal change included legalizing polygamy and temporary marriage and decreased the age of marriage for girls\textsuperscript{58} to puberty.\textsuperscript{59}

Following these changes, women protested on March 8\textsuperscript{th}, International Women’s Day, at Tehran University in 1979. As their gathering was disrupted and microphones were sabotaged,\textsuperscript{60} the

\begin{supertabular}{l}
\textsuperscript{53} Massoumeh Price, “A Brief History of Women’s Movement’s in Iran(1850 - 2000)” online: Home to Iran <http://www.iranonline.com/history/women-history/index.html>. (last accessed February18, 2018)
\textsuperscript{54} “The \textit{Majles} (the Iranian parliament) never formally repealed the FPL.” \textit{Supra} note 38, note 10.
\textsuperscript{57} Mir-Hosseini, \textit{Marriage Supra} note 55 at 35.
\textsuperscript{59} Article 1401 of \textit{The Civil Code of the Islamic Republic of Iran} set the age for marriage of girls at 13 yrs old, however, with the verdict of the court girls can marry at the age of puberty. Article 1210 of \textit{civil code} sets the age of puberty at 9 lunar years (8 years and 9 months) for girl and 15 lunar years (14 years and 7 months) for a boy; According to the consensus amongst Shi’a depositors the age of puberty for girls is 9 lunar years and for boys is 15 lunar years. If by this age, physical requirements for puberty like menstruation do not occur to them, they will be still considered obliged to religious duties such as fasting and praying. See more at “The definition of pubescence”, Islampedia, <http://islampedia.ir/fa/1390/02/%D8%A8%D9%84%D9%88%D8%BA/#_edn17>. (last accessed February18, 2018)
\textsuperscript{60} \textit{Supra} note 53.
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women’s mass protest moved toward the Justice Palace, Prime Minister Bazargan’s office\textsuperscript{61} and the Jam e Jam TV station.\textsuperscript{62} All of these incidents took place within a few months after the revolution, with women being amongst the first groups who felt their revolution, with its inspiring role models, had been hijacked. Reintroduction of the parliamentary approved “Islamic Law of Retribution, introducing flogging, stoning and payment of blood money for crimes ranging from adultery to violation of Islamic dress codes”\textsuperscript{63} was amongst the unexpected changes caused by the revolutionary forces. The law also prohibited women’s right to “study and work in some areas (such as construction or mining), travel, or enter into education and employment without the consent of either father or husband.”\textsuperscript{64} In a myriad of ways, women’s achievements were reversed and Iranian women found themselves in a discouraging, passive and defensive position towards the “hasty Islamization”\textsuperscript{65} of the country. However, they never ceased to fight back for their rights and demands, as opposed to what some scholars suggest.\textsuperscript{66}

Sanasarian’s research in 1982 identified the Islamic revolution as causing repression of women’s movement during which women lost many of their legal rights.\textsuperscript{67} She suggested that women in the pre-revolutionary era/Pahavi era had a feminist consciousness but failed to carry that consciousness through the revolutionary years. As a result, without problematizing indicators of women’s advancement other than law in her research, she concluded that women’s lives returned to the status of non-human after the 1979 revolution in Iran. In contrast, Haleh Esfandiari claimed

\textsuperscript{61} Prime minister of temporary Government of I.R.I.
\textsuperscript{62} Deutsche Welle Persian, Media Release, Mitra Shojaei, \textit{Chegooneh dar Avayel Enghelab, Hejab Ejbari Shod?} [How Hijab Became Mandatory in Early Days after the Revolutionary] (January 4\textsuperscript{th}, 2014) online: Deutsche Welle Persian <http://www.dw.com/fa-ir/%DA%86%DA%AF%D9%88%D9%86%D9%87-%D8%AF%D8%B1-%D8%A7%D9%88%D8%A7%DB%8C%D9%84-%D8%A7%D9%86%D9%82%D9%84%D8%A7%D8%A8-%D8%AD%D8%AC%D8%A7%D8%AC%D8%A8%DB%8C-%D8%B4%D8%AF/a-17408430>. [translated by author] (last accessed February18, 2018)
\textsuperscript{63}Esfandiari, \textit{Women’s Movement, supra} note 33.
\textsuperscript{65} I borrowed this term from \textit{ibid} at 3.
\textsuperscript{66} See more at \textit{Afkhami, Feminist Perspective supra} note 30.
\textsuperscript{67} See more \textit{Supra} note 28.
that since the revolution, “women have persistently emerged as one of the most dynamic political forces in the Islamic Republic.” 68 Although she does not necessarily refer to the post-revolutionary women’s activism and gender awareness, she argues that, despite various barriers, Iranian women “have won considerable freedom in education, employment, the public sphere and personal dress—all of which will be difficult to completely roll back.” 69 A study on the situation of women in the [Persian] Gulf States similarly finds that Iranian women were successful in making women’s issues public issues and developing a different discourse on gender equality in the public arena. 70 Mahnaz Afkhami, however, insisted in 1994 on the role of “law as the expression of the will of the state” and its essential role to protect women’s rights in Iran. 71 For her, women’s status deteriorated in post-revolutionary Islamic state as Iranian women lost the support of a modernizing state such as the Pahlavi’s. 72

Halper argues that such perspectives on women’s struggle for advancement are overly focused on formal legal regimes and that this statist and formalist approach places the responsibility for women’s status in the state’s hands through state-sponsored laws. In particular, Afkhami’s view does not consider the agency of women living under the state legal system. 73 Halper opines that, to the contrary, women’s status can be observed and analyzed through other means than a strict rights-based perspective, as a legal centralist approach cannot entirely understand women’s day-to-day experiences in Iranian society. As an alternative to the formal legal right approach, Halper looks at the “advancement of women.” She believes that particular attention should be given to other indicators of women’s status, such as “their control of reproductive life, access to education, equality in labor, pension, and criminal legislation, protection against harassment and violence,

68 Supra note 33.
69 Ibid.
72 Ibid.
73 Supra note 34 at 87.
and women’s role in the so-called public sphere, whether in the labor market or in political action.” Halper’s deviation from a formal rights-based approach as the sole indicator of women’s status in any society assists my understanding of, and comparison of, Iranian women’s advancements in the pre and post-revolutionary era in the following data analysis.

A brief appraisal of some relevant statistical indicators of Iranian women’s status supports the claim that the advancement of Iranian women’s lives depends on various factors and indicators, and does not necessarily depend on law that needs to be handed down by the state. In other words, regressive or progressive laws are not the major determinant of women’s status and interestingly, the legal repression of Iranian women was not mirrored in advancement of their status. According to statistical data, it is very clear that while Iranian women continued their collective activism in relation to the state and law during the post-revolutionary era, they also found other mediums through which they could pursue their quest to elevate their social status and regain their lost rights such as the FPA. For example, Halper finds that “[d]ata on literacy, education, labor force participation, health, and fertility from the United Nations and World Bank all demonstrate trends favorable to Iranian women” as she compares the pre and post-revolutionary status of Iranian women.

As a starting point from which to assess post-revolutionary Iranian women’s activism, Esfandiari asserts that by 1978, “on the eve of Iran’s revolution, 22 women [out of 268 MP’s] sat in Parliament and 333 women served on elected local councils. One-third of university students were female. Two million women were in the workforce, more than 146,000 of them in the civil service.” The following data refers to a linear comparison of women’s achievements pre and post-revolution.

74 Ibid at 87, n. 8.
75 Ibid at 90.
76 See more “Doreh 24, pdf. Parvandeh” online: wikinebeshteh: <https://fa.wikisource.org/w/index.php?title=%D9%BE%D8%B1%D9%88%D8%A8%D8%AF%D9%87:Doreh_24.pdf&page=12> (last accessed February 18, 2018) [translated by author]
77 Supra note 33.
1.2.2.1 Educational Attainments

In post-revolutionary Iran, although Iran ranked as the 98th amongst 131 countries being studied in 2013, the gender gap is closing as the 24.4% literacy rate for adult females aged 15 and above in 1976 rose to 80.7% in 2008. The detailed data shows that the expected years of schooling for females in 1971 were 4.3 years but rose to 15 years by 2012 and 2013. The ratio of female to male tertiary enrollment in 1971 of 36.1% rose to 114.8% in 2008 and was last measured at 100.14% in 2012, according to the World Bank. As data shows, male students have been outperformed and yet “female students are increasingly being denied their choice of university because of sex segregation and new regulations introduced in 2007 and 2009, which impose quotas and force students to attend university in their hometowns.” At the same time, the presence of female students in non-traditional majors such as engineering, law, natural sciences and medicine grew. The female share of graduates in engineering, manufacturing and construction at the tertiary level also doubled in five years from 13.3% in 2004 to 28.4% in 2009. Also, the female share of graduates in health at the tertiary level improved from 68.0% to 72.5% between 2004 and 2009. Overall, data shows just how much women’s education improved and even exceeded men’s educational attainments after the 1979 revolution.

1.2.2.2 Health and Survival Data

With respect to health and survival data, although the country ranked 87th amongst 130 studied countries, the life expectancy of Iranian females at birth increased from 44.147 years in 1960 to 78.8 years in 2013.

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78 “The Global Gender Gap” (2013) online: World Economic Forum

79 “The Global Gender Gap” (2013) online: World Economic Forum

80 “Iran - Ratio of female to male tertiary enrollment”, online: Trading Economics


82 Ibid.

83 “The Global Gender Gap” (2013) online: World Economic Forum

84 “The Women’s Organization of Iran and the International Institute for Adult Literacy at 227. [Global Gender Gap]
76.711 years in 2015. While the fertility rate per women in 2013 was 1.92, the maternal mortality ratio (modeled estimate, per 100,000 live births) was lowered from 123 cases in 1990 to 25 in 2015, with 98.3% of pregnant women receiving prenatal care in 2005. Regardless of legislation intended to reduce the age of marriage for Iranian girls, the female age at first marriage continued to rise from 18.5 in 1966 to 23.5 in 2011. These data also reveal favorable trends towards women’s life advancements.

1.2.2.3 Economic Participation and Opportunities

With regards to women’s economic participation and opportunities, Iran placed in the bottom, ranking 130th out of 131 countries. The details show, however, some positive changes. The labour force participation rate for the female population aged 15-64 doubled in 15 years from 10.1 in 1990 to 20.4 in 2005. In the labour law of 1991, Article 38 ordered equal pay for equal work, and prohibited any discrimination based not only on sex but also race, ethnicity and religion. Despite such formal legal support, women’s progression in this area declined and “this [particular formal legal] requirement is not always enforced, and women workers do not receive the same retirement and family benefits as men.”

In these circumstances, even though the national estimate of the ratio of female labour force participation doubled, female employment in industry decreased to 7.2% from originally being 34.5 to 27.3 from 1996 until 2015, and in the service sector decreased to 3.8% from 47.6% between 1996 and 2008 and then increased to 53.2% in 2014.

83 Supra note 83 at 226
87 “Islamic Republic of Iran Reproductive health profile” 2008 online: <http://applications.emro.who.int/dsa1/dsa1172.pdf>. (last accessed February 18, 2018)
90 Tohidi, Iran Supra note 81 at 138
Women were also barred from hard, hazardous and harmful jobs according to Article 75 of labour Code.\(^93\) However, “[u]nder legislation passed by the Majlis in 1995, the duration of paid maternity leave for breastfeeding mothers in both the public and private sectors increased to four months.”\(^94\) This legislation mandated public employers “to provide working mothers with sufficient breaks and proper locations in the workplace to breastfeed their babies”\(^95\) once every 3.5 hours during work hours until the child turns two years old.\(^96\) Considering the number and the age of the female workers’ children, the employers are required to provide nurseries and childcare centers in the vicinity of the workplace.\(^97\) Overall, this section referred to some positive impacts on women’s participation and fair treatment in the workplace that were supported by formal laws. It also indicated, however, that factors beyond the formal legal supports such as employer’s de facto discriminations or limitation in hazardous careers can negatively influence women’s progress in their economic participation and fair opportunities.

### 1.2.2.4 Political and Judicial Empowerment

In the field of political power, female legislators, senior officials and managers in civil service occupied only 12.8% of available positions in 1996 and pushed for further representation, reaching 16.2% in 2005.\(^98\) The proportion of seats held by women in national parliaments increased by almost five times in ten years from 1.5% in 1990 to 4.9% in 1998\(^99\) and eventually reached 5.9% in 2015.\(^100\) Their proportion at the ministerial level ranged from 6.07% in 2005, 3.0% in 2010,

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\(^94\) Tohidi, Iran *supra* note at 81 at 138.

\(^95\) *Ibid.*

\(^96\) *labour code art 78*

\(^97\) *Ibid.*

\(^98\) “Female legislators, senior officials and managers (% of total)” online: Index Mundi <https://www.indexmundi.com/facts/indicators/SG.GEN.LSOM.ZS/compare#country=ir>. (last accessed February18, 2018)


\(^100\) “Proportion of seats held by women in national parliaments (%),” online: <http://data.worldbank.org/indicator/SG.GEN.PARL.ZS?locations=IR-S4>. (last accessed February18, 2018)
9.1% in 2012 and 10% in 2015. In recent years, women of conservative, reformist and Islamic groups pursued the goal of establishing a 30% quota for women in their respective parties’ electoral list. They did not reach this goal but 14 women secured seats in the parliament and seven more candidates have qualified for the second round runoff voting in April 2016. This coalition was also successful in enacting changes to the government proposed FPA to secure women’s right to inherit land from deceased husbands.

Although women are basically excluded from major political positions such as “the Office of the Supreme Leader, the Assembly of Experts, and the Guardian Council, the judicial branch and the presidency”, they still play significant roles in the public arena and push the boundaries to maximize their presence and meaningful participation. The Constitution does not specify the gender of the president or cabinet members in article 115.

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103 Tohidi, Iran supra note 81 at 139.
104 Assembly of Experts is Iran’s only constitutional body with the authority to appoint and dismiss the supreme leader in case the current leader dies or becomes incapacitated. It is ironic that all members have been directly elected after the vetting process by the Guardian Council, but still have to be approved by the Supreme Leader of Iran before being officially considered as a member to the Assembly of Experts.
105 Guardian Council is “a council empowered to vet legislation and oversee elections. The 12-member Council of Guardians is a body of jurists that acts in many ways as an upper legislative house. Half its members are specialists in Islamic canon law appointed by the country’s supreme leader, and the other half are civil jurists nominated by the Supreme Judicial Council and appointed by the Majles (parliament). The Council of Guardians reviews all legislation passed by the Majles to determine its constitutionality.” “Council of Guardians: Iranian Government” sub verbo Guardian Council Online: Britannica <https://www.britannica.com/topic/Council-of-Guardians>. (last accessed February18, 2018)
106 Also known as Expediency Discernment Council was primarily formed to resolve conflicts between the Majlis and the Guardian Council. It also undertake an advisory role to the Supreme Leader.
107 Supra note 70 at 122.
108 The Arabic term "Rijal" literally, means "men". It also merits to mention that in the Persian language there is no gender distinction. It appears that Arabic literal meaning of the term which is used amongst the Persian language of the constitution, guided guardian council to exclusively qualify male candidates as they define the presidential candidate's qualifications. However, It has been argued that in the detailed manuscripts of the Constitution Council, this term was meant to be read as "personalities". See more at Jamileh Kadivar, “Women and Executive Power” in Women, Power and Politics in 21st Century Iran, Tara, Povey, Elaheh Rostami-Povey eds. (Burlington, USA: Ashgate Publishing Company, 2012) 121
109 Presidential candidates must be “from among religious and political personalities … [who are] convinced belief in the fundamental principles of the Islamic Republic of Iran and the official madhhab [Shi’a] of the country”
so women like Azam Taleghani and Rafat Bayat have tried to run for the president’s office since 1997. For instance, in 2005, 89 women, and in 2009, “42 women were among the 475 people who signed up, harboring hope that this time, there was a real chance for a female candidate to stand”. However, they were all disqualified by the Guardian Council.

Women gained some senior level government positions through these years, including Masoomeh Ebtekar, Deputy President, Head of the Environmental Protections Agency, Elham Aminzadeh, Deputy President of Legal Affairs with her “scientific competence” and “legal qualifications”, Nayereh Piroozbakht, Head of National Standards Organization with her great expertise, Zahra Shojaee, Vice President and head of the Office of Women’s Participation of President Khatami’s government and Zahra Rahnavard, artist and the first female university chancellor. Marzieh Vahid-Dastjerdi was also appointed as the first female cabinet minister of Health and Medical Education during Ahmadinejad’s presidency, and Shahindokht Molavardi is now Vice-President of Women and Family Issues.


18 Supra note 70 at 122, 124.
Government’s pledges to increase the number of women serving as ambassadors”119 as no female ambassadors represented Iran at an international level after the Islamic revolution of 1979,120 until 2015 when Marzieh Afkham has been appointed as ambassador to serve in Malaysia.121

Although women like Shirin Ebadi, Iran’s first female judge of a district court, were barred from presiding over courts after the revolution, “changes made in 2003 allowed women the right to serve as legal counsellors”122 in family and public administrative courts as well as the supreme courts. They also remained active in the central governmental firm dealing with judicial process on children’s custodial decisions. The Law Governing the Appointment of Judges, ratified in 1982, prohibited female “judges issuing the final verdict on a legal matter.”123 However, Akram Poorrangnia, a retired female judge suggested that female legal counsels to judges be presented in the court of appeals as their role is instrumental and they can issue the final verdicts along with two other judges and directly impact the final verdict. The judiciary system expected 34 female prosecutors to join the courts in August 2013.124

1.2.2.5 Cultural and Artistic Impacts

In light of this significant progress in women’s civic activism under the presidency of Khatami, between 1997-2005, women found more space to play roles in cultural and artistic domains and

120 In 1976 Mehrangiz Dolatshahi was the only woman to become an ambassador to Denmark in Pahlavi era. Reuters, News Release “Iran to appoint first female ambassador since Islamic Revolution in 1979 –reports” (April 14, 2015) online: Reuters <https://www.reuters.com/article/us-iran-diplomacy/iran-to-appoint-first-female-ambassador-since-islamic-revolution-in-1979-reports-idUSKBN0N50PL20150414>. (last accessed February18, 2018)
122 Tohidi, Iran supra note 81 at 142
124 Tabnak News Agency, News Release, Mostasahr Zan dar Dadgah: Gom va Napeida [Female Advisory Judge: Lost and Hidden] 342655 (September 3, 2013) online: Tabnak News Agency, <http://www.tabnak.ir/fa/news/342655/%D9%85%D8%B3%D8%AA%D8%B4%D8%A7%D8%B1-%D8%B2%D9%86-%D8%AF%D8%B1-%D8%AF%D8%A7-%D8%AF%D8%A7-%D9%87-%DA%AF%D9%85-%D9%88-%D9%86%D8%A7%D9%BE%DB%8C%D8%AF%D8%A7>. (last accessed February18, 2018) [translated by author]
explored innovative horizons in modern modes of female self-expression, especially when “restrictions on personal freedoms and dress were loosened”\textsuperscript{125} during the reform era. In this period, Iranian women “increasingly contributed to cultural and artistic production, and some of the best-selling films, novels, and paintings were produced by female artists.”\textsuperscript{126} The number of female-authored books in 2000 was 5618, an increase of 21.74\% from 1997.\textsuperscript{127} The number of female authors in 2000 was reported as 2811, which increased 76.270\% from 1997. Movies with female directors participating in international film festivals reached 268 in 2000, a 5.737\% increase in comparison with their representation in 1997.\textsuperscript{128}

To summarize, in post-revolutionary Iran, many changes appeared to be detrimental regarding women’s status. A statist formalist approach to law and its impact on women’s life advancement would predict that women’s conditions would have further deteriorated as bad laws replaced appropriate ones, and as state-sponsored support for feminism declined. As I have noted, however, statistical data challenged the relevance of bad laws to Iranian women’s well-being, both formalistic understandings of law and women’s status and the popular image of the restrained post-revolutionary status of women. A closer look at these data reveals that women asked for fundamental prerogatives in a number of areas including education, health, political empowerment and cultural impacts, and made extensive coalitions amongst themselves and mounted many campaigns to mobilize against the patriarchal announcements of the Islamic state.

\subsection{1.2.3 Iranian Women’s One Million Signatures Campaign}

The OMSC in Iran was a peaceful grassroots movement for gender equality that sprang from the efforts of post-revolutionary Iranian women residing in the country. Based on the campaign’s reports and documents, its emergence was the result of a peaceful gathering of different women’s organizations that happened on 22nd June 2006 in one of the main squares of Tehran known as

\begin{footnotes}
\begin{enumerate}
\item Tohidi, \textit{Iran supra} note 81 at 122
\item Ibid.
\item Ibid.
\end{enumerate}
\end{footnotes}
Haft-e-Tir. The group stemmed from the celebration of Solidarity of Iranian Women a week before. The preliminary activities of the congregation were to prepare sets of booklets which identified particular discriminatory laws to raise awareness among women and to discuss how to move forward towards change regarding these discriminatory laws, and to achieve gender equality. After three months of intensive negotiations, the campaign named “One Million Signatures” was established by 54 founding individuals with 118 signatures, endorsing their desire for change. This moment, as I shall explain, marked a historical turning point for Iranian women after more than a century of struggling for their rights.129

During 2006-2010 the campaign strove to realize its goal of ending gender discrimination in the Iranian legal system through raising consciousness and collecting signatures from Iranians. The campaign’s primary aspiration was obtaining equality between women and men. The campaign believed that until such an objective is met, women have no choice but to continue with their struggle. Under the idea of gender equality in the campaign’s signature sheets, it has been argued that discriminatory laws have negative and direct effects on the lives of citizens. Due to the number of laws on topics such as divorce, child custody, inheritance and blood money that OMSC considered discriminatory against women, OMSC saw a need for amendment of these laws by the government.130 The campaign targeted various nationally legislated laws which mostly claim to have their roots in Islamic Shari’a law, such as women’s limited access to divorce, custody and inheritance. It also generally looked to the CEDAW, which was adopted in 1979 by the UN General Assembly. Iran is not amongst its signatories. This convention has often been described as an international bill of rights for women. Consisting of a preamble and 30 articles, CEDAW defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. OMSC emphasized the constitutive effects of the law on women’s lives. It asserted that “these discriminatory laws will never change and will devastate women’s lives unless, not only a large number of people request for its change, but also to have this message

129 Historically from the constitutional era onwards women have struggled to establish justice and equality on issues such as education and women’s right to vote. I will review this history in chapters 3 and 4.
reach and be heard by the authorities and legislators of the country.”  

Changing the content of laws appeared to be the campaign’s central goal.

The dominant theme of the campaign was implicitly secular. However, other voices have been present given the campaign’s pragmatic approach to be inclusive according to the principles of “circumstantial feminism”. This so called pragmatic feminist approach to the feminist endeavor, theorized by Noushin Ahmadi, transcends ideological demarcations and situates itself within the lived realities of women’s experiences. While multiple voices such as Islamic ones were represented in OMSC, the campaign did not see these voices as either threats or as crucial building blocks for women’s coalitions. Although Noushin Ahmadi offered circumstantial feminism allowing OMSC to neither see Islam as an enemy nor methodologically ignore it, it further blurred the relationship of the secular campaign with Shari’a law and CEDAW. In other words, circumstantial feminism encourages coexistence of differences and, if necessary, the constant revision of the socio-legal, political and cultural status quo due to its reformist but non-conformist/non-violent nature. However, circumstantial feminism remains silent about defining its relationship with faith-based laws within a theocratic Iran. In particular, the role of Islamic feminists and their vision on law and the state met with ambivalence in the campaign.

1.2.4 CEDAW in the Mirror of the Iranian Legal Structure

CEDAW occupied an important place in OMSC’s demands and priorities. The campaign wanted the Iranian Islamic parliament to ratify CEDAW as an international bill of rights for women, and to comply with its rules and aspirations. CEDAW gives women’s rights activists a framework to invoke gender inclusive rights and policies. CEDAW was adopted by the United Nations in 1979. Currently, 185 countries - over ninety percent of the members of the United Nations - are member states. Of the “fifty-seven OIC” member countries, all but Iran, Sudan and Somalia have ratified

132 Nooshin Ahmadi Khorasani, Kampyn Yek Million Enza: Revayati az Daroon [One Million Signatures Campaign: A Narrative from Within] (The Author: Tehran, Iran, 2007) at 97 [Noushin, Narrative] [translated by author]
133 Organization of Islamic Cooperation (OIC) <http://www.oicun.org>, (last accessed February 18, 2018)
CEDAW.**134** CEDAW provides a broad definition of discrimination against women and suggests wide-ranging protections within domestic law. According to CEDAW the term ‘discrimination against women’ shall mean:

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.135

Article 16 of CEDAW also asks state parties to take pertinent measures to eliminate discrimination against women in areas related to marriage and familial status and relations to ensure a basis of equality between men and women.136 The Convention also acknowledges women’s rights in different areas, including education, employment, health care, politics and economic life. Many state parties with sizable Muslim populations adopted the convention with reservations due to their concerns regarding discrepancies between Shari’a law and the CEDAW Convention. Their reservations caused the CEDAW committee to make a statement emphasizing that state parties had ratified the whole convention when they agreed to condemn all forms of discrimination against women, especially the ones set out in Article 2.137 The statement also asserted that:

Neither traditional, religious or cultural practice nor incompatible domestic laws and policies can justify violations of the Convention. The Committee also remains convinced that reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible and should be reviewed and modified or withdrawn.138

135 **CEDAW** art 1.
136 **CEDAW** art 16.
138 **Ibid at 49, para. 17.**
In response, the reasons some Muslim majority countries voiced reservations are that some declared "Shari’a as the principal source of law defining rights, duties, and responsibilities of men and women"\(^{139}\) without stating what they meant by Shari’a, or whether this Shari’a was tainted by cultural practices and political ambitions throughout history. Based on this argument, some Muslim countries claim that they cannot “implement [CEDAW-related rights] if inconsistent or in conflict with Islam/Shari’ah.”\(^{140}\) Some countries also claimed that “Islam provides sufficient or superior justice for women or [a] complementarity of rights and duties between men and women.”\(^{141}\)

In Iran, three major approaches exist towards CEDAW. Ratification without reservation, ratification with reservation and not joining the convention at all. The latter approach insists on the incompatibility of Islam and the Western ideals of human rights that are employed to universalize their hegemonic culture. The first two groups know that pressure on the Islamic state by the international community may result in the advancement of women’s legal status in Iran. According to Article 9 in the preamble of Islamic civil code, “[t]reaty stipulations which have been, by the Constitutional Law, concluded between the Iranian Government and other governments, shall have the force of law.”\(^{142}\) Therefore, these international treaties are capable of abolishing their nationally equivalent laws. On the other hand, according to Article 72 of the Constitution of the Islamic Republic of Iran, 1988, “The Islamic Consultative Assembly [majles] cannot legislate laws that contradict the canons and principles of the official religion of the country or the constitution. The Guardian Council is responsible for the evaluation of this matter, as set out in Article 96.”\(^{143}\) Therefore, the Guardian Council’s letter to the Parliament indicates that the Convention contradicts Shari’a in so many cases that making so many reservations to CEDAW would be counter-intuitive.

\(^{139}\) CEDAW and Muslim Family Laws, supra note 134 at 12.
\(^{140}\) Ibid.
\(^{141}\) Ibid at 13
\(^{142}\) Civil code art 9.
\(^{143}\) IRI Constitution art 72.
Many of those reservations are contrary to the original goals of CEDAW according to paragraph 2 of Article 28. Furthermore, the letter states that “it would be anti-Islamic to recommend joining the convention, since it contradicts articles 2, 3 (paragraphs 1 and 5), 4, 10, 20, 21, 72, 115 and 153 of the IRI Constitution.” In light of the fact that the spirit governing the fundamental concepts of CEDAW is perceived as entirely contrary to Islamic principles and the Iranian Constitution, it becomes impossible for the Iranian government to comply with CEDAW’s Article 18.1 stating that “States Parties undertake to submit to the Secretar y-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention.” Under Article 18.1, the government representative should thoroughly report on every one of CEDAW’s articles’ implications in Iran. If this task is not undertaken properly, it paves the way for issuing an international resolution against Iran. I would argue that such an overly punctilious requirement can make the possibility of CEDAW’s ratification problematic for many countries, and not just the Muslim majority ones. If some of these restrictions were less severe, it may result in a contextually relevant implementation of CEDAW principles that would allow the country in question to adopt these principles and protections, but make them their own as a principle of justice in that state.

On the other hand, women’s rights activists in Iran and feminist activists in OMSC should also be aware of the fact that the egalitarian requirements in CEDAW are very far from turning into Jus cogens. This term signifies a “… a peremptory norm of general international law” that is “… a norm accepted and recognised by the international community of states as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.” Because many countries have not reached consensus on CEDAW, especially around human rights issues, CEDAW has a long way to go before

145 CEDAW art 18.
becoming customary international law, which concerns the international obligations arising from generally established and consistent state practice rather than from international treaties. Despite such uncertainties, in August 2015, Ashraf Geramizadegan, the adviser to the vice president in women and family affairs, stated that the CEDAW was the best document formed based on global wisdom and could indeed prevent violence against women.

1.2.5 Islamic Feminism

Islamic feminism is a contested term and encompasses diverse movements with varied methods of interpretations to reclaim the notions of gender equality and social justice. For the purpose of this dissertation, I adopt an Iranian legal anthropologist, Ziba Mir-Hosseini’s perspective on Islamic feminism. For her, there is no “necessary association of feminism with lack of religious faith or inspiration.” Unlike many early advocates for women’s rights and feminism in the Middle East, who were mostly of a secular liberal and socialist orientation lineage, Islamic feminists emerged in many different Muslim majority and minority societies as well as throughout the Muslim diasporas, largely in urban environments, and primarily among highly educated, middle-class Muslim women as an organic response in post-colonial Islamic states.

Islamic feminists are men and women who (1) have been culturally defined as Muslims and they find “inspiration and even legitimacy in Islamic history and textual sources.” Having Islam and its sacred text as their frame of reference to promote substantive equality, equality of opportunity and equality results, they variously apply classic, modern and postmodern exegetical methodologies. (2) As they approach their faith and get involved in the comprehension of their

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147 Article 38(1)(b) of the ICJ Statute indicates that customary international law is one of the sources of international law. See more at Statute of the International Court of Justice, UN Charter, Chapter XIV [Statute of ICJ].


149 See more Ziba Mir-Hosseini <http://www.zibamirhosseini.com/>. (last accessed February 18, 2018)


151 Ibid.
religious resources, their experiences shape their practice, which has been influenced by feminist consciousness, as they are taking part in a mission of dismantling the patriarchal structure of a religious legal system with a radical affirmation of women’s humanity.

Islamic feminists’ numerous contributions to both feminist discourses and the world of Islam paved the way for extra-religious and intra-religious conversations. These contributions include challenges to, first, the essentialist view of Muslim women as doomed and victimized passive receivers of their ossified tradition instead of active participants of their faith; and second, to the traditional means of producing religious knowledge to modify and rework it from women’s perspectives. Islamic feminists also offer alternative approaches to the entrenched, official, male-dominated Islamic canon through discursive, critical and deconstructive engagement with Islam to prove that Muslim women’s experiences matter. These experiences indeed influence the ways in which they regulate their families and their personal status laws as well as their sociopolitical atmosphere and make sure that these structures encompass their well-being. Therefore, in Mir-Hosseini’s view, all these challenges resulted in extensive availability of classic jurisprudential resources to the public, which evoked Muslim women’s greater activism and paved the way for some Muslim men and women who are “feminist’ in their aspiration and demands, yet ‘Islamic’ in their language and sources of legitimacy.”

Many scholars who delve into Islamic teachings in a search for gender egalitarian aspirations and interpretation of Islam, may not accept to be located within the meta narrative of feminism. For example, Asma Barlas, whose brilliant scholarship was recently introduced to the Iranian intellectual arena, strongly rejects the title of ‘Islamic feminist’ that was given to her originally by Margot Badran. Barlas argued that while at the turn of the 20th century some Egyptian women

153 Dr. Barlas is currently a professor at the department of politics at Ithaca College. Her research interests include but are not limited to Islamic religious/intellectual history; Qur’anic hermeneutics; Muslim women’s rights; colonialism and race and “Third” World See more Asma Barlas <http://faculty.ithaca.edu/abarlas/>(last accessed February 18, 2018) ; Asma Barlas, Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur’an (Austin, TX: University of Texas Press, 2006).
154 Dr. Badran is a senior fellow of Prince Alwaleed bin Talal Center for Muslim Christian Understanding, Georgetown University and also affiliated with Wilson Center in various projects such as Islamic Feminism, Human
started to read the Qur’an on behalf of women’s rights, she is “troubled by feminism as a discipline that uses up yet silences critics that fall outside its all interesting framework.” Barlas challenges the assimilative tendency of feminism by asking “why is it impossible … to speak about sexual equality without immediately being labeled some sort of feminist regardless of how I want to position myself?” and why should these versions of activism fall “under the rubric of western women experiences” as feminists? As I understand it, Barlas tries to challenge the imperial eye that feminism offers as a universalizing political theory. Her desire as an ex-colonial subject is that she has a need and right to be addressed from a decolonial perspective and to name herself in her own words. I appreciate Barlas’s anti-colonial positionality and her innovative and uniquely liberating work in the field of Islamic and Qur’anic studies. However, for the purpose of this dissertation, I wish to redeem both TW feminism and Islamic feminism, and discuss them in relation to one another, given the context of the Islamic Republic of Iran as a theocracy ruled by Islamic Shari’a.

1.3 Methodology

I first learned about the OMSC during my stay in Vancouver in 2008/2009. I became involved in the capacity of reviving the Vancouver OMSC after its brief activity led by other volunteers in 2007. The Vancouver OMSC was founded in the Iranian diaspora located in North Vancouver and UBC areas in the Lower Mainland. I facilitated a number of educational workshops on prenuptial clauses, women’s actions against domestic violence, and the history of 150 years of Iranian women activism. As more volunteers were recruited, the Vancouver campaign started to collect more signatures, reaching nearly 350 from the Iranian men and women who felt that their signatures would contribute to changing discriminatory laws against Iranian women. One of the major impediments of collecting further signatures for the campaign was the security risks that Iranian individuals and families might encounter, including their passports being confiscated and their


156 Ibid.
routine family and business travels jeopardized. However, the Iranian signatories in Vancouver, who maintained strong familial and hence legal ties with Iranians residing in Iran, were deeply moved by the campaign’s ethos and showed great enthusiasm and support for the cause. These Iranians offered an example of the notion of ‘nationals’ who transcend national geographic borders and transform transnational spaces into a public sphere within which they continue to exercise their agency.

When I decided to undertake a scholarly study of OMSC in 2010, I stepped aside from my volunteer role in Vancouver OMSC in order to focus on critical analysis of its principles and approaches, demands and, most importantly, its feminist legal method. Towards this end, the key sources that I studied were the OMSC’s primary documents including its “petition”, “About One Million Signatures Demanding Changes to Discriminatory Laws” and, finally, “The Effect of Laws on Women’s Lives.” These documents may be found in the Appendices to this dissertation.

I have also extensively reviewed and analysed blogs and articles by OMSC members and those who were commenting on OMSC’s activities on the various campaign’s affiliated websites.

The primary method employed in my dissertation is discourse analysis, which enables analysts to identify, challenge, resist, destabilize and displace dominant views and to map out possible strategies for bringing about change within an increasingly complex system of power through which knowledge and truth are produced and a dominant interpretation of reality is established. Discourse can provide a field of possibilities to contest or conform to instances of hegemonic power. As a feminist lawyer, incorporation of feminist analysis and discourse analysis appeared crucially important, particularly in examining how women as individuals and as a collective negotiate their path through power relations which manifest itself through women's agency. In addition to discourse analysis, I employed four feminist legal theoretical approaches to understand feminist activism in Iran. Critical historicization as well as textual analysis have also employed throughout my dissertation, particularly in studying 150 years of Iranian women activism.

The limits of my method include the fact that I ‘studied down’. That is, instead of starting with the grassroots voices and experiences, I employed discourse analysis and feminist legal theories to
critically examine feminist activism in Iran. This approach in turn runs the risk of echoing privileged and elite women’s perspectives and writings. I nevertheless took this approach for two reasons. 1) In OMSC’s self-description, it had no institutional affiliation with the state, and thus positioned itself as a grassroots feminist campaign with all its diversity and potential. 2) According to my research, extensive research in the areas of sociology, political science, women’s studies, journalism and anthropology had already been conducted on OMSC at a grassroots level. Having located a gap in the literature, which had not studied the feminist legal domain, I decided, as a legally trained scholar, to employ a legal lens as an unprecedented theoretical and methodological contribution to the literature.

1.4 The Research Road Map
In this section, I offer a road map of the rest of my dissertation to clarify the main questions of my thesis and give a clearer picture of how I will approach them through my doctrinal, historical and textual analysis.

1.4.1 Chapter Two on Law: Feminist Critique and Methods
This chapter explores various feminist legal theories including liberal and radical feminist legal approaches. While many of their key feminist ideas lost their momentum, they continue to influence and shape contemporary Iranian feminism. Moreover, this chapter invites postmodern and TW feminist approaches into the contemporary conversation of Iranian feminist movements in order to understand OMSC within a theoretically situated global south. In the feminist liberal approach to law, legal centralism and equality analysis will be studied as a positivist, rights-based feminist method. Liberal feminist legal approaches aim to include women in the structure law through law reform. In radical feminist jurisprudence, it is argued that a focus on discriminatory laws should extend itself to a more structural critique of patriarchy and introduce a deeper analysis of gender and power. CR and storytelling are the methods that are encouraged by radical feminists to enhance and amplify women’s awareness to challenge the dominant masculinist discourse that might appear natural and inevitable and to carve further socio-political and legal space for women to undertake more education and re-conceptualization. In these women-centered strategies,
through sharing the most consistent female experiences, the hegemonic patriarchal account of law is challenged and facts and perspectives from the margins are emphasized and empowered.

This chapter also explores postmodern feminist critiques of law, with the emphasis on how law is a gendered phenomenon and often resistant to feminist challenges. Postmodern feminist approaches to law explore the non-essentiality of the category of “women”. This approach highlights marginalized narratives and experiences by employing multiple perspectives that are more likely to appreciate, for instance, the intersectionality of gender with factors such as class and religion. Deconstruction emphasizes a diverse society in which women express themselves as female members of a community and have the power and agency to resist the arrogance of law as well as the dominant gender ideologies. TW feminism and its critical understanding of the universalizing and orientalizing effects of liberal and radical feminism is also an important response to hegemonic feminist discourse. It provides a fertile theoretical ground for feminists of developing countries to challenge universal representations of women and hegemonic value systems in order to find their autonomous feminist voices and recognize their agency through strategies that are historically, politically and culturally situated.

Chapter 3 also explores the nuance of discussing feminism versus women’s activism in various scholarly works and how feminism versus women’s movements respectively outline their approaches toward the state. Nevertheless, for the purpose of this dissertation, I focus mainly on four categories of liberal, radical, postmodern and TW feminism.

1.4.2 Chapter Three on The First Three Generations of Iranian Women’s Activism: Class, Ideology, and Religion (Phase I)

In this chapter, I present a history of Iranian women and women activists’ struggles to fight for equality, freedom, and confidence, starting from the mid-19th century. My narrative scrutinizes the highlights of Iranian women activists’ praxis, their traits, and qualities by considering a variety of historical and socio-political specificities. Moreover, I shed light on the historical progression of Iranian women activists and feminists, mainly in their social activism, public and political engagement and in the role they play in enhancing women’s health and education. The original
categorization of five generations of Iranian women’s activism was briefly developed by Noushin Ahmadi and I will problematize and expand on her analysis.\textsuperscript{157} In chapter three, I analytically explore the first three generations of Iranian women’s activism in Phase one. This phase started around the constitutional revolution and continued up until the Islamic revolution (1905-1979). Charting the earlier progression and complexity of Iranian women activism, I develop an analytical categorization based on how their characteristics were defined in relation to the state, law, popular religion, ideology and class.

1.4.3 Chapter Four on The Fourth and Fifth Generations of Iranian Women’s Activism: Class, Ideology, and Religion (Phase II)

To honor Iranian women’s legacy, I explore major aspects of the second phase from the Islamic Revolution to the Green Movement (1979-2010) including the fourth and fifth generations of Iranian women’s activism in chapter four. I primarily examine these generations based on their approaches to law, ideology, class and religion. These generations experienced the overthrow of the last monarch of Iran, Mohammadreza Pahlavi and observed the revolution that led to the formation of the Islamic Republic of Iran as a revolutionary state. In the post-revolutionary era, the official reading of Islam as formal religion of the state, immensely affected Iranian women’s day to day life, including family law’s structure, higher education, and professional engagements. I examine a new gender discourse that evolved in post-revolutionary Iran, which set the scene for the emergence of OMSC. Given the dense history of women’s activism in Iran and in honor of their heritage, my dissertation aims to only capture the key aspects of such rich cultural history of women’s activism in order to create a socio-historical context for engaging with OMSC in chapter Five.

1.4.4 Chapter Five on One Million Signatures Campaign (OMSC)

This chapter expands my analysis of the fifth generation and the remainder of the fourth generation of Iranian feminists forming OMSC and developing a new approach to the women’s movement that went far beyond the ideological boundaries of Iranian political space. While I applaud

\textsuperscript{157} See more at Noushin, Narrative supra note 132.
OMSC’s feminist union over mutual demands in which ideological and identity-based demarcations were deliberately blurred, I offer a critical analysis of OMSC’s strategic plans and extend my critique of the campaign’s formalist approach to law and its situatedness in western tropes of feminism. I also analyze the socio-political climate of 2010 within which OMSC almost faded away.

To better understand the campaign, I start with the history of its emergence, its progress, and consider the significant challenges it faced. Additionally, the campaign members’ presence in the Iranian diaspora is carefully acknowledged, and their discursive engagement with Western mainstream feminism is critically analyzed. I highlight the campaign’s horizontal structure and the FFD projects the campaign used to share their stories and experiences and raise awareness. I suggest that their discursive engagement in producing feminist collective knowledge/norms appeared deconstructive at many levels. To appreciate the extent to which Iranian women’s agency has the potential to flourish and deliver a pragmatic social critique through a feminist lens, I employ the four feminist legal approaches that are reviewed in chapter two to stimulate thinking and insights. I also refer to OMSC as a steady, non-violent, reform-oriented feminist endeavor holding women accountable to explore and experience various empowerment avenues.

1.4.5 Chapter Six on OMSC’s Theoretical Analysis

In this chapter, I analyze OMSC as an Iranian feminist campaign and its multiple contesting or consonant methods and approaches. Observing the campaign’s understanding of law that is based on the rule of law in liberal feminism, I critically analyze the campaign’s focus on law reform to realize formal equality and ultimately gender justice. I suggest that the campaign became a formalist legal centralist campaign, which is statist in its strategy rather than its ideological affiliation. I observe that OMSC relied too heavily on liberal feminism and its equality-analysis within the legal system. I conclude that equality analysis, in OMSC’s case was not enough to fundamentally challenge the patriarchal machinery and sexist domination, and that dealing with such complexities requires feminists to move beyond the preliminary teachings of mainstream feminist discourse on gender equality.
Radical feminist legal approaches move beyond mere identification of discriminatory laws against women and offer critical analysis of the power structures within state institutions and their relation to perpetuating subjugation of women. I argue that OMSC attended to neither of these theoretical specificities and remained situated within the discourse of formal equality. Radical feminist approaches hold a pessimistic view on the state as an extension of male’s power to control women’s sexuality. In this respect, OMSC followed suit and kept its collaboration with the state to the lowest level possible, especially since the campaign wanted to keep its ideological affiliation intact from the government. I also observe that the FFD sessions run by OMSC had many points of commonality with radical feminists’ methods of storytelling and CR. In these sessions, through exchanging knowledge, concerns and experiences, Iranian women could learn about and hence, challenge patriarchy, raise public awareness about their unprivileged legal status, and break women’s isolation.

I continue this chapter by suggesting that future Iranian feminism would benefit from inviting postmodern and Third World feminist approaches into its contemporary feminist conversation and strengthening the intellectual muscle of feminist endeavors emerging in Iran that is situated in broader global south. I am of the opinion that postmodern theorization on the circulation of power is essential for campaigns such as OMSC to break free from the radical feminist perception of women being eternally imprisoned in the oppressor-victim model of domination, and their own rhetoric of Iranian women as second-class citizens and victims of legal oppression. I also argue that TW feminism is a pertinent framework for Iranian feminism to challenge hegemonic feminist value systems and to promote Third world women’s self-reflective, autonomous voice and agency within their complex socio-historical and geographical positioning.

1.5 Logistical Challenges

I encountered some problems in achieving the objective of this research, which I now address.

1.5.1 Election Aftermath

During the early stages of my research on critical analysis of the role of law in women’s status and narrowing down my focus on the OMSC, Iran faced a shocking political crisis on the 12th of June,
2009 in the aftermath of the presidential election. Before the election, as OMSC was losing its impetus, Iranian women formed a coalition called Convergence of Women, which represented 40 women’s groups and almost 700 male and female activists.\textsuperscript{158} They were tenaciously involved in discussing their clearly defined socio-legal demands, which included the ratification of CEDAW and reminding the government about the gender rights enshrined in articles 19, 20, 21, and the revision of article 115 of the constitution.\textsuperscript{159} They vigorously followed up their demands in discourse with representatives of the presidential candidates with “a high level of gender consciousness, self-confidence, and feminist agency”\textsuperscript{160} as opposed to women’s rallies in the 1979 Islamic Revolution, which were more ideological, sectarian and revolutionary.\textsuperscript{161}

However, the elections were allegedly marred by fraud, prompting peaceful objections to the election results by millions of Iranian men and women. During the election aftermath, many protesters were sentenced to imprisonment for demanding their pro-democratic civil rights. Among the imprisoned activists, the names of OMSC members got considerable attention from cyber and foreign media.\textsuperscript{162} For the first few days after the elections, a shadow of terror and insecurity paralysed women’s coalition movements. However, I observed the proverbial phoenix rising from the ashes of terror and shock that had resulted from the massive repression of people in Iran during the post-election era. Women’s campaigns also found their own unique voice via their constant meetings and scholarly articles to redefine their strategies to survive in the new political environment.

\textsuperscript{159} IRI constitution art 15.
\textsuperscript{161} Ibid.
1.5.2 Cyber Censorship

According to Internet World Stat (IWS), there are 46,800,000 internet users in Iran as of December 2014, which represents 57.2% of the population,\(^{163}\) and this represents the highest population of web usage in the Middle East by 41.2%.\(^{164}\) However, according to the Freedom House Report of 2014, “Iran, Syria, and China were the world’s worst abusers of internet freedom overall”,\(^{165}\) which was made possible by the emergence of their domestic technical capacity to filter the internet.\(^{166}\) According to article 24 of the Iranian constitution, “Publications and news media shall enjoy freedom of expression provided what they publish does not violate Islamic principles or the civil code. The details shall be outlined by the law.” The filtering policies for cyberspace articulated according to a 1986 press law that outlined restrictions to freedom of speech noted that:

> promoting subjects that might damage the foundation of the Islamic Republic … offending the Leader of the Revolution … or quoting articles from the deviant press, parties or groups that oppose Islam (inside and outside the country) in such a manner as to propagate such ideas… or encouraging and instigating individuals and groups to act against the security, dignity and interests of the Islamic Republic of Iran.\(^{167}\)

The implementation of such laws was especially intensified during the 10th presidential election disputes and the rise of the Green Movement in 2009 due to the incumbent president Ahmadinejad’s desire to limit the influence of reformist candidates in cyberspace.\(^{168}\) The 11th

\(^{163}\) “Iran, Internet usage, broadband and telecommunications reports” online: Internet World Stat [http://www.internetworldstats.com/me/ir.htm](http://www.internetworldstats.com/me/ir.htm). (last accessed February18, 2018)


\(^{166}\) “Internet Filtering in Iran” online: Open Net Initiative [https://opennet.net/sites/opennet/files/ONI_Iran_2009.pdf](https://opennet.net/sites/opennet/files/ONI_Iran_2009.pdf). (last accessed February18, 2018)at 4.


\(^{168}\) Deutsche Welle Persian, Media Release, Seifi, farnaz, “Hasht Saal Internet dar Dolat Ahmadinejad” [Eight Years of Internet in Ahmadinejad’s Government] (August 10, 2013) [http://www.dw.com/fa-ir/%DB%B8-%D8%B3%D8%A7%D9%84-%D8%A7%DB%8C%D9%86%D8%AA%D8%B1%D9%86%D8%AA-%D8%AF%D8%B1-%D8%AF%D9%88%D9%84%D8%AA-%D9%85%D8%AD%D9%85%D9%88%D8%AF-%D8%A7%D8%AD%D9%85%D8%AF%DB%8C%D9%86%DA%98%D8%A7%D8%AF/a-17010461](http://www.dw.com/fa-ir/%DB%B8-%D8%B3%D8%A7%D9%84-%D8%A7%DB%8C%D9%86%D8%AA%D8%B1%D9%86%D8%AA-%D8%AF%D8%B1-%D8%AF%D9%88%D9%84%D8%AA-%D9%85%D8%AD%D9%85%D9%88%D8%AF-%D8%A7%D8%AD%D9%85%D8%AF%DB%8C%D9%86%DA%98%D8%A7%D8%AF/a-17010461). (last accessed February18, 2018)
presidential election in 2013 brought waves of hope and enthusiasm, but significant restrictions on speech and access to information remain intact.\textsuperscript{169} The popularity of utilising cyberspace as a medium to express contesting ideas made almost 100,000 bloggers active in Iran, many of whom substituted their blogs for the “once flourishing, but now largely suppressed, reformist press.”\textsuperscript{170} Unfortunately, many of these bloggers or online activists faced arbitrary detention, persecution, imprisonment and mistreatment.\textsuperscript{171} Hence, in 2010, Iran was labeled as one of the “Enemies of the Internet.”\textsuperscript{172}

Women’s issues, especially feminist activism, are not excused from the government’s filtering agenda, and indeed are made a top priority in the country’s security. As I was pursuing my research in Iran from 2012 until 2016, almost all OMSC related websites such as Change for Equality and Feminist School, as well as facebook and twitter, were filtered, blocked and ultimately made inaccessible in Iran. Although there are sophisticated proxies and censorship circumvention tools such as Tor, VPNs, Psiphon, and UltraReach for netizens in Iran to access the cyberspace and combat the internet war, I decided to utilise The University of British Columbia’s VPN service to bypass Iran’s censorship systems.

\textsuperscript{169} Supra note 165 at 416.
Chapter 2: Feminist Legal Theory and Methods

Feminist critiques of law and its methods under the name of feminist legal theory have been generated by many feminist academics. Because feminist legal theories evolved from multiple strands of feminist thought, they became complex, diverse and sometimes incongruous with one another. Some conservative legal scholars may suggest that feminist legal theory presents a political interest group rather than a serious academic endeavor. However, feminist legal theory is now considered as applied theoretical positioning that is used to “critique a practical area of activity-law and policy.” Feminist legal thought is a crucially important lens for my dissertation. As I have explained before, my case study is the OMSC, which emerged in 2006 during a challenging political atmosphere that was affected by the rise of Ahmadinejad’s conservative government since 2005. The OMSC aimed to (1) unify Iranian men and women’s social forces from below, and not from within the official power structure, in order to amend non-egalitarian, nationally-legislated laws, and to end gender discrimination; (2) use an important body of international law, CEDAW, to set up an agenda for national government action to end gender discrimination. The primary materials that OMSC engaged with were discriminatory laws against women, as well as enhancing women’s agency in relation to these laws. In both approaches, the OMSC mainly addressed political power and most specifically the legislature, while the method of the campaign itself consisted of grassroots activism. For the campaign, law reform was a viable medium to achieve gender equality and women’s life advancement. Hence, CEDAW offered a desirable set of legal norms through which equality for women could be achieved. These norms would be implemented domestically through national parliamentary ratification.

In chapter two, I develop a feminist legal lens to inform an unprecedented examination of OMSC and enrich the existing literature on OMSC from disciplines such as sociology, journalism, anthropology and women and gender studies. Feminist legal thought will shed light on the campaign’s strategic plans ranging from more theoretical work, to the more material experiences

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174 Margaret Davies, “Unity and Diversity in Feminist Legal Theory” (2007) 2:4 Philosophy Compass 650 at 651-652. *[Davies, Unity]*
of women’s activism in Iran. This chapter offers two sections. In section one on feminist legal theory, I explore four feminist approaches and their relation to law. During these critical reviews, I also investigate the shifting development of feminist approaches to law. One side of the feminist spectrum is mainly the Western perspectives/philosophies of feminism, including liberal and radical feminist legal theory. Law is placed at center stage in these two feminist legal theories. This chapter as well as chapter six suggest that OMSC’s theoretical grounding is mainly based on Western liberal and radical feminist frameworks, which are mainly legal centralist. Even though many of the key aspects of these feminist legal approaches are outdated now and they pay little or no attention to intersectionality, I suggest that they continue to shape contemporary Iranian feminist discourse. On the other end of the feminist spectrum are the postmodern and TW feminist approaches that aim to de-center law, as well as all totalizing feminist knowledge that seeks to homogenise and universalise feminists’ struggles under what is known as the western feminist standard. I hope that my exploration of these two critical feminist approaches will provide further contextual insights to OMSC’s feminist praxis and their critical approach to discriminatory laws, and initiate a debate on what is the most suitable feminist theoretical grounding for Iranian feminist campaigns. I will suggest that, although all four feminist theoretical perspectives on law have important contributions to make, in order to transform socio-cultural awareness of Iranian women and accelerate their lives’ advancement, postmodern and TW feminist approaches need to be more vigorously incorporated to shape and enrich future feminist praxis within the context of Iranian women’s activism situated in global south feminism.

In the second section, I explore the work of various scholars who defined and elaborated on distinct characteristics of feminist activism and women’s activism. I use their comparisons to better understand the diversity of women’s activism in Iran, particularly from the constitutional era until the Green Movement in 2010, and to locate the most suitable feminist theoretical grounding. I distinguish between the movements that fall under nationalism or post-colonialism, and those for which feminism is their prior ambition. This discussion aims to assist the understanding of the history of women’s activism in Iran reviewed in chapters three and four, their various features, methods and founding theory, as well as their relation to power and the state.
2.1 Feminist Legal Theory

Legal theory continues to evolve from a variety of philosophical perspectives ranging from law and morality to law and violence. In the meantime, multiple feminist lenses have captured essential aspects of law are relevant to the lived experiences of millions of women and children in various geopolitical and socio-cultural contexts. Feminists have also made scholarly contributions in the areas of gender, sexual identity, race, class, religion, and (dis)ability as intersecting categories that interact with law. Feminist legal theory also echoes certain aspects of legal thought that have been simultaneously investigated in the works of critical legal studies scholars, critical race studies scholars, postmodernists and poststructuralist scholars. In the same vein, feminist responses to law are formed by feminism’s varied perceptions about law and its role in society. Naffine, for example refers to women’s apprehensive relation to law, power and the state. She states that the kind of feminism that involves law and legal reform tries “to make sense of the many ways gender shapes law, to reveal the many ways that law, as a consequence, harms women, and to try to change law so that women are helped.”

In this section, liberal, radical, postmodern and TW feminism will be studied respectively. Subsection one on the liberal feminist approach to law situates itself and women’s right activism within the domain of legal centralism, placing the law at the top of the hierarchy as the key medium leading toward gender justice. This feminist legal theory employs equality analysis and seeks women’s inclusion in state structures through legal reform. Liberal feminist legal method shares a number of commonalities with what I understand to be a possible feminist legal philosophy behind the OMSC. Radical feminism emerged as a critique of liberal feminism. Radical feminist legal theory perceives law as a hegemonic system derived from male subjectivity and one that has systemic marginalizing effects on women as well as feminist discourses. Subsection two explains that the radical feminist approach moves beyond mere identification of certain discriminatory laws; it tackles law itself through discursive engagement with its structural limitations, as well as gender, power and the role of the state. Under the radical feminist approach, I will also explore

consciousness-raising (CR) and story-telling as means of feminist knowledge production, leading to the construction of feminist theories and practice. Its CR and story-telling methods share some commonalities with the campaign’s FFD methods to educate and raise women’s consciousness in Iran.

Subsection three on postmodern feminist approaches takes a more drastic step in critiques of law. Hence, I explore new horizons that could enable feminist campaigns such as OMSC to reformulate their gender egalitarian demands. A postmodern approach exposes the power of law and its representation of male culture, and hence, it advocates the importance of de-centring law wherever possible. Feminists are encouraged to think of non-legal strategies to improve women’s lives and carve out more social space to resist dominant discourse, and ultimately shift the gravity of power from its exclusive nature towards inclusiveness. I also explore deconstruction as a critique of women’s suppression and as a tool to reveal their invisibilities in dominant structures.

The fourth subsection on TW feminism focuses on a shift in power and privilege amongst feminists’ global positioning as well as a shift of feminist context that can lead to recognition of women’s multiple realities, particularly in the global south. TW feminism emerged as a counter-narrative to hegemonic portrayal of passive and disempowered Third World women. This feminist approach emphasizes the plurality of women’s forms of resistance and their emancipatory feminist praxis. TW feminism provides a critique of the effects of globalization, which profoundly relies on Western-centric notions such as universal patriarchy, empowerment and agency without exploring the metamorphosis during their contextual migration. TW feminism’s nuanced perspective can be extended to explore and offer a distinct standpoint on Women’s right campaigns such as OMSC within the Islamic states such as Iran with their complex socio-legal and economic positioning within the Third World.
2.1.1 Liberal Feminist Approach to Legal Theory

Liberal feminism in its early stages in the 18th and 19th century was predominantly “an equality-based strategy, which assumed no legally relevant differences between men and women.” The tendency was that of formal equality, which places law in the foreground of its focus. Liberal feminism tried to demystify and unmask the continued marginalization of women, and dismantle the means of their exclusion. The primary goal was to pave the way for women entering into public life and more specifically “public institutions such as the law.” Such commonly shared desire amongst feminists was crucial to initiate their challenges to sex inequalities that are rooted mainly in the law and the culture through which discriminatory legal traditions are constructed, and male supremacy has been secured.

2.1.1.1 Historical Roots

Liberal feminism has its historical roots in liberal political philosophy. This feminist adaptation of liberal political theory is based on an individualist model that assumes “human individuals are ontologically prior to society [and] are the basic constituents out of which social groups are composed.” Thus, for example, the feminist application of this model emphasizes women as rational creatures who “determine both the moral good and their own individual self-interest.” In the late 18th and 19th century, especially in the works of Mary Wollstonecraft or John Stuart Mill, the principles of liberal political theory were taken from those models to develop new gender analyses. Mill was an exceptional and outstanding character of androcentric Western philosophy and enlightenment who took the question of gender into account and affirmed women’s equality to men. In Mill’s perspective, “the very principle of justice requires that women possess

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176 Martha Albertsone Fineman, “Feminist Theory in Law: The Difference it Makes” (1992) 2 Colum. J. Gender & L. 1. at 1
177 Ibid.
179 Loretta Kensinger, “(In)Quest of Liberal Feminism” (1997) 12:4 Hypatia 178 at 184.
180 Mary Wollstonecraft, A vindication of the right of woman (New York: Norton, 1833)
the same rights as men, and that equality before the law will lead to justice in all spheres of social and political life.”\textsuperscript{183} Hence he showed systematic and continuous interest in women’s emancipation based on the principle of equality between sexes. Mill denounced the legal subjugation of women as “wrong in itself” and considered legal discrimination as “one of the chief hindrances to human improvement” that needs “to be replaced by the principles of perfect equality.”\textsuperscript{184} His main concern was the existing relations between the sexes that marginalize, subordinate and ultimately silence women. For example, along with Wollstonecraft, Mill intensely campaigned for women’s suffrage and their equal access to education.\textsuperscript{185} For him “women need political equality to safeguard their own interests and that political inequality interferes with the happiness of both women and men.”\textsuperscript{186}

Furthermore, feminists such as Wollstonecraft and Harriet Taylor\textsuperscript{187} stepped outside of traditional male-centered liberal thought as they argued for women’s “rights of individual freedom, personal independence, achievement through merit, and equality of opportunity”\textsuperscript{188} as the markers of liberal formal equality. For example, in American feminist history, prior to and during suffrage rights movement, while a few women were benevolently granted admission to the bar and became licensed practicing lawyers in the 1870’s,\textsuperscript{189} most women were denied access to legal professions based on their sex. Justice Bradley’s opinion in the Bradwell case that “true women” should be confined in “separate, domestic sphere” became widely known in American history as an example of gender discrimination.\textsuperscript{190} These simple equality approaches to including women in enjoying equal rights were later challenged by a difference approach in feminism. Difference-based feminists critiqued liberal equality-based feminists for adopting “culturally male standards and

\textsuperscript{185} Supra note 181 at 180.
\textsuperscript{188} Zillah R. Eisenstein, The radical future of liberal feminism (Boston: Northeastern University Press, 1993) at 181.
\textsuperscript{189} “These included Arabella Mansfield in Iowa in 1870, and Charlotte Ray, the first African American female lawyer, licensed in D.C. in 1872.10 Other women—like Phoebe Couzins, Emma Barkelo, and African American Mary Ann Shadd Cary—succeeded in part when they were allowed to attend some of the newly-emerging law schools.” See more Tracy A. Thomas, “Law, History, and Feminism” online: (2011) Akron Publications 197 <http://ideaexchange.uakron.edu/ua_law_publications/197> (last accessed February18, 2018)at 9.
\textsuperscript{190} Ibid.
values as normative and universal” and striving to add women to the system that was originally designed for men as “rational and autonomous legal entity.”

Difference feminists and radical feminists share this critique about liberal feminism, but they are distinct in defining the sources of gender difference “whether in biology or social and institutional power.”

2.1.1.2 Key Theoretical Concepts

Liberal feminism is amongst the most influential forms of feminism which noticeably engages the legal realm. Liberal feminists originally argued, and still argue, that “most aspect of modern society including the law, jurisprudence, and the private sphere are gendered.” Therefore, their initial strategy was to eliminate discriminatory, status-based laws. Their pro-legal reform approach “takes the position that women and men have equal capabilities for rational thought and action” and criticizes law’s differentiating attitude and exclusionary tendencies that become a basis for distinction in legal treatment.

Classical liberal feminist scholars primarily employed the methods of strict formal equality “to have full legal rights extended to women.” For them, formal equality “requires similarly situated individuals be treated similarly regardless of their sex or gender.” Therefore, for them, “difference between human beings, whether perceived or real, and whether biologically or socially based should not be permitted to make a difference in the lived-out equality of those persons.” As a result, gender-based legal difference amongst men and women is considered unacceptable and sameness in legal treatment is considered as an effective strategy to eliminate legally enforced discrimination. As liberal legal feminism advocates legislating formal equality, Littleton argues that equality analysis is one of the avenues through which

191 Davies, Unity supra note 174 at 655.
192 Ibid.
194 Davies, Unity Supra note 174 at 653.
195 Supra note 176 at 7.
196 Supra note 175 at 3.
which “concrete experience of subordination can be translated into legal claims”.\textsuperscript{199} For example, sexual harassment at workplace cases find the opportunity to be transferred from a taboo problem into gender discrimination legal claim.\textsuperscript{200}

As Jaggar observes, liberal feminists’ legal approach points to their strong opposition to protective legislation due to their “desire to overcome sex-biased laws and establish formal equality”\textsuperscript{201} with the belief that the same standards of safety and health care, for example, should be applied for member of all genders. In the same vein, they seek revocation of any laws that assign dissimilar rights, duties and opportunities for men and women.\textsuperscript{202} Such a formalist equality based feminist approach is in sharp contrast with difference based feminism which pays special attention to either “alternative non-gendered” or “distinctively female or feminine normative values”\textsuperscript{203} that should be taken into consideration to achieve just results. Modern liberal feminists somewhat departed from strict formal equality, especially in women’s public presence, to understand the founding structures of women’s suppression. The contemporary reading of the main theoretical tenet of liberal feminism reveals its commitment to “a form of moral individualism to engage in a critique of all forms of oppression [and criticize] a society that permits individuals to be disadvantaged in these ways, fails to respect the dignity and equal personhood of all its members.”\textsuperscript{204}

While many feminists focused on women’s social presence and roles, some liberal feminists chose to shed light on individualism as a way to tackle inequality. For example, Betty Friedan’s \textit{The Feminist Mystique}\textsuperscript{205} is an example of American liberal feminism\textsuperscript{206} which pointed to identity crisis and personal and familial dissatisfaction amongst American women especially in their domestic lives. Furthermore, Jaggar is of the opinion that each woman is “to determine her social

\textsuperscript{199} \textit{Ibid.}
\textsuperscript{201} \textit{Supra} note 179 at 185.
\textsuperscript{203} Davies, Unity \textit{supra} note 174 at 655.
\textsuperscript{205} See more at Betty Freidan, \textit{The Feminine Mystique} (NY, USA: W.W. Norton, 1963)
\textsuperscript{206} \textit{Supra} note 179 at 181.
role with as great freedom as does man,”

by applying “liberal principles of political equality and individual liberty to women as well as men.”

In the same vein, Valerie Bryson perceived liberal feminism as an effort paving the way for women to “be free to choose their role in life and explore their full potential in equal competition with men.”

Therefore, liberal feminists employed equality analysis in their legal efforts to tackle women’s impediments to achieving public power. They initiated extensive challenges to their exclusion from the public sphere that traditionally associated them with the family realm and relegated them to the private sphere.

Liberal feminism expanded the theoretical outlook of traditional liberal theories that reinforced the line between highly hierarchical and gendered public and private spheres, as well as between legitimate and illegitimate interference in the private sphere as a personal space by the state. They critiqued the state’s regulation of women’s lives based on the assumption that “men and women were destined to occupy separate spheres.”

Their formal approach enabled women to explore and take on various new roles such as voting, running for office, and lawyering in public sphere, and proceed to change the nature of hierarchically sexualized private spheres to improve and advance their lives. As they interweaved their arguments in their articulation of “personal is political” they also analyzed what is to be deemed the state’s legitimate and illegitimate interferences in the private sphere with regards to men’s constitutional right to privacy that may result in women’s further insulation. Hence, feminists carefully critiqued the kind of privacy “both as a protected space encompassing home and family and as decisional autonomy.”

Therefore, various subtle de facto discriminations hidden the private sphere that remained untouched by de jure legal reform projects were revealed, and liberal feminists played a pivotal role in changing the

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211 See more Carol Hanisch, “The Personal is Political” (February 1969) online: Carol Hanisch.org http://www.carolhanisch.org/CHwritings/PIP.html> (last accessed February 18, 2018)
212 Supra note 209 at 850.
nature of this split to facilitate further reforms in discriminatory laws within the familial space backed by the state’s support. All these efforts are due to the fact that liberal feminism’s political promises promote women’s self-awareness as individuals and advocate equality of opportunity especially in education, legal rights, and the labor market by focusing on elimination of both de jure and de facto discrimination against women through not only state legislation and affirmative action, but also through its interference in changing the behaviors and consciousness of society.\textsuperscript{213}

2.1.1.3 Critics

Feminists such as Alison M. Jaggar,\textsuperscript{214} Paula Rothenberg Struhl,\textsuperscript{215} Zillah R. Eisenstein\textsuperscript{216} and many others posed critical challenges to major components of traditional liberalism and explored contemporary reading of liberal feminist theory.\textsuperscript{217} For example, Littleton argued that the equality based approach of liberal feminists is a gender-blind approach which will ultimately operate within a phallocentric realm that treats gender differences solely from the male perspective, and women’s experiences as male’s other.\textsuperscript{218} Phallocentrism derived from logocentrism and refers to “privileging of the masculine (the phallus) in understanding meaning or social relations.”\textsuperscript{219} The two terms phallocentrism and logocentrism combined as “phallogocentrism” brilliantly captured the picture of the “culture which is structured to meet the needs of the masculine[ist] imperative.”\textsuperscript{220} It is pertinent to mention that legal discourse itself is phallogocentric, as it points to the ostensible overlap and a “mutual resonance” in “the constitution of law and the constitution of masculinity.”\textsuperscript{221} In hegemonic legal culture, therefore, women had to live up to the unconscious

\textsuperscript{213} Supra note 181 at 87.
\textsuperscript{216} See more Supra note 187.
\textsuperscript{217} Supra note 181 at 65.
\textsuperscript{218} Supra note 197 at 1285.
\textsuperscript{220} Smart, Power of Law supra note 11 at 27.
\textsuperscript{221} Ibid at 86.
structures of ‘Father’s Law’, and their lived experiences have always been either repressed or excluded in “utterly and irredeemably male-engendered, male-constituted, and male-dominated” settings. In a nutshell, the prevalence of the male dominant perception is due to the fact that “phallocentrism demands conformity to male modes of behavior as a prerequisite of ‘equality’.

As a result, liberal feminism has been criticized for adopting “mainstream, male-biased values, for assuming in their demands … that what is most worth having and doing is what men think worth having and doing.” Radical feminists such as Mackinnon, and socialist feminists such as Jaggar claimed that such attitude disregards the differences between men and women that are rooted in history and social settings. In other words, a liberal feminist approach to formal equality places too much emphasis on reason as a marker of humanity. For example, Wollstonecraft assumes men and women’s unity and reason as being of the same kind. This rationalist approach proposes that women’s sexual difference is not a significant difference. Therefore, while rationalists intend to challenge gender stereotypes, they also promote gender neutrality. However, such a rationalist approach of formal equality misses the great “transformative positive potential” of gender as a category of thought, and forecloses the potential for women to bring something new to the world. This approach led to emphasis on the female traits that male-dominated societies traditionally reward, and denigration of traits such as sympathy, emotions and imagination that are attributed to women.

Furthermore, liberal theory presented self-sovereignty and independence as a universally shared claim. Thus, the independence of women from men could be justified and known as a major contribution to liberal feminist theory. Eisenstein is of the opinion that liberal feminists took such

222 Valerie Traub, Desire and Anxiety: Circulations of Sexuality in Shakespearean Drama, (NY, USA: Routledge Revivals, 2015) at 54.
223 supra note 218.
224 supra note 197 at 1285.
225 supra note 181 at 78.
228 supra note 226 at 25.
an individualistic stance against men who interfere with “women’s self and collective development.” She argues that liberal legal theory should clearly distinguish independence of women from men “from the ideology of liberal individualism that posits the isolated, competitive individual” leading to women’s isolation from one another.\(^{229}\) Thus, liberal feminism needs to shield itself from the individualistic ethos that focuses on “the dignity and worth of individual slights and unfairly subordinates the values to be attached to … families, groups and classes.”\(^ {230}\) Fineman also argues that legal feminism should be conscious of the universalizing effects of these claims that totalize cultural representation of women and women’s experiences, and perpetuate an essentialist construction of women’s images.\(^ {231}\) These totalizing portrayals of women will perpetuate other status-based legal discrimination amongst women of different classes, ethnic or religious backgrounds, and unintentionally recreate troubling power constructs that privilege “white cultural voices as central to the development of liberal feminism”\(^ {232}\) through their sex neutral norms.\(^ {233}\) In other words, even if law reforms slightly improve women’s position, the liberal feminist legal approach emerges with a racialized nature\(^ {234}\) that remains an intra-white feminist discourse. For Susan Wendell, access to social and economic power largely determines access to freedom and justice.\(^ {235}\) Hence, within imbalanced power structures, formal legal equality has proved insufficient in comparison to other socioeconomic factors that can be explored through intersectionality and feminism.

While much “de jure class, race and sex discrimination has been reduced over the past 150 years in the English-speaking world, the power and pervasiveness of de facto discrimination have been revealed”,\(^ {236}\) it also remains intact within a formal equality approach. De jure discriminations are rooted in, and ordained by law, while de facto discriminations take place in practice. While they may flow from neutral features of law, they are not officially recognized by formal laws. Attending


\(^{230}\) Supra note 226 at 5.

\(^{231}\) Supra note 176 at 20.

\(^{232}\) Supra note 179 at 181.

\(^{233}\) Davies, Unity supra note 174 at 653.

\(^{234}\) Supra note 179 at 182.

\(^{235}\) Supra note 182 at 87.

\(^{236}\) Ibid at 87.
to both forms of discrimination allows feminist critiques to expand their understanding of discrimination in law, policies and procedures. This perspective reveals the limits of liberal legal feminist approaches focusing on reform to formal laws. Historically, oppressed groups will not be fully satisfied with legal equality measures, which are only a first step in paving the way for other sources of oppression to be uncovered.\textsuperscript{237} To unpack the roots of women’s oppression and to secure liberal feminists’ gains and accomplishments, Loretta Kensinger suggests that the advancement of women’s movement will only occur if feminists welcome more diverse and even radical voices to build more complex coalitions amongst themselves. For her “[a]dvances in women’s educational, political, legal, and social status credited to liberal feminists were actually the result of a full spectrum movement”\textsuperscript{238} including arrays of feminist perspectives with their diverse voices, direct radical actions or civil disobedience.

The central issue in liberal feminism thus is its focus on formal equality, integrating women into legal structures and improving their status through new laws and policies. They adhere to the rule of law that is considered neutral and impartial. Liberal feminists’ primary site of focus is on the public sphere. Later, they posed major critiques of the public/private dichotomy that opened doors for discussing issues such as pregnancy, abortion or marital rape. As liberal feminism became more sophisticated, they recognized that the sameness approach would not always lead to equal results. Hence, they moved from formal equality, which does not guarantee equal outcomes, to substantive equality which takes differences of situations and circumstances and diverse races, classes and even religions into consideration. It identifies the origins of disadvantages and discriminations and agitates to ensure equality of outcomes. Their approach caught them in the trap of the difference dilemma, from which radical feminists escaped.

In the next section, I explore how radical feminists emerged as major critics of liberal feminism and how they shifted the focus from identical legal treatment, to the question of women’s

\textsuperscript{237} Ibid at 89.
\textsuperscript{238} Supra note 179 at 189.
subordination, patriarchy and power. Their approach enabled them to move beyond the normative legal world that serves white middle class male standards and interests.

2.1.2 Radical Feminism Approach to Legal Theory

Radical feminism emerged as a major critique of liberal feminism. While liberal, socialist or postmodernist feminists had the opportunity to work within existing theories or rework various grand theories, radical feminists claimed that they created “original political and social theory of women’s oppression and strategies to ending that oppression which comes from women’s lived experiences.”239 Through fiery polemics, feminist figures such as Catharine MacKinnon, Kate Millet, Germaine Greer and Andrea Dworkin made this version of feminist jurisprudence a truly radical one in comparison with the liberal feminist legal scholarship. Radical feminism expressed itself through its “women-centeredness” and as “the only theory by and for women.”240 Radical feminists emerged amongst the young women who participated in other movements such as student movements, free speech movements, the anti-war movement, or Civil Rights, but rigorously attempted to articulate their own political vision with broad social concerns such as racism and classism.241 Under the slogan of “the personal is political”, liberal and mainly radical feminists employed many tools including consciousness-raising sessions, public protests, art exhibitions, and cultural events as well as offering social services to express their opposition to patriarchy as the root of women’s oppression.

2.1.2.1 Key Theoretical Concepts

Liberal feminism’s egalitarian ethos operated within the legal structures whose terms and conditions were made by male jurists. In her radical feminist stance, MacKinnon, however, directly tackles the law itself, looking for the reasons “why the law has been particularly effective in

240 Ibid at 10.
devaluing women and … in covering its tracks with its unquestioned assertion of its own neutrality.” 242 Expanding the horizons of feminist legal scholarship, MacKinnon is of the opinion that “law sees and treats women the way men see and treat women.” 243 Thus, law uses men as the measure of all legal rights and women’s equality is judged by their proximity to this measure. 244 Radical feminist jurisprudence identifies the hegemonic laws that were derived from a male standpoint and how such legal language that is based on male standpoint can take center stage in feminist legal analysis and “impede the remedial efforts [such as law reform] to overcome previous discriminations and exclusions.” 245 Hence, the radical feminist approach to law moves beyond the simple identification of discriminatory and non-egalitarian laws. Instead it tries to understand and critique the state institution and systematic structures that perpetuate women’s oppression through their repressive outcomes.

Towards this end, radical feminist jurisprudence undertook a “fundamental analysis of the relationship of gender and power.” 246 For them “gender was not about sameness or difference, but rather it was about power…in which ‘male’ is the privileged term and ‘female’ is the oppressed term.” 247 In other words, gender is the true reflection of male domination which renders men powerful and leaves women powerless. In particular, MacKinnon referred to state power as being male, and encouraged the understanding of the state as an autonomous and unquestioned expression of men’s interests, especially when men’s power turns into state power. Based on a radical conception of patriarchy, feminist jurisprudence also sees state laws as the “extension of patriarchal control over female sexuality” 248 and identifies this as one of the major factors in law’s resistance to feminist demands. For Scales, law is all about “drawing lines, contrasting behaviors

246 Davies, Unity supra note 174 at 654.
and making classifications\textsuperscript{249} to further develop and sustain itself through “bottom-line dichotomies”\textsuperscript{250} that perpetuate male monopoly. Therefore, the state becomes the manifestation of patriarchy that can affect many areas of life such as women’s sexuality, workplace, family, etc. The state thus becomes one of the fundamental foundations of women’s suppression and exclusion that negatively influence power relations against women.

Based on such understanding of the state and its laws, MacKinnon problematized the liberal state’s hierarchical treatment of gender differences, especially in its laws regarding abortion, rape and pornography.\textsuperscript{251} Despite MacKinnon’s keenness to criticize law’s nature and the state, she advocated for utilizing law as a medium through which to attack male domination and its power to construct female sexuality. For example, through her anti-pornography work with Andrea Dowrkin, she agitated to enact reformed ordinances in Indianapolis and Minneapolis. For them, this path was a pertinent medium through which male dominance and patriarchal construction of women’s sexuality via state laws could be well challenged. Later, these ordinances were overturned by the court based on the unconstitutional restraints on protected free speech.\textsuperscript{252}

Radical feminism also perceives patriarchy as “a universal value system, though it exhibits itself in different forms culturally and historically.”\textsuperscript{253} They identified patriarchy as an institutionalized social system that is committed to authorize and maintain men’s domination over women as a primary force behind women’s oppression and hence generated a somewhat monolithic gender construct. Radical feminism mobilizes for structural changes, and challenges the distribution of power amongst men and women, who are defined as a different “other”. While radical feminists’ starting point is the language of power and domination rather than equality rights, they support

\textsuperscript{250} Ibid at 104.
\textsuperscript{251} MacKinnon, Feminism Marxism Supra note 243 at 643; See also MacKinnon, Katherine A., Toward a Feminist Theory of the State (Cambridge: Harvard University Press, 1989) [MacKinnon,Theory of the State]
\textsuperscript{253} Supra note 239 at 14.
affirmative protecting legal measures for women in both public and private spheres in order to protect women’s lives from being exploited by the imbalance of power as well as recognizing the value of their economic contribution in the familial setting.

In response to the liberal feminist tendency to employ male-dominated language through formal equality and grand theories such as liberal philosophy, Kathleen Lahey took a radical stance to encourage feminists to “move beyond critique or adoption of male theories (such as socialism) toward construction of a positive feminist theory” to develop a feminist theory by and for women. Towards this end, she encouraged feminists to employ consciousness-raising to facilitate female voices and values. In the next subsections, I will explore feminist methods of consciousness-raising and story-telling as mediums through which women share their experiences and what they have witnessed in everyday life. These feminist processes offer the capacity to not only liberate women, granting them power and a voice, but also to challenge and disrupt the prevailing universalized male-dominated discourse. In other words, radical feminist jurisprudence strives to “value, and empower a distinctive women’s consciousness and knowledge [which] would lead to political interventions grounded in identity as a woman”. Story-telling is another way to bring together women’s different experiences and personal narratives. This method, in fact, can complement CR sessions. Women’s stories have the power to authenticate, mend, and strengthen their understandings of the world and to challenge hegemonic patriarchal accounts, especially in law.

2.1.2.2 Consciousness-raising

As a “key component in second-wave feminism,” consciousness-raising was considered as a way to collect reliable information about women’s common experiences in women’s support

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254 Supra note 248 at 14.
255 Kathleen Lahey, “… until women themselves have told us all there is to tell…” (1985) 23 Osgood Hall Law journal 519 at 533 cited in Supra note 247 at 14.
256 Davies, Unity supra note 174 at 654.
groups, and to utilize the output for women’s education. This output reflects an alternative to male-dominated philosophy of knowledge.\textsuperscript{258} CR is a feminist method that can shatter the isolation of women under men’s authority and supremacy. According to a dictionary of social work and social care, CR entails “[a]ctivities and discussion, usually in small groups, in which people increase their awareness and knowledge of their oppression by exchanging their individual experiences and feelings as the starting point and moving toward collective articulation and critique of prevailing ideologies.”\textsuperscript{259}

Carol Hinsch distinguishes CR groups from psychological personal or group therapies. In her well-known essay “The Personal is Political”, she opines that CR is a pertinent form of political action which deals with power relations and provides a social critique.\textsuperscript{260} In other words, CR’s primary function is to transcend the personal and shed light on the fact that women’s sufferings are “not personal, idiosyncratic problems, but are indicative of ones who fell into a pattern that, with variations, characterized other women’s lives as well”.\textsuperscript{261} On the same note, MacKinnon argues that “women’s consciousness, not as an individual or subjective ideas but as collective social beings” is indeed a form of political practice”.\textsuperscript{262} In other words, CR can expose both individual and collective experiences of oppression and bring them into the public sphere, thereby moving beyond the individualistic pattern of liberal political theory. These observations are based on the critical insights derived from CR which provoke discussions about women’s lives, their lived experiences with family, marriage, workplace, economy, etc. CR utilizes its outputs to allow women’s movement to decide what is their next political action to resolve these issues. CR also reflects the order of our societal structures and institutions. In patriarchal societies when women share their common experiences and stories in CR groups, new knowledge emerges about their subjugation. As they discover in their private groups that they are not alone in experiencing such oppression, they also come to realize the ways through which the patriarchal nature of society


\textsuperscript{259} Supra note 257.

\textsuperscript{260} Supra note 211.

\textsuperscript{261} Hester Eisenstein, Contemporary Feminist Thought (Boston, G.K. Hall & Co., 1983) at 36.

\textsuperscript{262} MacKinnon, Theory of the State supra note 251 at 83-84.
constructs and reinforces their common problems, and what was once assumed personal turns into political.\textsuperscript{263}

Trying to observe the “ethics of openness, honesty, and self awareness”,\textsuperscript{264} CR “is not necessarily confined to groups explicitly organized or named for that purpose.”\textsuperscript{265} Ideally every woman is allowed to speak, verbalise what they have been going through and reveal the pervasiveness of how they have been discriminated against, without being dominated by other women in the group. Hence, CR becomes a “critical tool for raising awareness about social inequities”\textsuperscript{266} to ultimately challenge and unsettle the dominant male order. It allows women to “grasp the collective reality of women’s condition from within the perspective of that experience, not from outside it.”\textsuperscript{267} CR as a tool exposes what has been perceived to be natural and inevitable experiences as perpetuating oppression through patriarchal ideologies. For Lahey, CR provides a space to find the roots of women’s oppression in the unconscious structures of patriarchy that form institutions and their individual experiences.\textsuperscript{268} Through this process, which refers to both a concept and a practice, “feminists then generate moments-of-‘knowing’ by ‘raising’ unconsciousness to the level of consciousness”\textsuperscript{269} and initiate a process that is about “creating knowledge which can be liberating”.\textsuperscript{270} As it opens up possibilities of new meanings, feminist CR becomes a process and experience through which our understandings are re-ordered to produce “unverified but possibly correct interpretations.”\textsuperscript{271} These changes of perspective pave the way for CR contributions in production of feminist theory,\textsuperscript{272} awareness and strategy. CR can provide a deeper understanding of the theory of patriarchy and mobilize women, “individually and collectively, from a focus on

\textsuperscript{264} Supra note 251 at 85.
\textsuperscript{265} Ibid at 84.
\textsuperscript{267} MacKinnon, Feminism Marxism Supra note 243 at 536.
\textsuperscript{268} Supra note 255 at 532.
\textsuperscript{269} Ibid at 532.
\textsuperscript{270} Smart, Power of Law supra note 11 at 80.
\textsuperscript{271} Supra note 255 at 534.
\textsuperscript{272} Supra note 261 at 37.
their oppression and their victimization to a concern with their own worth and a sense of their own agency.”

273 As a result, “[CR] links knowledge with strategy, breaking down isolation, and constructing alternatives.”

274 CR, as a tool for a sociopolitical transformation “may animate [women] to make changes not only in their own lives but also to organize with others to develop a broader plan to create change in the civic sphere”.

275 To develop more comprehensive strategies of change, Segal suggests that CR might work best if it involves small settings entailing homogeneous groups of women as it “allow[s] for apparently personal and individual misfortunes to be recognized as structural disadvantages”. Eisenstein, however, pays further attention to intersectionality and argues for CR groups of women with differences in race, ethnicity, class, religion, age and education. For her, despite all these differences, women can discern some common elements that are rooted in being treated as, and considered a woman by others.

276 The discovery of such underlying commonalities, she contends, is of vital importance especially when “exceptional women” with high aspirations and intellectual achievements in a male dominated society learn that they are also part of “all women” and their sufferings are the result of being in the place of “female”. These findings can help feminism to immunize itself from excessive focus on elitism and a preoccupation with measuring its success by the number of females holding key public offices, hence failing to involve working-class women and their concerns. In the same vein, women in CR sessions learn that they should be equal participants with no designated leadership role in those sessions to overcome inequalities of power, for example, or class differences amongst them.

278 In particular, Segal refers to CR sessions “where women are heterogeneous, where their experiences are not alike, and their priorities are different”, creating more silencing effects.

273 Ibid.
274 Smart, Power of Law supra note 11 at 80.
275 Supra note 266 at 214-215.
276 Supra note 261 at 38.
277 Ibid at 39.
278 Ibid at 36,40
For radical feminist jurisprudence, the legal domain “must be informed by the experiential foundations of women, which is facilitated through consciousness-raising.” The knowledge and experience that is collected through CR may be treated as non-conforming evidence, or mistakenly interpreted according to what is “correct” in legal methods. Scales acknowledges that CR can provide a “vivid expression of self-creation” paving the way for the development of an alternative perspective, but she asks “whether this is a true perspective, or an alternative account.” In response, Scales argues that when particular evidence “keeps turning up, when the experience of women becomes recalcitrant, it will be time to treat that evidence as true.” However, Katherine Bartlett understands and interprets those recurring experiences of reality or truth as “constructed” and casts doubts on the law’s assumption that “individuals are capable of having ‘intent,’ of exercising ‘choice’ or ‘consent,’ and of acting and thinking like ‘reasonable’ people.” For her, subjects are “constituted from multiple institutional and ideological forces that, in various ways, overlap, intersect, and even contradict each other.” Hence these multiple accounts needed to be accounted for understanding women’s intersectional identity and also silencing some accounts.

Similarly, Smart has suggested that originally CR began as political strategy rather than a feminist method to reveal a truth. For Smart, CR is at best a methodological technique in the works of radical feminists such as Kathleen Lahey. She argues that the knowledge derived from CR should not be elevated to the status of truth. Once it becomes a feminist truth, it turns into another mode of totalizing knowledge “disqualifying women who do not conform to that version of events.” MacKinnon saw CR as a method that reveals the truth of women’s lives as a unitary, oppressed class that has been concealed by male power. Based on her monolithic conception of gender, Mackinnon’s observation appears essentialist in assuming that women’s differences will

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282 Supra note 249 at 1402.
283 Ibid.
285 Ibid.
286 Smart, Power of Law supra note 11 at 79.
287 Kathleen Lahey, “… until women themselves have told us all there is to tell…” (1985) 23 Osgoode Hall Law journal 519 at 533 cited in supra note 248 at 14.
288 Smart, Power of Law supra note 11 at 80
distract feminists from their primary mission, which is their opposition to male oppression; she expects unitary truths to emerge from CR sessions in order to find clear political/legal strategies.\footnote{Ibid at 77-78.} Smart suggests that “the press for consciousness-raising glosses over the fact that not all women’s experiences are the same.”\footnote{Supra note 280 at 172.} She questions the assumption that women’s experiences and desires are homogeneous, meaning that there is an experience that is \textit{the} female experience. She also doubts the assertion that these experiences will lead to “straightforward policy solutions.”\footnote{Ibid.} It is pertinent to mention that Smart did not want to render CR a futile activity, but a process that reflects women’s political condition in their collective experience of patriarchy. Moreover, for her, CR is a process that creates feminist moments of knowing and broader liberating strategies in civic society, provided it does not elevate itself to the status of truth\footnote{Smart, \textit{Power of Law} supra note 11 at 80.} and allows alternative accounts.

In a nutshell, radical feminism argues that “although the effects of the patriarchy were everywhere palpable, they were not necessarily visible to most women.”\footnote{Supra note 261 at 35.} As a result, to improve individual or group awareness about the cause and effects of domination that “masquerades as the natural and inevitable form of social organization,” women-centered action such as CR sessions appears essential. CR as medium through which feminist knowledge and theory could be produced and practiced receives contesting scholarly feedback but at least is a process that is useful in feminists’ attempts to create liberating knowledge and strategy.

2.1.2.3 Story-telling

Great civilizations and rich cultures have been carried through the labyrinths of history by women who have traditionally been the gatekeepers and caregivers of humankind’s ethos and values. Through “conducting rituals, holding secrets and telling stories”,\footnote{Patricia McNamara, “Feminist Ethnography Storytelling that Makes a Difference” (1989) 8:2 Qualitative Social Work 161 at 161.} women’s wisdom and experiences echoed across their cultures. Although they “have often gone unheard or unheeded...
outside the safety of the ‘sisterhood,’” or even been silenced under the long shadows of patriarchy, various feminist methods such as ethnography or story-telling opened new horizons to access these stories. Women keep telling their stories and challenging misogyny by focusing on women’s intersectional identities, worldviews, their lived experiences, and their voices. These stories turned into a particular feminist genre that “describe[s] minority viewpoints as anomalies that test prevailing paradigms” and resists conforming to hegemonic knowledge and patterns. This feminist medium is recognized by radical feminists as one that encourages an empathic understanding that is very close to women’s actual experiences. Such empathic knowledge calls for empathic responses from insiders who might not necessarily share the same experiences. Being aware of the richness and the power of their stories, women narrate stories “that bridge, providing connections between people of different experience, stories that explode … certain ways of thinking, stories that mask, devalue, or suppress other stories, stories that consolidate, validate, heal, and fortify.”

Law is also filled with stories. It entails a “set of practices and institutions situated within more than one narrative of human history” that need to be critically observed and studied. In other words, concrete experiences in the form of vivid human narratives created a dialectical interaction between legal theory and practice, giving them shape and integrating them into theories to manipulate their results and set new horizons in normative legal processes and decision making. For Minow, storytelling is also a way of “making sense of the changes, divisions and debates” echoed through two major storytellers in the legal realm: insiders and outsiders. In other words, the insiders (male voices) whose stories are given more credit, have the power to marginalize the stories by “women, children, members of racial and religious minorities, and disabled persons.”

295 Ibid.
298 Ibid at 2014.
in mainstream legal rhetoric. In fact, the insider stories in the legal realm exclude these people who have nearly no chance to express themselves “from … consideration in political theory and assigned to subordinate roles by law.”

In response, the outsiders’ narratives from the edge are developed to epitomize their resistance to law’s pretension of neutrality and inclusion, through collective empowerment, and to stress the need for changes and reforms in the law that assigned them to subjugated roles. These story-telling practices have the potential to transform to larger CR sessions to reveal how these laws have been constructed and how they will be received. In feminist genres of resistance, some female lawyers have narrated what is known as legal story-telling. Through this method, their female client’s stories are told by them as outsiders, in and outside the courts, to invoke women’s experiences and challenge prevailing narratives that are seen as a natural state of affairs.

In general, women’s story-telling as a women-centered strategy is a counter-narrative to the hegemonic patriarchal account of law. This approach relies upon “the concrete articulation of women’s individual and shared experience (particularly of power, or, more accurately, lack of it), which then serves as the raw material — the building blocks — of feminist theoretical and political engagement.” To embrace story-telling as a method that enunciates women’s experiences, widely excluded from universal hu(man) knowledge and experience, we should acknowledge that “all voices are equal, and that diversity of voice should be a paramount political value.” Story-telling as a women-centered sociopolitical strategy has the potential to flourish as long as it remains “sensitive to ‘the multiplicity of women’s lives’ and does not purport to represent ‘a unified female voice’.” As such, story-telling becomes more promising than CR as it links individual significance to collective significance of women’s experiences in a more brave and bold fashion.

301 Ibid.
303 Supra note 245 at 364.
304 Supra note 297 at 2106.
305 Supra note 245 at 368.
In summary, radical feminist thought emerged as a major critique to liberal feminism’s formal equality, which operates within the liberal state’s structures. It evolved around tackling the larger structures of patriarchy, and law’s resistance to feminists’ demands, as root causes of women’s subjugation. Two of radical feminists’ most frequently discussed and promoted feminist methods, CR sessions and women’s story-telling, employ fertile mediums through which “the illusion that the world is [a] smoothly managed household”\(^{306}\) can be disrupted and the politics of patriarchal power relations can be subverted.

### 2.1.3 Postmodern Feminist Critique of law

The postmodern legal feminist approach is a drastically different approach from the liberal feminist legal approach, which “has been resolutely situated within the framework of legal centralism.”\(^{307}\) Radical feminist discourse makes effort “to change [law’s] values and procedures,”\(^{308}\) but still it “preserves law’s place in the hierarchy of discourses which maintains that law has access to truth and justice.”\(^{309}\) Postmodern legal feminism casts doubt on such perspective. For example, Carol Smart may acknowledge that law might be a worthy catalyst to achieve feminist demands, but she warns about over relying on law and suggests that it is mistaken “to imply that once legitimized by law, women’s claims will not be de-legitimized by law at a later stage.”\(^{310}\) For postmodern legal feminism, law is a powerful entity with “largely hidden gendered content …as irretrievably ‘male’,”\(^{311}\) meaning that its abstract and deductive method is based on male reasoning and standards. This postmodern view shares some commonalities with radical feminists in understanding law as the “extension of a male-dominated society… and the product of a male-

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\(^{308}\) Smart, Power of Law supra note 11 at 88.

\(^{309}\) Ibid at 88-89.

\(^{310}\) Ibid at 81.

\(^{311}\) Supra note 245 at 362.
oriented view of the world [which] systematically victimizes and discriminates against women.” 312

In other words, law is deeply immersed in patriarchal ideals and has skillfully concealed its gendered agenda in legal application, meaning, and scope 313 through its bold claims of neutrality and objectivity. Therefore, law contributes to “the perpetuation of women’s disadvantaged status” 314 by asserting “the male vision as the accurate statement of the world.” 315 From this worldview, the normalization power of law, as an “ideological marker”, 316 encourages binary or oppositional thinking and draws countless lines of exclusion. It also dichotomizes the socio-legal sphere into hierarchical public and private spheres, and allocates them for men and women respectively as a “natural order rather than the social order.” 317 In comparison to radical feminism, postmodern feminists offered a deeper discursive understanding of law’s nature and shed light on its constitutive and performative character in its “gendering practice”. 318 These efforts led feminists to shift their lens from women’s disadvantaged status to the broader question of gender at a discursive level.

Smart raises a series of intriguing questions. Similar to radical feminists and particularly MacKinnon, Smart asks why law is so resistant to the challenge of feminist knowledge and critique, and how law exercises power to disqualify women’s experience/knowledge. 319 For her, law and masculinist culture are congruent. Therefore, law was heedless “to the core concerns of feminism so that feminists should be extremely cautious of how or whether they resort to law.” 320 Smart then deviates from MacKinnon by suggesting that feminists can maintain laws at the core of their scholarship, “not to achieve law reform but to challenge such an important signifier of

312 “Critical Legal Studies - Feminist Legal Criticism” online: jrank.org
313 Supra note 245 at 360-361
314 Ibid at 362
317 Supra note 315 at 67.
318 Supra note 245 at 363.
319 Smart, Power of Law supra note 11 at 2.
320 Ibid.
masculine[ist] power".\textsuperscript{321} In other words, while Smart acknowledges the central presence of law, she intends to contest law by discursive engagement with it to “challenge its over-inflated view of itself and create more space for feminism that has been continuously disqualified by law.”\textsuperscript{322}

For postmodern discursive engagement, the power of law is a force that circulates amongst several networks and environments as it does not exclusively belong to certain groups, i.e. men or the state.\textsuperscript{323} This feminist insight is inspired by Foucault’s “repressive hypothesis” proclaiming that power is neither all negative and coercive, nor owned by one oppressive group, namely the state. In other words, this view does not perceive power as simply forbidding someone to act upon their wishes or limiting their freedom,\textsuperscript{324} and claims that “power circulates through a society rather than being owned by one group.”\textsuperscript{325} The repressive hypothesis does not consider power as only being “concerned with prohibitions, with instructions requiring that we in some way restrict our behavior to conform to them.”\textsuperscript{326} Power can be engaged with as a discursive force that is dispersed in society, enabling marginalized activists to communicate their gender knowledge to challenge, resist and negotiate the status quo. Within this theory, engagement with the state and its power at a discursive level is a fertile social space where our struggles and opposing strategies can be shaped at many different levels to create “resistance and local struggles which operate to bring about new forms of knowledge and resistance.”\textsuperscript{327}

Relying on the dynamism between power and discourse, Smart discusses de-centering the law to combat its domination whenever possible. She emphasizes “how it is important to think of non-legal strategies, and discourage the resort to law as if it holds the key to unlock women’s oppression.”\textsuperscript{328} For Smart, although law “constitutes a plurality of principles, knowledges and events”,\textsuperscript{329} the singular form of its usage expropriates power for itself to claim to speak the truth

\begin{footnotesize}
\begin{enumerate}
\item \textit{Ibid.}
\item \textit{Ibid} at 3
\item \textit{Davies, Unity supra} note 174 at 657.
\item \textit{Sara Mills, Discourse: the new critical idiom} (Abingdon, Oxon: Routledge, 2004) at 17.
\item \textit{Ibid} at 34.
\item \textit{Smart, Power of Law supra} note 11 at 7.
\item \textit{Ibid} at 5.
\item \textit{Ibid} at 4
\end{enumerate}
\end{footnotesize}
and to define parameters of discourse. Foucault’s argument supports postmodern feminists’ stand that the power embedded in law entails a normalization effect\textsuperscript{330} that renders other truths and knowledge as lesser, disqualified, and hence inferior. In other words, law maintains its constitutive, disciplinary power that normalizes and tailors every aspect of human life in the form of “legal imperialism.”\textsuperscript{331} It defines what is good, normal and valued, and identifies what deviates from that norm as abnormal, less valued and hence in need to be either rewarded or excluded and disciplined. As hierarchization and exclusion of abnormalities continue, systematic inequalities become widespread and law’s power tends to transform them into its own version of truth.

To further understand Smart’s articulation of power, we should attend to two pivotal prerequisites in her work. Firstly “it is axiomatic that feminists do not regard themselves as powerless”\textsuperscript{332} since “[p]art of the power that law can exercise resides in the authority we accord it …[b]y stressing how powerless feminism is in the face of law and legal method.”\textsuperscript{333} Moreover, by moving away from a merely repressive theory of power towards a more productive theorization, feminists do not perceive women as trapped in the “oppressor-victim model of dominance which used to be prevalent in early feminist thinking.”\textsuperscript{334} Instead, they formulate the ways in which power can manifest itself through women’s agency and also be contested by such as agency in everyday relations of life. Secondly, even if feminists might not have social space to develop alternative accounts of thought, the discursive realm which is “initiatory, celebratory, expressive, and performative”\textsuperscript{335} can offer great potential for further resistance to the dominant discourse and a shift in power.\textsuperscript{336} Discourse provides a field of possibilities to contest or conform to power in the capacity that individual and collective agency provides at micro and macro societal levels, albeit considering power relations, dominant ideologies and various social forces. In other words, “discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling

\textsuperscript{330} \textit{Supra} note 326 at 152.
\textsuperscript{331} \textit{Smart, Power of Law supra} note 11 at 13.
\textsuperscript{332} \textit{Smart, Power of Law supra} note 11 at 25.
\textsuperscript{333} \textit{Smart, Power of Law supra} note 11 at 24-25.
\textsuperscript{334} \textit{Supra} note 324 at 37.
\textsuperscript{336} \textit{Smart, Power of Law supra} note 11 at 25.
point of resistance … Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart.”

From this perspective, power is not merely negative and coercive, but is discursive. On the one hand it can be subverted, evaded and destabilized at any moment and on the other hand it can be produced, reinforced or even transformed in every single interaction. Therefore, law can be embarked upon from a more ‘conceptual level’ to find feminism ‘a firmer root.’

For example, there is a significant difference between how feminists engage with the issue of sexism from an ideological or discursive perspective. The ideological perspective tends to view sexism as a force that constrains subjects into internalizing the dominant view of women as inferior and men as superior. Sexism from this view is a sign of the pervasive influence of patriarchy that legitimizes increasing control of men over women. Although sexism is a robust strategy to maintain the pillars of patriarchy and strengthen its influence, a more nuanced discursive approach operates as a site within which sexism can be challenged and opposed. In other words, women can either contest the roles they are assigned to in society or conform to the dominant sexist discourse. The conformist strategy is indeed influenced by the prevailing set of dominant discourses and knowledge “that made certain gendered arrangements and outcomes seem natural and inevitable.”

In a society where “[p]atriarchal values and norms of conduct that privileged one person’s (the husband’s) interests over another’s (the wife’s) could easily be seen within the discursive context of the times as right and proper:”

Here, discourse analysis enables us to challenge and displace these dominant views based on the idea that the subject is not the “mere bearer of systematic processes external to her” but is also able to resist them. Postmodern feminists thus deviated from radical feminists by moving away from a merely repressive theory of power towards its more productive theorization. For them, ‘women’ is not the essential category

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338 Smart, *Power of Law* supra note 11 at 5.
339 Supra note 324 at 39-40.
341 *Ibid*.
342 Supra note 324 at 77.
of the suppressed nor is it seen as trapped in the “oppressor-victim model of dominance, which used to be prevalent in early feminist thinking.” They attempt “to map out possible strategies for bringing about change within an increasingly complex system of power.”

Dawn Currie, however, criticizes the postmodern turn in feminism for relying on discourse and claiming a subjective position for women within the official realm of law. For Currie, while women’s authority greatly influences the cultural realm’s ideas, values and culture, women’s lives advancement will not occur unless “relations of ruling” are drastically transformed. Furthermore, for Currie, the postmodern project of de-centering law as a purely analytic process at a discursive level is misleading, because law’s decentralisation requires material redistribution of power and resources, namely patriarchal privilege. While law is all about centralization of power based on various social divisions and relations, including women in law-making and law-finding as well as discursive de-centering of law will not be adequate.

As a postmodernist feminist, Manji raises a different red flag about liberal and difference feminist’s efforts that seek women’s inclusion in law and the male state. For her, legal centralism itself is phallocentric and reproduces masculinist ideas honoring state law at the top of the hierarchy, and “at best furnish us with only partial accounts of women’s experience of law.” For Manji, feminists ended up confirming what they initially wanted to question and contest. Hence, she suggests that “[a]rticulating a feminine view of the (legal) world requires an engagement with legal pluralism.” Plurality of the legal world emerges where two or more legal systems coexist within any given social domain and state law is not the main regulating locus of women’s lives. Legal pluralism is in sharp contrast with formal or legal centralism that is exclusive of all other laws, and confines the law within the limits of the state law that uniformly applies to all people. Legal pluralism, instead, articulates a wide range of normative systems without having any

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343 Ibid at 37.
344 Ibid at 71.
345 Supra note 315 at 82.
346 Supra note 307 at 435.
347 Ibid at 435.
connection to the state, such as Indigenous law, religious law and customary law that may be far more influential in women’s lives than the formal state laws claim to be.

Manji’s critique of formal legal centralism is mainly related to men and women’s different perception of the boundaries, and hence, their experience of the state law. In the Third world context, “the attitude of the state towards women has been at best ambivalent and at worst physically and symbolically coercive.” For her, women’s experience of law illustrates the limits of legal centralism, especially of being within the magnetic field of state law. These limitations also refer to legal centralism’s failure to fix the power imbalance between men and women, specifically within Third world nation states where the boundaries between the use and abuse of power are not defined under the rule of law. The model of legal pluralism as a “larger matrix of legal relations” promotes coexistence of multi-legal systems, each playing their role to shape women’s lives, beyond the “official” laws. Particularly, women’s experience of law in colonial and postcolonial states reveals why some of them deliberately remove themselves from the sphere of state laws’ control and tend to ‘exit’ “the ambit of the state or to operate at arm’s length from it.”

2.1.3.1 Feminism and Deconstruction

Often following Derrida, many postmodern feminists use deconstruction to expose internal contradictions of apparently coherent systems of legal thought. Deconstruction has been a useful method to go beyond seemingly objective legal rules to debunk patriarchal structures of law. Deconstructive method has also been used “to expose and critique the suppression and marginalization of facets associated with women and femininity” as well as “the underlying assumptions infused with male bias”. For instance, the impetus behind deploying the

349 Supra note 307 at 435.
350 Ibid at 443.
353 Supra note 189 at 35.
deconstructive method in Davies’ work is that postmodern insights “render visible” what had been systematically concealed or pushed to the margins, for example, through anti-sexist projects in law. Indeed, deconstruction as a critical tool will expose the meanings and norms that have not been accepted in formal law, and are claimed to be incomprehensible to the dominant legal structure. From this feminist view, phallocentric state law centralism is deconstructed to challenge the Law “by encouraging the use of legal sources from below … [with] greater reliance … on custom and public opinion of what law ought to be.”

Currie is concerned that postmodern feminism is unable to supplant any grounding for political or even theoretical strategies. In other words, when an “a priori subject” is denied and only constructed through discourse, there is no subject and hence no reality beyond discourse. Therefore, deconstruction becomes nothing but “a method of infinite regress” even if it brings alternative meanings into the conscious level. However, the mission of the postmodern feminist approach is not primarily to uncover or produce the truth. Rather, deconstruction is “interested in discovering how certain discourses claim to speak the truth and thus can exercise power in a society that values this notion of truth,” and therefore accord an inferior status to other knowledge. For example, while there were varied, but traditional and customary interpretive methods in literary critiques including of legal texts, deconstructive techniques claim to “offer both a new kind of interpretive strategy and a critique of conventional interpretations of legal texts” to lawyers and legal scholars. These deconstructive analyses stray from traditional modes of literary critiques “by pushing our assumption to logical extremes … [knowing that] the assumptions and the logic with which they are pushed are our own inventions … [and] are not natural truths”. Such deconstructive reading of legal texts corresponds with what Smart refers to as tackling law at conceptual level to challenge its claim to hold the truth, using law to challenge legal medium as a

356 Supra note 315 at 78.  
357 Ibid.  
358 Smart, Power of Law supra note 11 at 9.  
male signifier, de-center it whenever possible, and ultimately draw other alternatives to law in social life.

Feminist legal theory and deconstruction are also studied in Drucilla Cornell’s work based on Derrida and Emmanuel Levinas. For Cornell, deconstruction presupposes “an ethical relation to others.” Deconstruction thus, is elevated to the status of an “ethical imperative” that “interrupts the self”\(^{361}\) and enables a worldview through which we “not only recognize others as others but also to be open to them and their perspectives.”\(^{362}\) Thus, the deconstructive tool in feminist legal methods is an ethical invitation, addressed to dominant patriarchal world views to question their beliefs and understand the situation from the viewpoint of “others”.

### 2.1.4 Third World Feminism

The case study of my dissertation is a feminist campaign located in Iran within the wider region of the Middle East in Asia. While Iran has been categorized as a Third World, developing, global south country, or a country that is actively affiliated with Non-Alignment Movement (NAM), it is neither poor nor underdeveloped, nor does it have a typical colonial past. In fact, it immensely improved its Human Development Index (HDI) value to 0.766 in 2016. Further, Iran’s HDI put the country in the “high human development” category\(^{363}\) especially after the Islamic revolution of 1979.\(^{364}\) Indicators such as providing citizens with long and healthy lives, access to education and decent standards of living, life expectancy at birth, years of schooling, and gross national income show favorable trends in Asia, to the extent that only the Republic of Korea exceeded Iran.\(^{365}\)

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\(^{363}\) UNDP uses four HDR categories include very high, high, medium and low.

\(^{364}\) “Human Development Diagram”, online: UNDP [http://www.ir.undp.org/content/dam/iran/img/News/March%202013/14%20March%202013-%20Global%20launch%20of%20the%202013%20Human%20Development%20Report%202013/iran-trend%20hdr2013.jpg](http://www.ir.undp.org/content/dam/iran/img/News/March%202013/14%20March%202013-%20Global%20launch%20of%20the%202013%20Human%20Development%20Report%202013/iran-trend%20hdr2013.jpg) / [icr_content/renditions/cq5dam.web.540.390.jpeg](http://www.ir.undp.org/content/dam/iran/img/News/March%202013/14%20March%202013-%20Global%20launch%20of%20the%202013%20Human%20Development%20Report%202013/iran-trend%20hdr2013.jpg) / (last accessed February18, 2018)

Blanket terminologies such as the ‘Third World’ or ‘two-third’ world or ‘global South’ are limiting and arbitrary and do not properly reflect the nuanced characteristics of diverse countries. My working definition of third world feminism for the purpose of this dissertation is that this feminism is a part of the broader post-colonial discourse which emerged in response to Eurocentric feminism that tends towards universalizing discourse and is said to focus on white middle-class female subjects. TWF poses a critique of the stereotypical construction of the third world woman by mainstream feminism as homogenous, doomed passive victims that elided the rich diversity of their everyday lived experiences and their complex forms of oppression, resistance and emancipation. Such feminist critiques aim to destabilize the power dynamics attributed to the north-south divide and hence between feminists of the first and third world, and are informed by women of the global south in their historical, post-colonial, cultural, geographical, legal and political context. In addition, I employ Third World as a political category that reflects a politics of decolonization and solidarity while asking for a new world order. I also engage the feminist lens called ‘Third World feminism’ in academic circles in order to explain the OMSC in Iran, not to place emphasis on the accuracy of the term Third world, but to convey that feminism is not a Western import. TW feminism explores the version of feminism that is developed as a response to the universalizing effects of mainstream feminism that reflects Western women’s experiences, and provides a fertile site for the voice and agency of Non-Western women. It contests the definition of women based only on their gender, thereby placing women in a universal category that glosses over their race, ethnicity, class and sexual orientation. Therefore, TW feminism argues that hegemonic representation of non-Western women and their cultures serve to produce Western women as active agents and non-western women as passive victims. In this section, I initiate a discussion about TW feminist scholarship Muslim majority nations, to explore its challenge to, and critique of, universalizing and orientalizing discourses as a decolonizing scholarly project.
The traumatic shadow of neocolonialist forces still exists through what are known today as universalization and orientalism, with all their effects on people’s welfare. For Antonio Gramsci, universalization is a phenomenon that emerges when the “hegemonic knowledge as a system of thought shaped over time claims to represent and symbolize the interests of the dominant class.” Therefore, such hegemony “manages to universalize its own beliefs and value systems to subordinate classes.”³⁶⁶ Universalizing forces tend to transcend legal, cultural and technological differences to impose a uniform global order.³⁶⁷ Orientalism, according to Edward Said “is a discourse that Orientalizes the Orient for the purpose of Occidental consumption.”³⁶⁸ In such discourse, the subject of the Orient, who tries to subvert the essentialising hegemonic knowledge about the Orient, ends up reproducing and reinforcing the same essentialising effects. TW feminism was amongst the postcolonial discourses that emerged to articulate a critique of Eurocentric, universalizing and orientalizing tendencies of Western mainstream feminism as yet another aspect of colonization at a discursive level.

TW feminism represents historical complexities and multiple forms of resistance of Third World women. In other words, this category references an anti-colonial and anti-imperialist feminist politics and practice. This feminist stance aims to change various forms of intersecting oppressions and challenge the “pernicious mischaracterization of Third World women’s oppression as merely a worse case of gender oppression.”³⁶⁹ As the hegemonic feminist metanarrative of the disempowerment and passivity of Third World women became the mantra of the postcolonial world,³⁷⁰ TW feminism emerged to embody the “plurality of collective resistance…[and]
collective modes of reflection on common problems and solutions through women’s agency and from the standpoint of their own lives. Chandra Talpade Mohanty is one of the most prominent figures of TW feminism who committed herself to both intersectionality and building “a noncolonizing feminist solidarity” based on “common differences” as a basis to challenge unequal power relations among feminists. For Mohanty, the intellectual and political construction of TW feminism is based on its deconstructive approach, which poses a critique of hegemonic Western mainstream feminism, and its constructive approach which aims to formulate “autonomous feminist concerns and strategies that are geographically, historically, and culturally grounded.” In its pragmatic endeavors, TW feminism aims to build solidarity rather than sisterhood, based on valuing diversity and recognizing common interests amongst those people who choose to work and fight together.

2.1.4.1 Universalizing Effects

The twentieth century offered a transition from an international world structure to a transnational structure through which “interaction and integration among the people, companies, and governments of different nations, a process driven by international trade and investment and aided by information technology” were vastly expanded. In the meantime, “the crucial issues for the development of society have become globalized and required global solutions.” The process of globalization can be defined through its various aspects, including modernization, neoliber alization, Westernization, Americanization, etc. Globalization as universalization emphasizes “the homogenization of the world’s practices on every front, whether political, legal, cultural, or

371 Supra note 367 at 5-6.
374 Ibid at 7.
economic.”377 This progression, however, “has favored rapid Anglo-cultural dominance at the expense of a more gradual, participatory emergence of a world civilization.”378 Universalization has cultural, environmental, political and economic impacts so that “[t]he defiance of the nuclear war, the ecological issues, the demographic explosions, the tragedy of underdevelopment and the dynamics of the financial markets are issues that can no longer be settled by a single state/nation, not even by a group of states.”379

In its scholarly endeavors, TW feminism is discursively engaged with “the phenomenon of globalization as an urgent site for the recolonization of peoples”380 and its colonizing effects on the lives of women as well as men all over the world. For Chimni, globalization is a belief system that claims to cure “nearly all ills which afflicted Third World countries and explains the recommendations of the mantra of human rights to post-conflict societies.”381 In response to globalization’s totalizing effects, Mohanty suggests that TW feminism requires an “anti-imperialist, anticapitalist, and contextualized feminist project to expose and make visible the various, overlapping forms of subjugation of women’s lives…[and] identify and reenvision forms of collective resistance”.382 Such critical approaches are crucially important as the effects of globalization leave intact “the principles of differential treatment and legitimizes itself through the language of blame.” In other words, the North seeks to secure its superiority and “occupy the moral high ground through representing the third world peoples…as incapable of governing themselves.”383

TW feminism developed various responses to universalization and its globalizing effects. Rejecting “the false universalism presupposed by white feminism”, TW feminism thus emerged


379 Supra note 376.

380 Mohanty, Revisited supra note 372 at 515.


382 Mohanty, Without Borders supra note 373 at 236.

383 Supra note 367 at 20.
as a response to “white second-wave feminism and its successor ‘white’ global feminism.”\textsuperscript{384} TW feminism became a medium through which not only white feminism was being critiqued by women of color,\textsuperscript{385} but also patriarchal, heterosexual, colonial, racial and capitalist legacies were being rethought through Third World feminists’ emancipatory collective practice.\textsuperscript{386} However, Western and TW feminism are not “geographically or spatially defined categories.” Rather, they indicate the political, analytical and methodological positioning of any given feminist praxis. This view make it possible for a European feminist to employ a Third World approach,\textsuperscript{387} or a woman in the geographical Third World to have a Western mainstream feminist orientation. Such a feminist approach heavily relies on “West-centric, patriarchal terms such as empowerment, agency, selfhood and so on … without undergoing much of a discursive diffraction that would necessarily stem from their transplantation into a different cultural context.”\textsuperscript{388} Hence a feminist from the Third world can maintain a strong belief that “Third World women were suffering from the same kind of oppression as white women, [which is] universal patriarchy.”\textsuperscript{389} On the other hand, a European feminist can employ the Third World approach to feminism and refrain from constructing a monolithic image of Third World women. In this approach, a white feminist will employ intersectionality so as not to use women as a stable category of analysis and will not deflect her analysis based on “ahistorical, universal unity between women based on generalized notion of their subordination… bypassing their social class and ethnic identities.”\textsuperscript{390} The TW feminist approach enables feminists to stand against “subscribing to the cultural imperialist conception of Third World cultures as hopelessly backward and patriarchal”\textsuperscript{391} and seeing an ‘average’ Third World woman who leads “an essentially truncated life based on her feminine gender (read:

\textsuperscript{384} Herr Ranjoo Seodu, “Reclaiming Third World Feminism: or Why Transnational Feminism Needs Third World Feminism” (2014) 12:1 Meridians: Feminism, Race, Transnationalism 1 at 3.
\textsuperscript{385} Mohanty, Revisited supra note 372 at 503.
\textsuperscript{386} Mohanty, Without Borders supra note 373 at 8.
\textsuperscript{387} Mohanty, Revisited supra note 372 at 502, n. 4.
\textsuperscript{388} Supra note 10 at 2.
\textsuperscript{390} Mohanty, Feminist Scholarship supra note at 347.
sexually constrained) and her being Third World (read: ignorant, poor, uneducated, tradition bound, domestic, family-oriented, victimized, etc.)

In the era of globalization and transnationalism, although “the state is no longer the exclusive participant in the international legal process”, TW feminism continues to involve with the state as the primary source of law making. It also has to critically interact with Third World ruling elites “that seek to establish the global rule of transnational capital on the pretext of ‘national interests’.

Manji points to some lawyers who may be characterized as “post-colonial bourgeoisie” in the Third World context, who work on women’s issues and still have confidence in the law and more specifically international law. Manji argues that these Third World right activists are under the influence of phallocentrism and its offspring, legal centralism. Therefore, their ameliorating endeavors “remain within the magnetic field of state law.” I would argue that while Manji’s correctly warns about legal-centralism which glorifies state law and makes feminists “enter into a game whose rules are predetermined by masculin[ist] requirements and a positivistic tradition,” TW feminists have to engage with their non-liberal democratic nation-states as their main site of activism. In the context of Third World activism, laws and policies are patriarchal and male dominated nationalism attempts to exclude Third World feminists for being “inauthentic”. The persisting presence of TW feminists in public political spheres, and their bold claim of their authentic representation of their own cultures will impede nationalists’ impunity or [religious fundamentalists] from completely silencing them.

2.1.4.2 Orientalizing Effects

The TW feminist approach also arose in contrast with orientalist feminism, which assumes a binary opposition between the West and the Orient. For orientalist feminism, “the Occident is progressive

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392 Ibid.
393 Supra note 367 at 13.
394 Ibid at 7.
395 Supra note 307 at 440.
396 Smart, power of law supra note 11 at 68.
397 Supra note 384 at 8.
and the best place for women, while the Muslim Orient is backward, uncivilized, and the worst place for women.”

This familiar assumption is also shared with many Western mainstream feminists who see women as a “coherent group across contexts, regardless of class or ethnicity [which] structures the world in ultimately binary, dichotomous terms, where women are always seen in opposition to men.”

Orientalism’s effects in feminist approaches construct “the sovereign Western female subject endowed with all the privileges and powers reserved solely for her” and perceives “Oriental women only as victims and not as agents of social transformation; thus it is blind to the ways in which women in the East resist and empower themselves.”

This orientalist perspective is rooted in the continuous ‘inquisition’ and ‘colonial otherings’ of the Third World woman, who is regarded as residing in the “less democratic, less learned, unstable, and poverty-stricken societies … [hence] deprived of the possibilities and channels of power which are elsewhere accessible to Western women.”

One of the offshoots of Orientalism is the marginalization of TW feminism in the international arena that has been dominated by mainstream western feminism. Asma Mansoor argues that instead of accepting the margin “as a space of disempowered passivity”, a Third World woman can “view the margin as a discursively permeable space for the agentive reconfiguration of the binaries contouring contemporary feminist discourses.”

In the same vein, feminist standpoint theory views the margins as social locations that are “propitious for producing a ‘less partial and distorted,’ and even ‘objective’ understanding of the human condition” that offers an “epistemic advantage” or “epistemic privilege” to the Third world women regarding their life conditions.

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399 Mohanty, Colonial Discourse supra note 26 at 350.
401 Supra note 18 at 222.
403 Supra note 10 at 2.
and their social location.\textsuperscript{405} From their unique standpoint, while some TW feminists demand gender equality and radical reconstruction, others consciously choose their resistance strategies in a way that does not explicitly demand gender equality or radical reconstruction of social norms. Their strategy, instead, tends to “opt for gradual changes that result from their collaboration with their male counterparts to enhance their communal influence vis-à-vis other members and to improve living standards of their families and of the community itself.”\textsuperscript{406}

As first world feminist colonizing discourses continue to place themselves at the center of feminist discourse and the rest of feminist discourses in the periphery, TW feminists have to question the rationale behind such discourses.\textsuperscript{407} Mohanty argues that traditional liberal and liberal feminist discourses “disallow historical and comparative thinking” and radical feminist discourses often “singularize gender”\textsuperscript{408} to preserve Western dominant ideology in the imperial era. Such discourses to some extent failed to accommodate criticism regarding “the way immigrant, non-white, and economically disadvantaged women are treated [as] their lack of status vis-a-vis the sources of power and their lack of access to economic resources strengthens the hegemony.”\textsuperscript{409} Mohanty contests the imposition of such hegemonic, uncritical universality of liberal feminist imperialism and advocates for “cross-cultural validation.”\textsuperscript{410} Mansoor argues that “[i]t is through context-based intellectual activism that a third world woman can exceed the universal representationalist dogmas of Western feminist thoughts that posit themselves in terms of liberalism.”\textsuperscript{411} Once TW feminism displaces the “originary center”\textsuperscript{412} and “exceeds those dogmas, her need to justify herself in terms of the Western feminist terms of emancipation would fade.”\textsuperscript{413}

\textsuperscript{405} Mohanty, Revisited supra note 372 at 511.
\textsuperscript{406} Supra note 384 at 5.
\textsuperscript{408} Mohanty, Revisited supra note 372 at 524
\textsuperscript{409} Supra note 18 at 226.
\textsuperscript{411} Ibid at 8.
\textsuperscript{412} Ibid at 6.
\textsuperscript{413} Ibid at 8.
OMSC in Iran appears to situate its praxis within liberal and radical feminism. In these Western-based mainstream feminist approaches, while the primary demands are based on gender egalitarian legal reforms that are presented as universal demands amongst women, their default political setting is a liberal democratic state. In my view, TW feminism as well as postmodern feminism offer new perspectives to analyze OMSC’s strategic plans and feminist activism in general. As TW feminism becomes a medium through which Third World women can find their indigenous feminist voices and agency, they identify their priorities and arrange their strategies and decide whether to work with their male counterparts, their states or their civil societies.

### 2.2 Feminism or Women’s Activism in Iran

Feminism has always been an intensely contested term and defining it, is a challenging affair, especially within a historical analysis of Iranian women’s politics. Ramazanoglu argues that feminism is both a social theory and a political practice. Many women or men enthusiastically embrace the title of feminist and fight for gender equality and some who reject the label of feminist as an imposed western meta-narrative, while persistently agitate to advance women’s lives. There are some people who consider feminism as irrelevant, as they either “ignore or accept gender hierarchies”. For the latter group, feminism is controversial, provocative and derogatory or even considered as socio-political suicide. When I planned to review the history of women’s activism in Iran in chapters three and four, I became interested in exploring Noushin Ahmadi’s categorizations of five generations of Iranian ‘feminists’. By using the umbrella notion of feminism, Noushin Ahmadi implies a monolithic reading of all movements that Iranian women either led or participated in during the last two centuries in Iran. However, the diversity of women’s activism calls for a more nuanced analysis. To better understand the nuances of discussing feminism and women’s activism in Iran, I will explore the distinction between what is called

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416 See more at supra note 132.
feminism and what is considered a women’s activism. I then look at how each generation defined their approach to law and the state in chapters three and four.

For Basu, feminism is a manifestation of women’s agency, consciousness, self-expression, and activism through “specified goals, of challenging gender inequality, but its constituencies can be male or female.”417 In addition to earlier feminists’ attention to hierarchical and sometimes violent gender relations, there exists a strong belief that “the relation between sexes are politicized.”418 Some modern feminists “promised not to intensify sexual warfare but to bring about a new era of sexual peace in which women and men could meet each other as equals, not as antagonists.”419 Barry argues that feminism has the intellectual and ethical commitment to provide “a systematic analysis of gender divisions to provide an explanatory social theory.”420 Thus, such an intellectual and ethical pledge translates itself into a power and command to “influence the character of speech, thought, and expression in the home and the workplace, among individuals and groups, in everyday life, and, episodically, politics, cultures and the arts.”421

Women’s activism, in contrast, is “defined by their constituencies, namely women, but can address a variety of goals”422 and not necessarily gender equality. For Barry, although women-centred activism may address gender inequality, its “underlying connotation of the term ‘inequality’ is that of ‘difference’ and of ‘disadvantage’, rather than of structured subordination per se.”423 So women activists look for specific changes that eliminate disadvantage. For example, like the liberal feminist approach to legal method, women activists suggested changes in provision of childcare and greater access to paid work “arrive at the situation where we are all people rather than men

417 Supra note 415 at 4.
420 Supra note 418 at 54.
421 Supra note 415 at 5.
422 Supra note 415 at 4.
423 Supra note 418 at 54-55.
and women.” 424 This approach falls short in terms of more structural changes that radical or postmodern feminists, for example, examine. In fact, historical records show that not all women’s activism will result in women’s empowerment and gender-progressive policies, especially when their mobilization falls under patriarchal, nationalist, modernist or conservative discourses that only seek elimination of disadvantage. This failure is due to the fact that women-centered activism holds “a set of beliefs about women’s position in society without attempting systematically to connect its various elements.”425

Molyneux argues that due to the constant failure of states to make meaningful changes in women’s lives, radical and postmodernist feminists see the capacity to confront the roots of gender discrimination and women’s emancipation through a “bottom-up struggle of women’s organizations.”426 According to Molyneux, feminists identify these needs as “women’s ‘real’ interests”. Within a field of feminism, Basu, however, advocates for “a productive balance between alliance and autonomy”427 when she encourages feminists as well as women activists to engage the state “through contestation and collaboration, without abdicating their own identities and constituencies.”428 In Basu’s and Molyneux’s perspective, while feminism has the potential to theorize bottom-up resistance and change, women’s activism “cannot escape the state.” Regardless of whether they “reject, oppose, ignore, or support it, they must reckon with it … [and make] the state the focus of their … many demands.”429

Drawing on Basu, Barry and Molyneux, the demarcation between what should be considered as feminism and what has fallen into the category of women’s activism is based on their constituencies, their goals and demands, the extent of their involvement with structural gender inequality and their approach towards the state and the state laws. In the context of OMSC in Iran,

424 Ibid at 55.
425 Ibid at 54.
427 Supra note 415 at 3.
428 Ibid at 3.
429 Ibid at 13.
Noushin Ahmadi refers to a typical challenge among different feminist strategies that the campaigners faced. This common challenge created complications both in theory and practice, not only for contemporary Iranian women’s activism but also in analyzing the history of their two centuries of struggle. The dilemma was whether (1) to lobby and negotiate with the sources of power like the government and formal institutions to attain desirable demands through the top to bottom changes, or (2) to adhere to grassroots strategies to concentrate on gradual changes through consciousness-raising and FFD about gender equality. If lobbying was considered a way to pressure governmental institutions and policymakers as sources of power to realize certain law reforms, various groups opposed such strategy.\textsuperscript{430} In OMSC’s context, these holders of power and policymakers include religious institutions, the Iranian government and parliaments, and the heads of NGO’s and influential international organizations. In those cases where the campaign faced state-sponsored religious fundamentalism, the exercise of patriarchal power and authority can expand to “the clergy, the police or even other unrelated men, who take it upon themselves to monitor the dress and conduct of women.”\textsuperscript{431}

Noushin Ahmadi identifies the first group of Iranian women activists who do not object to working, negotiating and lobbying with the sources of power. From their political lens, however, there are ‘illegitimate’ and ‘legitimate’ sources of authority, and they sanction working only with the latter. In this view, the Iranian government is politically illegitimate to work with and would be a waste of time and energy. It is because the Iranian government does not necessarily serve those activists’ political or ideological interests and they do not want to accord certain actors in the state a legitimacy that they do not deserve. On the other hand, for example, the European Parliament is considered legitimate as it can place pressure on the Islamic government. The second group entails women with no political, but instead, a personal agenda not to work or even come close to the magnetic field of illegitimate power, namely, the Iranian officials. For them, working with the Iranian Islamic government will compromise their prestige. Thus, women’s struggles and their demands come after their social image and professional reputation as independent activists. The

\textsuperscript{430} Noushin, Narrative supra note 132 at 138.
third group does not lobby with international bodies, an illegitimate colonial source of power, but tends to lobby for women’s advancements with the state’s officials and turn the state into their site of resistance and struggle.

The fourth group rejects any lobbying and negotiation with the government altogether, considers this as irrelevant and opposes any changes in women’s lives advancements coming from top to bottom reforms. For them, these changes are destructive and adverse. This camp instead believes that fundamental transformation at the very core of society is needed and that grassroots activism can pave the way for these radical changes through sociocultural education. Noushin Ahmadi hints at the hypocrisy of this group as while they avoid lobbying with international sources of power, they welcome international pressures on the government. However, this group strongly resents putting pressure for negotiations on the Iranian government. The fifth group neither agrees nor disagrees with lobbying based on the immediate and present realities of women’s lives. In their neutral position, they believe that lobbying is unavoidable and seek to enter into power equations with the best possible capacity to negotiate. Since they do not see themselves holding such a position, they prefer to do what they can within the limits of their ability.

Noushin Ahmadi suggests that the OMSC aimed to employ its full capacity and social assets to elevate itself as a robust public sphere player. As a result, she presented her version of demand-centered “circumstantial feminism” to collect differing feminist voices under its umbrella in Iranian civil society. Circumstantial feminism commits itself to lived realities of women’s experiences and their demands to improve and advance their lives. This feminist approach is more like a civil society’s response to the state that “neither prescribes one best way of action nor enforces anyone’s agenda. Rather it provides an inclusive space for diverse, indigenously inspired initiatives to conduct a public dialogue with the state….negotiating matters of gender justice in

432 This group may criticize Iranian government to send their own female delegates to i.e. Beijing conference which encourage women's movement relation with the state; but welcome the conference's call on governments “to mainstream gender by 6 integrating a gender perspective into the design, implementation, monitoring and evaluation of legislation, policies and programs.” See more at supra note 415 at 6-9.

433 Supra note 132 at 97.
specific social and cultural contexts.” Hence, Iranian feminists who use circumstantial feminism made the lawmakers notice the campaign. These feminists approach began deliberating on their legal reform agenda with the officials to achieve their desired law reform. For Noushin Ahmadi, employing circumstantial feminism, feminist movements’ social power is a prerequisite for entering into the negotiation process with the most top levels of the power pyramid in the government, i.e. the parliament. In this way, women’s campaigns can “influence state policies … to legitimate their claims…[through] forged alliances with civil society, particularly with religiously observant women who share some of their objectives in Iran.”

Like Basu and Noushin Ahmadi, Kia calls for institutional and ideological engagement with the state, especially within the nondemocratic political sphere by portraying a more porous image of the state. She supports her claim by referring to women’s rights achievements during the Shah’s alleged monopoly of power. Kia concludes that all these accomplishments were made within the “field of discursive forces, not a vacuum, and these dialogues of relation created boundaries and limits on the power and language of each discourse.” Similar to Basu’s search for alliance and autonomy, Kia opposes a dismissive strategy of women’s activists and feminists that is undertaken within the state “as a direct extension of state policies.” She instead calls for a more nuanced analysis that “allows us to locate agency and resistance to state dominance, as well as the results of such dominance.”

Kia’s analysis of women’s agency and the state is well reflected in discourse theory and can challenge the totalistic view of radical feminists towards a patriarchal nature of the law and the state, as we can observe in the interaction of OMSC with the state authorities as described by

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435 *Supra* note 132 at 127-131.
436 Noushin refers to the seventh Islamic parliament positive response to OMSC as they initiated the possibilities of legal reform in the areas of equal inheritance, blood money and bearing witness between men and women.
437 *Supra* note 415 at 18.
438 Mana Kia “Negotiating Women’s Rights: Activism, Class, and Modernization in Pahlavi Iran” (2005) 25:1 Project MUSE, Comparative Studies of South Asia, Africa and the Middle East 227 at 228.
Noushin Ahmadi. In Foucault’s hypothesis, power is neither all negative and coercive nor owned by one oppressive group, namely the state. In other words, while this view does not perceive power as simply precluding someone to act upon their wishes or restraining their freedom,\textsuperscript{442} it also claims that “power circulates through a society rather than being owned by one group.”\textsuperscript{443} Power is not only “concerned with prohibitions, with instructions requiring that we in some way restrict our behavior to conform to them.”\textsuperscript{444} Power can be, rather, engaged with as a discursive force that is dispersed in society, enabling marginalized activists to challenge, resist and negotiate the status quo. Within this theory, engagement with the state and its power at a discursive level is a fertile social space, a great site of struggle, where our struggles and opposing strategies can be shaped at many different levels to create “resistance and local struggles which operate to bring about new forms of knowledge and resistance.”\textsuperscript{445}

Basu suggests that the state becomes vulnerable to women’s opposition, especially when it has benefitted from their sociopolitical support. However, the state still sets most of the terms of collaboration and “generally concedes much less than women’s movements demands of them.”\textsuperscript{446} In such circumstances, Basu identifies a peril called the ‘institutionalization of a women’s movement’\textsuperscript{447} that may lead to what Kia calls the circumcision of autonomous women’s activism.\textsuperscript{448} The notion of autonomy may become a “distinguishing line between activists as agents and activists as government tools,”\textsuperscript{449} Kia emphasizes. It is pertinent to mention Geraldine Heng’s metaphor of feminism in the Third World context that is a great opening for the response to this question. For her, TW feminism does not have the luxury of predictability. I would argue that in a developing country such as Iran, it is the same. Thus their feminism “arises spontaneously
around issue-centered activities.”\textsuperscript{450} This feminism, “by virtue of its vexed historical origins and complicated negotiations with contemporary state apparatuses, is necessarily a chimerical, hydra-headed creature, surviving in a plethora of lives and guises.”\textsuperscript{451} TW feminism will indeed experience a range of ideological discrepancies as they employ and negotiate with the state as their site of struggle. Kia suggests that such feminist complexity “allows for more distinct existences of other discourses and places the dominant discourse in a position more vulnerable to change.”\textsuperscript{452} Given the diffused nature of power, “[f]eminists within the state are likely to be most successful when they are pressured and supported by [an] autonomous women’s movement outside the state”\textsuperscript{453} by exercising “a discursive grammar of resistance”.\textsuperscript{454} These forces, in fact, are located in civil society and are a fertile site for collective action, organization, and theorization around feminist issues. In the same vein, feminists expand their praxis by “articulating counter-hegemonic discourses, while experimenting with alternative lifestyles and envisioning other less sexist and more just worlds … [such as] self-support, community action and voluntary care”.\textsuperscript{455}

Grounded in the discussion above on feminism and women’s activism, and the ways in which each category defines its relationship with the power sources such as the state and its laws, their constituencies, their level of socio-legal and political engagement with the roots of structural gender inequality as well as patriarchy, I suggest that, OMSC in post-1979 revolution Iran is a feminist campaign that has produced legal demands addressed to the state with all its male and female constituencies. As I show in chapter five, OMSC is influenced by liberal feminist jurisprudence in its theory and practice and straightforwardly seeks law reform through the state apparatus. The campaign’s educational mission and consciousness-raising were also inspired by radical feminist methods, which reach into structural roots of legal discrimination against women and women’s core concerns and elevate them “as knowers within the official realm (of both law


\textsuperscript{451} Ibid.

\textsuperscript{452} Supra note 438 at 233.

\textsuperscript{453} Supra note 415 at 13.

\textsuperscript{454} Supra note 438 at 233.

and knowledge)\(^{456}\) that claim and exercise authority in the realm of “ideas, values and the production of culture and theory.”\(^{457}\) Unlike radical feminists, OMSC never addressed its critique of the larger patriarchal structures of law and its gender ideology in its petition. Instead, it followed a formalist and statist approach to law which reveals its liberal feminist tendencies. From this perspective, the law is given a constitutive power which has a normalizing effect.\(^{458}\) However, FFD sessions as well as educational workshops succeed in exploring diverse aspects of entrenched patriarchy and structural gender inequality in the Iranian context.

2.2.1 Conclusion

To conclude, feminist legal thought, which is complex, diverse and sometimes inconsistent, is a crucially important lens for my dissertation. In this chapter, I explored liberal and radical feminism, which were more directly involved in law and jurisprudence. While liberal feminism is rooted in the liberal philosophy that all men and women are rational human beings and equal before the law, and therefore both sexes should be given equal rights and opportunity, radical feminists cast doubts on law’s language of neutrality and impartiality which failed to realize women’s wellbeing. Radical feminism moved beyond mere identification of formal legal discrimination to challenge the effects of patriarchy and the question of power over women’s struggles for gender equality. OMSC, the case study of my dissertation, is inspired by these two mainly legal centralist feminist approaches in their various methods.

I also explored postmodern and TW feminist approaches with their deconstructive and decentralizing strategies toward law, as well as Western definitions of law and totalizing feminist knowledge. I am of the opinion that the critical feminist lenses offered by postmodern and TW feminism have great potential to inform Iranian feminist movement within a Muslim majority country. Postmodern feminism’s perception of law reveals Law’s inherent resistance to feminist demands. These feminists’ drastic step is more towards the importance of marginalization of law as a signifier of masculinist culture and discursive engagement with it as a powerful medium to

\(^{456}\) Supra note 315 at 81.

\(^{457}\) Ibid.

\(^{458}\) Supra note 326 at 152.
reformulate feminist demands. TW feminism is a counter-narrative to the hegemonic account of Western definition of law as well as feminism. It explores the shift of power and privilege among feminists in global settings and places its emphasis on acknowledging women’s multiple realities, especially in the Third World. This culturally involved feminism assertively engages and communicates with the state and its elites to shape their contextually well-informed feminist praxis. The last section of this chapter offered multiple perspectives that try to elaborate on the possible distinctions between women’s activism and feminist movement.

Chapters three and four continue this theme by exploring the legacy of Iranian women’s struggles over the last 150 years. I analyze their characteristics in relation to law, their goals, demands, popular religion, ideology and class in order to capture key elements of their activism and to achieve an enhanced understanding of their complexity.
Chapter 3: The First Three Generations of Iranian Women’s Activism: Class, Ideology, and Religion (Phase I)

The case study of my dissertation is the One Million Signatures Campaign that emerged, rose, expanded and faded away from 2005-2009 when the fifth generation of Iranian women activists dominated both feminist and women’s activism in Iran.\textsuperscript{459} Iranian history reveals the legacy of five generations of women’s activism over the last 150 years. These generations are briefly categorized and introduced as five generations of Iranian feminism by Noushin Ahmadi\textsuperscript{460} and I will expand on her analysis. I have divided the five generations of women’s activism in Iran into two major socio-political phases. In chapter three, I critically explore the first three generations: Phase one which started around the constitutional revolution and continued up until the Islamic revolution (1905-1979). Phase one entails the first three generations of Iranian women activists who experienced the Qajar and Pahlavi dynasties in Iran prior to the formation of the IRI. These three generations emerged in a sociopolitical atmosphere that was under the influence of the rise of Babi religion along with the legacy of Tahereh Ghorat-ol-ein (a poet, Babi theologian and women’s rights advocate), the penetration of Western liberal thought into the Iranian intellectual atmosphere, the 1917 revolution in Russia, the women’s movement in Egypt and Turkey, and American and British women achieving suffrage rights in late 1920 and 1918, all of which contributed to new aspirations for Iranian women.\textsuperscript{461}

To enrich my analytical understanding of the attributes and achievements of these generations, I look at them from the perspective of class, ideology, religion and law. As bell hooks put it, “Class is not simply a question of money.”\textsuperscript{462} In fact, class is all about power and control that profoundly impact women’s lives and firmly define their status and roles in society in terms of their level of education, occupation, and income. Rita Mae Brown goes deeper into women’s lives: She suggests that “Class [is] your behavior, your basic assumption, how you are taught to behave, what you

\textsuperscript{459} See more at supra notes 415;418; 419 at 5.
\textsuperscript{460} See more Noushin, Narrative Supra note 132 at 108.
\textsuperscript{461} Supra note 28 at pp 36 –38.
expect from yourself and others, your concept of future, how you understand problems and solve them, how you think, feel, act.”463 To write about Iranian women’s activism and history, it is crucial to attend to the agency of Iranian women coming from upper, middle and lower classes, through which lenses they analyze and compete for power and push the boundaries for resistance or reform. Further, it is vital to understand the limits that social class places on feminist activism and the possibility of the reproduction of relations of dominance amongst women. For example, in the Pahlavi era an elitist upper-class feminism formed in complicity with the state’s modernization project. This joint project sought to empower and enlighten women of other classes but in reality looked more like ‘dehumanizing’ lower-class women that led to “paternalizing intragender dominance” amongst Iranian sisters.464

Women’s activism in Iran has always been exposed to ideological constructs that shape women’s associations and responses to the state’s power and laws. In its extreme, as Mrinalini Sinha opines, ideology can “make any interrogation of the consciousness and agency of women themselves irrelevant”.465 This experience was the case for the third generation of Iranian women activists, and some traces of the ideology-centered mindset remained in the fourth generation. For example, in the Pahlavi era, during the reign of Reza Khan, modernization became the state’s ideology and women who became activists at the time came from mostly elite classes that conformed to the state-sponsored version of feminist praxis related to patriarchal nationalization. Islamist ideology and its mottos also attracted some Iranian women of the third generation; these mottos later turned out to uphold patriarchal ideologies of political Islamism as a strategy to oppose the Pahlavis. In the early 1950’s until the late 1970’s, the number of women workers used as cheap labor increased due to rapid industrialization. Women activists of the left emerged from the day to day experiences of the working class while their views on women were strongly influenced by the prescribed socialist ideology. For them, women’s emancipation was achievable only through the realization

463 Ibid.
464 Supra note 438 at 244.
of socialism for working class women under the paternalistic motto of ‘first is socialism and second their feminist demands.’ Their ideology gave shape to their worldview, demands and womanhood.

Women’s activism in Iran has always discursively and pragmatically encountered and engaged with religion and its patriarchal representations. Religious women are often assumed to be oppressed, silenced, and uneducated with a sub-human consciousness in the popular stereotypes, ranging from missionary texts to the Persian monarch’s modernization projects, especially in the militant secular project of unveiling. On the contrary, some religious women displayed keen interest in intellectually and practically engaging with the religious, and sometimes conservative, political and social institutions that paradoxically impeded their struggles for gender equality. Placing their faith in the platform of civil society, these religious women activists contributed to the re-imagining and formation of their faith and its socio-legal and cultural ramifications to generate gender inclusive dialogue in national and international debates. Therefore, these women of faith contributed to a re-imagining of the relationship between nation, state and religion, and challenged policies of state-sponsored Islamization. The state also realized that religious women activists are gender conscious subjects with religious identities. The fourth generation of Iranian women activists and the rise of Islamic feminism in Iran proved that religion, along with class analysis, is key to analyzing women’s activism in Iran.

In this research, I present a story of Iranian women and women activists’ struggles to fight for equality, freedom, and confidence, starting from the mid-19th century. My narrative scrutinizes the highlights of Iranian women activists’ praxis, their traits, and qualities by considering a variety of historical and socio-political specificities. Moreover, I shed light on the historical progression of Iranian women activists and feminists, mainly in their social activism, public and political engagement and in the role they play in enhancing women’s health and education.

Prior to the constitutional movements of the early 20th century, Iran faced a major socio-political transition. These changes ranged from the “penetration of European forces into Iran and the influence of European capitalism, which hastened the disintegration of the feudal social structures
in Iran,” to extensive encounters of Iranian men and women with European ideas, lifestyle, and goods in their contacts with European merchants, advisors, and diplomats. These multifaceted social, historical, economic, cultural, legal and political transformations indeed changed Iranian women’s lives in the 19th century. Around 1850, during constitutional struggles, the Iranian society also faced women’s organized endeavors to transform their social conditions. Paidar argues that contrary to the stereotypical and orientalist “association of traditional Middle Eastern society with Islam as its sole designator and the leading cause of women’s oppression, nineteenth-century Iranian society contained a variety of conceptions and positions on women.”

The efforts of 19th century Iranian women can be traced in the socio-political thoughts and writings of Bibi Khanoom Astarabadi in her book *Male Deficiencies*, a critique of dominant misogynist culture and its educational approaches toward women. The memoirs of Taaj-o-Saltaneh, the daughter of Nasser-e-din Shah, were also among the feminist works supporting women’s financial independence and their right to work. Opposing misogyny, princess Taaj-o-Saltaneh attended her father’s burial looking euphoric and boldly stood by her father’s assassin and advocated for some western egalitarian views of the time such as women’s right to divorce or right to political participation. During this era, various riots in relation to shortage of resources such as food in opposition to the notorious Reuter concession of 1872 and the Tobacco protest between 1891-1892 brought organized women-led masses into the political public sphere. In particular, “Kamran Mirza, the vice regent was attacked by hordes of women. Militant women lead by Zeynab Pasha,

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466 Supra note 50 at 427.
467 Ibid.
468 Paidar, *Political Process* supra note 22 at 70.
470 Ibid at 49.
472 “The Tobacco Protest was the first organized political opposition by Iranian merchants, intellectuals, and ulama (clergy) to the Qajar dynasty and foreign domination of the Iranian economy. It was the first of a series of collective efforts that culminated in the Constitutional Revolution of 1905–1911.” Supra note 50 at 427-428.
alongside armed men, attacked government warehouses in Tabriz. " Meanwhile, Haydar Khan Tabrizi’s wife and other women armed themselves with sticks to safeguard pro-constitution speakers in Tabriz.  

### 3.1 First Generation (1905-1925)

The constitutional movement during 1905-11 gathered the progressive forces of the reputable noble classes, religious authorities, and educated elites around the idea of restricting royal authority, the establishment of the rule of law, and the ideals of emancipation, freedom, economic prosperity and technological progress to realize the hallmark of modernity, which was national independence.  

This moment lead the country to establish a national parliament in October 1906. While Shiite clerics played a landmark role in Iranian history by mobilizing masses for or against constitutionalism, the line between proponents and opponents of constitutionalism did not necessarily map onto Islamic-secular and traditional-modern binaries. Support from the Shiite clerics has always been one of the most significant sources of the Monarchy’s legitimacy in Iran, which could secure clerical control over the educational and judiciary systems. For example, pro-constitutionalist clergy-person Sheikh fazlullah Nuri, at some point during the revolution, turned his back on constitutionalism due to his apprehension about the establishment of a secular judiciary system that constitutionalism may have led to. In fact, his perceptions of Shari’a “lacked any flexibility for a mujtahid to form pragmatic and progressive opinions” to be effectively conveyed to his Iranian men and women followers.

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473 Supra note 53.
474 Ibid.
475 Paidar, Political Process supra note 22 at 70.
476 For example, “the Shia clergy has played a major role in Iran at least since 1892, on the occasion of the tobacco boycott which led to the withdrawal of the concession given by the shah to a British citizen. The concession led to protests in several cities. … The shah did not react and Shirazi wrote a fatwa forbidding the use of tobacco. In December 1891 the popular resentment transformed itself into a boycott of tobacco.” at Farian Sabahian, “Iran at the Crossroad. The role of the Clergy” (February 2010) online: ISPA Commentary  
477 Mehdi Khalaji, “Politics and the Clergy” (October 2015) Online: United States Institute of Peace, The Iran Primer  
478 Islamic Jurist  
479 Mateo Mohammad Farzaneh, Iranian Constitutional Revolution and the Clerical Leadership of Khurasani, (Syracuse, NY: Syracuse University Press, 2015) at 207
During the revolution years, however, some clerical opposition formed to support constitutionalism. Clerics like Muhammad Kazim Khourasani, a renowned Shii jurist, engaged a pro-constitutionalist position that “was shaped by rational usuli Shi’ite jurisprudence, which fully supported parliamentary political representation.”  

Some of the Shiite clerics also shared the leadership of the constitutional movement with notable secular reformist constitutionalists in employing the language of nationhood and constitutional state. At the same time, some secular nationalists like Akhundzadeh, who spent his adult life in the Russian civil service, offered atheist and anti-Islamic perspectives regarding education and moral reconstruction for Iranian society. His plans were to create a secular Iran through “a cultural awakening based on disengagement from Islam and the Arab element associated with it” to thwart the influence of Islamic civilization and culture.

Constitutional and Royalist supporters did not necessarily divide along gender lines as some women became ‘fellow participants’ in the national struggle for constitutionalism while others took a royalist position. Paidar argues that one of the most important aspects of the discourse of modernity and its significant trajectory in late nineteenth-century/early twentieth-century Iran was ‘national progress’ as the highest aim and national interest, in which ‘women’s emancipation’ was considered a crucial element and their position defined in terms of ‘national interest.’ In a modern nation-building state, she argues that women’s bonds with the nation were different from men’s as the nation automatically included men, and their interests were merged indivisibly. However, the relation between women and men/nation had to become defined by, for example, Taqizadeh, a famous constitutionalist leader and an intellectual journalist, who called women “carriers of national traditions and customs.”

Mirza Malkom Khaan, another constitutionalist

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480 Ibid.


482 Paidar, Political Process supra note 22 at 71.

483 Ibid at 71-72.

figure in Iran, who was born in an Armenian Christian family in Iran and later converted to Islam.\[^{485}\] also praised women by suggesting that Iranian women were far ahead of Iranian men in humaneness as they well understood its benefits for the nation. Women too formed, and participated in, the movement of mankind as they were educators of children, and education means progress and reform in society.\[^{486}\] From the gatekeepers of national traditions to educators of modern society, these perspectives suggested that “education make[s] it possible for women to envisage constituting a new female self through mass literacy.” This female self was indeed able to establish “an appealing rhetoric for redefining womanhood and claiming a place for women in the new public political domains.”\[^{487}\] Although these remarks affirm traditional women’s roles in Iranian society, I would argue that significant building blocks of feminist discourse that express women’s agency and consciousness can be traced in their core message of women’s rights to education and their role to mend and eliminate certain gendered disadvantages that were highlighted under the umbrella of nationalism.

Women’s participation in the constitutional period and their support for women’s emancipation took various forms that noticeably ran along class lines. In the Iranian socio/political climate of those days “nationhood, associated with modernity and progress, became a political space occupied and propagated by an urban intelligentsia which arose from the ranks of merchants, traders, nobility and [the] other upper and middle classes.”\[^{488}\] Through the close relationship that was developing between women’s activism and nationalism, pioneering women in Iran used the momentum of revolution to infuse the framework of women’s demands into the center of the political sphere. Their demands included women’s education as an absolute priority among men.


\[^{486}\] Anna Vanzan, Malkom Khan Zanan ra Fereshteh Basharyat Midanest [Malcom Khan Considered Women the Angels of Humankind] (2005) online: Tarikhe Irani [Iranian History]<http://www.tarikhirani.ir/fa/files/95/bodyView/947/%D9%85%D9%84%DA%A9%D9%85%E2%80%8C%D8%AE%D8%A7%D9%86.%D8%B2%D9%86%D8%A7%D9%86.%D8%B1%D8%A7.%D9%85%D8%B1%D8%B4%D8%AA%DA%AF%D8%A7%D9%86.%D8%A8%D8%B4%D8%B1%DB%8C%D8%AA.%D9%85%DB%8C%E2%80%8C%D8%AF%D8%A7%D9%86%D8%B3%D8%AA.html>(last accessed February18, 2018) [translated by author]


\[^{488}\] Paidar, Political Process supra note 22 at 72.
and women constitutionalists, and reform regarding the early age of marriage, veiling, seclusion and polygamy. Paidar argues that “[r]esolution of these problems was seen as necessary to national development and progress”\(^{489}\) rather than strategic moves towards gender justice in society.

According to some limited evidence, some men and women from the lower and middle class participated in street demonstrations to give enthusiastic support, coloured by superstition, to the anti-constitutionalist clerics. By contrast, upper-class women, as well as their male compatriots, concentrated on writing and giving speeches on constitutionalism, women’s emancipation and educational activities.\(^{490}\) Their support for the clerics who embraced constitutionalism\(^{491}\) was more tactical as they frequently spoke out against the clergyman’s approval of oppressive practices against women and religiously encouraged superstition among women.\(^{492}\) Raising further awareness of the oppressed condition of women in Iran, some upper-class and more educated urban women were involved in founding and joining secret societies whose members were not all Muslim. Some were secular; some belonged to religious minorities. However, the general impression was that the help of the pro-constitution Muslim clergy was needed strategically in 1904 and 1905, the years leading up to the revolution.\(^{493}\) In these secret societies, women’s activism included, but was not limited to, the following acts: “[M]embers of the Secret Union of Women published pamphlets and articles demanding men should give up their seats in Majlis and let women run the country.”\(^{494}\) They also “joined underground activities against foreign forces, boycotted the import of foreign goods, participated in the demolition of a Russian bank.”\(^{495}\)

\(^{489}\) Ibid at 75.

\(^{490}\) Ibid at 73.

\(^{491}\) “Several ayatollahs embraced the movement for different reasons: the tax increase in the wholesale market which also scared the bazaaris; the land tax which threatened the waqf (religious foundations); the presence of foreign consultants ….” See more at supra note 476 at 2.

\(^{492}\) Paidar, Political Process supra note 22 at 73.

\(^{493}\) Supra note 476 at 2.

\(^{494}\) Supra note 50 at 429.

Women also held fundraising sessions by selling their jewels and dowries in support of the establishment of the National Bank, which was one of the main priorities of the first parliament.\textsuperscript{496}

The constitution was finally signed by Mozzafar-al-Din Shah in 1906. The most important model for the Iranian constitutional laws of 1906–7 was the Belgian Constitution of 1831, although “the framers of the Iranian law had also consulted the French, Bulgarian, and Ottoman constitutions.”\textsuperscript{497}

The creation of the constitution was greatly accelerated as the constitutionalists were afraid, should the current monarch of Iran, Mozaffar Al-din Shah, die, they may face serious opposition to constitutionalism from his descendant Mohammad Ali Shah. Indeed he later bombarded the parliament in 1908 with the political and military support of British and Russian powers and damaged Iranian efforts to create a stable democratic country.\textsuperscript{498}

The Constitution moved beyond its European and Ottoman predecessors in numerous areas such as restraining Iranian monarchs and their absolute power. It gave them lesser rights compared with their international counterparts and distributed authority among the monarch, Parliament, the prime minister, and also moved toward a secular judiciary.\textsuperscript{499} However, it failed to keep its promise of equality of all citizens before the law in article eight of the supplementary constitutional law of Iran, as the definition of citizen did not refer to women. In fact, “equality with regard to the rights of Sunni Muslims, non-Muslims, and women came to mean ‘separate but equal’, similar to the way that U.S. minorities were treated before the civil rights era.”\textsuperscript{500}

Some religious leaders, as well as some prominent constitutionalists, shared the view that women are incapable of socio-political and legal awareness. However, differences of opinion in understanding and interpreting the notion of ‘women’s emancipation’ and the pattern of their

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\textsuperscript{499} Supra note 498 at 341.

\textsuperscript{500} Ibid at 357.
participation across class lines became more acute after the convocation of the Majles (parliament). In this era, lower-class women tended to advocate for anti-constitutionalist clerics and Royalists while upper-class women supported the constitutionalists.\textsuperscript{501} It was a time during which the difference between lower-class and upper-class women turned into violent combat. The first-hand experience of such conflicts took place when upper-class women demonstrated against the Russian ultimatum\textsuperscript{502} and boycotted foreign goods. Specially designed by Mahrokh Goharshenas, a unique ring emblem with two clasped hands was worn by women activists as they “had taken an oath not to give up their struggle for women’s rights until death.”\textsuperscript{503} Members of this group faced the wrath and constant insults and abuse from lower-class women to the extent that Mahrokh Goharshenas, who founded a girl’s school called Taraghi (Progress) and kept it a secret from her husband for two years,\textsuperscript{504} was thrown into a pool as a threat.\textsuperscript{505} When her secret was revealed to her husband, he beat his head and chest saying “in the next world, when your father asks me why I let his daughter participate in activities contrary to religion and virtue, what shall I say...[?]”\textsuperscript{506} Najmabadi argues that this binary scripting amongst traditional, mainly illiterate women and their educated upper-class counterparts was grounded and consolidated through a political polarization of anti and pro-constitutionalists. While the former group became provoked in female religious gatherings or public female baths to meet other women and support absolutist royalist forces, the latter group of women would aid constitutionalist male members of their families such as their fathers,

\begin{footnotes}
\item[501] \textit{Paidar, Political Process supra} note 22 at 73.
\item[502] The Russians demanded that Iran dismiss Morgan Shuster, the American general treasurer who planned to reform the Iranian finance and tax system. Through this reform process, many Iranians who were the agents of Russian super power had to pay tax and therefore Russia threatened Iranian constitutionalists to invade Iran. In 1908, imperial Russia invaded north west of Iran and massively executed pro-constitutionalists in the city of Tabriz. “The Constitutional Revolution” online: Country Studies <http://countrystudies.us/iran/13.htm> (last accessed February 18, 2018)
\item[504] \textit{Ibid.}
\end{footnotes}
brothers, and husbands. Therefore, they became detached from their female bonds and spaces. Hence, “the forging of new female-male bonding and heterosociality were thus shaped through the exigencies of national politics.”

Following on this class gap, some other more educated middle and upper-class women took a path toward focusing on independent women’s activism and their “efforts for establishing schools for girls succeeded in major cities such as Tehran, Tabriz, Mashhad, Rasht, Hamadan, and others.” These girls’ schools received mixed signals. Responses ranged from generous moral and financial supports of constitutionalist male intellectuals such as Mr. Javad Sartip, Mirza Hussein Rushdiyeh, Nasr Douleh and Adib Douleh, to hostile religious or secular leaders’ responses in fear of extending colonial and missionary hands through modern school systems and their designated curriculum. For example, as Tavassol school opened in 1907 in Qazvin, Agha Mirza Hassan Sheykh-ol-Eslam threatened the expulsion of the school authorities from Qazvin and sent a crowd of women to tear down the school. The newspaper *Maaref* (knowledge), following the publishing of the article about this event, asked its readers for help.

In 1910, the first group of women graduated from the American School in Tehran, which had 120 Muslim students. It is pertinent to mention the British Embassy’s reaction toward an extraordinary event of the establishment of a modern Iranian girls’ schools by prominent Iranian women, with an indigenously developed curriculum. Sir Charles Marling, British Ambassador in

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507 Supra note 487 at 508.
508 Ibid.
509 Supra note 50 at 429.
510 The director and the chief editor of the Maaref newspaper was Meftah-ol-Molk Mazandarani whose expertise was on primary education for children. He wrote the first educational text book for Iranian children. See more at Yousef Elahi, *Meftah ol Molk Mazandarani, Modire Rooznameh Maaref* [Meftah-ol-Molk Mazandarani, the Director of Maaref Newspaper] (Feb 12, 2012) online: http://ical.parliran.ir/ical/fa/Content/4_artmajles1%D9%85%D9%81%D8%AA%D8%A7%D8%AD%20%D8%A7%D9%84%D9%85%D9%84%DA%A9%20%D9%85%D8%A7%D8%B2%D9%86%D8%AF%D8%B1%D8%A7%D9%86%DB%8C%20%D9%85%D8%AF%DB%8C%D8%B1%20%D8%B1%D9%88%D8%B2%D9%86%D8%A7%D9%85%D9%87%20%D9%85%D8%B9%D8%A7%D9%81%20%DB%8C%20%DB%8C%20668>. (last accessed February 18, 2018) [translated by author]
511 Supra note 505 at 45.
512 Ibid at 41-42.
Iran, in his letter to Sir Edward Grey, the British foreign secretary, reported to his Russian counterpart, M. de Harting, that one of his clerk’s wives, Bibi Vazirov,513 established a girls’ school. This school was called Dushizegan (bachelorettes) in which the daughters of well-respected families received training and education. Contrary to the norms of women in Bibi’s social class and gender, in Marling’s view, she was very well educated. Marling indicated that she inspired a women’s society that may have harmful potential.514 In this era, various newspapers were also published such as Danesh (knowledge), that “endorsed female industriousness and the pursuit of work as a means to social betterment.”515 Additionally, newspapers such as Amuzegar (primary teacher), in 1911 focused on women’s education. Shikoofah (blossom), in 1912, promoted patriotic motherhood because of the high rates of infant mortality and the prevalence of epidemics in Iran. Therefore, it encouraged women to be politically more active in a civil society.516 By 1913, there were nine women’s societies. The most active was the Society for the Freedom of Women, which “attracted prominent activists like Sedigeh Dawlatabadi, Muhtaram Eskandari, Huma Mahmudi and Shams al-Muluk Javahir Kalam.”517 There were also “63 girls’ schools in Tehran with close to 2500 students.”518

Sanasarian marked the Constitutional Revolution of 1905 as the origin of women’s activism in Iran that ultimately turned into a women’s movement.519 Unfortunately, subsequent suppression of activists caused “most associations and societies formed during the revolution to fall apart; the majority of the women involved in the movement went back to their homes.”520 Amongst various arrays of women’s activism during the constitutional era, only a few women activists emphasized the incorporation of ‘women’s emancipation’ in their definition of constitutionalism, unlike their

513 Bibi Khanom Astarabadi, See more at Hasan Javadi, & Willem Floor, The Education of Women and The Vices of Men: Two Qajar Tracts (Syracuse: Syracuse University Press, 2010)
514 Hasan Moaaser, Tariikh Esteghrar Mashrootiat dar Iran, Mostakhrajeh az rooy Asnad Mahramaneh Vezarat Omoor Kharejeh Engelestan [The History of the Establishment of Constitutionalism in Iran, Derived from Secret Documents of the British Foreign Affairs], 2 vols. (Tehran, Iran: Ibn Sina, 1968) [translated by author]
516 Ibid at 32-33.
517 Supra note 53.
518 Ibid.
519 Supra note 28 at 28.
520 Supra note 50 at 428.
fellow male constitutionalists. Also, if pro-constitution male activists supported the notion of ‘women’s emancipation’ as part of the constitution, it was unlikely to face anti-feminist reaction from women. The majority of women took the side of their men in debates on constitutionalism while a minority exercised their independence by taking the side that argued in support of women’s emancipation. For instance, Taj-o-Saltaneh divorced her husband and became a pro-constitution activist. Another woman, Mahrokh Goharshenas, secretly established a girls’ school despite her husband’s disapproval. In my view, although most of these women’s activism fell under the category of nationalist/modernist or religious discourses, these women hoped to create a gender-inclusive/progressive discourse to empower women in their private and public lives that would challenge the elements that contribute to women’s pre-defined status in patriarchal society.

The prominent characteristic of the first generation of Iranian women activists was their demand-centered action around women’s education rights, as Noushin Ahmadi argues, which resulted in converging coalitions amongst women for around three decades until the rise of Reza Shah. A closer look reveals that in the constitutional era, demands were not shared amongst all women activists. They were not keen on creating a distinct feminist identity from pro-constitutionalists, and incorporated their feminist demands into pro-constitutionalism. As a matter of fact, they included women’s demands as part and parcel of their constitutional demands. For example, there is evidence suggesting that while many women protested against the Russian Ultimatum with a feminist gesture of appearing unveiled, they faced negative reactions and discontinued their strategy, so they failed to agitate for women’s rights to appear in the public as they wished. It was mainly upper-class women who undertook feminist endeavors through a gender-conscious lens by being sensitive about gender hierarchies and the resultant systematic corollaries. They emphasized women’s and girls’ rights to mandatory public education based on more indigenously

521 Paidar, Political Process Supra note 22 at 75-76.
522 Zahra Khanom Taj-o-Saltaneh (1883-25 January 1936) was a daughter of Nasser al-Din Shah. She was the memoirist in the Qajar Dynasty, feminist and reformist. She was also a pro-constitutional Revolution and the founding member of The Society of Women’s Freedom. See more at Shirin Mahdavi, “Taj al-Saltaneh, an Emancipated Qajar Princess” (1987) 23:2 Middle Eastern Studies 188 at 188-193.
523 Supra note 503 at 35-36.
524 Noushin, Narrative supra note 132 at 103. [translated by author]
525 Paidar, Political Process Supra note 22 at 76.
developed tutelage, appropriate age for marriage, freedom of veiling, and their right to have monogamous families. They assumed various roles such as teachers, journalists, and poets to expand their cultural influence in the constitutional era.

Lower-class women’s activism that emerged during these years, while it appeared violent and militant, merely turned into the female constituencies of the anti-constitutionalist movement to address a variety of goals that seemed to lack analytic precision and political awareness. However, an upper-class stratum of autonomous feminists made a strong alliance with the constitutional movement which made women’s demands an issue of national interest. Without relinquishing their opposition to gender subordination, this generation held high confidence in law. They planned to directly influence the development of new constitutional law and claim a place in its rhetorical domain, and demanded women’s rights to education, and legal reform to the early age of marriage, veiling, seclusion and polygamy. The larger constitutional movement miscarried its promise to recognize women in the definition of ‘citizen’ and their legal status remained ‘separate but equal’, along with religious minorities.526

3.2 Second Generation (1925-1941)

From 1925-1941, the second generation of Iranian women’s activism emerged: starting from the era during which National Consultative Assembly,527 dominated by Reza Khan’s528 men deposed the Qajar dynasty in October 1925 and decrowned Ahmad Shah, declaring the establishment of the Pahlavi dynasty in 1926.529 Afterwards, Reza Shah launched extensive programs for Iran’s entry into the modern world, and western-imported modernity became the ideology of the state. In regimes such as Ataturk’s in Turkey and Reza Shah’s in Iran, the emphasis placed on “national consolidation and unity and the creation of a modern, centralized bureaucracy was congruent with

526 Supra note 498 at 357.
527 National Consultative Assembly also known as Majles Melli was the national parliament of Iran from 1905-1979.
528 Reza Khan was the commander of the Iranian Army and the minister of war at the end of Qajar dynasty who took the title of Sardar Sepah or Commander-in-Chief of the Army with the direct support of the British General Ironside. 
the mobilization of women to aid the expansion of new administrative cadres and the creation of
a uniform citizenry.”530 As a result a number of women’s demands automatically overlapped with
some of the state’s modernization projects.

However, in this era, women’s institutionally and ideologically independent and non-conforming
organizations encountered various restrictions from the newly established dictatorship. For
example, many women’s organizations were forced into closing to the extent that in 1932, Reza
Shah banned the last independent women’s organization, Jamiat-e Nesvaan-e Vatankhaah-e Iran
(The Patriotic Women’s League of Iran), which by that time had 195 official members.531 These
incidents gradually forced women’s organizations to shift their focus on activities from political
demands based on anti-patriarchal socio-legal structures back to the same charity and educational
works as in the constitutional era. Sanasarian took the closure of the women’s league as a turning
point marking the end of the women’s movement in Iran.532 In Sanasarian’s theoretical setting, the
essence of women’s movements is their undeviating opposition to the government. Otherwise,
they are state-sponsored women’s organizations, which can be thought of as “the docile auxiliaries
of the ruling state-party.”533 Such a view, Kia argues, sets up a direct and uncritical connection
between institutional independence and the authenticity of a women’s movement. Conversely, Kia
emphasizes the presence of agency, which need not be lost merely on account of women’s
organizations engaging with the official establishment.534 From this perspective, we may continue
to outline women’s activism and some of their feminist oriented praxis that continued to evolve
during the Reza Shah Monarchy.

530 Supra note 431 at 12.
531 Mohamad Ali Arjmandi, Mastooreh Afshar Ourami: Avalin Faal Hogogh Zan dar Iran [Matooreh Afshar
Ourami: The first Women’s rights Activist in Iran] (January 2013) online: AyynShayin
<http://ayinshayin.blogfa.com/post/47/%D9%85%D8%B3%D8%AA%D9%88%D8%B1%D9%87-
%D8%A7%D9%81%D8%B4%D8%A7%D8%B1-%D8%A7%D9%88%D8%B1%D9%85%DB%8C%D8%8C-
%D8%A7%D9%88%D9%84%DB%8C%98-%D9%81%D8%B9%D8%A7%9D%84-
%D8%AD%92%D9%88%D9%82-%D8%B2%D9%86%D8%A7%D9%86-%D8%AF%8B1-
%D8%A7%8C%D8%B1%D8%A7%9D%86>. (last accessed February18, 2018) [translated by author]
532 Supra note 28 at 28.
533 Supra note 431 at 12.
534 Supra note 438 at 229.
While restrictions upon women’s organizations were intensified, the government offered its selective and channeled support for Iranian women. It first held the 1932 Oriental Feminine Congress in Tehran, attracting Muslim women from Egypt, Iraq, Lebanon and Turkey, and chaired by Princess Ashraf, the daughter of Reza Shah. Mastooreh Afshar, the head of the Patriotic Women’s League, hosted the preliminary organizing meeting of the Congress in her house and was elected as a board member of the conference. The resolution of the Congress demanded the following: women’s suffrage rights and proposed criteria to be elected to office, compulsory education, equality in wages, continuing studies for mature women, government sponsored childcare and expansion of recreational activities such as playgrounds, improvement of men’s morality, premarital health checkups for couples, prohibition of polygamy, alcoholic liquors and narcotics, and female police to be organized to screen public health and sanitary conditions. Furthermore, as of 1931, the government initiated various legal reforms improving women’s status in marriage and divorce, subjecting them to civil jurisdiction rather than the religious realm. In 1935, the minimum age of marriage was raised to fifteen for girls and eighteen for boys and women could have a clause in their marriage contracts which put some restraint on men’s unilateral right to divorce or have a second wife. The law of 1935 upheld the Islamic tradition of women’s right to govern their properties after marriage and engage in independent business affairs, as well as retain any dowry received by her father upon marriage. Simultaneously with making western hats compulsory for men, the law of 1936 known as kashf-e-hejab (unveiling) also made it illegal for women to appear veiled in public. The unveiling law was specifically extended to girls’ public schools and governed both pupils and teachers.

The unveiling law aggressively applied to women and girls who resisted appearing unveiled in public, and their silk scarves or anything that remotely might look like a veil were torn by police officers. When women were unveiled, the police would return them back to their families unveiled.

535 Supra note 522 at 184.
536 Supra note 50 at 430.
537 Supra not 532.
538 Rosalie Morton, A Doctor’s Holiday in Iran (New York: Funk and Wagnalls, 1940) at.311 cited in Reza Arasteh, “The Struggle for Equality in Iran” (1964) 18:2 Middle East Journal 189 at 195.
and in ribbons.\textsuperscript{540} The unveiling initiatives were rooted in the earliest feminist formulations of the mid-nineteenth century, characterized by the influence of sociopolitical achievements in Europe and these constructed a path toward modernity and progress. In the beginning of the 20\textsuperscript{th} century, being a traditional veiled woman was the most visible marker of backwardness. Therefore, the journey towards the more modern world was strategized through education and removal of whatever was seen as vestiges of backwardness.\textsuperscript{541} Reza Shah’s promotion of the unveiling project was not only intended to persuade women to join the workforce due to the emerging capitalist economy, but to urge them to go to universities, become teachers, accede to the expanding ministries, and help to expand a newly formed state bureaucracy. It appears that middle and upper-class urban women were the primary targets of these modernizing policies.\textsuperscript{542} While Shireen Mahdavï considered this law as one of the most effective steps Reza Shah put forward to deal with Muslim Women’s ‘backwardness’ to ‘emancipate’ them,\textsuperscript{543} Margaret Mead represented the other side of the story from a critical cultural perspective. In her view, with the increasing contact with and impact of western civilization, the pathways of education in non-western nations changed from the seeking of new knowledge and new skills to instituting a new social order that was different from the old.\textsuperscript{544} However, Mead felt that:

\begin{quote}
[C]hange can best be introduced not through centralized planning. But after a study of local needs… excellent results… are reported in cases where the program of education was based on local needs … When the specific needs of a locality or culture are discovered, it is often still necessary to teach the people to recognize them and the desirability of improvement… All changes should be introduced with the fullest possible consent and participation of those whose daily lives will be affected by change.\textsuperscript{545}
\end{quote}

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\textsuperscript{540} Olive Suratgar, \textit{I Sing in the Wilderness: An Intimate Account of Persia and the Persians} (London, Stanford, 1951) cited in supra note 539 at 197.
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\textsuperscript{542} \textit{Ibid} at 54.
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\textsuperscript{543} Supra note 522 at 184.
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\textsuperscript{544} Margaret Mead, \textit{Cultural patterns and technical change (from the Tensions and technology series)} Reprinted as a Mentor Book (New York: The New American Library,1955) at 253.
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\textsuperscript{545} \textit{Ibid} at 258,259,289.
\end{flushleft}
In contrast with the Ataturk pedagogic method\textsuperscript{546} in Turkey, the brutal unveiling decree by Reza Shah was not backed by the full support and consent of all of those who were affected by such enforcement. In fact,

Reza Shah’s work for rapid modernization from above, along with his militantly secularist cultural and educational program, helped create a situation of two cultures in Iran. Upper and middle classes became increasingly Westernized and scarcely understood the traditional or religious culture of most of their patriots.\textsuperscript{547}

This was also because Reza Shah, unlike Ataturk, “was not the heir of a war of national liberation but a military-based monarchy, with a much shallower basis for legitimacy.”\textsuperscript{548} Furthermore, in Turkey, “the state initiated or privately backed reforms had a much longer history, scope, and accumulative effect in the nineteenth-century Ottoman Empire compared with the few, short-lived, and limited measures at Qajar, Iran.”\textsuperscript{549} The clergy’s power, unlike the Ottoman clerical establishment, remained influential in Iran both in its popular networks and economically, enabling clerics to reenter politics after the 1960’s.\textsuperscript{550}

Looking back at women’s history prior to the drastic modernization, we see that the notion of modernization already existed as an organic process in Iranian women’s lives in the form of changing their lifestyle through enhancing their health and education. Such organic penetration of modernity particularly enabled masses of veiled girls to attend public or foreign directed schools. Then, women’s rights and their advancement became the pretext to legitimize the modernization project as the new ideology of the emerging powerful, centralized state. Towards this end, modernization was fed to the nation through coercion rather than meaningful interactive promotions. While this cultural shock caused many women to appear unveiled with the support of the government, many veiled schoolgirls were forced to return to their houses and lose the battle

\textsuperscript{546} Supra note 431 at 10.
\textsuperscript{548} Supra note 431 at 10.
\textsuperscript{550} Supra note 431 at 10.
they had already won to access modern education. Consequently, some Iranian women activists felt alienated by the kind of state-sponsored modernization within which they mapped out their demands such as suffrage rights. In fact, some of their demands could be realized only at the cost of facing a new series of restrictions and exclusions. These selective improvements only “improved the lives of a small elite minority while making life more difficult, economically speaking, for the lower classes, including peasants, carpet weavers, and textile workers.”

The second generation of Iranian women activists, mainly of the upper and middle-class, also directly tackled law as a platform to advance and improve their lives. An example was the 1932 Oriental Feminine Congress in Tehran. The final resolution of the Congress asked government for particular legal rights as well as law reforms that ranged from women’s socio-political rights to their welfare and health conditions. In response, in 1935, women’s demands were addressed through various state-initiated law reforms in women’s favor. However, the law of 1936 regarding compulsory unveiling turned out to be the state’s imposition of its ideology on women’s bodies through law. As a result, feminists and women’s activists of the second generation were being forced to redefine their relations with the state’s version of modernization. They had a difficult choice to either conform to a state-sponsored version of women’s activism and feminism, be less critical of government policies and focus more on welfare and charity projects, or, stay independent of government and gradually develop either political affiliation with certain leftist opposition groups which existed, especially around the 1940’s, or right wing religious clerical establishments.

3.3 Third Generation (1941-1979)

The third generation of Iranian women activists can be studied in the time frame of 1941 until 1979 during the reign of Mohammad Reza Shah Pahlavi, the heir of Reza Shah. In fact, their very emergence was tightly intertwined with World War II when the north of Iran was occupied by

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552 Supra note 539 at 195.
553 Supra note 539 1964 at 195 – 196.
Russians and the South by the British. During the occupation, Reza Shah Pahlavi, who showed his deep sympathy with Germany, was forced to abdicate by allied forces and Mohammad Reza, his eldest son, inherited the throne. In this subsection, I will study women’s activism during two historical periods, including before and after the CIA-sponsored Coup from 1941-1953 and 1953-1979. Furthermore, I will examine Pahlavi feminism and its specific characteristics, such as the ways in which it outlined its relation with the state, law, and the question of class and popular religion.

3.3.1 Before the CIA-sponsored Coup (1941-1953)

The political environment in Iran, post-world War II, was fertile ground for the emergence of various political parties, including the pro-British party, Iradahyi Milli (National Will). Another important one was the pro-Soviet Stalinist Tudeh (Masses) Party that was established just “a few days after the release of the first batch of political prisoners” and which had more gender progressive criteria. Tudeh Party activity amongst women started in 1943 when a women’s organization for party members, and a women’s society for party sympathizers were established. In 1949, they were both replaced by a unified society of democratic women. Amongst their influences, one can refer to “Tudeh Party’s deputies, in fourteenth national parliament, [who] caused a minor uproar by introducing an electoral bill that proposed to enfranchise adult women.” Sanasarian suggests that these kinds of women’s organizations formed independently from the government, but maintained “their close and inalienable association with various political parties.” In particular, the following organizations had an ostensible political affiliation with political parties: the Women’s Democratic Organization related to Tudeh Party, the Women’s Progressive Movement of the Society of Iranian Socialists, and the Women’s Committee of the

554 Central Intelligence Agency of the United States of America
555 Ervand Abrahamian, Tortured Confessions: Prisons and Public Recantations in Modern Iran (Berkeley: University of California Press, 1999) at 75. [Abrahamian, Confessions]
556 Supra note 551 at 35.
557 Ervand Abrahamian, Iran between Two Revolutions (Princeton: Princeton UP, 1982) at 335. [Abrahamian, Iran]
559 Supra note 28 at 73.
Women activists associated with these parties specifically believed that Mohammad Reza Shah was an imperialist figure supporting patriarchal and feudal values. For them, the Shah of Iran was the epitome of exploiting the women’s workforce through new waves of industrialization in Iran. While these women were the first group of women celebrating March 8th as International Women’s Day, they engaged in violent militant action to overthrow the Pahlavi Monarch and the royal political system as a whole.

In the years between 1941-53, not only did various political parties emerge, but Iran faced the resurrection of religious establishments through two major paths. These were “the reinstitution of Article 2 of the 1907 supplementary constitutional laws, according to which a council of clerics held veto power over the deliberations of the parliament, and secondly, the return of the veil.”

The latter was a direct result of the rise of Grand Ayatollah Khomeini, one of the major Shiite clergymen in Iran who wrote the 1943 book Kashf-i-Asrar (Unveiling of Secrets), which was recognized as a manifesto of the newly emerged religious opposition in Iran. He warned that “the unveiling of women has been the ruin of female honor, the destruction of the family, and the cause of untold corruption and prostitution.”

The resurgence of such ideologies in the Iranian socio-political climate gave rise to Islamist women’s movements, which gained more power during the years following the Islamic revolution of 1979, and became major forces of change. Remaining isolated in their homes, these women, who adhered to political Islamism and supported by Imam Khomeini, were urged to be publicly and politically more present and active by clerics, mostly in urban areas. Women were attracted to Islamist ideology of that time through specially designed glorifying mottos such as ‘your hijab is more colorful than my blood’ or ‘your hijab is a powerful punch in the mouth of the enemy.’ These mottos pictured the daughter of Prophet Mohammad, Fatima, and his granddaughter Zeinab as role models for being outspoken and resistant to unjust tyrannies. These mottoes were exploited to promote patriarchal ideologies of political Islamism in

\[560\] Supra note 50 at 431.
\[562\] Supra note 551 at 36.
women’s consciousness, to assimilate them in the male-engineered monophonic and political version of Islam while encouraging them to oppose the Pahlavi dynasty. These endeavors should be categorized as women’s activism rather than feminist activism. Even if these women self-expressed their agency and consciousness, they agitated for political and religious goals that were not specifically engaged with systemic gender inequalities and ossified misogyny. Therefore, in these women’s activism, intellectual and analytical attempts were to unpack religious-based systemic gender marginalization in the Iranian political realm was conspicuously missing.

In this diverse climate, especially, post-war political space and structural changes in the government also paved the way for various socio-political organizations to form and expand: for example, the emergence of women’s movements in a conservative, traditional clerical environment. Woodsmall believes that the “Shah’s support of welfare had given to women increased social responsibility… Women’s organizations had won official recognition and were held in high esteem.” She enthusiastically described a “splendid body of women, professional and volunteers, who are inspired by ideals of service, [and are] courageous in promoting social change and eager for the training that is necessary to give their service in maximum capacity.”

Iranian women had the chance to join the workforce in factories, teach in schools in large numbers and, most importantly, enter the professions that traditionally were male-dominated such as law, medicine, and sciences. Tehran University also introduced some advanced graduate degrees in the humanities and social sciences for women. Meanwhile, several independent and progressive women’s organizations were formed, such as Jam’iyat-i-Zanan (Women’s League) founded in 1942, Hizb-i-Zanan (Women’s Party) established in 1944, as well as the Iranian Women’s Council, which sought to establish equality between men and women, prohibit polygamy and promote the health of mothers, in 1947. Many of these new organizations were professional, and represented Iranian women physicians, nurses, teachers, and athletes, while others were ethnic or religious minority organizations led by Jewish, Zoroastrian and Armenian Christian women.

565 Ibid.
566 Supra note 551 at 37.
567 Supra note 565 at 81-83.
Among the various women’s organizations that were keenly aware of women’s status in other regions of the world and committed to improving women’s status in Iran were the New Path Organization (NPO) founded in 1946, which later joined the National Council of Women (NCW), which was founded in 1942. Mehrangiz Dowlatshahi was the founder and the first president of the NPO as well as the first female ambassador of Iran in Denmark. Safeyeh Firouz was the president and prime mover of the NCW. Both organizations appealed to the Shah for electoral rights in 1951. Various women’s organizations backed them up in 1952 and sent petitions to Prime Minister Mohammad Mossadeq, the parliament, and the United Nations demanding equal political and economic rights, especially enfranchisement. Prime Minister Mossadeq was convinced by his consultants that according to the constitution all citizens are equal before the law; hence, women’s suffrage should be granted. Vakil-o-Roaya, the MP for Hamedan, expressed his deep concerns about preventing part of God’s creation to vote by asserting that there is neither rationale nor any Quranic reason to disenfranchise women, as they are so dear to God. Zoka-ol-Molk, another MP, responded that in this case he saw the urge to giving women such a right as a way for improvement and he was keen to do so.

However, some factions in parliament contested women’s right to vote. Modaress, a clergy MP, argued based on a Qawamun verse in the Quran and discussed Islamic sanctioned guardianship


569 “Mashrooh Mozakerat Majles Shoraye Melli: Dore Dovom, Jalaseh 28” [National Council Parliament’s Manuscripts Round 2, Session 28] (August 2, 1950) online: ICAL <https://fa.wikisource.org/wiki/%D9%85%D8%B0%D8%A7%DA%A9%D8%B1%D8%A7%D8%AA_%D9%85%D8%AC%D9%84%D8%B3_%D8%B4%D9%88%D8%B1%D8%A7%DB%8C_%D9%85%D9%84%DB%8C_%D8%B1%DB%B2_%D9%85%D8%B1%DB%AF%D8%A7%DB%8C_%DB%B1%DB%B3%DB%B3%DB%B1_%D9%86%DB%B4%DB%B3%DB%AA_%DB%B2%DB%B3>. (last accessed February 18, 2018) [translated by author]

570 “Men are qawwamun [protectors/maintainers] in relation to women, according to what God has favored some over others and according to what they spend from their wealth. Righteous women are qanitat [obedient] guarding the unseen according to what God has guarded. Those [women] whose nushuz [disobedience] you fear, admonish them, and abandon them in bed, and strike them. If they obey you, do not pursue a strategy against them. Indeed, God is Exalted Great.” Verse 4:34 Trans. By Kecia Ali; See more at Ayesha, Chaudhry, Domestic Violence and the Islamic Tradition (Oxford, UK: Oxford University Press, 2013)
given to men over women in support of his opposition to women’s right to vote.\textsuperscript{571} Two years later, Jalali, another MP, paid due respect to the esteemed status of women in Islam as mothers and the prime educators of the next generation. In his remarks, he also ensured women that their rights would be well protected by the parliament legislation in the light of Islamic teachings. He added there was no need for them to get involved in politics. He believed that prioritizing the question of dealing with colonialism and the subsequent economic instabilities would ultimately improve women’s socio-economic status. He eventually backed his argument with recommendations from Grand Ayatollahs Broojerdi, Sadr-e Din Sadr, Behbahani and Hojjat who claimed that women’s suffrage is against Islamic Shari’a.\textsuperscript{572}

In these years, however, the progressive clergy, Seyyed M. B. Mujtahed Kamarehei, for instance, greatly influenced the Tajjadod-e-Iran (Iran’s modernity) weekly newspaper in support of women’s suffrage right by first going to the Qur’an and then providing exegetical works incorporating the Sunnah,\textsuperscript{573} Hadith\textsuperscript{574} and judicial corpus within the Islamic Fiqh\textsuperscript{575} framework. His plan was to develop fresh religious understandings and interpretations according to paradigmatic decisions. For example, verse 4:32 of the Qur’an\textsuperscript{576} refers to the endowed share that Allah allocated for men and women and prevented each from coveting the proportion of one another, as this entails envy. He concluded that women are co-owners of the country’s commonwealth. Any interference, disposition, and legislation on the common properties of the nation without women’s consent was against Shari’a and a pure cruelty towards them. Therefore, voting for the MP of their choice was more a legal than a political matter, in order to implement

\textsuperscript{571} Supra note 570.
\textsuperscript{572} “Mashrooh Mozakerat Majles Shoraye Melli, Doreh 17 Jalaseh 55” [National Council Parliament’s Manuscripts, Round 17, Session 55] (January 4, 1953) online ICAL <https://fa.wikisource.org/wiki/%D9%85%D8%B0%D8%A7%DA%A9%D8%B1%D8%A7%D8%AA_%D9%85%D8%AC%D9%84%D8%B3_%D8%B4%D9%88%D8%B1%D8%A7%DB%8C_%D9%85%D9%84%DB%8C_%DB%B1%DB%B4_%DB%AF%DB%8C_%DB%B1%DB%B3%DB%B1%DB%B1_%D9%86%DB%B4%DB%B3%DB%AA_%DB%B5%DB%B5>.(last accessed February18, 2018) [translated by author]
\textsuperscript{573} The body of Prophet Mohammad’s costumes, practices and behaviors.
\textsuperscript{574} Records of Prophet Mohammad’s sayings.
\textsuperscript{575} Fiqh or Islamic jurisprudence is a human led enterprise to determine legal rulings from Islamic sacred sources which is the Quran and the Sunnah which is the practice of the prophet Mohammad as narrated in Hadith.
\textsuperscript{576} And do not wish for that by which Allah has made some of you exceed others. For men is a share of what they have earned, and for women is a share of what they have earned. And ask Allah of his bounty. Indeed Allah is ever, of all things, Knowing.
their rights over their lives.577

3.3.2 Before the Islamic Revolution (1953-1978)

Women’s struggles and socio-civil movements were high-jacked by the CIA-engineered coup d’état in 1953, during which the democratically elected Prime Minister Mossadeq was overthrown and put under house arrest, and again the dream of an organically formed democracy vanished. Mohammad Mossadeq was the hero of nationalization of Iran’s primary source of wealth, oil, on May 1st, 1951, which had been under British control since 1913.578 “Although an aristocrat, Mossadeq drew his supporters from the urban middle classes: first from university students; later from other sectors of the middle class, once his National Front launched the campaign to nationalize the Anglo-Iranian Oil Company.”579 His foreign minister, Hossein Fatemi, who initially proposed the nationalization of the oil industry and advised Mossadeq to declare a Republic and overthrow the constitutional monarchy of the ‘venomous serpent’ Shah, was executed by Mohammad Reza Shah.580 After the CIA-orchestrated coup, the young Mohammad Reza Shah was urged “to assert his power more aggressively [which] led to harassment, imprisonment and even execution of women’s political activities,…, [and as] most of the women’s organizations in the 1940s were attached to various political parties, they became subject to elimination by default.”581 The USA582 “felt threatened by the leftist 1958 revolution in Iraq”583 and was afraid of the further influence of leftists in the Middle East.

579 Abrahamian, Confessions supra note 555 at 75.
580 Ibid at 99.
581 Supra note 50 at 431.
582 United States of America
583 Supra note 551 at 38.
From the 1950s until the 1970s, women’s organizations were sustained and depoliticized under the close surveillance of the government. Meanwhile, “In 1963, in an attempt to respond to the new American policy and to pacify a series of student and teacher demonstrations, the Shah presented his White Revolution, a six-point reform program that included both land distribution and women’s suffrage.”

According to principle 5 of the Charter of White revolution of Shah and People, which was an extensive socio-legal reform proposed by the Shah, women’s political equality was ensured on February 25th, 1963. The irony was that although women’s organizations were vastly depoliticized and to a certain extent paralyzed under state surveillance, women achieved invaluable rights under such arguably despotic conditions. In this sociopolitical climate, women such as Farrokhroo Parsa, Mahnaz Afkhami, Mehrangiz Manoochehrian and Mehrangiz Dowlatshahi were appointed as ministers, senators, judges, and ambassadors.

Various women’s organizations were created in the 1960s by middle-class and upper-class activists to encourage confidence and provide social services for their lower-class sisters. These services, in fact, empowered middle-class women to approach male officials and lay out their legal reform inquiries. In other words, for these women activists, “the acquisition of political standing through social work is a relation with enormous class implications.” For example, Raah-e-Now (New Path Organization) chaired by Mehrangiz Dolatshahi continued to pursue its main cause, which was to push for changes in family law and “to raise the awareness of educated women of the upper classes about existing rights and to engage in debates about how these rights needed to be changed.”

The position of these women’s rights activists was defined as a service they were giving based on the majority of women’s interests. According to this perception “this majority are passive beings” and represented as such to powerful state officials, judges, and lawyers when they were invited to such debates. In Dolatshahi’s view, then, the degraded condition of women was not necessarily created by their male relations. Their state of affairs was essentially centuries old. She suggested conciliatory and non-confrontational approaches such as raising

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584 Ibid.
585 Supra note 438 at 234.
586 Dolatshahi, tape 3, 20 cited in ibid.
587 Ibid at 234.
awareness, discussion, negotiation, debate and trying to convince professional men to espouse and embrace changes in the law.\textsuperscript{588} Badr-ol Molouk Bamdad was another prominent figure in women’s activism during the 1960’s. She founded\textit{ Jamyat Zanane Iran} (The Iranian Women’s League) and published\textit{ Zan e Emrooz} (Today’s Woman).\textsuperscript{589} Her perceptions and approaches offered a vanguard of upper-class women rescuing the helpless traditional lower-class women, who have been called Haram women, imprisoned inside the walls.\textsuperscript{590} Her view on the distinction between tradition and the religion that was corrupted by a distorted version of Islam and its backward clerics was carefully elaborated in her narratives. She posited that while “adversaries of women’s advancement all too often invoke religion in support of their attitudes, scholars who have made profound studies of the subject are convinced that the laws of Islam, if properly understood and enforced, provide the best assurance of the good life and guarantee women’s legitimate rights.”\textsuperscript{591}

These two representatives of 1960s women’s activists represented pro-government strategies and consciously took advantage of the opportunities provided by the state while resisting the status quo from within. For example, Bamdad and eleven other women including Mehrangiz Manoochehrian resourcefully prepared themselves to enter Tehran University for the first time and experience the mixed gender higher education environment on the basis of the National Parliament’s new legislation. Bamdad maintained her activism and brought her political analysis to\textit{ Zan e Rooz} (Today’s Woman) newspaper, courageously criticizing the state and mass banning of independent media by stating that Iran had become a colony and a despotic dictatorship, rather than an independent state.\textsuperscript{592} She called on the women of Iran, pointing out that the country does not have real gentlemen anymore and they should push for an ethical revolution through law reforms in marriage and divorce laws, equal social benefits and equal rights, especially to be elected to the parliament and provincial councils.\textsuperscript{593}

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\textsuperscript{588} Dolatshahi, tape 3, 18 as cited ibid 234-235.
\textsuperscript{589} Lily Farhadpour, “Women, Gender roles, Media and Journalism”, in Tara, Povey & Elaheh Rostami-Povey eds,\textit{ Women, Power and Politics in 21st Century Iran} (Burlington, USA: Ashgate Publishing Company, 2012) 91 at 94.
\textsuperscript{590} Supra note 505 at 13.
\textsuperscript{591} Ibid at 111.
\textsuperscript{592} Hadi Khaniki,\textit{ Farziehei Baray Motaleah Matbooat Zanan dar Iran} [A Hypothetical Analysis of Women’s Magazines in Iran] (January 2015) online: Khaniki \text少http://www.khaniki.com?p=420>. (last accessed February 18, 2018) [translated by author]
\textsuperscript{593} Ibid.
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organized activism as a “leverage point against the state”\textsuperscript{594} especially when the state appeared unwilling to allow activists’ participation in international councils. However, Dolatshahi’s prestigious and prominent appearance on the international scene was facilitated by Princess Ashraf, even though she was ordered to control independent organizations’ international activities by the Shah.\textsuperscript{595} Dolatshahi utilized the International Council of Women’s (ICW)\textsuperscript{596} support of the draft of family law’s reform, which was sent to the ministry of justice and later passed in the parliament.\textsuperscript{597}

Subsequently, Muhammad Reza Shah permitted the creation of the Women’s Organization of Iran (here and after WOI) in 1966. WOI was an umbrella organization chaired by the shah’s determined twin sister, Princess Ashraf. “By 1977-78 the organization had formed 400 branches, and its membership, mostly through institutional affiliation, was estimated to be around 70,000.”\textsuperscript{598} WOI’s most significant achievement was the ratification of the Family Protection Law in 1967 and its 1975 amendment. In this Act, in particular, unilateral divorce rights for men were limited. Polygamy for affluent men was retained. However, a right was created for their first wives to sue for divorce. The unilateral uncontested authority of men over divorce was criminalized in some cases if the husband did not seek a court’s permission or his first wife’s written consent. In 1975, women also gained guardianship of their children after the death of their husbands and the age of marriage was raised for girls to 15 and boys, 18. Women were additionally “required to serve the education corps and pass military service.”\textsuperscript{599}

In the years “between 1970 and 1975, the number of girls attending elementary school dramatically increased from 80,000 to 1.5 million. The changes for urban women were impressive.”\textsuperscript{600} The

\textsuperscript{594} Supra note 438 at 236.
\textsuperscript{595} Ibid.
\textsuperscript{596} See more at Leila J. Rupp, Worlds of women: the making of an international women’s movement (Princeton, NJ : Princeton University Press, 1997)
\textsuperscript{597} Dolatshahi, tape 4, 17 as cited Supra note 438 at 236
\textsuperscript{598} Supra note 551 at 38.
\textsuperscript{599} Supra note 53.
\textsuperscript{600} David Manashri, Education and the making of Modern Iran (Ithaca: Cornell UP, 1992) at 179-182 cited in Supra note 551 at 38.
UNESCO statistics of 1977 for Iran stated that 91.7 percent of rural women compared to 51.9 percent of urban women were illiterate. In particular, the disparity of male/female and urban/rural was a matter of great concern at the intermediate and secondary school levels. To illustrate, female students at the intermediate level constituted 36.4% of all enrolled pupils in 1973-4, 10% of which came from rural areas, which is only 3.8% of all students at this level. For the secondary level, the urban/rural gap was even greater: 34.4% of the students were female, but only 1.3% of them came from rural areas. Numerous reasons impeded women’s equal and uniform access to education, including the rural community’s economic hardships and their great need for female labor in low-income families, early marriage for young girls as the easiest way to reduce the burden of caring for children, and lastly, the increase of schools and teachers did not keep up with the population growth rate. By 1978, though, “33% of university students were female with 2 million in the workforce and 190,000 were professionals with university degrees [and] there were 333 women in local councils, 22 in Majlis and 2 in the Senate.” As a result, the Shah gained the title of the “champion of women’s rights”, and in 1963, he bestowed upon women their suffrage right. Nevertheless, there were also 323 female political prisoners serving time in Iranian prisons, and in the last seven years of the Pahlavi reign, 42 female guerrillas lost their lives in street fighting with military forces.

3.3.3 Three Major Trends in the Third Generation

The third generation was dominated by Islamist, leftist and Pahlavi state’s women’s activism, all formed in close affiliation with certain ideologies. For some, ideology had an a priori position over their gender-based demands, therefore, their activism was primarily employed to justify and internalize their respective political or religious ideologies. Indeed, such ideology-centered women’s activism caused grave ideological confrontation and political confusion amongst Iranian

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601 The United Nations Educational, Scientific and Cultural Organization
603 Ibid at 212-213.
604 Supra note 53.
women. These conflicts intensified and led to some major complications that came to the surface of women’s activism, especially when the Pahlavi regime started to manipulate women’s causes and made selective law reforms. The dilemma for some women’s rights advocates was that “If these supporters of women’s rights opposed changes proposed by the state, they were accused of siding with religious obscurantism. If they agreed with the state policies, they would find themselves on the side of a repressive state.”

Mahdi argued that as much as this political gridlock was real, it also became both the state and religious authorities’ strategy to discredit their oppositions. In other words, in their advocacy for changing women’s status, “opposition forces often find themselves forced to rely either on the state (during the Pahlavi era) or religious authorities.”

For this reason, Pahlavi and Islamist women activists gained more power in comparison with feminists of the left in the years following the revolution of 1978, the latter of whom theoretically relied on foreign socialist countries. In the next two sections, I briefly survey Islamist and leftist women’s activism and further expand upon Pahlavi state women’s activism.

### 3.3.3.1 Islamist and Socialist Women’s Activism

Islamist women’s activism, influenced by clerics in the years prior to the 1979 revolution, was a unique phenomenon, as in the “past century and a half of social movements in Iranian history, no secular political party has ever been able to mobilize traditional women as extensively as religious leaders have.” The return of the veil now found a new defined meaning for this generation of activist women and was employed as the tactical essence of women’s resistance. To illustrate, during massive open demonstrations by veiled religious women, “some younger, secular, unveiled women resorted to the chador (veil) in a symbolic defiance of the Shah’s Westernized dictatorship and solidarity with the massive women’s participation. Women of all classes and ideological persuasions participated in these anti-government demonstrations under the umbrella of Imam Khomeini’s uniting strategies. For Hoodfar, the temporary adoption by many non-veiled middle-

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606 *Mahdi Supra* note 50 at 438.
607 *Ibid* at 438.
608 *Ibid* at 436.
class women of the hijab was a symbol of opposition to the Shah that ultimately became the icon of the revolution. Women wearing Hijabs or veils, on the other hand, were no more than a symbol of political dissent and did not engage with women’s real demands. These enthusiastic female “participants assumed that a real democracy would prevail and women, along with all other constituencies, would ultimately benefit.” This vision ultimately proved illusionary and put women amongst the major losers of the revolution.

Socialist ambitions and ideologies strongly influenced women activists on the left and their views on women. In the early 1950s until the late 1970s, industrialization increased the number of women workers as a source of cheap labor who had little access to social insurance, day care, and health care facilities. In 1956, about 9.7% of the modern industrial sector’s paid workforce was female, which increased to 13.8% by 1976. In the Iranian context, socialist women could elevate their status to individual subjects through fighting against imperialism shoulder to shoulder with socialist men. Women’s oppression was narrowly defined in a working class women’s framework, which did not entail women from all walks of life. For leftist women’s activists, women’s emancipation was achievable only through the realization of socialism under the paternalistic motto of ‘first is socialism and second their feminist demands.’ From the view of the left, liberalism and its focus on middle-class feminist activism was a source of women’s repression. If independent women’s demands found their way into public debate, it would immediately be labeled as a bourgeois trick: blamed and marginalized. This language was part of the counter-narrative to

611 Supra note 552 at 40.
the romanticized global sisterhood language as a prevailing discourse amongst the women of dominant classes in countries situated in global south\(^{613}\) that was used in the 1970s to declare gender unity’s primacy over cultural and class differences. This view indeed overlooked the colonial history of the very discourse they engaged with.\(^{614}\) As we shall see, Pahlavi state-sponsored women’s activism was entirely made up of upper-class privileged women.

For leftist women activists, women’s emancipation during the Pahlavi era offered a deceiving picture. It expanded within class lines at the expense of lower-class and peasant women. This class distinction, in fact, significantly contributed to the dissimilarity of the pace at which Iranian women of different classes have been modernized. Azar Tabari refers to the development of capitalism in Iran and the “seemingly incomprehensible ideological trends amongst women [that] have a material basis in this socio-economic development.”\(^{615}\) Tabari particularly analysed the works of the Shah’s twin sister Ashraf who was the extension of Shah’s control over women’s activities under Women Organization of Iran (WOI). This organization’s defined goal was to advance the rights of Iranian women from all walks of life. Tabari asks why peasant women’s voices were absent in all these women-centered projects. In fact, WOI remained extensively “unpopular with the liberal and left oppositions as well as many ordinary women because the WOI was directly identified with the regime whose undemocratic nature and authoritarian policies were deeply resented.”\(^{616}\) Therefore, the WOI’s affiliation with the state that lacked political democracy and autonomous trade unions in factories and workplaces pushed the workers toward the clerics, who accused the WOI and its version of feminism as “an elitist foreign concept aimed at the destruction of the Muslim family.”\(^{617}\) Tabari also identifies other factors that led to the sharp decline and corrosion of the peasant woman’s daily life, escalating her exploitation and reinforcing her customarily degraded condition. These factors include the increase in the need for child and female labor due to land reforms as peasant families received small and fragmented plots of lands.


\(^{614}\) *Supra* note 44 at 102.


\(^{617}\) *Ibid* at 40.
under the traditional agreements with the landlord and lacked the required machinery. The growing number of female and child carpet weavers in home markets, who remained unpaid family workers, intensified the exploitation of working class peasant women. Tabari refers to these occurrences as leading causes for “the continued high rate of illiteracy amongst rural women: Eighty-three percent according to the 1976 general census and the high proportion of early marriages.”

Iranian women’s problematic rhetoric of modernized womanhood as a unified force and their discourse on gender equality reproduced another relation of domination. While the voices of women in rural areas were entirely absent, lower class women in urban areas were also treated inappropriately. For example, Mehrangiz Dolatshahi describes her activism in the New Path Organization in Southern Tehran, which provided social services for poor, illiterate, lower-class women on their health and hygiene, child rearing, literacy and sewing through modern scientific methods to make them more functional in the modern state. From Kia’s vantage point, upper-class and middle-class activists and charity workers were women “infantilizing other women … [and] assume the role of a mother beholden to the state, a dominating role similar to that of a father.” This view was expressed to the extent that Ashraf Pahlavi stated that these beneficiary women were submissive and passive beings, and “the literacy program will transform [them] … into beings able to share the sufferings and difficulties of others, who will develop a critical consciousness and know how to pose problems objectively, who will find fulfillment in constructive work and who will, above all, be receptive to others.”

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618 Supra note 615 at 21.
619 Ibid.
620 Supra note 438 at 242.
621 Ibid at 242.
**Pahlavi State Women’s Activism**

Pahlavi women’s activism emerged in the 1960s and 70s when a second-wave of feminism arose in the West. The discourse of global sisterhood gave rise to a claim that women all around the globe, irrespective of their race, class, or culture, suffer from patriarchal oppression. Although global sisterhood recruited and displayed a number of third-world women representatives in their movements, their relationships “across class and cultural boundaries have been, and continue to be, played out in an educational arena where one group of ‘sisters’ aims to enlighten and educate another, less informed group of ‘sisters’.”

In Iran, Mahnaz Afkhami, minister of women’s affairs and secretary-general of WOI in the Pahlavi era, was amongst the proponents of global sisterhood by reinforcing the oppositional binary that has been implied in global sisterhood discourse through which the dominant classes transform subaltern voices into the objects of their studies or their desires. Afkhami encouraged women to “think globally, that is, move beyond the indigenous culture they have objectively outgrown… [otherwise] their discourse remains nationalistic, parochial, fearful, tradition-bound, and rooted in the soil of patriarchy.”

Her approach was formed in close collaboration with Western feminists and privileged Iranian women to enlighten their submissive, backward, veiled, traditional and often working-class sisters, leading to the construction of the image of the subjugated, passive, submissive Persian woman in a global hierarchy of power.

Toward these ends, Afkhami and many other women such as Haleh Esfandiari struggled during the Pahlavi era to put forward various women’s socio-legal and political matters in the public arena. Esfandiari contends that she left journalism, and Afkhami gave up teaching at *Melli* (National University), while others left their tenure as government and private employees to launch a women’s movement. This movement was not necessarily autonomous or independent from the

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623 Supra note 44 at 77.  
624 Ibid at 105.  
ruling power in Iran, and it defined its goal “to change a dormant, cautious women’s movement.”

Esfandiari emphasized the WOI’s pivotal role in the *Family Protection Act’s* development by pointing to its free workshops in simple language that provided an explanation of these laws amongst women of all classes. She also pointed to WOI’s arrangement of pro bono legal counseling in the less affluent parts of towns across the country, as “these centers were run by women and for women” who were local trustees and inhabitants. Naghibi perceives that Esfandiari’s hierarchical tone was imprisoned in the limits of imperialist feminist discourse because it evoked a missionary language of awakening Iranian women’s dormant and cautious movement. However, Esfandiari insists that WOI and its activities were not channeled for certain classes of women, and its efforts in fact permeated to the less affluent classes of women. She recalls the time when the Pahlavi’s were overthrown by revolutionaries and the *Family Protection Act* was suspended by the new government. In this situation, women from the less affluent strata of society started writing letters to the offices of leading clerics and to women members of the parliament complaining about the ease with which their husbands could divorce them; whereas “professional, educated middle-class women’s voices were purged, silenced or intentionally remained low profile.” For her, the “torch was passed on to your average Iranian woman who had benefited from the legal changes, the day-care centers, the family planning counseling, and the push for economic independence made possible by the WOI.”

The position from which Afkhami and Esfandiari articulate their gender egalitarian thoughts is undeniably found in a locus of upper-class, educated, urban, elite women who have greater access


627 It was true that WOI was run by women, but not all kinds of women. In an educational program for rural women of Saveh, among the nineteen subjects surveyed to be given a priority, family planning became ninth in importance. The organizers, however spent three out of eighteen weeks on family planning by pointing that their educational program should also reflects the state’s concerns such as women’s high pregnancy and birth rates, early marriage, and high infant mortality rates making them less economically active waged labors. So the request of rural women and their wisdom have been overruled. See more at supra note 438 at 243

628 Esfandiari, Middle Eastern Women supra note 626 at 5.
629 Supra note 44 at 81.
630 Esfandiari, Middle Eastern Women supra note 626 at 5-6.
631 Esfandiari, Middle Eastern Women supra note 626 at 6.
to power and “are more likely to be drawn into women’s policy machinery and to run for office than poorer, less educated, minority women.”\(^\text{632}\) These divisions also make it essential to analyze what kind of approach the women of the former group adopted toward the state and its policies. Afkhami and Esfandiari faced various hindrances to working within a system that only superficially advocated for women’s rights. During this time, Deniz Kandiyoti argues that “[w]omen’s attempts at independent organizations were considered divisive and actively discouraged” and upon suffrage being granted, all independent women’s organizations were outlawed.\(^\text{633}\) Therefore, the activism that these women represented ultimately became a part of “the state-sponsored feminism of the Pahlavi regime that advocated ‘top-down’ feminist reform and education, a model that can only function within a hierarchical and rigid system that disregards other voices and other models of feminism.”\(^\text{634}\) This system, in fact, facilitates the integration of certain Iranian women into the mainstream Iranian modernized discourse, which “aimed to bring the familial and social position of women in line with the image of a great-civilization-in-the-making.”\(^\text{635}\)

At an international level, the interlocking relation of domination and subordination continued to be reproduced in the language of global sisterhood. In the early 1970s the WOI’s aristocrat royalist members went to great lengths to become the flag bearers of the “women’s rights as human rights” movement alongside their elite class allies, some of whom were second-wave feminists in the West.\(^\text{636}\) They “adopted a similarly hierarchical relationship about less prosperous Iranian women.”\(^\text{637}\) Among these efforts, the Empress Farah and Princess Ashraf in 1973 extended their invitation to Betty Friedan, Germaine Greer, and Helvi Sipila, the latter of whom served as a UN Assistant Secretary General for Social Development and Humanitarian Affairs, “to visit Iran to advise Persian women on women’s liberation.”\(^\text{638}\)

\(^{632}\) *Supra* note 415 at 14.
\(^{633}\) *Supra* note 431 at 12.
\(^{634}\) *Supra* note 44 at 103.
\(^{635}\) Paidar, *Political Process* supra note 22 at 356.
\(^{636}\) *Supra* note 44 at 82.
\(^{637}\) Vanity Fair, News Release, 32, Germaine Greer, “Women’s Glib” (June 1988) cited in *Supra* note 44 at 84.
Friedan was born in Illinois, USA, with a father who owned a Russian jewelry store and mother, Miriam, who gave up her position as a women’s page editor of the local paper to nurture her family. After graduation from Smith College with a major in psychology, Friedan became involved in labor union activities as a labor journalist showing a profound interest in working class women’s concerns and advocating for their rights. She received maternity leave for her first child in 1949 but was forced to leave her job after her second pregnancy in 1953 and spent a decade raising her three children. Friedan continued to be a writer, but for middle-class women. In Iran, however, her former activism was obscured and less acknowledged as she represented herself as a notable second-wave feminist whose interests were more aligned with middle and upper-class American women, let alone Iranian working-class women. She was of the opinion that “American feminists had taken power, that everything was on the move, and the Iranian women should follow suit.”

Being in Tehran, which looked like an American boom town, and feeling strangely at home, albeit with a strict Caviar diet and no beggars, Friedan both invoked a global sisterhood solidarity and portrayed a blooming picture of state-sponsored Pahlavi feminist reform in the 1960s and 70s in the WOI. She was astounded that “the Shah gives it funds beyond our wildest dreams— a treasury of $50 million, a paid staff of 1,300, with 70 centers serving women and providing day care for children.” Friedan deliberately included the Empress Farah’s admiration of her book and the Shah’s flattering comment to her that in “a few years, I can see the women of Iran in whatever intelligent and right place the women of the advanced countries will be. In a few years, I hope the women of Iran will be just like you.” Her version of sisterhood, in fact, trivialized indigenous working class or rural Iranian women’s struggles throughout history, which were pushed to the periphery by the growing force of upper-class Westernized elite women activists.

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642 Ibid.
643 Ibid.
The author of *The Female Eunuch*, Australian second-wave feminist, Germaine Greer, who was very attentive to class differences in her works, was another guest of honor invited to Iran. Greer narrated the other side of their trip to Iran by being less impressed by state-sponsored Pahlavi feminists and their achievements along with their Western sister Betty Friedan. Instead of attending various events organized by their so-called Iranian “escorts, aristocratic ladies with bleached hair and eyebrows, dressed from head to toe by Guy Laroche,” Greer went on an unplanned excursion to another major city, Shiraz. Her plan was to meet “Islamic Marxist women, dressed head to foot in heavy woolen chadors, who told … [her] that no truth could come from the mouth of a western doll.” In her article in *The Guardian*, she further clarified the perplexing relations between the so-called American and Iranian sisters in the conference.

Greer recalls how she questioned their minders about the distinct styling of the veil in Iran and the voice of Betty yelling back that “Don’t you know the veil has been abahlished in Iran?” Here, she noted how much the Betty whom she got to know was dis-associated with the Iranian society while the streets poured with masses of veiled protesters. Greer refers to Friedan’s disturbing egotistical behavior that flabbergasted the Shah’s courtiers as she ordered a respirator for her hotel room and it was brought from the only two available in the city from the children’s hospital. Three days later the minders asked if it would be possible for the device to be returned to the hospital if Friedan was not using it. Greer went ahead and insisted it be removed, and Friedan did not seem to even notice. Greer noted that so many times, she was asked by Iranian WOI members to explain Friedan’s behavior as she was acting abnormally, always shouting, walking away during a conversation while appearing to be drunk. The grand finale was their farewell party when they were going back to their hotels; Betty braced herself in front of their assigned Cadillac and refused to get in. She screamed “Dammit!”, “I wunt, I deserve my own car! I will nutt travel cooped up in this thing with two other women. Don’t you clowns know who I am?” Courtiers were pleading to make her quiet as they thought she was very drunk. Greer insisted “Betty wasn’t drunk. She was

644 Supra note 641.
645 Ibid. Greer got a chance to meet again those same Islamist Marxist women surrounded the American embassy in Tehran four years later.
646 Ibid.
furious that the various dignitaries and ministers of state all had their own cars, while the female guests of honour were piled into a single car like a harem.”

Later Friedan reacted to her Australian sister’s attempts to set the record straight. She averred that she did not knowingly keep everyone waiting for her and go swimming, but rather she did not realize meetings were scheduled for the whole day. She also stated that the appropriation of the children’s hospital respirator was due to her severe asthma attack. Startled by Greer’s *Vanity Fair* article, Friedan thought perhaps the venting was because Greer assumed that “I should talk about abortion all the time to women in Iran, and I didn’t think that was the thing to do. You have to talk where people are at. You can’t go that far ahead.”

The predetermined binary opposition of regressive Eastern women vs. progressive Western women continued to be the hallmark of the global sisterhood and Pahlavi’s associated feminists’ agenda. These attitudes not only remained unchallenged by the “official feminist rhetoric” and the WOI, or so called the “shah’s tame women’s association” during the Pahlavi era, but western feminist attitudes were also mocked by so-called emancipated Iranian feminists regarding their veiled sisters. While being a model of advanced American womanhood, Friedan noticed the most material indicators and the foundations of Iranian modernity that could compete with American advancements. However, a layered analysis of how these concepts were experienced, resisted, and shaped in Iran’s political arena remained in the dark, and some global sisters’ colonial arrogance toward the Iranian sisters was further perpetuated in the Pahlavi regime’s context.

### 3.4 Conclusion

This chapter covered a critical historicization of the first three generations of Iranian women’s activism, starting around the constitutional revolution and continuing up until the Islamic

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649 *Supra* note 44 at 87.
revolution (1905-1979). From the constitutional revolution until the rise of Reza Shah in 1925-6, the first generation of Iranian women’s activists created converging coalitions mainly around women’s right to education. Although the first generation’s prominent characteristic was demand-centred activism for women, most of them lacked clear feminist strategies to realize gender justice. Thus, their demands became incorporated in the pro-constitutional demands for national development and progress. Unfortunately, the constitutional law of Iran failed to realize the equality of all citizens, so Iranian women’s legal status remained ‘separate but equal’. Meanwhile, some layers of upper-class women embarked on feminist endeavours, critiqued gender hierarchies and held high confidence in law. As they allied with constitutionalists, these women agitated for mandatory public education, freedom of veiling, right to have monogamous families and reform of the inappropriate age for marriage and seclusion. They also sought job opportunities such as teachers, journalists, and poets to further secure their cultural impact on the constitutional movement’s rhetoric. According to some limited evidence, some lower-class violent and militant women emerged in these years only as the female constituencies of the anti-constitutionalist movement without any analytic precision and political awareness.

The second generation of Iranian women activists in 1925-1941 mainly involved upper and middle-class Iranian women. For them, law was a viable medium to advance and improve women’s lives. Their focus resulted in the formation of the final resolution of 1932 Oriental Feminine Congress in Tehran. This international document asked governmental bodies for particular legal rights and social reforms. As a result, various state-initiated laws have reformed in women’s favour including their health care and education as well as their legal right to e.g. monogamy and divorce. In 1936, however, the state announced compulsory unveiling to regulate women’s bodies through law. The unveiling project was a part of modernizing and secularizing ideology of the state and forced Iranian women’s activists to reconsider their relations with the state’s policies. Iranian women’s activists had to be less critical of government modernizing policies, conform to the broader secularizing project and limit their activism on welfare and charity projects. They also could choose to stay independent of government and gradually get close to specific political affiliation such as leftists or religious clerical establishments.
In the third generation, women’s organizations such as Women’s league, Women’s Party, and New Path Organization as well as many professional societies such as nurses or physicians, in addition to various ethnical or religious minority groups, emerged between 1944-1954. Many of these organizations and societies directly engaged with law and tackled the question of gender inequality in family law and equal social benefits. They worked towards prohibition of polygamy, electoral rights, and improvement of maternal health. These requests addressed the Shah and the state as well as the United Nations especially with regards to enfranchisement. Many state officials, judges, and lawyers were also invited into these organizations. The primary method for these groups was appeasing and non-violent approaches to negotiate and raise awareness to persuade the government about their law reform demands. Discursive engagement with Shari’a laws can also be traced in some of their arguments for law reform, notably when Bamdad suggested that “the laws of Islam if properly understood and enforced, provide the best assurance of the good life and guarantee women’s legitimate rights.”651 The state’s response, however, to various women’s organizations in the 1940s, especially those involved in political activities, was violent elimination by default. Eventually, the Monarchy introduced a white revolution with six major reforms that included women’s suffrage in 1963 and many women were appointed as ministers, senators, judges, and ambassadors. The umbrella organization WOI emerged after the white revolution chaired by the Shah’s twin sister pushed the state to ratify the Family Protection Law in 1967 and its amendment in 1975. Various legal reforms in the areas of divorce rights, polygamy, child’s guardianship and the age of marriage for boys and girls were also introduced. WOI expanded legal knowledge amongst women of all classes as well as pro-bono counselling. Pahlavi feminism of the third generation was mirroring a socio-cultural failure of global sisterhood introduced by mainstream western feminism that gave little or no attention to specificities of women and the states in global south through intersectional theorization of feminism.

651 Supra note 505 at 111.
Chapter 4: The Fourth and Fifth Generations of Iranian Women’s Activism:  
Class, Ideology, and Religion (Phase II)

“Years of hardship, years of growth.”

The history of Iranian women’s activism in Iran is indeed full of ups and downs. This chapter explores key aspects of the second phase from the Islamic Revolution to the Green Movement (1979-2010) including the fourth and fifth generations of Iranian women’s activism. I mainly survey their approaches to law and investigate whether their praxis ran along class, ideology, and religious lines. Hence, this chapter provides a dense contextualization of the socio-political atmosphere within which the OMSC was born.

In 1979, the overthrow of the last Shah, or monarch, of Iran, Mohammad Reza Pahlavi, created a unique historical momentum in both the international arena and the Muslim world. The Islamic Republic of Iran (IRI: here and after) formed as a revolutionary state, with a Shi’a Muslim majority population. The Iranian revolution of 1979 involved various ideological orientations, classes and religious affiliations and diverse hopes of utopian outcomes all united in their battle against the Pahlavi dictatorship under the substantial influence of the Islamist leader/grand clergyman, Imam Khomeini. Women were amongst the most influential participants in the revolutionary causes, including women with nationalist aspirations who perceived the Shah as the string puppet of the imperialist United States, professional women of the secular middle-class who formed political opposition to the Pahlavi regime, and women of guerrilla groups such as Mojahedin (warriors) and Fadayan (devotees). However, the most significant group was a considerable number of middle and lower-class women in cities participating in street demonstrations.


responding to Imam Khomeini’s call that it was necessary for all Muslims to make evident their opposition to the tyranny.654

Such inspiration from Imam Khomeini stemmed from the fact that he astutely did not make “public pronouncements, especially written ones, on issues that would alienate segments of the opposition - issues such as land reform, clerical power, and sexual equality”655 during his fifteen years of exile. Instead, he criticized the Pahlavis on issues that resonated well with sectors of the opposition’s demands such as:

the concessions granted to the West, the tacit alliance with Israel, the wasteful expenditures on arms, the rampant corruption in high places, the decay of agriculture, the rise in the cost of living, the housing shortage and the sprawling slums, the widening gap between the rich and the poor, the suppression of newspapers and political parties, the creation of a vast bureaucratic state, and the gross violations of the constitutional laws.656

These criticisms were followed by various promises by Imam Khomeini to liberate the country from any colonial presence, extend freedom to all political parties and religious minorities except the Baha’is657 and deliver social justice for ‘Bazaaris’, the traditional powerhouse of commerce in Iran, the ‘intelligentsia’, the ‘peasantry’ and last, but not least, the ‘dispossessed masses’ or ‘mostazafin’.658 These assurances led the Islamists to gain more power, resulting in the appropriation of the Islamic Revolution of Iran through the establishment of the first

655 Abrahamian, Iran Supra note 557 at 532.
656 Ibid.
657 The members of Bahai faith experienced governmental repression during Moamadreza Shah Pahlavi as well as the IRI. In article 13th of the Iran’s constitution, “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education” which excluded the Bahai’s. While depriving Bahai’s of their human rights as a citizen of Iran is in sharp contrast with Article 14th of the constitution stating that “In accordance with the sacred verse; (“God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes” [60:8]), the government of the IRI and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.” The Iranian authorities still see the Baha’i faith as a colonial/political opposition rather than a minority religion.
658 Abrahamian, Iran Supra note 557 at 532.
theocratic republic with a socio-political agenda. This political environment led to various socio-cultural and legal consequences that Iranian women faced, mostly in total disbelief.

In particular, Islam as the formal religion of the country enormously affected Iranian women’s day to day life. The influence on women included Islamic jurisprudence, Islamic customs, religious, political and cultural macro and micro structural plans, and policy making. It also entailed religious authorities’ actions, sayings and thoughts, which vastly impacted family law’s structure, higher education, and professional engagements. These led, for example, to the establishment of quotas, considerably limiting women in these areas. Immediately after the 1979 revolution, the status of women as major supporters of the revolution, and their legal advancements were challenged and ultimately marginalized based on religious agendas. As a result, a new gender discourse in post-revolutionary Iran began to evolve that can be articulated through discussing the fourth and fifth generations of Iranian women’s activism.

4.1 Fourth Generation of Iranian Women Activists (1979-2005)

Women’s activism in Iran is mostly defined based on the relationship it has with religion and the extent of their involvement with either religious, secular or political ideologies. For example, Sanasarian describes the constitutional period of women’s activism as an era during which men and clerics were blamed for women’s disadvantaged status rather than Islam per se. Moreover, “before the [1979] revolution some women activists of the left were absorbed into the Islamic leadership of the revolution and made various coalitions [with Islamists]… in [Iran-Iraq] wartime. While the Islamic republic repressed the forces of the left as well as other opposition groups, Iranian society faced the Islamic feminism emergence amongst Iranian women’s movements” as a distinct feminist identity along with secular feminists. Therefore, religion, ideology and class distinctions play a prominent role in analyzing the roots of women’s activism in Iran.

660 Jelveh Javaheri, Kampain Yek Million Emza: Kampainy Baraya Tamam Fosool [One Million Signatures Campaign Demanding Changes to Discriminatory laws: A Campaign for All Seasons] (Tehran, Iran: Feminist School, 2007) [translated by author]
In the first couple of years after the revolution, it has been argued that women were amongst the largest losers due to the huge gap between what they imagined post-revolutionary Iran would be like and the reality presented to them, with its backsliding gender ideology. During the Pahlavi era, women experienced modernity without a democratic political infrastructure. As they fought for egalitarian democracy, they realized that their mobilization did not lead to their emancipation.\textsuperscript{661} Mahdi is of the opinion that the side effects of the revolution mainly hit secular women of the middle and upper classes who lost access to the public sphere following limitations on their occupational and educational activities,\textsuperscript{662} and were forced to comply with the Islamic dress code. However, he portrays another segment of Iranian women as winners, the traditional religious women. While he questionably associates these women with mostly poor and dispossessed classes of society, implying the association of religion with underdevelopment and deprivation, Mahdi asserts that traditional Iranian women “who were often banned in the past by their parents or religious authorities from having a presence in the public sphere, now found the dominant Islamic atmosphere in society less socially intimidating and more religiously acceptable.”\textsuperscript{663} These two competing gender discourses at the verge of state-sponsored Islamization will be surveyed in the fourth generation of Iranian women’s activism, in two periods during the Islamic revolution from 1979 until the post-war era in 1988, and from 1988 to the end of the reform era and Khatami’s presidency in 2005.

\subsection{From Islamic Revolution to the End of Iran-Iraq War (1979-1988)}

The rise of Islamism in Iran stirred new interest in the relationship between religion and politics and assumed a new role for “the state in expressing and implementing this relationship.”\textsuperscript{664} Kandiyoti argues that the “most immediate and visible targets in ‘Islamization’ programs were

\begin{itemize}
  \item \textsuperscript{661} The concept of “Mobilisation without Emancipation” is borrowed from Molyneux, Maxine, “Mobilisation without Emancipation Women’s Interests, the State and Revolution in Nicaragua” in Mona Lena Krook and Sarah Childs, eds, \textit{Women, Gender and Politics: a Reader} (Oxford, New York: Oxford University Press, 2010) 21
  \item \textsuperscript{662} Although government succeeded in segregation of the beaches, sport events and activities and most public transitions, its attempts to segregate hospitals and higher education institutions failed. See more at \textit{Hoodfar, Against All Odds supra} note 610 at 4.
  \item \textsuperscript{663} \textit{Supra} note 50 at 437.
  \item \textsuperscript{664} \textit{Supra} note 431 at 9.
\end{itemize}
the dress, mobility and general status of women, putting the question of Islam and women’s rights back on the agenda with a renewed urgency.”

Given this prevailing socio-political atmosphere, competing gender discourses began to emerge. For example, Imam Khomeini had his women supporters, but the masculinist Islamic state initially did not include women in the key visible positions, while mainly basing its values “on the appearance and comportment of women—a responsibility that some women gladly assumed but which others found extremely onerous.” 

By the end of 1981, the regime had undone practically all the rights that women had gained between 1900 and 1979. The FPA was abolished by Imam Khomeini’s office, forcing women judges to leave benches, ordering women in governmental offices to observe the Islamic dress code, and reducing the age of marriage for girls to 13, amongst other losses. “The only major right women retained was the right to vote and participate in elections, which the regime reasoned would work to its benefit since it still exercised a considerable religious hold over a large segment of women.” As a result, some secular and Islamist women activists initiated an “independent women’s organization to fight against [certain undesirable socio-legal] developments” such as mandatory hijab and the FPA abolishment. However, Shahidian observed that given the swiftly fading political space for feminist activists in the early days of the revolution, the “lack of experience in building alliances across ideological camps, and the pressure from political parties discouraging women from joining independent women’s organizations” contributed to the turning back of the clock for women’s rights in post-revolutionary Iran.

665 Ibid.
667 Keyhan Newspaper, Press Release, Daftar Emam Khomeini: Layeheh Hemayat az Khanevadeh Laghv Khavahd shod [Imam Khomeini’s Office: Family Protection Act will be denounced] 10647 (February 26, 1979)
668 Supra note 611 at 4.
669 Ibid.
By the 1979 revolution, women had experienced an environment within which “33% of university students were female with 2 million in the workforce. 190,000 were professionals with university degrees. There were 333 women in the local councils, 22 in the Majlis and 2 in the Senate.” After the revolution, women experienced a hostile atmosphere within which they were “on the defensive and the state on the offensive.” The Iran-Iraq war of 1980-1988, which was the longest war of the 20th century, was also used as a pretext to suppress dissenting voices. Although all secular organizations including women’s were banned and some constituents were arrested, imprisoned and executed or managed to leave the country in exile between 1980 and 1988, those remaining continued to hold public protests, e.g. on March 8th, 1979 at Tehran University. It was the first time that International Women’s Day was observed publicly in Iran. These mass mobilizations of women were rooted in certain anti-imperialist revolutionary sentiments.

During the March 8th demonstration, American feminist Kate Millet and her Canadian partner Sophie Keir arrived in Tehran to speak at the rally. It took only a few days until they figured out that, unlike Friedan and Greer’s trip to Iran in 1973, their trip served to decenter Millett from the international feminist scene. She felt frustrated as she began to question her presence as an expert in Iran. She felt exasperated for being positioned ‘on the sidelines of the movement’ as if her presence might lead to ‘potentially explosive reactions’ to her American identity as a foreigner feminist and jeopardize the future of the feminist movement in Iran. The Iranian women’s activist Kateh Vafadari, who organized a series of women’s mass actions that reached 20,000 protesters and came to know Millett through a mutual friend at the Committee for Artistic and Intellectual Freedom in Iran (CAIFI) New York, was also not excited about the unexpected presence of Euro-American feminists in Iran. She said that “they might just come for a story, as reporters, or as super feminists, to colonize.” The reality was that the women’s

671 Supra note 53.
672 Supra note 50 at 430- 440.
674 Supra note 50 at 440.
675 Kate Millett, Kate, Going to Iran. New York: Coward, McCann, and Geogheganat, 1982) at 153 cited in supra note 44 at 100.
rally was already under attack by the government officials and other opposition groups. The presence of apogees of western infiltration into Iran’s feminist arena who arrived in Iran to demonstrate their support for their beleaguered sisters could contribute to making women’s rights a secondary priority compared to the greater question of national formation by the right wing. Simone de Beauvoir replied to this claim with passion: “I’ve seen many countries, and I’ve seen many revolutions, and each time the question of defending women’s rights came up, I was told it wasn’t the time.” However, the presence of Mainstream western feminism prompted the ruling elite in Iran “to argue that feminism was a Western phenomenon and that all feminist activity in Iran would be perceived as ‘counterrevolutionary’ behavior. Iranian feminist activists were thus forced to choose between the two sides of a false binary: the West and Iran.”

The hostile state reactions to women, especially during the 8th of March rally, intensified, and their microphones were sabotaged, causing the crowd to pour over to the Ministry of Justice, Ayatollah Taleghani’s House and the Jam-e Jam TV station. Secularist feminists also held private meetings in their houses, using their strong connections with feminist activists in exile and their excellent access to international media through which the Islamic gender apartheid system could be well exposed, and its promised Islamic social justice challenged. Through these underground activities, Iranian secular feminists raised awareness regarding CEDAW and promoted the concept of the secular state as a result of seeing Islam as inherently misogynist and unable to deliver gender equality.

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676 These women included Millett, Elaine Sciolino, Claudine Moullard, Claude Servan-Schreiber and ‘seventeen European women and one Egyptian woman from le Comité international du Droit des Femmes, an organization presided over by Simone de Beauvoir.
677 supra note 44 at 93-98.
679 supra note 44 at 101.
680 supra note 53.
681 Hoodfar, Against All Odds supra note 611 at 4.
4.1.1.1 The Rise of Islamist and Islamic Women’s Activism

Some significant changes happened on the Islamic side of the women’s movement in the 1980s. Monireh Gorji Fard, a member of the Islamic Republic Party, became the only woman at the Constitutional Law Assembly of Experts to help draft the new constitution. Gorji did not oppose the new legislation concerning women and supported appropriating Shari’a law as a suitable medium to protect women’s rights. However, she vocally resisted members of the assembly opposing her presence as she declared: “… those who can’t tolerate women’s presence [in the assembly], leave it.” She rigorously emphasized that in chapter III.a.2. Art 21 (1) of the Iranian Constitution, it was declared that “The government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals: (1) Create a favorable environment for the growth of woman’s personality and the restoration of her rights, both the material and intellectual.”

In the first Islamic Parliament, out of ninety women nominated, four women including Gohar-o-Shari’a Dastghaib and Maryam Behruzi of the Zeinab Society were elected and represented the Islamic Republic

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682 “Monireh Gorji Fard, Tanha Zan Ozy Majles Khobregan” [Monireh Gorji Fard, The Only Female Member of the Assembly of Experts] (August 14, 2016) online: Tavana <https://tavaana.org/fa/Monireh_Gorji>. (last accessed February 18, 2018) [translated by author]


684 Though Mariam Behruzi has been portrayed as conservative Islamist and alienated by numerous Iranian women activists, she played a key role in securing the custody right of war martyrs’ wives or widows of their children in the presence of serious oppositions. According to narrow interpretation of Shari’a, child custody rests primarily with paternal families. Mothers have secondary rights. She describes the unpleasant atmosphere of the parliament in an instant when she was giving remarks in support of health care and insurance of widowed and women without care takers; she heard some male MP’s asserting that instead of supporting widowed women’s insurance, legalize polygamy, so they won't remain unprotected and will be well provided. See more at Radio Zamaneh, Media Release, Naeimeh Doostdar, Roozgar Zanan Korsi Neshin dar Majles [The History of Female MP’s in Iran] (January 13, 2012) online: Radio Zamaneh <http://www.radiozamaneh.com/39267>. (last accessed February 18, 2018)

685 Mehrkhaneh, News Release, Zanan Namayandeh Majles Advar aval ta Nohom dar Yek Negah [Women MP's From the First to the Ninth Round in a Glance] (December 2, 2014) online: Mehrkhaneh <http://mehrkhane.com/fa/news/13841/%D8%B2%D9%86%D8%A7%D9%86-%D9%86%D9%85%D8%A7%DB%8C%D8%A7-%D8%A7%DB%8C%D8%A7%D9%85%D8%A7%DB%8C%D8%AF%D9%87-%D9%85%D8%AC%D9%84%D8%B3-%D8%A7%DB%8C%D8%A7%D9%88%D8%A7%D8%B1-%D8%A7%D9%88%D9%84-%D8%AA%D8%A7-%D9%86%D9%87%D9%85-%D8%AF%D8%B1-%DB%8C%DA%A9-%D9%86%DA%AF%D8%A7%D9%87>. (last accessed February 18, 2018) [translated by author]
of Iran Party. Azam Taleghani, the daughter of eminent Ayatollah Taleghani – a progressive Shi’a leader – nominated herself for the presidency. While dressed in complete Islamic veil, she represented Iran at the United Nations Conference on Women in Thailand and eloquently challenged compulsory veiling and stoning in the 1980s. (2) In 1982, the Freedom Movement’s Women’s League met with prominent women such as Zahra Rahnavard, Azam Taleghani, distinguished law professor Naser Katousian, and interior and justice minister and lawyer, Ahmad Sadr Haj Sayyid Javadi to express their concerns over uncontrolled implementation of the Islamic Legal Code. Additionally, the league members began expressing concerns over women’s situation in Iran, especially when a committee formed of armed male and female personnel began to function as the guardians of the Islamic code of conduct by arresting, imprisoning, flogging and imposing monetary penalties upon non-conforming women and men. These developments were also becoming more institutionalized by the emergence of the Basij-e Mostazafin, ‘Mobilization of the Oppressed’ volunteer militia that was established by Imam Khomeini’s order in 1979 “to protect new Islamic Republic of Iran against counter-revolutionary uprisings as well as external threats.” The all-male Basij later established the sister’s Basij later in 1985 for Islamist women to receive

686 Khabar Online, News Release, Listhay Entekhabati Majles Aval:Az List Piroo Hezb Johoori Eslami ta Shekast Mottlah Hezb Toodeh va Jebheh Melli [First parliament Election Lists: From The Triumphant List of the Islamic Republic Party to the Absolutely Defeated List of Tudeh Party and the National Front] (January 23, 2012) Online: Khabaronline <http://www.khabaronline.ir/%28X%281%29S%281fipa3gaicigeds%C3%83%C6%92%C3%82%CB%9C%C3%83%E2%80%9A%C3%82%C2%B0tflknc33%29%29/detail/195349/Politics/election> (last accessed February 18, 2018) [translated by author]

687 According to Article 115 of the Constitution, “The President must be elected from among religious and political rejaal ...” and rejal is a plural form of Rajol meaning man in Arabic. Azam Taleghani seriously challenged the conservative interpretation of this article and nominated herself as a woman; See also Azam Taleghani, Meekhaham Taklif ‘Rejal’ ra Tamyyn Kom [I Want to Determine the Meaning of Rijal], Zanan Mag [Women’s Magazine] (April 1997) 34:B. [translated by author]


691 Supra note 53.

military training and accompany men in the Iraq-Iran war. The female members of the Basij reached 4 million out of 10 to 14 million national Basij members.693

Given these new interactions between women and the state, especially when gender-based discrimination justified by religious prescriptions was widespread, a distinct feminist identity (later called Islamic feminism)694 was born in Iran in the mid-1980s. Their approach was rooted in the global Muslim modernist movement that “put family reform high on their agendas. They denounced sex segregation, arranged marriages … and polygamy and argued that the subjugation of women hinders national progress.”695 These Muslim women activists were “highly educated in both Western and Islamic discourse, and, despite their commitment to Islam, saw the regime’s policies as misguided and repressive - the old patriarchal system in new clothes.”696 For them, the Islamic utopia promised by the revolutionary leaders in which women’s rights were dignified, respected and ensured was an illusion. These women, not yet formally gathered under the umbrella of Islamic feminism, but carrying the legacy of pre-revolutionary support for the Islamic revolution, began to pursue an egalitarian and gender-balanced reading of religion amongst more spiritually inclined Iranian women. They vigorously claimed the defeat of post-colonial and traditional understandings of Islam rooted in male-dominated culture and patriarchal interpretations, as they problematized egalitarian Quranic verses as well as the Prophet’s and Imams’ sayings and behavior to challenge the religious knowledge production monopoly. As a result, they lobbied for reopening of theological sciences for female students, enabling them to explore new hermeneutic approaches to Shari’a from a woman’s perspective, uncovering the misinterpretation and manipulation of religious resources. Despite active opposition and the quick alienation they faced, these Muslim women activists “tried to reach women’s religious leaders who had access to a large circle of religious women particularly in low-income neighborhoods.”697 Simultaneously, some pro

693 Ibid.
694 For the very first time, Parvin Paidar used this expression for Muslim Iranian women’s right activists. See more at Paidar, Political Process supra note 22 at 240.
695 supra note 431 at 11.
696 Hoodfar, Against All Odds supra note 610 at 4.
697 Ibid at 5.
gender equality men and clerics followed the same path to deliver reformist exegesis of the sacred text, the most prominent of which was reformist philosopher Dr. Abdulkarim Soroush. Soroush’s insights were more elaborate and sophisticated philosophically than the ideological works of revolutionary sociologist Dr. Ali Shariati before the revolution.

Religious women of this trend formed two major camps. The first group of women were willing to work within the Islamic Republic of Iran’s framework to pursue a gradual shift and reform in women’s status. While “continuing to re-affirm their commitment to the Islamic Republic at every opportunity, they also warned against the excesses of the Republic’s gender ideology and its incompatibility with existing social realities.” I would call this group Islamist women activists, whose activism mainly remained within the framework of the state-sponsored Islamization of the country and Shari’àtification of its codes. The second group, which I call the Islamic Feminists, carefully kept their relative distance from the power structure and insisted on their independence in their path of resistance to institutionalized misogyny. In my view, Islamic feminists entail Iranian women who critically approach the paradigm shift from the post-colonial modernization to post-revolutionary Islamization of gender discourse in Iran.

The Islamist women activists, the first group, actively mobilized for systematic promotion of their egalitarian version of Islamic gender discourse, challenging conservative Islamist strategies by bridging private and public spheres in Iran and pushing the boundaries of legal reform and jurisprudential solutions through the indigenous revision of Shari’a. One of the Islamist feminist initiatives, according to Hoodfar, was to reach out to sympathetic religious leaders and utilize their impact on a large population of low-income women. As they began to secure the mediums through which their voices could be heard in male-dominated public spaces such as parliament or council of experts’ seats, alternative and creative ways for women’s representation emerged. For example, while women like Azam Taleghani and Zahra Rahnavard expressed their concerns over

700 Hoodfar, Against All Odds supra note 610 at 5.
uncontrolled implementation of the Islamic Legal Code, Azam Taleghani also nominated herself for the presidency and resisted compulsory veiling and stoning in the 1980s along with Maryam Behroozi.

Islamist women activists published women’s stories of being “divorced by their husbands after 20, 30 or 40 years of marriage, without alimony or support, due to the new, religiously justified law whereby husbands may divorce at will and are obliged to pay only three months of upkeep to the former wife regardless of the length of marriage.” Other Islamist women, highly honored as the wives, mothers, and daughters of Iran-Iraq war martyrs, used various public mediums such as newspapers, women’s magazines, religious gatherings, mosques and universities to either narrate or publish their stories voicing their critiques. They shared the trauma through which they had not only lost their husbands, but faced losing custody battles over their children due to unjust religiously justified treatments. Along with these consciousness-raising and story-telling projects, another large-scale letter-writing campaign was launched to reach revolutionary leaders, and some were published in women’s magazines. As a result of such agitations, the pre-printed marriage contract form was modified in parliament to include a provision to delegate the husband’s unilateral right to divorce to his wife, should he take another wife without the first wife’s consent. The original proposal came from Imam Khomeini himself in response to “women’s complaints about the new divorce law by finding within Shari’a a means to ameliorate its impact.”

Amongst important figures of early Islamist women activists with close relations to power structures of the Islamic Republic, I note Maryam Behroozi, Monireh Gorji, and Azam Taleghani.

701 Supra note 691.
702 According to Article 115 of the Constitution, “The President must be elected from among religious and political rejaal ...” and rejal is a plural form of Rajol meaning man in Arabic. Azam Taleghani seriously challenged the conservative interpretation of this article and nominated herself as a woman; See also supra note 688.
703 Supra note 689.
704 Supra note 690.
705 Hoodfar, Against All Odds Supra note 610 at 6.
706 Ibid.
707 Ibid.
708 Supra note 34 at 99.
709 See more at section 4.1.1.1. The rise of Islamist and Islamic Women’s Activism.
The Islamic feminist activists, the second group, however, kept a relative distance from the power arena and state apparatus. They also made meaningful and structural impacts on post-revolutionary gender discourses in Iran. For example, Shahla Sherkat, the chief editor of Zan-e-Rooz (Today’s Woman), a weekly magazine in the mid-1980s, invited “the more liberal religious leaders to respond to the questions of some of its readers in a column, or to be featured in interviews concerning women’s questions.” The magazine’s initiative was a brilliant move, breaking the closed cycle of religious discourse that had remained exclusive to religious leaders to set an entirely new trend in feminist activism, which has continued until the present time. According to Mir-Hosseini, this style of feminist initiative gained great success, “encouraging at least some of the religious leaders to think outside conventional religious arguments and become amenable to a more liberal interpretation of women’s issues.” After ten years, Sherkat was fired from the weekly magazine due to its growing modernist and feminist tendencies. In the editorial she wrote: “With the experience needed to support our cause—decades worth of crusading against superstition, backwardness, and centuries of oppression; going against claims of homogenized wisdom, no voice, and a dream of reaching the zenith of truth—today, we are here, determined to continue on our path.” I will further explore the attributes of these flourishing groups of women activists in the post-war era section.

The work of women activists from both the Islamic feminist and Islamist women’s standpoints have been received in various ways by other Iranian feminists of secular or left lineage, especially in the diaspora. Haideh Moghissi, representing the Iranian feminists in exile with an ideological inclination to the left, calls Islamic feminists and Islamist women activists in Iran neo-conservative feminists who surrendered to ‘romantic confusions’ in the hope of achieving a seemingly unachievable position for themselves as ‘critical intellectuals’. Moghissi opines that within the progressing global capitalist economy, the Islamic regime is forced “to remove the barriers, at least

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710 Hoodfar, Against All Odds Supra note 610 at 5.
711 Ibid.
712 Supra note 3 at 5.
on paper, to women’s participation” and the Islamist women and Islamic feminists, and those academics infatuated with their version of feminism and “their softening tone vis-à-vis Islamic fundamentalism” are the part of “the frenzy of ‘anti-imperialist’ populism.”

Amongst those academic feminists, Moghissi referred to Paidar, as a neo-conservative feminist, who believed that “secular feminism was crushed and driven to exile” and celebrated “the authentic voices of Muslim women in favor of reforms within Islamic Shari’a,” Moghissi insisted that neo-conservative faith-based feminism tends to silence secular and exiled women. I argue that Moghissi maintains the reductionist binary of progressive secular feminism versus regressive home-grown feminism and discredits the activism and resistance of Islamist and Islamic feminists and women activists for lacking agency and political sophistication.

I find Moghissi’s feminist analysis quite unproductive as it stripped away the agency of indigenous non-conforming Islamic feminists in post-revolutionary Iran. Moghissi contributes, in my view, to the reproduction of orientalist feminist hierarchies and hence reinforces the absence of distinct Iranian women’s voices in the global arena. Naghibi calls for a need to be receptive to alternative models of feminism by referring to Razack’s concern about the complicity of the dominant groups to resist non-conforming views. This position “elides our participation in the subordination of

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714 Haideh, Moghissi, “Émigré Iranian Feminism and the Construction of the Muslim Woman” in Émigré Feminism: Transnational Perspectives, Alena Heitlinger ed, (Toronto: University of Toronto Press, 1999) 189 at 198-202; See also supra note 617. For an alternative view see more at Nayereh Tohidi, “Fundamentalist Backlash and Muslim New Challenges for International Women’s” (1996) 16:3 Canadian Women Studies, 30. In this article Tohidi discusses the 1995 Beijing World Women’s Conference and analyses various aspects of Muslim women’s visibility and agency in this international forum. She quotes from Sandra Hale who called this year’s conference “the year of Muslim Women” due to their unprecedented active presence in such an historic event. She referred to some members of the Iranian women’s delegation who successfully crossed over “the state’s dictated boundaries” to signal “a more genuine face and voice of Iranian women.” For Tohidi, such trends of activism can be attributed to “the dynamism of postrevolutionary Iran, the raised consciousness of Iranian women (including the ones presently in power), and the internal and international outcry against the violations of Iranian women's democratic rights.” at p 32.

715 Parvin Paidar who hold a Ph.D in political sociolog was a London based pioneering scholar who highlighted the importance of combining Islam and feminism. She was among the diaspora intellectuals who was at the risk of assassination for offering less that absolute support for Iran’s theocracy. Therefore, she obliged to use pseudonym of Parvin Yeganeh. See more at: The Gaurdian, Press release, Haleh Afshar “Parvin Paidar, Iranian writer and campaigner intent on combining feminism with Islam” (September 20, 2005) online: The Gaurdian <http://www.theguardian.com/news/2005/oct/27/guardianobituaries.gender>, (last accessed February18, 2018)

716 Parvin Paidar, “Feminism and Islam in Iran” In Deniz Kandiyoti ed, Gendering the Middle East: Emerging Perspectives (Syracuse: Syracuse University Press, 1996) 51at 57 cited in supra note 715 at 198.
others and the occlusion of their voices …. toward a politics of accountability.” Razack’s approach compels us to acknowledge that “we are implicated in systems of oppression that profoundly structure our understanding of one another. That is, we come to know and perform ourselves in ways that reproduce social hierarchies.”

Such an approach is mirrored in the secular feminist Najmabadi’s view on Paidar’s feminist approach. She states that Paidar “saw the necessity of working across the secular/religious divide, of reaching out to women’s rights activists who led Islamic lives. It was a time when we - the “seculars” - had every reason to hate everything Islamic, but Paidar saw beyond the divides that shaped the careers of many of her colleagues.” Najmabadi’s point refers to the necessity of a coalition between Iranian women of the working and middle classes with and without religious affiliation, who gained their educational attainment and socio-economic improvement under the Shah’s modernization projects. These women displayed extensive resistance to the IRI’s regressive gender policies, which were in extreme contrast to both Islamic and secular visionaries and overall expectations. In the post-revolutionary socio-political environment, especially during the 1980-88 Iran-Iraq war, Moghadam argues that the Islamic state encouraged ‘ideologically-correct women’ to enter into the workforce or replace men in public sectors such as health, education and to a lesser extent public administration. These women, history shows, were appalled by declining family protection measures and became potent agents of change in the IRI gender discourse from within the system.

### 4.1.1.2 From Post-War to Reform Era (1988-2005)

In the post Iran-Iraq war era, in the 1990s, and with the passing of Imam Khomeini on June 4th, 1989 and the presidency of Hashemi Rafsanjani 1989-1997, a new page in Iranian women’s movements was turned, along with the growth of Iranian civil society. The presidency of

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718 *Ibid* at 106.

719 Professor Najmabadi refers to Parvin Paidar.

720 Afshar *Supra* note 715.

721 *Supra* note 666 at 2.

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Mohammad Khatami 1997-2005 was the climax of the gained vitality in women’s movements and their critical engagement with the IRI’s gender discourse. Women’s magazines’ numbers were flourishing, including Zanan (Women), Jens-e Dovvom (Second Sex), Farzaneh (Wise), Hoghough-e Zanan (Women’s rights), and Roshangaran (Enlighteners).722 Starting in 1992, Iran’s premier Women’s magazine, Zanan (Women), published 40,000 copies and was amongst the most successful.723 Sherkat articulated her stance in the magazine: “We believe that the solution to women’s problems lies in four areas: religion, culture, law, and education. If the road to these four areas is paved, we can advance the role of women, elevating society in its entirety.”724 During sixteen years of activism in Zanan, women from all walks of life gained a platform and became a monthly “haven for the diverse voices within Iran’s women’s movement.”725 Sherkat systematically criticized family law and the Islamic criminal code from an Islamic feminist perspective.726 Women’s presses such as Zanan, along with female deputies in the parliament, pushed for resolution of the marriage law crisis, especially regarding the procedural questions not addressed by Shari’a.

In the intervening period, however, women vigorously resisted ‘the introduction of a conservative interpretation of Shari’a [which] led to its modification by judicial action in a manner that in effect reinstated the FPA, long before the Majles acted to do so legislatively.727 After the informal repeal of the FPA728 by Imam Khomeini soon after the revolution, women expressed their unhappiness and resistance729 to the new law, which was based on a conservative interpretation of Shari’a. Finally, in 1989 and with an amendment in 1992, “a

722 Ibid at 4.
724 Supra note 714.
725 Ibid.
726 Supra note 3 at 249.
727 Supra note 34 at 98-99.
728 Also known as The Family Protection Law (FPL), 1975, online: Foundation for Iranian Studies <http://fis-iran.org/en/women/laws/family>. (last accessed February 18, 2018) [FPL]
new family code similar to the FPA though going further in protecting women on divorce and custody,” was ratified by the parliament. Women’s protests thus led to modification of laws by judicial action rather than legislative authorities. Later in 1992, a Post-Divorce Financial Arrangement was developed and became a breakthrough in divorce provisions and a major achievement for Iranian women’s rights advocates: “They limit men’s ability to act capriciously and protect women by providing them with some financial support, notably the right to claim compensation for household services rendered to the husband during marriage.”

Subsequently, in 1997 a new family code was created by the Parliament that, in some points, went much further in protecting women’s rights. They are still in place at present. A prenuptial document was introduced to be signed at the time of marriage that could give women the rights they lacked in family laws. The future husband could decline his rights to polygamy and unconditional divorce. Women were given grounds to initiate divorce, divide assets acquired during the marriage as long as divorce was not caused by her fault, and have joint custody of children and child support. However, these terms remained possible only as a voluntary contract; men did not have to sign and if they did not, there were no legal ramifications. Further, family courts were reinstated, and divorce is referred to these courts. Women could function as judges in civil and family courts as deputy prosecutors or deputy heads but do not have the title of judge. Mahryeh’s due is to be paid promptly and in the case of husbands who want a unilateral divorce,

730 Supra note 34 at 97-98.
731 Ibid. at 98.
732 Supra note 66 at 8.
735 Supra note 53.
737 One of the key features of Muslim Marriage contract which differentiates it from civil marriage contract id Mahryeh which involves a sum of money, real state, gold coins or any other valuables that the husband gives or undertakes to give to the bride upon marriage. The right has been supported by Article 1085 of Civil Code.
judges instruct women to use it as leverage in their post-divorce negotiations. In July 1997, lawmakers added a note to article 1085 of the civil code to recalculate the amount of Mahryeh agreed upon according to the Central Bank’s report on the inflation rate, as its value decreased on a daily basis during the years of marriage.\(^738\) Ujrat al-mithl or house work wage was also reinstated, through which women’s housework would be compensated, deduced from Article 336 of the civil code.\(^739\) Further, “the government reversed its opposition to family planning and embarked on a vigorous campaign to stabilize population growth. This policy was enthusiastically embraced by women.”\(^740\) The decline in the fertility rate from 3.2 to 2.3 children per women was a result of “family planning clinics throughout the country [which] began to distribute contraceptives and family planning advice, frequently free of charge.”\(^741\)

In the late 1990s, the alliance among secular and Islamic feminists began to flourish and each camp tried to advance women’s lives through finding common grounds with one another. CEDAW was amongst the common grounds these camps worked on as they called for the necessity and vitality of the adoption of such international conventions. During this time, noted secular feminists Merhrangiz Kar and Shahla Lahiji robustly joined the debates, creating high rates of coalition-building across a broad spectrum of Iranian feminists. Though secularist women were not as organized as the Islamic reformist women, they played a significant role in challenging the state’s gender policy in a fashion that Kar described as:

> Iranian women have gone through a difficult test. During the past decade, they have experienced difficulties and dangers that were unprecedented in their individual and social lives. Women have come out of these testing times, without owing any debt to any one’s propaganda machinery, registering themselves from the margins to the centre of social text. Now [w]omen, who have fulfilled their obligation, demand, not beg, [for] their rights.\(^742\)

\(^738\) “If mahriyeh is [agreed] in cash, it shall be paid in accordance with the change of the annual price index at the time of payment in comparison with the time of the contract, which shall be calculated by the Central Bank of Iran.”

\(^739\) Article 336: If a man does an act at the order of another and if according to custom and usage a wage is payable for such an act, or if the man who has acted is accustomed and disposed to undertake such work, then he can claim pay for his work, unless it is shown that he acted gratuitously.

\(^740\) Supra note 666 at 3.

\(^741\) Ibid.

\(^742\) Supra note 734.
Islamic feminists in Iran mainly supported the agendas that would well reflect the middle and upper-class Muslim women’s concerns by using Islamic terms to reformulate their resistance and communicate with the Islamic state’s authorities. For them, reforms were demanded to redeem their support for the revolution. As a result of their agitation, the government could no longer justify its demeaning attitude toward women or silencing their movement, and was ready to bend religious rules in favor of women. In this era, women turned to the offensive, and the government went on the defensive.

Regarding women’s socio-political and legal attainments, the government created the Women and Family Socio-Cultural Council in June 1989, led by Zahra Rahnavard, to make recommendations and offer assistance in policy making with regards to women’s empowerment for executive branches of government. The daughter of President Rafsanjani, Faezeh, initiated Asian games for Muslim women in 1993 and in a landslide victory she was elected with the highest vote in the fifth round of Parliament from Tehran. In 1997 more than 78% of all eligible women cast their ballots in support of the progressive clergy, presidential candidate Khatami, and this election marked the ‘political coming of age for Iranian women.’ Hence, the Women’s Council that was elevated to The Bureau of Women’s Affairs in 1991 by President Rafsanjani morphed into the Center for Women’s Participation, chaired by Zahra Shoajaei, who gained cabinet status as an advisor on women’s affairs in Khatami’s presidency. Masoomeh Ebtekar also became the first vice-president of the Environment Protection Organization under Khatami (1997-2005) and was re-selected by

744 Hoodfar, Against All Odds supra note 610 at 7.
746 In the era of Ahmadinejad presidency, the center was renamed as the Center for Women and Family Affairs, as opposed to Center for Women’s Participation. By emphasizing on family affair, women’s participation no longer played a pivotal role in the center's policy making. This center recently claimed that the national research of violence against women that was prepared by ministry of interior and the Center for Women's Participation in 32 volumes is lost.
President Rouhani in 2013. Prominent women parliamentarians such as Soheila Jelodarzadeh, Jamileh Kadivar, Fatemeh Rakei, Fatemeh Haghighatjoo and Elaheh Koulati became outspoken advocates for reform and women’s rights during the presidency of Khatami. His Culture Minister Ataollah Mohajerani also appointed Aazam Nouri as deputy culture minister for legal and parliamentary affairs. In addition, in the first Islamic urban and rural councils elections in 1998, “1375 out of more than 7000 female nominees were elected to the councils, while in the fourth elections in 2010, 6096 female nominees were elected to the councils.”

Some obstacles were also lifted to improve women’s educational achievement and employment:

In 1992, the High Council of the Cultural Revolution adopted a set of Employment Policies for Women, which, while reiterating the importance of family roles and continuing to rule out certain occupations and professions as Islamically-inappropriate, encouraged the integration of women into the labor force and gave attention to their interests and needs. Women were encouraged to enter gynecology, pharmacology, midwifery, and laboratory work. The government also opened the field of law to women in the 1990s. “Women legal consultants” were permitted in the Special Civil Courts, although women still could not serve as judges.

As a result, about 35 percent of public sector employees were comprised of women, mostly in the Ministries of Education and Health, 35 percent of whom had university degrees. By the late

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748 Supra note 666 at 3.
749 Ibid at 4.
750 National Review on Women's Status in the Islamic Republic of Iran (Beijing+20)” online: UN Women.org <http://www.unwomen.org/~/media/headquarters/attachments/sections/csw/59/national_reviews/islamic_republic_of_iran_review_beijing20.ashx?v=1&d=20140917T100722>(last accessed February18, 2018)
In 1998, young women constituted 52% of students entering universities and joining the workforce. The fifth Majlis had 14 female deputies out of 277. The Nobel peace prize was awarded in 2003 to Shirin Ebadi, the first Iranian Muslim female lawyer and a women’s and children’s rights activist. Ebadi in her Nobel lecture opined that Islam cannot be in conflict with awareness, knowledge, wisdom, freedom of opinion and expression and cultural pluralism. The discriminatory plight of women in Islamic states, too, whether in the sphere of civil law or in the realm of social, political and cultural justice, has its roots in the patriarchal and male-dominated culture prevailing in these societies, not in Islam.

Working within the framework of progressive Islam, Ebadi emphasizes that “[w]e need an interpretation of Islam that leaves much more space for women to take action. We need an Islam that is compatible with democracy and one that’s respectful of individual rights.” She encouraged the creation of utmost space for religious tolerance and women’s rights. Ebadi’s Nobel Prize was a turning point in Iranian feminist history as it paved the way for new coalitions to be built amongst secular and Islamic feminists both inside and outside of Iran. These alliances not only formed through women’s rights activism but also in socio-cultural arenas such as filmmaking, prose, poetry, blogging, and fashion design. Soon the fifth generation of Iranian feminists would emerge.

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753 supra note 53.
754 Hoodfar, Against All Odds supra note 610 at 11.
In general, the fourth generation of Iranian women activists faced fundamental legal regressions regarding women’s status as the FPA was abolished, women judges were forced to leave the bench, the marriage age was reduced, the hijab became mandatory, etc. While they retained some of their political rights such as electoral rights, they managed to push for reentering into theological sciences to explore the first hand sources of Islamic canon and revisit Shari’a from women’s perspective. The rise of Islamic feminism in this generation led to various critiques directed at Islamic family law and penal code and involved female MPs to press for procedural questions not clearly addressed in Shari’a law. The legal achievement of the coalition amongst women activists of the fourth generation was the 1989 and 1992 judicial amendments to the family code that even went further than FPA in protecting women in divorce, marriage and custody rights. The fourth generation lobbies led the judicial system to enact favorable modifications long before the parliamentary legislation. Women also became involved in family courts as deputy prosecutors and head deputies. One of the major achievements of the fourth generation was article 336, which reaffirmed women’s compensation of housework wage.

The fourth generation of Iranian women activists entailed women who had experienced the 1978-9 revolution and suffered eight years of the Iran-Iraq war. However, they were able to significantly reorganize themselves around the distinct domain of feminism and issues regarding womanhood and women’s rights to destabilize patriarchy in Iran through their developing consciousness, identity, and discourse. In their identity development, feminisms like Islamic feminism, secular feminism, liberal feminism and socialist feminism flourished as an extension of womanhood and women’s new identities. In fact, the fourth generation of feminists in Iran formed their praxis around their newly emerging individual overlapping identities. They became an “identity-centered generation”758 whose overlapping identities as a woman and Muslim or, a woman and secular, aimed to represent various women’s groups from different walks of life. In other words, both their subjective existence as a woman and their religious or political affiliation played major roles in shaping their activism. The fourth generation spectrum epitomized the transition from the ideology-centeredness of the third generation to the pure women’s demand-centeredness of the

758 Noushin, Narrative supra note 132 at 108.
first and fifth generations of Iranian women activists. Though the boundaries between their ideologies and identities have been blurred at some points in the fourth generation, they came out as women first and represented certain ideologies as an extension of their identity as a woman. In the same vein, Farhad Khosrowkhavar portrays the women’s movement in Iran of the late 1990s as post-ideological and post-class, even though some might see it as liberal middle-class activism.759

Mahdi argues that these women created a movement “without direction, leadership, and structure”, but he maintains that they showed “greater awareness of human rights, individual rights, individual autonomy within marriage, family independence within the kinship network, and a form of national consciousness against the global diffusion of Western values.”760 His view also implies the emergence of women who are empowered by their agency as a socio-historical component of the revolution. Their agency to speak out about their hardships and to make strategic choices was rooted in the emerging critical awareness of the fourth generation as women activists with distinct identities, recognizing themselves as fully participating citizens in civil society. These women were no more passive objects of the state policies of either Islamization or modernization but were subjects who can negotiate, network, resist, transform, imagine and counter-imagine primarily as women. The fourth generation women activists bridged the gap between their legal status that “attempted to use women’s bodies to promote a particular form of nationalism, whether Westernized or anti-imperialist”761 and the social reality they lived in. They also participated in endeavors such as legal campaigns, CR sessions, women’s innovative and entrepreneurial feminist magazines, women’s publishing collectives, women NGOs and their social media networks.762

761 Supra note 44 at 38.
762 supra note 666 at 4.
While middle and upper-class activists continued to actively challenge and at some points impede the effects of patriarchy, the lives of lower-class urban and rural women, continued to be positioned under the powerful influence of patriarchy. Moghadam argues that “a socio-economic base of profound inequalities, high unemployment (especially among women), low salaries, inflation, economic stagnation, corruption, and serious social problems such as drug addiction, prostitution, divorce, runaway teens, a shortage of affordable housing, domestic violence, and an alarming brain drain” remained to be seriously addressed by whatever feminist current claimed to be rooted in Iranian culture. At this historical point, almost three decades past the Islamic revolution, it became evident that in a theocratic democracy, women’s issues were becoming more complicated and multi-layered. This socio-political climate paved the way for the emergence of new generation of Iranian feminists from 2005 onward. In such historical momentum, conservative president Ahmadinejad came to power, ended the reform era and introduced vast state’s security interventions, especially in women’s feminist and civil endeavors as well as their day to day lives.

4.2 Fifth Generation (2005-2010)

After Khatami’s reformist government from 1997-2005 was frequently impeded by the Council of Guardians of Islamic Constitutional Law in delivering its promises of reform, an ultra-conservative president, Mahmood Ahmadinejad (2005-2013) stepped into the political scene of Iran with the support of the Iranian population from small cities and rural areas. Similar to typical authoritarian and ‘dirigiste regimes,’ Ahmadinejad’s government “did not encourage the creation of democratic civil societies in which women’s gender interests could be autonomously

763 Ibid at 11.
764 When members of the Government and Parliament have had a reformist approach, there have been major achievements in terms of plans and bills reflecting gender equality. For instance, the reformist Parliament (2000-2004) approved ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), though this has not been allowed by other governmental bodies, in particular the Guardian Council. See more at “Home Truths: A Global Report on Equality in the Muslim Family” online: musawah <http://www.musawah.org/home-truths-global-report-equality-muslim-family-english> (last accessed February 18, 2018) at 18.
765 “dirigiste regimes are those regimes that “came to power as legatees of the anticolonial struggles were committed in a sense to providing some relief to peasantry.” See more at Patnaik Utsa & Patnaik Prabhat, A theory of Imperialism (Columbia University press, New York, 2016) at 31.
represented.”

These changes resulted in “the virtual disappearance of the reformists, and the conservatives’ consolidation of power over all branches of the government ... [thwarting] women and their fragile hold on limited civil and political rights.” As Ahmadinejad came into power for his first round of presidency from 2005 until 2009, it was noted that “respect for political rights and individual liberties has further deteriorated, and civil society has grown ever more isolated.”

After Ahmadinejad’s re-election, from 2009 until 2013, all “three challengers lodged claims of fraud, and subsequent findings by independent analysts reinforced suspicions that irregularities had occurred.” In what is internationally known as the Green Movement, “Iranians rose up in protest across the country. Security forces violently repressed the demonstrations, tightened restrictions on freedom of speech, and intimidated, arrested, tortured and raped activists.”

During this repressive era, most women’s rights achievements had already been made by the reformist faction of the government during the Hashemi (1989-1997) and Khatami presidencies (1997-2005). The reformist fifth (1996-2000) and sixth (2000-2004) Islamic Consultative Assembly, also known as the Iranian Parliament, were vehemently opposed and pushed to the periphery of the political scene.

Tackling these challenging problems, women’s activists’ strategies morphed into more pragmatic, demand-centred ones that were defined beyond the activists’ political and religious ideologies. The fifth generation of Iranian feminists, which was born around the presidential election of 2005, united their demands for gender justice and legal reform as gender conscious agents, leaving aside their ideological differences. Through the early years of reform during president Khatami’s leadership, 1997-2005, and before the Ahmadinejad, “the space for dialogue expanded, the channels of communication opened between women of different religious backgrounds and secular women” to multiply each other’s effect across a broad spectrum of the socio-legal arena. According to Noushin Ahmadi, the fifth generation offered a pragmatic demand-centred strategy.

766 Supra note 431 at 12.
767 Supra note 677.
769 Ibid.
770 Ibid.
771 Hoodfar, Against All Odds supra note 610 at 8.
just like their first generation grandmothers. She argues that although the first generation was unconsciously turned into demand-centred activists, the fifth generation consciously chose this path and enriched it with modern feminist theories and practice, moving beyond old ideological boundaries and utilizing new social networking media.\footnote{Noushin, Narrative Supra note 132 at 108.}

In my view, the fifth generation of Iranian women activists are the most aptly named feminists, and many of the activists of this generation proudly embraced the title. The year 2000’s celebration of International Women’s Day and the open activities of women initiated by Noushin Ahmadi through the Women’s Cultural Center and other NGOs, which served as a turning point for some women, set a strong precedent for Iranian feminism in these years.\footnote{See more at Mansooreh Shojaei, “The history of International Women's day in Iran” (March 2009) online: Feminist School <http://www.feministschool.com/english/spip.php?page=print&id_article=253>. (last accessed February18, 2018)\footnote{Hoodfar, Against All Odds supra note 61 at 9.}} As new conservative forces in the IRI were about to regain power, on “June 12, 2005, diverse constituents of the Iranian women’s movement launched their first collective action, a protest rally in front of Tehran University, a very public space and traditional meeting place.”\footnote{Ibid.\footnote{Ibid.}} As 5000 protesters, resisting and fighting against security intervention, they demanded: “constitutional reform, including the removal of all clauses subjecting women’s rights to vague and undefined ‘Islamic principles’ that in practice continued to subject women’s rights to the most extreme, orthodox and conservative interpretations.”\footnote{Ibid.\footnote{Ibid.}} The rally’s inspirational success was a turning point that “re-engaged disillusioned veteran activists who had come to believe that the political and constitutional context allowed for few if any effective, non-violent strategies of resistance.”\footnote{The Economist, News Release, “Obituary: Simin Behbahani: Simin Behbahani, the ‘Lioness of Iran’ died on August 19th, aged 87” (August 30, 2014) online: The Economist}
Continuous debates over the incident led women’s activists to celebrate Iranian Women’s day778 on June 12th, 2006 in Haft-e-Tir Square. This time the government sent out female police officers armed with batons to brutally attack another peaceful rally, arrest, and finally charge a number of leading participants, making more international headlines.779 Shirin Ebadi, Nobel Peace Prize winner and the founder of the Defender of Human Rights Center in Iran, represented them at the Tehran Revolutionary Court, resulting in extensive international media coverage.780 In 2007, one week before 8th of March, another 33 women activists were arrested in front of the revolutionary court, having gathered to support their fellow activists. They faced imminent trial for participating in the 12th of June protests of 2006, based on the trumped up charges of disrupting public order and acting against national security. As these women were jailed, the atmosphere of repression and intimidation escalated due to the raiding of the homes of some activists. These events were followed in March by another violent confrontation by security forces during which female teachers and other women activists protested in front of the Islamic Parliament.781 During the constant state of flux in the Iranian women’s decentralized movement, “with a thousand-and-one thinking heads, with many thousands ready to replace those who have been arrested or who needed to take a break or had grown disillusioned,”782 a peaceful non-violent and multi-generational campaign called the One Million Signatures Campaign was born from the heart of the struggle of fifth Iranian generation feminists.

In 2007, Noushin Ahmadi loosely categorized the fifth generation of Iranian feminists as entailing men and women under 35-years-old. The fifth generation involves women and men of different


778 Birthday of the daughter of Prophet Mohamad (pbuh) born on Friday, 27 July 604, 20 Jamad al-Akhar 5 BH.

779 See more at “Iran: Call for immediate release of Alihe Eghdamdoust” online: Muslim Women Living Under Muslim Law <http://www.wluml.org/node/200>. (last accessed February 18, 2018)


781 See more at supra note 774.

782 Hoodfar, Against All Odds Supra note 610 at 1.
visions and approaches who gathered around the same goals: the “elevation of the status of women in the family and society, and elimination of discrimination and prejudice against women.” They developed new approaches in the women’s movement that went far beyond ideological boundaries through which earlier Iranian women activists had previously represented their political camp, like the third generation, and developed distinct feminist identities, as the fourth generation did. In the fifth generation, however identity and ideological demarcations appeared to be bypassed. Noushin Ahmadi theorized the transcendental nature of this version of Iranian feminism as “circumstantial Feminism.” Women and men adhering to circumstantial feminism are strongly pragmatic. They are more inclined to commit to their feminist praxis based on the lived realities of women’s lives. It appears that Noushin Ahmadi’s circumstantial feminism is also committed to strong self-criticism and the critical approach of constantly revising their theoretical and methodological positioning. Circumstantial feminists “distanced themselves from ideological Islam in their essence and political Islam in their methods and demands. [In other words], this feminism does not gain its identity from Islamic or other ideologies and does not feed on government approval for its legitimization.”

Circumstantial feminism does not see religions and other ideologies as either markers to build up coalitions or as threats. In particular, circumstantial feminism neither sees Islam as an enemy nor methodologically ignores it. It does, however, accept various religions and ideologies as realities of their day-to-day lives that must be coexisted with and, if necessary, revised. In fact, such an approach was taken without fear of ostracism or the umbrage of losing their identities. Circumstantial feminists do not seek legitimization from the top but the bottom. However, if necessary, they will welcome various possible assets in the pyramid of power to actualize women’s feminist demands. To put it differently, if an Islamic feminist, adhering to circumstantial feminism, joins any coalition formed by the fifth generation of Iranian feminists, she does not use her feminist demands to justify her Islamic positioning. Her feminism is not concerned with generating the

783 Supra note 764 at 18.
784 Noushin, Narrative Supra note 132 at 97.
785 Ibid at 109-110.
Islamic state-approved women’s rights either. Her praxis, in fact, entails coming up with respective points of departure and moving toward actualization of women’s feminist demands.

Circumstantial feminism found the opportunity to shine on various occasions. In particular, in 2008, the conservative Ahmadinejad’s administration proposed the ‘Family Protection Law,’ which “relaxed restrictions on polygamy, including eliminating the requirement that existing wives consent to a subsequent marriage.” This bill was met by a magnificent coalition linking women activists and intellectuals ranging from conservatives to reformists, and from Islamists to seculars who focused on very specific legal arguments and agitated to destabilize the proposed provisions. A prominent reformist activist, Fakhri Mohtashamipoor, held that “such coalition building amongst Iranian women activists is even more precious than the reason behind the coalition itself” as it brings the secular and faith-based Iranian feminists more together and heals the paradoxical love/hate relationship between them. National media covered the coalition’s emergence, the OMSC’s media outlets published numerous articles and collected 2000 signatures, and complaint letters were sent to Members of Parliament: some of their cell phone numbers were publicized, and activists contacted them. The result was superb, and the provisions were eliminated.

Circumstantial feminism has been met with some opposition. The approach has been criticized by comrade Leila Danesh as opportunist neoliberal feminism, giving a positive response to imperialism and wandering in reformist corridors. From such a socialist feminist perspective, circumstantial feminism calls for reconciliation of classes, ideologies and political camps within the Islamic Republic of Iran. Danesh accuses Noushin Ahmadi’s middle-class interest as compelling her to theorize circumstantial feminist praxis through reform or moderation within the framework of the Islamic Republic’s constitution. On this path, critics say the big picture of the

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786 Supra note 764 at 19.
misogynist and anti-communist Islamic system remains intact.⁷⁸⁸ For comrade Azar Rakhshani, circumstantial feminism has emerged from the right wing of feminism in the IRI. She emphasizes how her socialist feminist view diverges from Noushin Ahmadi’s when the latter promotes women’s emancipation through negotiation opportunities gained within the current socio-legal structure of the IRI. For her, today’s feminism should move toward overthrowing theocratic patriarchy and Islamic capitalism in Iran.⁷⁸⁹

In the checkered history of Iranian women’s activism and particularly feminism, the left has promoted radical, world-changing, and revolutionary strategies for social change. Iranian socialist feminists have always encouraged these methods to replace middle-class democratic demand-centered approaches. Noushin Ahmadi argues that while the women’s movement does not have the capacity and potential to turn into a groundbreaking revolutionary movement in Iran, it is a peaceful, non-violent, grassroots movement that contributes to the democratization of society while improving and expanding itself. Noushin Ahmadi maintains that civil individual and collective rights struggles have always been carried on the shoulders of the middle-class masses who paid heavy and bloody costs for their cause. She suggests that middle-class feminism should distance itself from the imposed historical shame of their class and follow their demands with courage, realism and moral confidence which will benefit the whole society. Noushin Ahmadi characterizes the middle-class fifth generation of Iranian women activists as sober, vigilant, devoted and equipped with modern ethics and command. They employ unique progressive mechanisms through which their demands are being put forward peacefully to the state, even without contribution and participation of other classes in the society.⁷⁹⁰

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It may appear that Noushin Ahmadi defends a feminist struggle rooted in the middle-class. However, according to my understanding of her circumstantial feminism, she seeks to transcend these ideological boundaries whether working or middle-class, Muslim, leftist or upper-class elites and shift her focus on women’s demands while resisting middle-class shaming. To my understanding, Noushin Ahmadi’s circumstantial feminism aims to promote pragmatic social criticism and critical engagement by Iranian feminists. In other words, it stimulates Iranian feminist thought. This feminism is based on critical thinking and steady reforms rather than the ambition of overthrowing the government altogether. Circumstantial feminism is assertive but non-violent, and reformist, but non-conformist to current legal structures. This approach maintains the constitution as a mutual language between feminists and the theocratic government and considers the maximum utilization of existing capacities as an ‘art’ under the rule of law. Although feminists of the left argue that reform and the rule of law is a liberal-bureaucratic bourgeois slogan, I observe that Noushin Ahmadi has always been of the opinion that macro-political revolutions such as those in 1979 or 1906 were counterproductive in bringing fundamental progressive changes in women’s lives and that women lost more than they gained. Hence, circumstantial feminism is a reform-oriented feminism, not revolutionary, and holds women accountable to explore various empowerment avenues. It also indigenizes international feminists’ insights according to Iranian women’s consciousness capacity, moral teachings, and emotional acumen. As a result, Islamic feminism, whose presence is welcomed within circumstantial feminism, was able to challenge and intervene in the clerical and male-dominated official state constitution, and pointed to the incongruence between the promises of the Islamic state for women’s emancipation and the stubborn reality of persisting patriarchy through their critical consciousness raising.

4.3 Conclusion

In chapter four, I have examined critical aspects of the second historical phase of Iranian women’s activism from the Islamic revolution to the Green Movement (1979-2010), including the fourth
and fifth generations of Iranian women’s activism. I mainly explored how their praxis ran along class, ideology, and religious lines and how they defined their relationship with law. The fourth generation of Iranian women from 1979 until 2005 experienced the 1979 revolution, the formation of IRI, and eight years of the Iran-Iraq war. The fourth generation women’s activism was mainly an identity-centred generation whose overlapping identities as a woman, and Muslim or secular or Marxist represented various women’s groups from different walks of life and shaped their activism. The fourth generation was a transition point from the ideology-centeredness of the third generation to demand-centeredness of the fifth generation of Iranian women activists. The fourth generation of Iranian women’s activists are known as post-class and post-ideology in Khosrowkhavar’s view, as they prioritized their gender identity and then represented certain ideologies as an extension of their identity as a woman. The fourth generation displayed a deeper awareness of individual rights and autonomy within marriage and family settings. However, their collective activism lacked strategic direction and leadership.

The fourth generation of Iranian women activists faced major legal regressions regarding women’s status while retaining some of their political rights such as electoral rights. The rise of Islamic feminism posed various critiques directed at Islamic family law and penal code. In general, the fourth generation women activists also undertook numerous legal campaigns, CR sessions, women’s innovative and entrepreneurial feminist magazines, women’s publishing collectives, women NGOs and their social media networks. Amongst their legal achievement were the 1989 and 1992 amendment to the family code, giving women the rights they lacked in family laws. Middle and upper-class activists continued to actively participate in challenging the effects of patriarchy in the Iranian society. However the lives of lower-class urban and rural women remained vulnerable under the powerful influence of patriarchy.

The fifth generation emerged in the historical momentum when conservative president Ahmadinejad came to power, terminated the reform era and introduced vast state’s security interventions. In this generation, women’s engagement with law extended to macro-level constitutional reforms and the elimination of all provisions that subject women’s rights to ambiguous perception of ‘Islamic principles’ that leads to continuous marginalization of women.
by most orthodox and conservative interpretations. This clearly shows feminist discursive
ingagement with religious laws, albeit through feminist awareness of the available hermeneutic
methods that were introduced to Iranian’s intellectual circles. In terms of micro-level feminist legal
activism and macro-level conscious raising, the fifth generation gave birth to one of the most
feminist campaigns in Iranian history, the OMSC. This campaign summed up its demands in
particular legal reforms that extended from family law and personal status to penal code and
insurance laws. In the next chapter I shed light on different aspects of OMSC as an important
endeavor of the fifth generation Iranian feminism.

791 Hoodfar, Against All Odds supra note 61 at 9.
Chapter 5: One Million Signatures Campaign: A Case Study of Iranian Feminist Praxis

The Orientalist portrayal of passive doomed Middle Eastern women has always been hard to confront, especially as it is readily associated with essentialist readings of a monolithic Islam. Highlighting the gloomy aspects of women’s lives in the region and ignoring the progressive achievements they have made overlooks the extent to which grassroots women’s activism in the region has led to fundamental transformations within their societies. The 150-year-old story of Iranian women and their activism told in chapters three and four is in stark contrast to the fabricated image of subordinated, helpless Iranian females and plays an inspirational and instructive role for contemporary women’s activism. As chapter four showed, in the aftermath of the 1979 revolution in Iran, women, who were major players in the revolution, faced revocation of their pre-revolutionary rights. The new totalitarian government instituted gender segregating policies along with mandatory hijab laws. Women’s responses to these policies in early post-revolutionary days, with some exceptions, came not by “deliberate, organised campaigns but largely through mundane daily practices in public domains, such as working, participating in sports, studying, showing interest in art and music, or running for political offices.” As years passed, women’s efforts to express their agency as influential “public players” who managed a significant “shift in gender dynamics, empowering themselves in education, employment, and family law, while raising their self-esteem” increased in a more structured and organized fashion.

Eventually, in 2006, Iranian women launched the One Million Signatures Campaign, which was determined to change particular discriminatory laws against women via the Iranian Islamic parliament. The ultimate goal was law reform to challenge the socio-cultural and historical gender associations persisting in the Iranian legal structure. OMSC’s statement listed almost seventy laws in the Islamic constitutional law, penal code and civil code that needed to be changed. The OMSC drew inspiration from another “Million Signatures Campaign”, which was established in 1992 by the L’Union de l’Action Féminine (UAF), a feminist group in Morocco. The Moroccan campaign

792 Asef Bayat, Life as Politics: How Ordinary People Change the Middle East, 2nd ed (Stanford, California: Stanford University Press, 2013) at 87.
793 Ibid.
“aimed to collect one million signatures against the mudawwana or the Moroccan Family Code. The petition contested this code’s consecration of gender inequalities and featured an egalitarian codification based on equal rights and shared responsibilities of husbands and wives within the family.”

Although the opposition to the campaign collected more than one million signatures, as soon as King Mohammed of Morocco acceded to power in 1999, he “issued a major, largely egalitarian, change in family law in 2003, which parliament approved in 2004.”

According to Noushin Ahmadi, the Iranian OMSC was theoretically egalitarian and, in its social practice, a non-violent civil action. She argues that the campaign sought neither mere reform to political structures of the society nor a radical revolutionary movement to overthrow sovereign state power. Instead, like a civil rights movement, it demanded women’s rights. This feminist movement draws on Iranian feminists’ historical experiences to benefit women and enriches feminist discourse in the Iranian socio-political sphere.

This chapter and the next offers insights regarding the story of Iranian women’s determination, courage, creativity and perseverance in OMSC as a case study of my dissertation. Surveying the structural, organizational and methodological approaches of OMSC, I pave the way for chapter six to show how a feminist endeavour such as OMSC grounds itself in a mainstream liberal feminist discourse, follows a formalist and statist approach to Law in mapping out its egalitarian demands, and hence reduces the notion of gender justice to legal reform. In chapter five, I explore how this feminist movement shape its approach in a quasi-democratic political atmosphere ruled by religious laws and whether their feminist demands have been realised or dismissed. Aside from OMSC’s material requests, did they appear to succeed in producing an independent discourse that sustains its feminist nature regardless of contemporary factional conflicts in Iran? If so, can they both maintain their feminist discourse and influence the political discourse in broader civil society? In addition to the legal reform discourse the OMSC was committed to, how successful was it in

796 Noushin Ahmadi Khorasani, Bahar Jonbesh Zanan Iran: Revayaty az Ashkha va Labkhandha [The Spring of Iranian Women’s Movement: A Narrative of Tears and Smiles] (Tehran, Iran: The Author, 2014) at 13. [Noushin, Spring] [translated by author]
CR projects both at the grassroots and top levels government? How did the campaign organise its internal mechanism democratically and how were leadership and decision-making processes handled? How were the ideological conflicts amongst the OMSC’s advocates managed? To what extent can the OMSC set an example as a feminist grassroots movement that rises above ideological, political and socio-cultural differences? In this chapter, I describe overall approach and impact of OMSC and focus on the questions about the methods it used.

5.1 The Ontology of the OMSC

As described at the end of chapter four, OMSC’s original idea was formed during a peaceful, non-violent demonstration held on June 12th, 2006 in Tehran. It was forcibly silenced by security forces and seventy men and women were arrested under various allegations such as ‘acting against national security’, ‘propaganda against the state’ or ‘disruption of public order.’ The campaign officially launched its activities on August 27, 2006, during a seminar entitled: “The Impact of Laws on Women’s Lives,” with 25 initial supporters and 54 founders. OMSC is an Iranian campaign that was commenced by Iranian women with a great emphasis on the fact that it was not affiliated with any foreign countries whatsoever. Its geographical impact, however, extends beyond national borders in the Iranian diaspora. The campaign injected fresh blood into reformist activists who faced disappointments even during the era of the reformist president, Khatami. OMSC hence organised various social forces and to some extent mainstreamed women’s demands amongst other socio-political activists. In this way, the campaign invested in the power of mass grassroots support to face the government. Elaheh Kulaei, a distinguished political science professor and member of parliament in the sixth parliament (the most reformist of all), points out that the OMSC was undoubtedly a force “to prevent the scattering of socio-civil forces, using this historical opportunity to link political society to civil society.” Its success points to three important characteristics of the campaign.

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798 Foroogh Samiei Nia, Barresi Amalkard She Saleh kampain Yek Melion Enza: Aya Ma Bazgoo Konandeh Kastehhaye Zanan Boodim? [The Analytical Review of the One Million Signatures Campaign’s Performance: Did we properly reflect Women’s demands?] (April 2010) online: Female=Male Facebook <https://www.facebook.com/notes/female-male-%D8%B2%D9%86-
Firstly, the campaign was a collective action determined to transcend ideological, political and religious lines, drawing lessons from the history of 150 years of women’s activism, its potentials and pitfalls. For example, in the 1940s women activists of the left parties, mostly of a third generation provenance, followed the aspirations of their chosen party, class interest and ideology to fight against the Shah’s imperialist approach and dismissed middle-class feminist activism altogether. In the 1940s and 1950s, women’s suffrage activists were forced to waive and postpone their egalitarian demands due to nationalist necessities. OMSC, however, insisted that women of this current generation are not only present in mixed gender demonstrations, but are also bringing their gender analysis and specific demands into public arena.\(^{799}\) They focused on identifying a least common denominator of needs and priorities through which all women’s groups and feminists from different generations and affiliations can find consensus, agitate, collaborate and cooperate. This gave the campaign high authority to gain varying constituencies, diversity, and be of a peaceful and non-violent democratic nature. According to Susan Tahmasebi, the “Campaign’s demands, its openness and the ways in which it encouraged agency of citizens (from one signature to the collection of signatures to more intensive involvement) was apparent in the great reception it received from citizens.”\(^{800}\) She referred to over 1000 volunteers in nearly 20 provinces participating in the Campaign’s training course and collecting signatures.\(^{801}\)

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\(^{800}\) Susan Tahmasebi, “The One Million Signatures Campaign: An Effort Born on the Street” online: Amnesty International: Middle East, North Africa Office <http://amnestymena.org/en/Magazine/Issue20/TheOneMillionSignatureCampaigninIran.aspx?media=print>. (last accessed February 18, 2018) [Tahmasebi, Efforts]

\(^{801}\) Ibid.
This focus on transcending ideological, political and religious divisions led to the second distinguishing characteristic of OMSC, which was its capacity to create new modes of women’s engagement. As the campaigners, especially the younger ones, utilized public and private arenas as well as cyberspace, they also created spaces within which resourcefulness, creativity, originality, and imagination flourished. Kaveh Mozaffari, one of the most influential male activists in the OMSC, describes this new trend of women’s engagement as being based on their “individual consciousness that allows for personal engagement and contemplation about the future of the movement” rather than “relying on charismatic personalities to lead the movement.”

For him, the required social awareness of the campaign activists did not need to be exclusively conveyed from feminist elites. Instead, every campaign member was competent “to add to the collective awareness of the movement” and imagine, counter-imagine and develop new forms and modes of women’s activism in the fifth generation.

Thirdly, strengthening women’s voices while honouring their diversity and engaging with a wider spectrum of individual consciousness amongst Iranian women, OMSC presented its manifesto in a way that supported Iranian international commitments to prohibit all forms of discrimination, but did not contradict the pillars of Shari’a Law. The campaign’s demands supported a dynamic, egalitarian and gender-inclusive interpretation of the Islamic code through Ijtihad as a mode of independent, fresh and alternative reasoning based on hermeneutic and historical approaches. Leila Alikarami, one of the campaign’s activists, states that: “Most of the women campaigners are Muslims. They always say: ‘We believe in Islam, we are not against the regime, we are not

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803 Ibid.
804 For example, Iran is a signatory member of the International Covenant on Civil and Political Rights since April 1968.
805 Ijtihad is inspired by Quranic insistence on the "necessity of man to listen, to be aware, to reflect, to penetrate, to understand, and to meditate [which] … are the verbs refer to intellectual activities leading to a kind of rationalization based on existential paradigms revealed with the history of salvation." See more at Mohammad Arkoun, “Islam: Enduring myths and Changing Realities: Rethinking Islam Today” (2003) 588 Social Science, The Annals of the American Academy of Political and Social Science 18 at 36.
politicians – we are just challenging these laws and saying these laws are not suitable for now”. **806**

The campaign, in fact, strategically “has cited such reputable Islamic jurists and scholars as Ayatollah Yousef Sanei and Ayatollah Bojnourdi, who support reforms to discriminatory laws” **807** and explicitly called for the revision of discriminatory laws against women. In their view, Islamic jurisprudence entails changeable and unchangeable precepts. Its changeable perceptions refer to contemporary problems that cannot be solved through traditional methods. Accordingly, Islamic jurists are allowed to strive “to use the element of interests or expediency—and the demands of time and place—to amend the situation” **808** by suspending or replacing certain laws. Therefore, Ayatollah Musavi Bojnordi opines that “Islam in no way differs from Human Rights and it cannot be said that one gender has eminence and the other doesn’t.” **809** For him, “Human rights in an Islamic society have meaning. Rights are for mankind and regardless of gender. God has considered these rights for human beings.” **810**

Toward this end, the OMSC acknowledged a place for not only progressive Islamic feminism but also more conservative women’s societies that have long been alienated from grassroots activism and treated as an extension of the oppressive Islamic state. Employing reform strategies of Islamic feminists, especially during the presidency of Khatami and the sixth parliament, OMSC’s inclusive approach implied that Islamic feminism cannot be equated with the Islamic state, as it is essentially a critique of power.

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**807** Supra note 768.


**809** Capital Newspaper, *Mosahebeh ba Ayatollah Moosavi Bojnoordi* [Interview with Grand Ayatollah Moosavi Bojnoordi] 235 (July 23, 2006)

5.1.1 OMSC’s Legal Demands

According to campaign theorists, the “movement has kept its message apolitical, casting its demands within the framework of Iran’s existing laws without announcing opposition to the state’s political foundations.” Such strategically chosen term, ‘apolitical’ has a specific connotation in the Iranian context. According to Parvin Ardalan, a prominent women’s right activist and a campaign member, due to Iran’s throbbing political environment, peaceful social movements such as OMSC, even against their will, are often drastically politicised. This politicisation has become a pretext for the state to claim that these actions pose a threat to the state and hence suppress them by security forces. The campaigners’ efforts to define their activism within a peaceful civil movement led them to place their focus on very specific reforms in legal provisions that they say conform to Islam and the government’s international commitments. To do so, the campaign designed and distributed three primary documents among its members: the campaign’s petition, the statement of its plans in “About One Million Signatures Demanding Changes to Discriminatory Laws”, and its booklet on the Effects of Laws on Women’s Lives. They specifically distributed the latter booklet describing the effects of discriminatory laws on women’s lives among citizens. Toward this end, many volunteers were recruited who were specially trained in legal issues to engage in dialogue with ordinary people in various public spaces such as the subway, buses, parks, universities, and shopping centres through FFD to raise awareness.

Their focus was on very specific unjust legal provisions and that women activists have to seek reform to them. In the field of family law, for instance, OMSC seeks equal rights in marriage and equal rights to divorce for women, as this right currently appears to be unilateral for men with the main emphasis on article 1133 of Islamic Civil Code. In the case of child custody, the civil code unjustly recognizes mothers’ custodial rights only until their daughter reaches seven years.
old and her son reaches two, with the condition that she does not marry again. After this lapse of time, custody will devolve to the father.\textsuperscript{817} Guardianship is yet another contested issue identified in this booklet regarding all matters about the estate, and civil and financial affairs, well-being, and concerns of the ward. According to law, the guardianship of a minor, immature or mentally ill child is under the father or paternal grandfather.\textsuperscript{818} The campaign supports the mother’s rights to her children’s guardianship alongside fathers in governing her children’s properties. The booklet also criticizes the law that designates the age of 13 for girls and 15 for boys for legalised marriage.\textsuperscript{819} It also challenges the law allowing the marriage of virgin girls by the consent only of their father, paternal grandfather or their legal guardian.\textsuperscript{820} The campaign activists seek an end to polygamy and temporary marriage. They also contested the law that restricts the marriage of Iranian women to foreign nationals by subjecting the legitimization of their marriage contract to the government’s proper consent\textsuperscript{821} and advocated for the right of mothers to pass their nationality to their children, which is currently tied to the father’s consent.\textsuperscript{822} The campaign’s legal awareness booklet refers to the law that places husbands as the head of the household,\textsuperscript{823} obliging him to pay maintenance for his wife in a permanent marriage contract called \textit{Nafaqa}.\textsuperscript{824} If the wife refuses to have a sexual relationship with the husband without a legitimate reason, she is not entitled to receive the benefits of \textit{Nafaqa}, including housing, clothing, food, furniture. The amount of \textit{Nafaqa} is often calculated according to the wife’s social standing and familial background and her accustomed lifestyle.\textsuperscript{825} \textit{Nafaqa} also governs the provision of a servant if the wife is accustomed to having servants or if she requires one because of illness or physical disability.\textsuperscript{826} A woman’s permanent residence\textsuperscript{827} and her house\textsuperscript{828} is the one her husband allocates for her, unless in the

\begin{itemize}
  \item Arts. 1169,1170 of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Arts. 1180, 1181, 1183, 1189, 1194, 1233, 1251 of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Arts. 1041 of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Arts 1043 of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Article 986, 987.2,1060 of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Art. 976 (2), of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Art. 1105, of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Art. 1106, of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item For example, in terms of social status, if she used to have maids or do not wish to breastfeed her children, nafaqa should include the cost of hiring maids and wet nurse.
  \item Art. 1108 of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Art. 1005 of \textit{The Civil Code of the Islamic Republic of Iran}.
  \item Art. 1114, of \textit{The Civil Code of the Islamic Republic of Iran}.
\end{itemize}
marriage contract they arranged otherwise. The campaigners also sought equal inheritance rights for men and women, and women’s rights to choose the place of their permanent residence and their right to exit the country without their husband’s or father’s consent.

In Islamic criminal law, the campaign sought reform to achieve equal Dieh (blood money), indicating the equal worth of life, equal testimony between men and women, accepting women’s evidence on sodomy, female homosexuality, adultery and soliciting clients for prostitution or pandering. The suggested reforms would increase the age of criminal responsibility for boys and girls, ban honour killings and measures that support such crimes, ban stoning and finally prohibit the mandatory hijab for women regardless of religious affiliation. Regarding political rights, the campaign activists demanded access to leadership roles such as the presidency. The campaign’s declaration emphasized the effects of these discriminatory laws on women of lower class and religious and racial minorities and the government was reminded of its international human rights commitments. Furthermore, regarding social security laws, the campaign asked for retirement pensions and health insurance.

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829 Arts. 906, 907, 913, 920, 947, 949 of The Civil Code of the Islamic Republic of Iran.
831 Article 209, 294, 300, 301, Islamic Penal Code
832 Articles 495 of The Islamic Republic of Iran's Penal Code; Art. 230, The Islamic Republic of Iran Law for the Procedure of the General and Revolution Courts in Civil Affairs [in Persian]
833 Art. 119 of The Civil Code of the Islamic Republic of Iran.
834 Art. 128 of The Islamic Republic of Iran's Penal Code.
835 Art. 74,76 of The Islamic Republic of Iran's Penal Code.
836 Art. 137 of The Islamic Republic of Iran's Penal Code.
837 Art. 49 of The Islamic Republic of Iran's Penal Code.
838 In classic Islamic law the children’s criminal responsibility is 9 lunar years for girls and 15 for boys and from this age they will be treated as an adult criminal even in capital punishments.
839 Art. 83 of The Civil Code of the Islamic Republic of Iran.
840 Art. 638 of The Islamic Republic of Iran's Penal Code.
841 According to Art. 115 of The Constitution of Islamic Republic of Iran, “The President must be elected from among religious and political rejaal ...” and rejaal is a plural form of Rajol meaning man in Arabic. The phrase translates as the Man of Politics. Therefore, so far, women were not admitted to register as a presidential candidate to become the countries’ president.”
benefits for both parents to support their children. These benefits are currently exclusively managed through the father’s side of the family after his death.  

5.1.2 OMSC’s Progress

Since 2006, the campaign’s progress has taken various forms and directions. I will draw on the work of Foroogh Samienia who described the first three years of the campaign. I will explore its four years of activism until the last year that overlapped with the rise of the Green Movement, which I will call a year under the green shadow.

5.1.2.1 First Year: Expansion and Consolidation

Foroogh Samiei Nia called the first year of the campaign, 2006-2007, the year of expansion and consolidation. The extent and rate of the geographical growth of the campaign were significant, both nationally and internationally. It spread out from Tehran to Rasht, Tabriz, Esfahan, Yazd, Karaj, Gorgan, Hamedan and Kermanshah by the end of 2006. In the second half of 2006, the campaign started to receive international acknowledgement and support. Members who joined the campaign during the first six months of its activity were “54 activists, including well-known lawyers such as Shirin Ebadi, prominent women’s rights activists and journalists such as Noushin Ahmadi Khorasani, Narges Mohammadi, Parvin Ardalan, Zhila Bani Yaghoob, Fariba Davoodi Mohajer, and Bahareh Hedayat.” As the campaign spread worldwide and started its branches in eight countries to reach out to more Iranian nationals, it received support from institutions such as the Nobel Women’s Initiative Conference in Ireland, members of the Swedish parliament and other organisations associated with their Liberal party and the Rahavard Association in Aachen.

844 Supra note 798.
845 Supra note 768.
846 Supra note 768.
It also gained the support of well-known international leaders, including Nobel Peace Laureates Archbishop Desmond Tutu, the Dalai Lama, Jody Williams, and Dr Mairead Corrigan. Parvin Ardalan, one of the founding members of the campaign also received the 2007 Olaf Palmeh Prize. Simultaneously, OMSC quickly attracted the support of prominent Iranian “celebrities including directors Tahmineh Milani, Pooran Derakhshandeh, and Rakhshan Bani Etemad, and poet Simin Behbahani.”

Even in light of these encouraging signs, however, the very first arrest took place in November 2006 when Zeinab Peighambarzadeh was collecting signatures in the Tehran-Karaj subway. She was released on bail after five days. In the following days, the campaign activists tried to make the government understand that collecting signatures was not a crime. Mansooreh Shojaei, the prime educator of the campaign, was prohibited from leaving the country. The Iranian Non-Governmental Organisation Training Centre (NGOTC) directed by the campaign activist Mahboubeh Abasgholizadeh, and the Women’s Center for Legal Training, RAAHI, directed by activist Shadi Sadr, were shut down, and the directors served time in solitary confinement. Amnesty International expressed concern about an April 20th, 2007 statement of the Intelligence Minister, Mohseni Ezheie, stating that “the women’s movement and student campaigners [were] part of an enemy conspiracy for a “soft subversion” of the government.” Such statements became a basis for further state opposition to campaign activists to suppress them by security forces.

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849 “Campaign Activists in Southern California Celebrate June 12, the Iranian Women’s Day of Solidarity” (June 2008) online: Change for Equality <http://we-change.org/site/english/spip.php?article290>.(last accessed February18, 2018)
850 Ibid.
852 Supra note 768.
forces. These reactions stem from the fact that Iran’s agonizing political environment led any peaceful civil activism such as OMSC to be unreasonably politicized and categorized as actions posing a threat to the state and its ideological ethos.

5.1.2.2 Second Year: Internal Challenges

The second year, 2007-2008, was called a year of internal challenges for the OMSC by Samiei Nia, even though the OMSC won “the 2008 Reporters Without Borders/Deutsche Welle award, the 2009 Simone De Beauvoir Prize for Women’s Freedom, the 2009 Feminist Majority Foundation Global Women’s Rights Award, and the 2009 Glamour Women of the Year Award.” It was a time when the campaign expanded and consolidated itself both nationally and internationally through its multiple branches, which caused a violent governmental backlash. Samiei Nia observed that the campaign activists started to reorganise themselves into smaller, specialised committees and sub-committees and received the cooperation of new enthusiastic campaign members who agreed that women’s issues were a matter of concern for them. These new committees and subcommittees such as mothers, men for equality, media, educational workshops, international relations, etc., started to gain further knowledge and collect substantive information to be able to regroup themselves in critical circumstances such as arbitrary detentions and decide how to proceed with their next steps. The first arrested member of the men’s committee of the campaign was Amir Yaghoub-Ali who went to solitary confinement and was finally released on bail after a month. Amir’s mother said that the judge told her that “Amir is a man, why has he concerned himself with the activities of women? He should go and focus on his studies.” Many other female activists including Ronak Safarzadeh and Hana Abdi, while celebrating children’s day and collecting signatures, were arrested, prosecuted and interrogated for “acting against national security by taking part in attacks in Sanandaj and for being [a] member of the militant

856 Supra note 798.
857 Tahmasebi, FAQ supra note 130.
group PJAK.” The OMSC vehemently denied their involvement in terrorist activities. Mahboobeh Karami, a detained campaign member, along with nine other prominent women’s right activist prisoners such as Zhila Bani Yaghoub, Bahareh Hedayat and Shiva Nazar Ahari went on a hunger strike protesting the reason for their detention.

Another issue/difficulty arose when Samiei Nia referred to certain disagreements amongst the campaign activists as a result of launching the feminist school website in Tehran and, subsequently, in other cities. It was a time when “self-critique” sessions were held in towns such as Rasht in May 2008, and March 2008 in Esfahan, to discuss the internal challenges of the campaign. One of the major challenges was the guardianship that Tehran’s campaign held over other cities. One of the participants from Esfahan’s campaign said that she hoped that Tehran’s campaign would not play a mother’s role for all other cities. This idea led Zohreh Asadpoor, one of the Rasht Activists, to argue for a decentralisation policy in the OMSC and a horizontal management strategy. During these self-critical processes, Parvin Ardalan, in an interview, described “how many of us were practising what we were challenging… one used her age and experiences, another used her education level, a third one used her urban and middle-class position and so on.” To address these internal challenges, in the second year of the campaign, the activists developed further workshops and group discussions.

859 The Kurdistan Free Life Party, or PJAK, is a militant leftist-nationalist, anti-Iranian government group
861 “Cartoon 30: Women Prisoners, Dignity and Hunger Strike” (November 2012) online: Center for Human Rights in Iran <https://www.iranhumanrights.org/2012/11/cartoon_30/>(last accessed February18, 2018)
863 “Neshast Faalan Kampain Yek Million Enza dar Esfahan be Monasebat Hasht Mars” [Isfahan Activists’ meeting of One Million Signatures Campaign on the occasion of March 8th] online: Madreseh Feministi [Feminist School] [translated by author]
865 Supra note 844.
5.1.2.3 Third Year: The Flourishing International Scene vs. Fading National Scene

The third year, 2008-2009, according to Samieh Nia’s taxonomy, was a year during which the international presence of OMSC become bolder while the national scene was pushed to the side.\textsuperscript{866} In 2009, Shirin Ebadi, the Nobel Peace Prize Laureate and co-ordinator of the International Federation for Human Rights (FIDH) Action Group for Women’s Rights in exile, pointed out the anger Iranian women displayed in opposition to their legally degraded and subordinated status. She referred to the direct questions these women raised to spell out their demands: “Why should the life of a woman be half the value of a man’s? When a car hits and injures a man and a woman, why should the driver be obligated to pay the woman half the damages entitled to the man? Is it a sin to be a woman? Is human dignity based on gender?\textsuperscript{867}” Meanwhile, the governmental security forces increased the repressive environment against the campaign as a threat to national security, especially in Tehran. The campaigners realised that “the ‘red line’ of the regime, which must not be crossed, seemed to be endless.”\textsuperscript{868} The campaign, as well as the individual activists, encountered the wrath of the security forces storming into their homes and impounding their personal property such as their identity cards and personal computers. The state security forces also prevented the campaign founders “from holding the campaign’s anniversary…, [they] blocked public conferences and seminars on women’s rights, forcing campaign members to hold sessions in their homes – security forces have even raided home sessions\textsuperscript{869} and interrogated home owners.”\textsuperscript{870}

In these repressive circumstances, Noushin Ahmadi wrote about new doubts that had quietly and gradually formed in her mind. She had the feeling that they had become powerless, and wondered

\textsuperscript{866} Supra note 798.
\textsuperscript{868} Noushin Ahmadi Khorasani, “Treating us Like Criminals! Pressures Increase on Activists Involved in the One Million Signatures Campaign” Susan Tahmasebi trans., February 2008) online: Change for Equality <(last accessed February18, 2018) [Noushin, Treating us Like Criminals]
\textsuperscript{869} See more at Hoda Aminian, Javab Dadam keh Man Ozy Kampain Yek Million Emza Vali Enherafi dar An Nemihinam [I have answered that I am the One Million Signature Campaign’s Member, but I do not See any Deviation] (November 2008) online: Change for Equality <(last accessed February18, 2018) [translated by author]
\textsuperscript{870} Supra note 768.
exactly what crime the campaigners had committed to justify such retributions.\textsuperscript{871} Even as the international image of the campaign was celebrated with colourful prizes and awards, the campaign was losing its strength in the national scene. Even the many legal reform achievements\textsuperscript{872} were not able to inject new life into the campaign’s corpus. Rumours about “the ethical, financial and sexual misconduct of campaign members, about their uncontrollable desire for fame, their relations with foreigners, their preparations for carrying out velvet revolutions, and other strange and bizarre behaviour”\textsuperscript{873} were about to break the back of the campaign. As a result of such pressures, waves of women’s movement activists and journalists, consisting of many OMSC’s advocates, emigrated abroad. Very few activists remained in Iran, where “the third anniversary of the campaign was not even celebrated.”\textsuperscript{874}

5.1.2.4 Fourth Year: Under the Shadow of the Green Movement

The fourth year of the campaign’s activity in 2009/2010, which I call the year under the Green Shadow, was a year during which the Iranian political scene experienced fundamental changes. The disputed presidential election ignited extensive protests, and in response, violent crackdowns on the opposition and the non-violent OMSC members remained a stark reality. In this turbulent political climate, many activists were arrested. Journalist husbands and wives\textsuperscript{875} were arrested by plainclothes officers. One of these couples, Jila and Bahman were deprived of their right as prisoners to meet with each other.\textsuperscript{876} Overall more than 50 campaign activists were arrested and given punishments such as lashing and solitary confinement. The campaign’s website was shut

\textsuperscript{871} Noushin, Treating us Like Criminals Supra note 868.
\textsuperscript{872} See section 5.2.3. Impacts.
\textsuperscript{873} Noushin, Treating us Like Criminals Supra note 868.
\textsuperscript{874} Supra note 798.
\textsuperscript{875} These arrested journalists were Jila Baniyaghoob and her husband Bahman Ahmadi Amoui, as well as Kaveh Mozaffari and his wife Jelveh Javaher. See more at Payvand, News release, “Iran: Jelve Javaheiri and Kaveh Mozaffari Campaign Members Still In Prison” (June 1, 2009) online: Peyvand \texttt{<http://www.payvand.com/news/09/jun/1002.html>}. (last accessed February18, 2018)
\textsuperscript{876} "Jila Baniyaghoob: An independent and courageous journalist” online: Tavana \texttt{<https://tavaana.org/en/content/jila-baniyaghoob-independent-and-courageous-journalist>}. (last accessed February18, 2018)
down for the 21st time. Many other members “had their passports revoked or have been barred from the education system…, [they also faced] imprisonment, flogging, and deportation on charges such as acting against national security, propaganda against the state, and disturbing public opinion.” These repressions were so extreme that in March 2011, Human Rights Watch “reaffirmed its call for full gender equality in Iran and again called on the Iranian government to release women activists who are currently being arbitrarily detained.”

The campaign was supposed to stand by the green democratic movement in Iran while preserving its distinct feminist identity by continuing to press for its demands in 2009. The campaign used its solid and resilient grassroots and international support in the newly emerged political space to push for legal changes and continue its feminist activism. In such a socio-political climate, extensive waves of forced emigration to other countries amongst the OMSC and the green movement’s activists occurred. After June 2009, the campaign appeared to merge with the popular democratic green movement, and intentionally organised their feminist activism under the radar.

In these circumstances, cyberspace played a pivotal role for both feminist activists in Iran and the diaspora. One exiled campaign activist believed that although “the post-election violence has affected the women’s rights movement, networking has prevented the campaign from collapsing.” This cyber networking such as email and facebook groups greatly assisted transnational connections between Iranian feminists who had emigrated days after the revolution of 1979 and campaign members who went into exile during, and after, the rise of the Green movement. Their collaboration in the diaspora was unique in the sense that feminists with a longer

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878 Supra note 768.
881 Ibid.
history of collaborating with international feminists presented their experience to new waves of Iranian feminist newcomers.\textsuperscript{882} In other words, the “information Age,” as Tohidi puts it, facilitates the interplay between objectives, priorities and strategies in these geographically distant “fragmented, heterogeneous and dynamic forms of collective action ….. [that are mostly] reconstructed through diffuse, decentralised, and subterranean networks.”\textsuperscript{883} The patchwork quilt of the OMSC was the epitome of such transnational interchange. Moreover, those feminist activists who remained in Iran also “created a support network to help detainees families, especially women, by accompanying families to prisons, joining protests in front of prisons, and educating protesters about citizens’ rights.”\textsuperscript{884} These activists formed a hybrid, decentralised structure to survive the Iranian state’s repression.

5.1.3 OMSC in the Iranian Diaspora

The OMSC activists were committed to connecting with each other’s networks by all means. Those activists who emigrated to North America, Australia and European countries tried to merge their knowledge, experience and resources with other campaign activists outside of Iran and the feminist scholars and activists who went abroad before or shortly after the 1979 revolution. The campaign activists who remained in Iran continued communication with their counterparts in the diaspora, mostly through cyberspace. According to Mostofi, diaspora “consists of a group of people (a nation, an ethnic minority, a transnational community, or displaced peoples) who have been forced into mass migration….these immigrants construct a new identity abroad through the use of imagination, nostalgia and memories.”\textsuperscript{885} For her, “Iranian-Americans have been extremely successful in maintaining their Iranian identity within the private domain of the home and among trusted family and friends while publicly embracing the perceived American civic culture.”\textsuperscript{886}

\textsuperscript{882} Ibid.
\textsuperscript{884} Supra note 768.
\textsuperscript{885} Nilo Mostofi, “Who we are: The Perplexity of Iranian-American Identity” (2003) 44:4 Sociological Quarterly 681at 685.
\textsuperscript{886} Ibid at 682.
According to Kelly and Friedlander, Southern California Iranians “represent the middle-to-upper-middle-class professionals who aspired to be more Westernized in Iran and who succeeded in importing their wealth, education and experience to the United States” and are predominantly the product of the Pahlavi monarchy, with strong secular inclinations.\textsuperscript{887} These immigrants left the country due to the 1979 revolution with their traditional Persian ideals. Actively opposing the new Islamic Republic government that replaced the monarchy, their tendency is to be anti-Islamic and hence, anti-Muslim.\textsuperscript{888}

The Iranian diaspora in Canada, more or less, is similar to that of the US and began mainly around 1970 with a large number of prosperous emigrants with deep sympathies to the Pahlavi regime. However, the immigration system in Canada encouraged and facilitated the migration of relatively prosperous young highly educated professional, entrepreneurial immigrants \textsuperscript{889} who entered Canada mostly through skilled worker programs and student visas and later received permanent resident status and citizenship. These immigrants were born shortly before the revolution or during the years following. Most Iranian immigrants in Vancouver, for example, are those of a younger generation who did not participate in the 1979 revolution and are the product of the Islamic Republic era, with an average age of 39.\textsuperscript{889} These new waves of immigration to the US and Canada created a phenomenon called “Iran’s upward trends of migration and brain drain.”\textsuperscript{891} Brain drain speaks of educated people who leave their home countries and immigrate to host countries which selectively admit professional immigrants. The \textit{Iran Daily}, on Jan 22, 2005, pointed out that “Iran

\textsuperscript{888} \textit{Supra} note 885 at 683.
\textsuperscript{890} “\textit{Jameh Irani Kanada}” [The Iranian Community of Canada], online: Iranian Canadian Association of Immigration Consultants <http://icaic.ca/fa/iranian-community.html>. (last accessed February18, 2018) [translated by author]
\textsuperscript{891} Mahdyeh Entezarkheir, “Why is Iran Experiencing Migration and Brain Drain to Canada?” (2005) online: Research Gate <https://www.researchgate.net/publication/241575297_Why_is_Iran_Experiencing_Migration_and_Brain_Drain_to_Canada>, (last accessed February18, 2018) at 1.
has the highest rate of brain drain among 61 developing countries according to the International Monetary Fund (IMF).”

Citizenship and Immigration Canada also noted, “Iran has consistently been one of the top ten source countries for immigrants to Canada from 1998 to 2003.”

In the violent post-Green movement political climate, forced emigration of reformist and feminist elites has increased. From this group of Iranian emigrants, the newcomer OMSC feminists in Canada and the US received mixed signals. On particular occasions, some campaign activists faced serious opposition and even hostile reactions from “staunch secularists who had been away from Iran for a long time, did not support reform efforts in Iran, and had deep anti-Muslim biases”.

The Iranian population, for instance in Southern California, with nostalgic sentiments of secular nationalism of the Shah era, tended to “erase the massive repression of secular and religious critics of the Shah and consolidate the Orientalist rendering of the Islamic Republic as a static and immutable space.”

Persisting with the narrative that “nothing good can come from the Islamic Republic,” the emigrants of the 1970’s continued to display their viewpoint on Iran from a universalist and orientalist Western lens. In one of the campaign’s sessions in Canada, the facilitator of the workshop on the history of women’s activism in Iran was a university student and wore an Iranian-style Islamic veil. The cynical responses and feedback she received for her unsettling image conveyed one major message: that Islam and a feminist egalitarian ethos are mutually exclusive and the combination of religious nationalism with a conscious awareness of feminist identity in a young woman’s body and mind was unimaginable. These reactions were rooted in the pervasive essentialist discourse amongst the Iranian diaspora’s majority that “reinforce[s] binaries around religion and secularism, repression and democracy, Iran and the West”. In contrast, the activists of the fifth generation, with their overlapping identities, believed in feminist praxis and the possibility of reform from within, with all its diversity, through civil engagement with the state and its laws as pertinent sites of struggle.

892 Ibid at 2.
893 Ibid.
894 Catherine Sameh, “From Tehran to Los Angeles to Tehran: Transnational Solidarity Politics in the One Million Signatures Campaign to End Discriminatory Law” (2014) 42:3 &4 Women's Studies Quarterly 166 at 171.
895 Ibid.
896 Ibid at 171-172.
897 Ibid at 174.
The campaigners also encountered Mainstream western feminism as the campaign and its activists received various awards from Western feminist organisations. They were held responsible for educating Western feminists about their Iranian experiences, aspirations and achievements as well as their dilemmas and limitations. Simultaneously, they found themselves working against American geopolitical and biopolitical\textsuperscript{898} discourses of ‘moral superiority’ that constructed “American feminists as saviours and rescuers of ‘oppressed women’ elsewhere within a global economy run by a few powerful states.”\textsuperscript{899} Combating the colonising nature and the hidden power mechanisms inherent in working with Western feminists, the new campaigners strived not to surrender their agency, subjectivity, and their unique knowledge and experience, while encouraging the feminist transnational collaborations. Enunciating their own history and experience of feminist activism, they stated that the experiences of Iranian women are not subsumed in mainstream liberal definitions of oppression and discrimination which fail to capture Iranian women’s intersectional identity. Even though, the campaigners pushed for the “relations of mutuality that acknowledge shared oppressions”\textsuperscript{900} their feminist approach was not presented as an object of Western feminism but as a subject pressing for the need to account multiple grounds for their identities. Hence, they invited their Western counterparts to reflect on the shared experience of “sexism within their own cultures and to refrain from approaching transnational feminist alliances as if they (the Western feminists) were the feminist heroines rescuing non Western women.”\textsuperscript{901}

\textsuperscript{898}“Biopolitics is a complicated concept that has been used and developed in social theory since Michel Foucault, to examine the strategies and mechanisms through which human life processes are managed under regimes of authority over knowledge, power, and the processes of subjectivation.” See more at “An Anthropology of Biopolitics” (January 21, 2013) online: anthrobiopolitics <https://anthrobiopolitics.wordpress.com/2013/01/21/biopolitics-an-overview/> (last accessed February 18, 2018)


\textsuperscript{900} Supra note 894 at 179.

5.2 OMSC’s Methodology

The OMSC was a collaborative and cooperative movement based on a democratic ethos. OMSC aimed to pinpoint women’s needs and priorities and to increase feminist knowledge and public awareness amongst diverse groups of not only women, but also men, to actualize their dream of gender equality. Toward this end, OMSC activists relied on their resources and commitment including expertise, time, energy, financial resources and emotional labor. In Iranian history, there has never been a time when so many Iranians with dual nationalities lived outside of Iran. Their potential to represent the campaign’s activities and impact attracted immense international support in the form of prizes and awards. However, since the Iranians have a bitter historical memory of the USA sponsored Coup d’état of 1953, which overthrew a democratic movement in Iran, OMSC activists insisted on its independence, accepting awards but declining funding from international, domestic or governmental institutions.

OMSC aimed to promote dialogue and socio-legal changes that do not reflect contemporary legal norms in Iran but, instead, more mainstream liberal feminist norms that are reflected in international standards. The campaign’s approach of amplifying women’s voices sought bottom-up changes in Iranian society through extensive discussion and consensus. In the form of workshops, women thought about their civil rights and received legal advice on family law and domestic violence as well as psychological counselling. Using this information, they voiced their protest against discriminatory laws. These participants hoped that in the near future their protest movement would turn into project movements and that their reactionary attitude would turn into the creative potential to transform women’s lives. Using this approach, the campaign expanded and improved its popular base and backed up its demands with some sectors of civil society’s

903 Tahmasebi, Efforts supra note 800.
conscious support to make the law and policy makers deliberate on the legal reform project of the women’s movement and their representatives. With their particular feminist praxis, the campaign’s activists came up with a horizontally reticulated structure with no specific leadership figure.

Every part of this feminist movement was inspired by distinct historical experiences and by different feminist campaigns in Iran and elsewhere. For instance, the term “campaign” is borrowed from the Moroccan Women’s Campaign. The face-to-face CR and storytelling methods of the campaign, which formed its direct popular discourse, came from women’s organizations, health care centres, and travelling libraries in rural areas and environmentalist women activists in Iran’s pre-revolutionary era. Distributing informative legal education booklets was inspired by the New Path Society of Mehrangiz Dowlatshahi in 1955. The campaign’s commitment to move beyond ideological demarcations and to celebrate diversity was adapted from the Women Activists’ Coalition in 2003 in which gender as a category of thought was distinguished from other ideological groups and camps. The hard-earned awareness for the Iranian feminist movement was invaluable, having been pushed to the periphery after participating in two revolutions and still struggling for many core gender rights. The campaign’s reticulated structure through its sub-committees was modelled on the example of The Iranian Campaign to Combat Violence against Women. OMSC borrowed its combined methods of protesting discriminatory conditions and promoting grassroots awareness from the Women’s Cultural Center. OMSC’s non-oppositional approach to Islam was first encouraged publicly in Women’s Magazine by Shahla Sherkat, and its indigeneity lent itself to Nationalist-Religious Women’s groups who were active in both pre- and post-revolutionary eras. This political spectrum ranged from pro-democracy to anti-despotic with an emphasis on its Iranian and Islamic identity. OMSC’s extensive educational workshops took shape based on the experiences of the United Nations Children’s Fund’s (UNICEF) affiliated

905 This campaign founded by Women’s Cultural Center in 2003 with various educational committees and sub-committees to educate men and women regarding different historical, psychological, medical, legal, sociological and etc…aspects of violence against women. The documentation of violence against women and its statistical data committee, the art against violence committee, the street violence committee were also amongst the groups that passionately participate in this campaign.
906 The early cells of this center were formed in 1990’s. After president Khatami’s election, the started to recive official permission and restart their activism as an NGO in 2000. According to Goli Emami, supra note 903, this was the first public and secular women’s organization after 1979.
activists and supporters in Iran. The campaign was inspired in its feminist theorization and academic mission by Iranian feminists in the diaspora. Finally, the campaign owed its horizontal, decentralised structure to women activists outside the capital city of Tehran such as Tabriz, Gorgan, Shiraz and Isfahan.907

5.2.1 Horizontal Structure

According to Parvin Ardalan, the OMSC’s structure is horizontal, with all the problems and ambiguities of such system. The OMSC was rooted in a society within which hierarchical ways of working were widespread, not only in political and governmental institutions but also in personal and collective relations.908 In such an atmosphere, unlike most Iranian organisations, the campaign set up its network as an open, democratic, horizontal space for its activists to grow and gain new skills. For example, the California branch of OMSC and their activists are “not a registered nonprofit, nor do they have any institutional backing or support.”909 The campaign’s various sub-committees and its outreach centres gained limited prior access to the campaign’s decision making. Instead, these decisions were public decisions, which were subject to open critique and constant revision. Systematic substitution in the group responsibilities and key persons also destabilised any tendency toward the reproduction of the hierarchy. As a result of this parallel structure, which has no pyramid-like structure and leadership, there emerged a trend towards decentralizing power in both the internal and external activities of the campaign. In less than a year, the campaign began to work in 16 provinces in Iran, and crossed the borders of Iran and went into countries across the globe to avoid concentration of decision making and strategy planning in the capital city of Tehran.910

907 Noushin, Spring supra note 796 at 229-230.
908 Parvin Ardalan is a leading woman´s rights activist, writer and journalist from Iran. She was awarded the Olof Palme Prize in 2007 for her struggle for equal rights for men and women, but was denied to leave the country. One and a half year later she was finally able to go to Sweden to receive the prize. On the 6th of October she attended a conference about international solidarity within the feminist movement in Stockholm.
909 Supra note 894 at 168-169.
910 Supra note 902 at 15.
The campaign was designed as a bridge to connect feminist intellectuals to lay women and their lived experiences. In the face of the bold presence of prominent figures such as Shirin Ebadi, Nasrin Sotudeh, Simin Behbahani and a host of other remarkable women who enrich the theoretical and pragmatic strategies of the movement, the campaign kept its grassroots spirit. Such a tendency, in fact, helped the campaign avoid the hierarchical and centralised structures that fail “to create opportunities for ordinary people – meaning especially younger and lower-income women – to become involved in trying to improve unjust laws.” According to Ardalan, decentralisation of power through a horizontal structure can reduce various possible flaws in the campaign, for instance, if most of its principal activities are subjected to one person’s decision and management. This vertical approach becomes more problematic in an insecure socio-political atmosphere especially when the leading activists may be arbitrarily detained or may disappear.

Hence, advocating shared duties and responsibilities in such conditions was crucial for the campaign’s survival. Toward this end, the campaign’s activities, educational and training workshops, and mass grassroots participation were widespread in other provinces in addition to Tehran, as well as in the international arena.

5.2.2 Face-to-Face Dialogue

Face-to-face dialogue (FFD) was the OMSC’s primary pragmatic method for consciousness-raising amongst Iranian men and women of at least 18 years and older, meeting them in their cultural, religious and traditional contexts and making them sensitive to the current discriminatory laws, with the goal of collecting signatures. The OMSC’s platform provided a unique opportunity for Iranian women’s stories to become more systematically available to the public. Also, storytelling methods emerged during FFD sessions, as women began to link their private lives to their public experience. They discussed the effects of patriarchy on their lives and the ways in which they resisted oppression and mobilized for change, both individually and collectively. FFD


912 Supra note 798.
was also a platform in which women’s personal stories came out of isolation and they gained power to voice their experience, echo their sufferings and pains, and at the same time hold onto their belief in the power of their agency to destabilize dominant gender ideologies.

This method which is inspired from CR sessions and story-telling methods accelerated pluralism and openness in the social and interpersonal relations created in the context of the campaign, especially when these face-to-face engagements took the shape of street theatre as a way to narrate women’s stories. This innovative method gets its power from Iranian women’s idea to appropriate every space in the Iranian socio-political environment, whether public to private, as places to narrate their stories. The story of Shahrzad, the storyteller of One Thousands and One Nights, provided a model and tells stories of a despotic king. In order to save herself and her female compatriots and bring about a steady rise in their status, she turns into hundreds of Shahrzads who carry the story of the campaign from homes to backyards, back streets to basements, beauty salons to gyms, buses to taxi, family circles to big parties and subway stations to airports. The face-to-face encounters also entailed various public appearances in the form of group congressional prayers, wearing white headscarves in public spaces, reciting group songs in public protests and paying tributes to martyrs and those who suffered mental and physical trauma during the Iraq war imposed on our nation. In this way, the campaign’s discourse no longer isolated itself in elitist feminist circles engaging in distant ontological and philosophical discussions. Noushin Ahmadi observes that in addition to addressing official authorities, the OMSC penetrated public spaces through dialogue, stories and the experiences of ordinary people to amplify their voices about the laws they all live under.

The educational workshops were designed to recruit volunteers and implement training sessions for these volunteers before they collected signatures from both men and women. The workshops

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914 Supra note 902 at 17-18.

915 Noushin, Narrative Supra note 132 at 88.
were focused “on the legal issues and on how to engage with the public and security measures”\textsuperscript{916} in their door-to-door and face-to-face educational interactions. There were also “Train-the-trainer” sessions to “educate women’s rights activists, who can go out and expand the campaign’s support base by hosting training sessions of their own across the country.”\textsuperscript{917} These volunteers did not need to be lawyers. A general legal education appropriate for average women and men regarding legal discrimination against women was enough. This face-to-face method brought the young fifth generation of women’s rights activists into women’s day-to-day lives and made their activism the confident combination of abstract feminist theories and pragmatic engagement.

5.2.3 Impacts

The campaign did not succeed in collecting one million signatures within the short time frame that the activists set. As violence against the campaign’s activists intensified year after year, nagging questions persisted: “What is it that they are asking for that is deserving of this extreme response? Isn’t what they are asking for in fact just? Don’t their demands represent the demands of the majority of the public?”\textsuperscript{918} Despite such harsh conditions, OMSC appeared tremendously successful in delivering its fresh feminist gender discourse in the Iranian public arena, making the legislators respond to grassroots pressure and their social realities. “Even the most conservative groups we talked to agreed that our demands were just and explained that they would not accept anything less for their own daughters”\textsuperscript{919} and joined their lobbying forces with the campaigners. As a result, when the conservative government proposed a tax on prenuptial arrangements above a certain amount, reducing the financial burden on men in 2008, the coalition amongst the campaign activists and women close to power comprehensively protested. In response, “the bill for the tax was returned to the legislative council, citing the problematic meddling of the government in private contracts.”\textsuperscript{920}

\textsuperscript{916} Tahmasebi, Efforts supra note 800.
\textsuperscript{917} Supra note 768.
\textsuperscript{918} Tahmasebi, Efforts supra note 800.
\textsuperscript{919} Ibid.
Another major success came about when the hardline Ahmadinejad administration proposed a bill in the form of the “Family Protection Law … which relaxed restrictions on polygamy, including eliminating the requirement that existing wives consent to a subsequent marriage,” 921 article 23 and 25. 922 The bill faced exceptional resistance from feminist activists, political personalities and religious authorities. The opposition was “covered in the media; signatures were collected, and complaint letters sent; activists liaised with Members of Parliament, and some religious officials condemned the bill.” 923 Consequently, those provisions were removed from the bill that was passed in September 2008.

Further changes continued to take place in response to the reality of women’s lives in today’s Iran. New inheritance provisions began to be implemented on May 15, 2009, allowing women to inherit all forms of their deceased husband’s properties. Article 946 of the civil code previously allowed wives to only inherit movable properties, the value of buildings and trees, but not the actual real estate. In the new law, land was also added. On March 15th, 2016 the Third Party Insurance Bill was ratified by the Guardian Council924 requiring insurance companies “to compensate victims of road accidents regardless of their gender.” 925 According to Rahim Zare, a lawmaker, “[o]ur purpose in balancing women’s and men’s compensation was that relatives should not face problems if a woman who is the head of the family is killed in an accident.” 926 Moreover, according to the Islamic civil code, Article 976, the Iranian mother was not allowed to pass her nationality to her children, to discourage their marriage to foreign nationals. The 2010 amendment to this law allows Muslim Iranian women who marry non-Iranian Muslim men, or Iranian Jewish women marrying non-Iranian Jews, or Iranian Christians marrying non-Iranian Christians, to pass their

921 Supra note 764 at 18.
922 Supra note 778.
923 Supra note 764 at 18.
924 The Guardian Council is a 12-member Islamic body responsible for ensuring parliament legislation conforms to Shari’a (Islamic) law.
925 Reuters, News Release, Sam Wilkin, “Iran insurers to compensate women equally in road accidents” (March 15, 2016) online: Reuters <http://www.reuters.com/article/us-iran-rights-idUSKCN0WH1FP>, (last accessed February 18, 2018)
926 Ibid.
nationalities to their children. Additionally, on December 31, 2016, the guardian council’s spokesperson declared that women shall run for presidential office.

5.2.4 Challenges

The campaign’s history during its first four years had many ups and downs. In its blooming time, the campaign gained popularity and received broad public and media attention. In its downtime, the campaign, its activities and its theoretical foundation commanded revision and reconstruction based on a keen understanding of the nature of the socio-political atmosphere within which it evolved. However, the campaign aimed to perform its democratic actions in an undemocratic socio-political scene and some activists were not ready to perform their tasks according the ethics of collective praxis. Susan Tahmasebi initially felt the urge to develop an ethical charter to standardize ethical norms for the campaign through which the activists were guided to not reproduce the violent and disempowering cycles they aimed to break. She opined that the lack of sufficient opportunities for the campaigners to practice teamwork was one of the main reasons they tended to behave undemocratically. The campaign also faced a social condition within which supremacy and leadership were still honoured and demanded. Some activists, because of their lack of knowledge and experience in feminist activism, used the campaign’s medium to go up the ladder of headship in an attempt to be popular public figures. Unhealthy competition regarding making names for themselves in the campaign surfaced amongst some activists who had initially volunteered to work and sacrifice for women’s empowerment and well-being. These pitfalls were pointed out by the anti-hierarchical campaign, which wanted to avoid reproducing violent and authoritative relations, especially when it passionately “criticise[s] colonisation of women as subalterns.”

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927 Golbarg Bashi, “Citizenship Rights in Iran, One Step Forward, Many More to Take” (2010) online: Qantara [https://en.qantara.de/content/citizenship-rights-in-iran-one-step-forward-many-more-to-take] (last accessed February 18, 2018)


930 Ibid.
The OMSC also unavoidably represented the urban women in Iran. While the campaign acknowledged the unique hurdles that women in the agrarian societies might experience and the urgent need to attend to their unique circumstances, OMSC mainly constructed its dialogue with urban women. Campaigners coming from the middle class were involved with mainstream global feminist reflections in feminist debates, especially given their higher education, and were likely to be affected the most by the consequences flowing from legal changes as they were involved in various sectors of the society. Noushin Ahmadi observes that there should be no shame in being middle-class and struggling for step-by-step individual and social rights and freedoms and civil equality. For her, the active force of OMSC - its driving force - was the modern urban middle class who pay the heavy prices of this civil struggle.  

The horizontal structure became one of the campaign’s signature features, and turned into a measure of evaluating other collective actions aiming to diverge from authoritative hierarchies. However, this structure posed challenges to the campaign’s strategy. For example, one of the main aspects of horizontal management is volunteering. In this form of contribution, volunteers freely offer their time, expertise, energy and service to undertake certain tasks. Zohreh Asadpoor, a campaign activist from the city of Rasht, refers to certain necessary attributes in volunteers such as accountability and discipline. She asserts that volunteering duties should not be a way to behave irresponsibly and that a volunteer is as morally liable as paid workers are. The question remains, besides the personal commitment in volunteer works, what else can guarantee a smooth process in recruiting, motivating, training, coordinating and managing volunteers as the backbones of a campaign in order to achieve its goals in a non-organizational, non-hierarchical structure? Asadpoor points to ‘collective supervision’ through which volunteers accept to be supervised by various committees and sub-committees regarding their performance. They also must agree that these committees critically analyse and question their tasks and receive and evaluate their progress.

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931 Noushin, Shame supra note 790.  
reports. This consensual supervisory mechanism, as I put it, is a sign of maturity in women’s collective action for Asadpoor. Unfortunately, some critiques raised in collective supervision, which was supposed to be a tool to study, evaluate and revise certain activities, turned into oppressive apparatuses for negative judgment, elimination of dissenting opinions and personal retaliations. These domineering acts, disguised in the defendable name of self and collective-critique, operated not to, for example, recognize merits and potential drawbacks, but as an unethical personal overreaction which wasted a great deal of some activists’ time and energy, and destroyed their motivation.

OMSC also experienced unique challenges with regards to its activists encountering people from all walks of life: people of cities and villages, small towns and cities with large metropolitan areas, modern and traditional cities, northern or southern villages, lower, middle and upper class, intellectuals or ordinary people. Zara Amjadian, one the campaign’s volunteers, pointed to a difficult encounter with intellectuals who were against gradual reforms and advocated for revolutionary overnight changes. “Some of these people believe that maximal demands should be made so that minimal demands will be put into effect … with this method, they are saying that, if they oppose any reform and express maximal demands, that reform will come about.” These groups welcomed governmental aggression against the reformist campaign activists as proof of their righteousness. The campaign approach to the possibility of collaboration and lobbying with Islamic women at the middle and top levels of power was clearly undesirable to the latter groups.

As discussed earlier, in 2008, Iranian women were faced with a demeaning governmental proposal by Ahmadinejad regarding the FPA. Noushin Ahmadi expressed her regret about not collaborating with the women MPs in the earlier reformist sixth parliament and other powerful women in the governmental bodies in their pre-campaign approaches. She also regretted that they did not encourage and welcome the small changes which took place during Rafsanjani and Khatami’s era.

933 Ibid.
934 Dobareh az Haman Khiaban ha [Again from the Same Streets], (Tehran, Iran: Campaign’s Publication, 2010 at 24. [translated by author]
935 Noushin, Interview supra note 730.
The result of offering no grassroots support to those reformist MPs was that later, those changes were diminished, rescinded or damaged by the conservative ninth and tenth parliament, those of Ahmadinejad. As a result of the lesson learned, a new collaboration formed between grassroot activists and women in political power, and the Family Protection Bill faced exceptional resistance from feminist activists, political personalities and religious authorities through Women’s Coalition against the Family Protection Bill (WCFPB), with some positive results.

As violence and aggression arose around the OMSC activists, challenging questions arose regarding the safety and security of volunteers, signatories and the potential dangers that might threaten them. Jelveh Javaheri, one of the central figures, offered the typical campaign response to these questions; signing the campaign’s petition has both costs and benefits. If our grandmothers did not establish modern schools in their homes, despite being stoned in the streets, how could we have 70 percent of university students as women in Iran today. Zara Amjadian also pointed to the deeply rooted sense of disappointment amongst people about the possibility of change as her major obstacle in collecting signatures. She referred to people’s disbelief in the power they bestowed upon their representatives in parliament, based on the fact that discriminatory laws against women remained. She also pointed to the power of grand clerics and people’s trust and reliance on them, and their influence and discretion in holy cities such as Qom and Mashhad.

OMSC’s activities were relatively limited in small towns and villages compared with urban centers as there were few volunteers from or willing to go to rural areas. Further, there was great resistance to the process of consciousness-raising and signature collecting. The campaign activists were truly puzzled when they saw that village women and girls would sometimes agree with certain discriminatory laws. Zara remembers an encounter involving a village girl who forcefully defended the inheritance law about sons’ rights to inherit twice as much as their sisters. These girls believed that the inheritance portion of their brothers would be brought to his wife and that their future husbands would bring his portion of inheritance into their life and family. In these FFD

936 Ibid.
937 Supra note 934 at 21.
938 Ibid at 35.
sessions, new questions were raised, such as what if a girl never got married or what if a woman never had a son to bulwark her future as a woman. Besides, is it fair that women cannot inherit land, and only movable properties and buildings? As these questions were asked and women were invited to imagine other possibilities, a two-way path of communication emerged and women began to acknowledge how unfair, for example, inheritance law is.\footnote{Ibid at 27.}

The campaign sought legal change through challenging the patriarchal status quo of the governmental discourse and their discriminatory laws against women, but it remained silent on the alternative solutions it could offer. The campaign, as well as the Women’s Coalition against the Family Protection Bill (WCFPB), were mostly silent, even when they got the chance to meet MP’s and faced the question of what they offered to replace the proposed law.\footnote{Supra note 932.} Asadpoor believes that the MP’s question meant that they were not welcoming new feminist perspectives and suggestions, as these alternatives had been developed, promulgated, revised and collected years ago by scholars such as Shirin Ebadi and Mehrangiz Kar. However, there was a gap between what had been suggested by these legal scholars and the grassroots activists’ internalisation of them. The disturbing point was that the campaign activists were not precise about what they wanted in terms of legal demands, as opposed to what they did not want, which was the status quo. This lack of precision was more prevalent amongst the campaign volunteers. Encountering such a vacuum, a couple of women’s groups such as ‘Meidan e Zanan’ (Women’s Square) and ‘Ta Ghanoon e Khanevadeh Barabar’ (Until Fair Family Act) collaborated to develop alternative legal suggestions, mainly in cyberspace. The influence of these legal efforts was noticeable in the subsequent changes that took place regarding various discriminatory laws either through the parliament, government or other public institutions such as insurance companies.

\section*{5.3 Conclusion}

This chapter explored the OMSC story from 2005 until 2010, covering its emergence, its organizations, its strategic plans as well as its methods to achieve its goals. It also looked at the
socio-legal and cultural impacts that OMSC had both in national and international arenas in addition to the challenges it experienced both inside and outside of Iran. I am of the opinion that the campaign successfully offered a long lasting cultural intervention in the Iranian society. It also engaged the state to empower women’s status in various arenas. Despite the fact that the campaign turned a new page in the history of Iranian women activism in general and Iranian feminism in particular, their approach suffered from a lack of critical understanding of law’s ontology, epistemology and its violent limitations in guiding us toward gender justice. It showed law’s poor responses to feminist challenges and marginalizing alternative perspectives. As a result, the campaign, which invested its efforts on law, which is widely considered as an extension of masculinist power of the state, fell into the trap of progress/regress. Nevertheless, OMSC inspired many progressive civil movements such as the Green Movement and raised gender awareness through its FFD sessions as well as gaining some legal reforms in areas such as equal pay for blood money for a male’s death compared to female’s demise in insurance laws. However, the campaign did not survive and without collecting the required signatures, it faded away in the face of violent state raids against its members. The unfortunate statistical data indicate that only 8.18% of people 18 years old and above in the capital city of Tehran were aware of the campaign, with the majority residing in places such as the upscale district of Aqdasieh.941 The popular response to the law reform project of the campaign was a negative attitude towards feminism and secularization tendencies, which suggests that the campaign did not succeed in mainstreaming its demands, even though FFD sessions and its educational workshops and materials.

In chapter 6, I use the theoretical and methodological groundings explored in chapter two to shed light on the potentials and the pitfalls of the contemporary fifth generation of Iranian feminism and my case study, the OMSC. The next chapter surveys the OMSC praxis from legal and feminist perspectives exploring the legal normative world, justice, deconstruction and discourse analysis as well as feminist critiques of law. Such an endeavor will promote ongoing dialogue among Iranian feminists and enrich their legal and feminist literacy, so that future campaigns may better succeed.

Chapter 6: Theoretical Analysis of OMSC

The 150 years of women’s struggles in Iran reviewed in chapters three and four as well the more detailed analysis of OMSC in chapter five reveals that Iranian women’s activism has been diverse and focused on various socio-political and legal demands. Throughout the history of women’s activism, Iranian women’s roles were either being objects of sociolegal changes or being active agents of reform. A closer look reveals that the frequent historical ruptures characterized by violent suppressions impeded the formation of a strong, coherent and continuous theoretical feminist agenda for Iranian women’s struggles. Therefore, feminist activism in Iran did not have the feature of predictability, and it mostly arose “spontaneously around issue-centered activities.”\(^\text{942}\) Along with systematic suppression, women’s movements and feminist activism in Iran had to combat the seemingly entrenched patriarchal culture woven into the structures of despotic political regimes and religion. Although various attempts at feminist inspired changes were made sporadically throughout these years, the emergence of the fifth generation of women’s activists in contemporary Iran became a more productive time during which feminist consciousness and efforts further deepened and were theorized and expanded.

Among varied feminist activism in the fifth generation, I chose OMSC as the case study of my dissertation as it was an example of the women’s activism that epitomized feminist consciousness and agency in Iranian history. I suggest that OMSC was a feminist ‘quasi-structured collective action’ that was formed by a group of dissatisfied women and men wanting to change the discriminatory legal provisions that adversely impact women’s lives. These included the marriage laws that are modelled after sales contract law, unilateral divorce laws for men, or unequal custody rights and inheritance laws, which are all deeply rooted in a traditional reading of Shari’a. These laws certainly have been sanctioned by male jurists to justify the status quo based on the patriarchal model of family. Being aware of the agonising experiences of women under such laws, OMSC’s

petition asserted that women were treated as second-class citizens by Iranian law, which promotes legal discrimination against them. It was also stated on the campaign’s website that “discriminatory laws will devastate women’s lives unless … a large number of people request for its change … [and] also to have this message reach and be heard by the authorities and legislators of the country.” Hence, OMSC became a feminist praxis with a ‘shared understanding of their goals’, which were to actualize socio-legal changes and embrace a new egalitarian gender order. CEDAW as an international bill of rights for women provided leverage for many Iranian feminists. OMSC considered adoption of CEDAW as a key normative path for the advancement of Iranian women’s lives. The campaign’s petition asked the Iranian Islamic Parliament to ratify the international bill of woman’s rights. The campaign’s strategic plans developed around a paradigm shift from Shari’a Law’s male-dominated legal system to egalitarian CEDAW norms to actualize their auspicious goal of gender equality in Iran.

The theoretical and methodological lens that I use to develop and articulate the main argument of this dissertation is feminist legal theory. In my view, OMSC’s strategic plans give law the center stage in their feminist demands. In other words, law is perceived as a viable medium to achieve gender justice and hence, legal reform is understood as a hegemonic mode of socio-legal transformation in OMSC’s approach. OMSC shared a theoretical and methodological approach with liberal feminist discourse, based on lobbying for equality in legal structures. As well, to some limited extent OMSC shared radical feminism’s methods to tackle patriarchy and understand the power imbalance in both public and private spheres. Despite brilliant achievements and discursive impacts by OMSC, its theoretical understanding of contemporary feminist discourses remained inadequate. Mainstream feminist analysis that pays little or no attention to intersectionality continued to be used unreflectively without considering its consequences within the Iranian context. OMSC’s theorization of engagement with the state as well as understanding the operation

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of power within an Islamic state and legal structure were undertheorized within a global south context.

In this chapter, I sharpen my focus and analysis of OMSC and its gender egalitarian demands in the Iranian context, and critically explore its feminist legal theoretical grounding. In section one, OMSC’s understanding and relation to law is explored. The feminist legal method behind the campaign is inclined in significant ways toward a western conception of the rule of law, as well as liberal feminist approaches which offer an equality-based strategy. This strategy is based on providing formal equality to women and men and stems from a legal centralist philosophy that seeks to integrate women into existing male constructed legal structures. In section two, I examine the relationship between OMSC and liberal feminism and OMSC’s positioning within radical feminist legal theory. Postmodern feminist methods and insights are explored in section three. The section concludes with TW feminist insights that are, I suggest, essential for Iranian feminist campaigns such as OMSC.

6.1 OMSC and Law

In today’s world, we experience extensive theoretical debates about law’s nature. While most emancipatory activism resides in the field of legal centralism, arguing for legal reform in the hope of realizing fairness, stability, and justice, other voices point to law’s limitations and its faulty insistence on its own “knowability and autonomy, rationality and moderation”.946 These voices also highlight law’s violence947 and the huge gap that exists between law and the notion of justice. The latter view is quite distant from the positivist formalist perspective that sees justice as a production of a legal process and something that cannot be imagined outside of the legal realm. While this view describes how “Law dresses itself up in justice”,948 it tries not to reduce a notion of justice to a legal term. In other words, law is not necessarily the same as justice and in fact, it

948 Supra note 946 at 163.
continually fails to measure up to justice. OMSC’s ambitions of law reform belong to the former view, seeing the rule of law as a high aspiration and a path toward realising gender justice.

The OMSC never attempted a more nuanced and critical analysis of the notion of law, whether secular or faith-based. Nor did it examine law’s claim to neutrality and objectivity, and the ways in which it exercises its power to further push women to the periphery. OMSC’s legal strategy was limited to requesting formal equality and agitating for reforms to legal-based discriminations. In its goals and strategic methods, OMSC placed the law at the centre of its feminist praxis and therefore maintained law’s hierarchical status above competing resistance and emancipatory discourses. In other words, despite knowing how law often treats women as second class citizens, OMSC affirmed law as a neutral and possibly viable medium to advance women’s lives. Hence, the campaign became a feminist movement which accepted “law’s own account of itself …to be essentially a rational and fair institution concerned with the arbitration of conflicting rights”\textsuperscript{949} amongst undifferentiated autonomous legal subjects. This feminist legal view reinforced the impression of neutrality and objectivity glorified in the positivist legal method. Consequently, from the campaign’s legal centralist and formalist approach to law, which can be seen as the reproduction of the masculinist idea of honouring state laws,\textsuperscript{950} there was a reliance on the idea that “law has access to truth and justice”.\textsuperscript{951} We may conclude that the liberal feminist OMSC does not object to the law itself, but opposes what it construes as bad laws as contributory factors in Iranian women’s subjugation. Therefore, it fails to see the gendered nature of law in both its implication and application. Thus, any theoretical and practical attempts to decentralise law were not viewed as justified.

The OMSC directly tackled the gender inequalities in the Iranian Shari’a based laws within which discriminatory legal traditions are constructed. The campaign substantially committed itself to women’s inclusion and reflecting their experiences and interests in the state law that is presumed to be the neutral arbiter. Hence, OMSC developed its strategy towards a just legal world through legal reform. Credit can to some degree be given to law reform projects that provide a better

\textsuperscript{949} Supra note 175 at 4.
\textsuperscript{950} Supra note 307 at 438.
\textsuperscript{951} Smart, Power of Law supra note 11 at 92.
understanding of the law that revolves around explorations of philosophical notions including feminist justice, legal epistemology and procedural issues in feminist jurisprudence. However, within the liberal feminist theoretical framework, law’s constitutive power in both theory and practice remains unchallenged and ultimately its role as a panacea to women’s oppression has been emphasized. This is due to the fact that liberal feminist legal understanding is limited to seeing inequality as a result of unreasonable discrimination rather than systematic and structural practices and factors such as gender roles, patriarchy and male-dominated religious institutions.

The campaign imported CEDAW as a competing set of norms into its struggle by supporting the coexistence of multiple legal norms. Such coexistence can pave the way for a more complex and “larger matrix of legal relations” in its liberating method. This strategy was dependent on the national parliament’s ratification of CEDAW for its full implementation. As a result, the campaign’s feminist approach not only remained within the purview of state law, but also had to play its game by the rules that were dominated by masculinist positivist institutions. OMSC’s interaction with the state was neither discursive nor interactive. This relation was based on an assumption that there is a permanent power imbalance between grassroots feminism and the state which impedes Iranian feminists to turn the state and its laws into potent sites of struggle and feminist resistance. Hence, it not only became formalist but also statist in mapping out its egalitarian demands, and sought to transplant one set of legal norms with another. Yet the nature and presence of law in the Iranian context must be theoretically understood and extensively problematized. This problematization should primarily challenge the hegemonic mode that gives an imperialistic power to the Iranian state and its laws. This mode is further intensified due to the fact that Iranian law is also interpreted by religious rules and authorities, and the Iranian state cannot be defined and categorized as a liberal democracy under the rule of law. These facts have their own complexities that must be specifically scrutinized. In particular, men’s and women’s

\[952\] Ibid at 66.
\[953\] Supra note 307 at 443.
\[954\] Ibid at 440.
experience of state law is not alike. Specifically, as Manji observes in the Third world context, the state’s attitude towards women is ambiguous and proven to be coercive.955

Thus, it is crucially important for future Iranian feminist endeavors to enrich their feminist philosophical knowledge and not to bypass the theoretical complexities involved in engaging the legal and state apparatuses that inform sustained gender discrimination against women in Iran. For example, in their uncritical legal stance, the campaigners believed that law reform will lead to better or ultimately good laws and, eventually, to gender justice. In that sense, gender justice is sought after within the reformed law. In a paradoxical fashion, the campaign admitted that their proposed changes do not contradict the existing paradigm of Shari’a law and declared that its legal reformist demands were not in opposition to Islam. In other words, while the campaign framed itself within the liberal framework of feminism and western concept of law and asked for transplantation of CEDAW into Iranian legal structure, it endorsed the persistent presence of religion as a legal resource by affirming that Shari’a law is mutable. Hence, in its primary sources including its petition and mission statement, OMSC claimed that Shari’a laws were not inherently misogynist and if hermeneutic methods were employed, ‘bad’ laws could turn into ‘proper’ laws. These hermeneutic methods involve the deconstructive reading of religious legal resources as well as contextualization and historicization. In this pattern of OMSC legal feminism, Shari’a law itself is not contested, but bad laws as major contributing factors in women’s subjugation are challenged. For them, legal discrimination in bad laws is irrational incidents that need to be altered by progressive religious officials. Hence, the structural foundation of discriminatory attitudes such as patriarchy and male-dominated religious institutions remains theoretically unexplored. In other words, liberal legal method’s micro legal approach fails to critique the macro level, violently gendered nature of law in both its implication and application.

My argument does not suggest that law is not a viable avenue to move towards justice, but rather that law must operate alongside other mediums such as women’s agency and how they negotiate their positioning in relation to socio-cultural and particularly exercise their agency in relation to law and legal restraints. Even though the law and the state have a role to play in any given feminist

955 Ibid at 435.
activism, I de-center the role of the law and the state by focusing on women’s enhanced agency and positionality as ways to develop new modes of thinking and as a way to conceive of new forms of social practice and action. My emphasis is on how women utilise the power in diverse grassroots capacities and carry on to create their lives and advance in their alternative imagination. I also argue that women’s agency in the Iranian feminist movements can be enriched through a strong theoretical understanding of law as well as feminist critiques of law.

6.2 OMSC and the Feminist Approaches to Law

Feminist critiques of law and its methods under the name of feminist legal theory provided the methodological lens that I have used to develop a novel examination of OMSC and contribute to the existing literature on OMSC from disciplines such as sociology, history and women and gender studies. Even though my taxonomy of feminist legal theories is quite classic, I use them as a short hand to understand and explore their differences as well as their impacts on OMSC. This section critically reviews the four feminist approaches explored in chapter two, their relation to law and particularly their influences on OMSC. I explore the shifting possibilities of OMSC’s theoretical groundings from mainly the western philosophies of feminism, including liberal and radical feminist legal theory, to postmodern and TW feminist approaches that aim to de-center law, as well as to challenge all totalizing feminist knowledge that seeks to homogenize and universalize feminist struggles under western feminist standards. My reason for initiating these feminist legal explorations was my observation that OMSC heavily drew on mainstream feminist method without considering their consequences within the Iranian context. For example, like liberal feminism, the campaign did not contest the law itself, but instead sought to identify bad laws and reform them. In this pattern, the campaign looked for inclusion of women and their experiences within the already existing legal structure, leaving the structural foundation of discriminatory attitudes of law intact. and the opportunity to discursively challenge patriarchy and gendered power imbalance entrenched in law and mainstream feminism is therefore missed.

956 I have categorized postmodern theory with Third world feminist approach due to the fact that I have found it a more pluralistic philosophical endeavor that embraced non-western elements. See more at Ian Almond, “The Meaning of Infinity in Sufi and Deconstructive Hermeneutics: When Is an Empty Text and Infinite One?” (2004) 72:1 The American Academy of Religion 97.
6.2.1 OMSC and Liberal Feminism

As I have suggested above and as Chapter five showed, the campaign’s feminist approach greatly invested in firstly, its legal equality-based analysis, and secondly its social capital, which was its constituencies that were instrumental in shaping strategies. OMSC borrowed its feminist approach from liberal feminism, which mainly focused on equality analysis within the legal system. The hyper legalization of liberal feminist activism produced unwanted corollaries for the Iranian campaign. In its strategic rhetoric, it implied that legal and equality-based analysis has an a priori position in comparison to women’s extra-legal agency. Such an approach to law and feminism appears to be limited to upper and middle-class women who have access to legal procedures. Furthermore, even amongst the more advantaged women’s classes, overlooking women’s agency and their power to imagine and counter-imagine their desired condition portrays women as passive victims of patriarchal legal systems.

Despite great resistance to law reform projects by state officials in the Iranian social setting, this reform method is also desired by many women beyond the OMSC. According to surveys that were conducted in the years 2000 and 2002 amongst mainly professional women in Iran, 65 percent of female students at Tehran University disagreed with the unequal inheritance laws; 68 percent did not approve of the unequal weight given to men in bearing witness in court; 75 percent opposed unequal payment of “blood money” for a male’s death in comparison with a female’s demise; and 90 percent displayed great opposition to polygamy and temporary marriage.\(^{857}\) Therefore, Noushin Ahmadi advocated for prioritization of updating and altering discriminatory legal provisions as opposed to the view that prescribes gradual cultural changes. She strived to guide the OMSC towards both improving the laws and changing the Iranian culture to achieve the fairer treatment of women.\(^ {858}\) This view did not take into account the law’s limitations and its prolonged failure to adequately respond to feminist challenges, as shown in chapter three and four.

Overall, between 2005-2010, the dominant liberal feminist discourse in Iran did not develop to theoretically account for and analyse the origins of discriminatory laws and the fundamental

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\(^{857}\) Supra note 921 at 8.

\(^{858}\) Ibid.
obstacles that impede women’s access to egalitarian laws. A nuanced multifold legal analysis of Iranian women’s subaltern status remained underdeveloped; especially when misogyny and sexist mechanisms were constantly reproduced, even in broader intellectual circles. In my view, the mere belief in women’s equality rights cannot rebut the patriarchal machinery and sexist domination at a society’s conscious level. It cannot prevent the continuous internalisation of these discriminatory assumptions and their reproduction in people’s personal and social encounters. Besides, the experiences of Iranian women are not subsumed in the classic categories of gender discrimination that liberal legal feminists understand. Instead, bridling the relations of domination and impeding their reproduction requires a nuanced theoretical understanding of intersectionality and the complex mechanisms that result in gender oppression. Such knowledge is much more sophisticated than the formal belief and promotion of the preliminary teachings of liberal feminist discourse on gender equality.

6.2.2 OMSC and Radical Feminist Critique of Law

Radical feminism offers an alternative view to liberal feminist movements to the extent that its main argument poses a major critique of women’s campaigns such as OMSC. Radical feminism suggests that mere identification of discriminatory laws against women and proposals to change the laws is shortsighted. In this view, in order to succeed both theoretically and practically, the feminist endeavor should undertake fundamental analysis of the state institutions that perpetuate women’s subjugations, including through law, and call for problematizing the relationship between gender and power. OMSC appears to have neither questioned the law itself, nor perceived it as an extension of male power to control and regulate women’s bodies and sexuality. Consequently, OMSC failed to deeply explore the power underlying legal struggles and their gendered nature. Instead, the campaign’s discursive focus was more guided towards creating men and women’s legal sameness based on equality analysis.

Radical feminist insights for OMSC would shed light on the perception that law’s order has a hidden gendered orientation, which is male. In this perspective, law treats women in the same way
as men perceive and treat women. In other words, law entails patriarchal aspirations in its claims, which are derived from a male standpoint. Therefore, allowing law to take a center stage in feminist movements is a result of a positivist misconception that perceives law as neutral and impartial. Radical feminist insights reaffirm that law will always maintain its exclusive nature and its systematic privilege of some over others, with partiality towards the male experience and that version of truth. The radical feminist critical take on legal discourse reveals that law and masculinist culture naturally and inevitably resist feminist demands and perpetuate the disadvantaged status of women even as law reform occurs. Thus, I suggest that OMSC’s legal approach and its demand for legal reform placed itself in mainstream formalist legal reasoning rooted in legal determinism. Hence, it employed the male-dominated language of law and its theories, that in the Iranian context, are contaminated by patriarchal readings of Shari’a.

The campaign in my view played within the masculinist framework becoming a positivist feminist campaign which dissolved and faded away during larger civil movements. The primary object of OMSC’s attention was the state, which in the radical feminist perspective is male power that is translated to the state’s will. For radical feminists the state is a manifestation of patriarchy which holds power over women’s lives to regulate their sexuality, family relations and their socio-political activities. Hostile state raids on the campaign’s gatherings, volunteers and websites proved that skillful employment of women’s constitutional rights would not be sufficient to secure women’s advancement. The campaign had to face two fundamental questions: Did it only demand law reform to elevate women’s status; or, did it want to bring about major structural changes in the perception of Iranian society about women’s life advancement? The problem is that the latter is a logical pre-requisite for the former, meaning that a change in women’s legal status is contingent on a change in the whole system. A radical feminist response to these questions would be that meaningful reconstruction of women’s socio-legal status is only achievable if the entire system undergoes a critical process of fundamental transformation. To provide a meaningful change, the campaign had to have a transformative lens to see law and power as a package.

959 MacKinnon, Feminism Marxism supra note 243 at 644.
960 Supra note 245 at 362.
961 Supra note 360 at 536-537.
Otherwise, it could not have an accurate vision of the context within which it wanted to succeed. It would seem that throughout the history of women’s activism in Iran, and specifically the fifth generation, the movement remained silent on deconstructive changes, although they paid the price for their struggles.

In the context of post-revolutionary Iran, political power is connected to the divine. However, the divinely sanctioned power is still an earthly power that can generate good or evil. The concentration of power in certain strata of the Iranian state, namely the Guardian Council and the monopolised interpretive power the authorities allocated for themselves, led to several constitutional cul-de-sacs regarding women. During the revolutionary era, Iranian women were absorbed into the newly emerging religious patriarchy due to lack of a persisting feminist strategy and consciousness. Although the third and fourth generations of women activists in Iran participated in social change in high numbers, a critical gender analysis regarding the state and law in the upcoming socio-political changes was absent. Their children, the fifth generation feminists in the OMSC, similarly did not attend theoretically to critical legal awareness and the possible transformative vision that could reverse the under-class, unprivileged legal positioning of Iranian women.

Pursuing such a critical transformative approach, which I will further discuss as a deconstructive approach along with reconstructive methods, does not mean that the OMSC had to get involved in overthrowing the Iranian theocracy, as the state authorities lament in their revolutionary court decisions against the campaigners. Instead, deconstruction could reveal alternative “possibilities of arrangement or assembling.”

This approach could open an enriching normative power to Iranian feminist campaigns. While challenging the dominant inclinations of the existing Iranian legal nomos, the campaigners could introduce new feminist insights that “will serve as a stimulus to spur us along to whatever forms of understanding come next.” However, they would need to manipulate the prevailing structures of sexist thought in law, and provide their own specific set of legal codes. Through this pertinent scholarly path behind their feminist pragmatism, Iranian

962 Smart, Power of Law supra note 11 at 10.
963 Supra note 360 at 541.
feminists would find a chance to offer their vision of a better and fairer future and raise awareness while bringing a kind of justice to their situation. The emergence of such a critical attitude towards discriminatory laws against women provides a picture of what Derrida meant as opening up to the abundance of interpretive communities, to others and otherness through ‘trivialization of state law’ which he calls “legal minimalism.” 964

While from a radical feminist perspective, OMSC lacked theoretical sophistication in its approach to law as its main way to advance women’s lives, the campaign did use CR as a method to share its feminist voices and values, paving the way for its law reform ambition. In the following subsections, I will explore the campaign’s FFD sessions that can be understood and articulated as a form of CR process, as well as story-telling episodes.

6.2.2.1 OMSC and Face-to-Face Dialogue

OMSC’s social capital included its members, volunteers and signatories who participated in its logistical missions and educational ambitions. Through educational workshops on women’s rights, the campaign sought women’s awareness via its unique FFD method that could provide more diverse challenges to the sociolegal structures of patriarchy compared to pure legal reform projects. Investing in women’s hopes and the power of their agency, the campaign’s role was significant in constructing the bridge connecting the reality of women’s lives to their vision and imagination of a better future. The OMSC’s innovative FFD sessions epitomized CR sessions to raise public awareness about the unprivileged status of women in the Iranian discriminatory legal system, their sufferings and their striking narratives, in order to set them free from their bitter isolation. Under the extensive and brutal presence of security guards, violent police forces and massive imprisonment of the campaign’s activists, FFD utilized urban spaces as well as private homes and made vox populi more sensitive about how laws deprive women of their equality rights. FFD was also instrumental whenever and wherever possible to collect and exchange reliable information regarding Iranian women’s experiences and resistance stories and their pains and sufferings which needed to be heard, especially those that were systematically marginalised and silenced. The

outcomes of FFD sessions were utilized to provide Iranian men and women education on various legal issues, to discuss the complex layers of women’s social realities and to facilitate collaboration amongst individuals and groups demanding gender equality.

Through these critical conversations that ranged from signature collecting encounters even between two people to educational workshops and private gatherings, the effects of discriminatory laws were discussed and it became evident that they are not readily visible to everyone. These dialogue sessions aimed to unpack patriarchal structures that permeated into women’s subconsciousness as normal and natural and to uncover those assumptions in women’s consciousness. Further, the campaign made these collected experiences available to the public through its media outlets, in an effort to facilitate their cultural intervention, mobilize Iranian men and women, individually and collectively, to share their feminist vision and purposefully shift their focus from their sufferings to a powerful sense of agency to critique the prevailing gendered legal ideologies.

Therefore, the campaign’s FFD was the epitome of a large scale CR project linking awareness with feminist policy as well as “breaking down isolation, and constructing alternatives.”965 FFD as a women-centered strategy was one of the most important critical tools in the OMSC and had a great capacity to not only take a deconstructive step into the world of normative meaning production, but also to link this knowledge from private women’s circles to public and political spaces to predict and plan their next pragmatic steps.

6.2.2.2 FFD Linking Personal to Political

In most patriarchal societies, women’s sufferings remain in the isolated corners of homes and talking about these agonizing experiences is stigmatised and followed by harsh social judgments. Although some pains and discriminations were widely experienced amongst women living in patriarchal societies, it was not always clear for women how to acknowledge their pain and how to break free from it. In FFD, Iranian women participating in the campaign created a feminist

965 Smart, Power of Law supra note 11 at 80
method to narrate their minority views, that were anomalies to the prevailing order portrayed in western mainstream media. As they shared their personal experiences, common and complex underlying patterns of their coerced subjugation revealed themselves. Through this experience, new knowledge emerged that is empowering for women themselves. They came to realize how the patriarchal construct of the traditional body of Iranian society reinforced their collective pain and this realization inspired them to resist conforming patterns of hegemonic knowledge. In this process, what has once been assumed to be personal turns into political966 and a need for change emerged from that. In other words, when FFD and its produced feminist knowledge tackles issues such as discrimination and systematic violence against women, which penetrate all aspects of women’s lives, it increases the potential to turn into a collective political action for change.

The female campaign activists from the capital city also joined other activists in other cities to promote equal participation with the hope of transcending the boundaries of middle-class elite women of Tehran versus all lower-class women of Iran to shape their identity as a collective political social entity in numerous provinces. These collective actions clearly deviated from the philosophy of traditional liberal theory promoting individualism and self-sufficiency and were more inclined towards the politics of solidarity. These collective actions generally influenced women’s experiences in marriage, workplace and economy. The output of such collective endeavors was utilized to articulate civil and political actions. For example, these efforts translated to peaceful non-violent protests as well as critical communication with certain presidential candidates regarding women’s demands.

The FFD sessions offered a twofold benefit. They not only helped the campaign and the gender discourse it hoped to promote more beyond the elitist feminist circles,967 but they also reinforced the non-hierarchical horizontal coordination of the campaign. Towards this end, “train-the-trainer” sessions became exemplary of what they designed to “educate women’s rights activists, who can go out and expand the campaign’s support base by hosting training sessions of their own across

966 supra note 263 at 184.
967 Noushin, Narrative supra note 132 at 88.
the country.”\footnote{968} The FFD method was ultimately able to engage Iranian women of the third through fifth generations of activists, upper and middle-class urban women, professional and lay women, and many others. These FFD sessions inspired them to be politically and socially more active regarding the laws that significantly influence women’s lived experiences. FFD reassured those who were engaged in dialogue that such actions prompt politicians to pay due attention to their marginalised voices in the legal system.

In the Iranian context, however, when the campaign discussed the required socio-legal reforms through FFDs and educational workshops, their demands were unavoidably interpreted as a critique of the Iranian political structure within which these laws have been legislated and religiously sanctioned. These efforts were also deemed disruptive due to fact that FFD session could expose scattered and isolated experiences of oppression, bring them into the public arena and problematize the patriarchal patterns within which women’s oppression is experienced. In the absence of a transparent democratic political structure in despotic systems, women’s movements, just like those of university students and labour movements, experience violent clashes with governmental structures and shadow governments that exist in Iran in the name of religious sovereignty. The relation between the government and, in our case, women, is mainly a unilateral, top to bottom, master/vassal model, although there were some ruptures in this model including’s women’s strong influence in family law reform. Therefore, the government responses to tensions were mainly strategized based on the government’s ideological interests rather than the national interest. As a result, on most occasions, women’s demands were perceived as destructive, overthrowing forces against the government. For example, the more Iranian women persisted in their demands, the more the government appeared incapable of positively responding to their needs due to its ideological and internal inefficiencies. Consequently, in the Iranian setting, as soon as one steps into the public space and enters into a dialogue with the government, she turns the personal to political, and becomes threatening.

6.2.2.3 FFD Knowledge Making and Norm Generation

As Iranian women shared their pain, calamities and visions in FFD and small or large scale settings, honestly and openly, the emergence of liberating feminist knowledge became a welcomed newcomer for many. In particular, in educational workshops regarding the optional prenuptial clauses in marriage contracts and the educational sessions on preventing violence against women, Iranian women participants succeeded in making more sense of their experiences and created their own “moments-of-knowing.” These moments of knowledge production have been found unsettling and disturbing to the dominant male order, which perceives such dominance a natural and unavoidable experience for any woman. These sessions became an invaluable ongoing social interaction from which some common themes persistently emerged. The campaign activists then set and revised their more immediate demands according to this knowledge, especially due to increasing presence of women in the public sphere and more specifically in the labor market.

In rural areas, the campaign’s FFD sessions also took a chance to deconstruct and destabilize various patriarchally entrenched social meanings. For example, the higher proportion of inheritance for men (brothers) was challenged and the village women’s (sisters) understanding of their condition was re-ordered. This deconstructive approach helped them transcend the constructed binaries that give more socio-legal weight to male members of their immediate or surrounding communities. It also enabled women to find the courage to passionately integrate their experiences, their interpretations, and their emotions in their vision and world view. In other

969 It is pertinent to mention that women of religious minorities were not absorbed in the campaign. So the main constituencies of the campaign included culturally muslim men and women. The women of religious minorities that are recognized in Article 13 of the Iranian Constitution including ‘Zoroastrian, Jewish and Christian Iranians’ were “permitted ‘within the limits of the law’ to ‘perform their religious rites and ceremonies, and to act according to their own canon in matters or personal affairs and religious education’”. Nazila Ghania-Hercock, “Minority Rights: Cultural Diversity and Development in Central Asia, Ethnic and Religious Groups in the Islamic Republic of Iran: Policy suggestions for the integration of minorities through participation in public life” (October 2004) Online: United Nations Office of the High Commissioner for Human Rights <www2.ohchr.org/english/issues/minorities/docs/WP2.doc> (last accessed February 18, 2018) Policy suggestions for the integration of minorities through participation in public life, 2004. These women had no representation in the OMSC as their legal procedure was different that Islamic Shari’a law. However, Iranian ethnic minorities representation in the campaign was phenomenon. They included but not limited to Kurds, Azaris, Gilaki and Mazendarani and Arabs.

970 Supra note 255 at 533.
words, FFD sessions, like CR, are the “rejection of polarised thinking at all points along the consciousness-theory-strategy continuum.”

After all “feminists have almost a single voice in expressing a desire to subvert and overcome radically polarizing thinking” even if their main strategies have gendered connotations. Towards this end, the feminist researcher commits herself to a praxis that carefully treats polarities that are deeply rooted in Western Philosophy. Following this path, women’s emotions and subjectivities emerged in the form of ‘empathetic’ stories, letters, magazine articles, poems, plays and blog posts, and turned into great tools for feminist research methods as both researcher and researched unite empathically and become both the subject and object of research. Therefore, it is women’s consciousness that finds its way from within to become a public and political display of women’s liberating activism and knowledge production.

These dialogues became vitally important as campaign activists’ access to national media outlets was completely banned, and their websites and social media were frequently filtered. FFD continued to play an important role in supporting the campaign’s legal reform demands tackling social inequities. Noushin Ahmadi suggested that conversations around law reform have always before remained within the elitist circle of Iranian lawyers, which restrained lay-women from entering into this realm due to the prevalence of professionalism. I would argue that deconstructive FFD unsettles the dominant order and disrupt the restraining structural cycles around the critique of law by raising awareness amongst all women to the extent of offering their vision about what law ought to be. Hence, women become the confident experts of their own lives and experience and participated in FFD consciousness-raising from their authority vested in being a woman.

971 Ibid at 535.
973 Referring to five epistemological principles in feminist research, Judith Cook and Mary Margaret Fonow allude to rejection of subject/object dichotomy. It means “valuing the knowledge held by the participant as being expert knowledge and acknowledging how research valued as “objective” always reflects a specific social and historical standpoint.” See more at J. Cook, and M. M. Fonow, “Knowledge and Women's Interests: Issues of Epistemology and Methodology in Feminist Sociological Research” (1986) 56 (4) Sociological Inquiry 2 cited in Jennifer Bryton, Michelle Ollivier & Wendy Robbins “Introduction to Feminist Research” online: Par-L: A Canadian Electronic Feminists Network <https://www2.unb.ca/parl/research.htm>. (last accessed February 18, 2018)
974 Noushin, Narrative supra note 132 at 90.
6.2.3 OMSC and Postmodern Feminist Critique of Law

As we have seen, for OMSC, law is a potent and powerful entity. This approach is situated within the framework of legal centralism, even if it strives to change law’s content and procedural measures. For the campaign, the ‘rule of law’ seems promising and appears to many elites as a bridge toward a better democratic and just future. Therefore, OMSC played its game within the parameters and lived up to the dominant language of law, which obscured its gendered orientation in its content and application. While radical feminists preserve a focus on law but push its boundaries to change law’s patriarchal values, postmodern feminists from the outset warn about law’s pretension to inclusion and neutrality in its alleged gender neutral content, which influences men and women in tremendously different ways and should not preserved at the center of feminist activism. Postmodern feminist teachings for OMSC would be that law is structurally incapable of assisting gender egalitarian movements and ultimately impedes their efforts or at least limits their power to eliminate legal discriminations.

Postmodern insights prognosticate that even if women activists get their demands legitimized by law, there is no guarantee that they are not de-legitimized at another socio-historical stage, based on another set of masculinist reasoning and standards. The historicized survey of the Iranian women’s activism from the constitutional era until the Green movement in chapters three and four confirms the importance of such cautionary tales. On the same note, Carol Smart questions whether feminists should resort to law at all due to its limitations and its tendency to resist feminist demands. This approach would discourage feminist campaigns like OMSC to resort to law alone, but encourage the fundamental challenges that can be posed to law as a masculinist order’s signifier that mainly takes place at a discursive level. Hence, postmodern feminism suggests that through this latter path, future Iranian feminist campaigns can carve more sociopolitical space and take advantage of the circulation of their networks’ power through a more productive theorization of power. This power has been previously perceived as something that exclusively belongs to men or the state. In fact, power is thoroughly dispersed in society, including women and other marginalized members of society. This new form of theorizing power breaks free from the radical

975 Smart, Power of Law supra note 11 at 2.
feminists’ perception of women eternally being imprisoned in the oppressor-victim model of domination. Through a discursive engagement with power, alternative accounts of social reality, individual or collective possibilities to contest power, and non-legal approaches such as FFDs to destabilize dominant ideological forces can be imagined and the state and its laws can turn into a site of struggle for Iranian feminists. The OMSC conducted various non-legal activities, but they were not theorized as extra-legal means to challenge the law as a signifier of masculinist power that controls and regulates women’s sexuality. Instead their goal was to maintain law’s central role in determining women’s advancement and wellbeing.

As we have seen, OMSC adopted a legal centralist method that reduces law to the official reading of Shari’a law by the state and women’s inclusion in the male-dominated state. The postmodern feminist critique of legal centralism revolves around law’s phallocentric nature, which reproduces masculinist ideas honoring the state law at the top of the hierarchy. Following this path, the campaign kept confirming what they originally planned to contest, especially when the Iranian political condition was overlooked and the state’s coercive behavioral patterns towards women were not analyzed. Even by appealing to CEDAW as a parallel set of legal norms and hoping for what legal pluralism can offer, OMSC could not break itself free from the supremacy of state law as the main source of regulating women’s lives. This is due to the fact that the Iranian legislature has yet to allow ratification of the CEDAW and integrate it into the national law. Besides, firstly, Iran is not a liberal democracy, meaning that its political mechanism differs from those political systems within which their democratically elected representatives can freely exercise their power of decision-making under the rule of law and express their opinion about law in light of the constitution. In such a democratic context, the constitution protects the right of individuals and minorities and places constraints on the leaders’ will. The IRI should belong to the people and not the ruler, but its separation of powers, democracy and constitution is unique and complex with apparently contradictory vetting mechanisms and oversights that impede its democratic process in favor of theocracy. Secondly, it is ruled under religious laws and by those persisting in their divine mission. Hence, all governmental structures and ramifications are subjected to religious authorities’ approval. As a result, women experienced extensive discriminatory policies that the Islamic republic of Iran adopted after its establishment in 1979 as a post-monarchy era.
Investing in women’s action and agency enables Iranian feminists to communicate their gender discourse, recognize, and then resist dominant patriarchal discourses and negotiate the authority that has been accorded to law and its idealized male-centered norms. The postmodern feminist approach refers to law’s normalizing effect, which renders women inferior and lesser and their demands as less qualified and unreasonable. However, it asserts that such “legal imperialism” can be destabilized, as power can circulate amongst several camps, including feminists, and it does not eternally belong to certain groups. The legacy of 150 years of Iranian women’s activism proved that they are not powerless. In my view, OMSC played a leading role in reviving and investigating the Iranian feminist and women activists’ legacy. It also shifted their focus from their disadvantaged condition and tackled any sense of “learned helplessness” that might have prevailed in women’s psyches due to their persistent failure to succeed in creating a gender-egalitarian future, for themselves and for their children. Unlike the pessimistic gaze of traditional radical feminists who believe that patriarchy is an “unconquerable monolith, or that patriarchy’s control of social construction had been so successful that women’s very desires and identities were nothing more than the products of male power and privilege,” OMSC’s positive outlook and energy followed this alternate path. As a result of social pressure through various intellectual dialogues and broad consciousness-raising in legal reform projects, most conservative groups agreed with their vision of equality and gender justice claiming that they “would not accept anything less for their own daughters.”

Despite focusing too much on law and legal reform, the grassroots campaign thus succeeded in pursuing other alternatives to shift the gravity of discourse towards gender inclusiveness, as women turned themselves into knowers and producers of values and knowledge and formed a distinct gender identity, especially through the FFD sessions. In a world where the male vision was “the accurate statement of the world” the campaigners presented their desired social order

976 Smart, Power of Law supra note 11 at 13.
977 I borrowed this term from Martin Seligman. See more at Christopher Peterson, Steven F. Maier & Martin E. P. Seligman, Learned Helplessness: A Theory for the Age of Personal Control (New York: Oxford University Press, 1993)
978 Balkin, Deconstruction supra note 352.
979 Tahmasebi, Efforts Supra note 800.
980 Supra note 315 at 67.
and created feminist discourse through their gender sensitive publications, performances, music, arts and narrative: all of which echoed women’s experiences of day-to-day life and brought them from the private to the public sphere. These feminist modes of knowledge and resistance succeeded at a discursive level to manipulate and destabilise certain unchallenged and ossified patriarchal social meanings in Iran. Many of these social meanings influenced law’s governance of women’s lives, its privileged interpretation and supposed determinate meaning.  

### 6.2.3.1 Deconstructing Dominant Gender Ideologies

Postmodern feminism draws on the notion of deconstruction posited by Derrida. Deconstruction as an analytical process sheds light on how an alternative position toward law and openness to the possibility of justice can be elaborated. Derrida places law at the centre of his work and holds deconstruction as a force of justice outside of the law. For Derrida, “deconstruction is justice” itself, which inhabits the fragile bridge between the law and justice. Derrida warns us about law’s rhetorical powers, its resistance to critical challenges and “its remarkable capacity to employ linguistic and interpretive devices to absorb and deflect external challenges.” He suggests that deconstruction will help us to defamiliarize ourselves from our adapted modes of thinking “by pushing our assumption to logical extremes.” For Derrida, deconstruction opens up alternative thoughts and raises awareness about multiple interpretations. Therefore, deconstruction becomes a force of Justice against law. It turns into a “means of intellectual discovery, which operates by wrenching us from our accustomed modes of thought” through exposing “the nakedness of power struggles and indeed of violence masquerading as the rule of law.” Postmodern deconstructive method has a twofold presence and impact on OMSC’s strategic plans.

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981 Allowing women to enter marriage clauses into their marriage contract and receiving equal compensation for blood money in insurance laws are the examples of these changes.
982 *Supra* note 299 at 36.
983 *Supra* note 498 at 945.
984 *Supra* note 299 at 11.
985 *Supra* note 360 at 538-539.
986 *Supra* note 946 at 152.
987 Balkin *Deconstructive Practices* *Supra* note 359 at 747.
988 *Supra* note 946 at 147.
I believe that the OMSC’s praxis was deconstructive in some ways and reconstructive in other respects. The campaign’s approach to law and legal reform can be categorised as a reconstructive movement rather than a radical deconstructive one, particularly when it functions within the reform-oriented liberal legal feminist framework. For Derrida, “reconstruction is simply staying within the given space that is dear to us and has been threatened, and we need to restructure it.”

By defining itself within the IRI’s constitution, the OMSC’s reconstructive method was its political strategy within the Iranian theocracy, which emphasized that its demands are not contrary to Islam as an influential source of the Iranian legal structure and it did not seek to overthrow the Iranian sovereignty. Therefore, the campaign secured its place within the IRI and its constitution and worked on the internal reform projects that needed to be completed through particular legal reforms. Ironically, the OMSC that was normatively inclined towards secular CEDAW, strategically morphed into an Islamic constitutionalist campaign.

OMSC’s approach was, however, deconstructive when it implicitly posed ideological challenges to the Iranian patriarchal legal thought and institutions. Through targeting certain discriminatory laws against women and holding public and private debates over them, telling stories and raising people’s consciousness, OMSC exposed the suppressed and marginalised lived experiences of Iranian women. Through these efforts, the campaign’s critical tool was to deconstruct dominant gender ideologies and boldly force the prevailing legal structure and the state to become aware of, and listen to, women’s narratives that had been concealed or marginalised. The state’s subsequent violent responses proved that the campaigners indeed succeeded in making the state authorities understand that the foundation and the power of today’s Iranian society cannot remain from top to bottom. The emergence of a more just law is instead being fed by the grassroots, their customs, and their ways of resistance in *vox populi*. A deconstructive approach also had the potential to move us closer to gender justice by echoing its mandate for “an ethical relation to others” and inviting the dominant gender ideology of the state to be open to women/others and ethically attend to their less advantaged lived experiences.

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989 Youtube, Social Media Release, “Jacques Derrida: Section 1” online: youtube <http://www.youtube.com/watch?v=7s8SSilNSXw>.  
990 Balkin. *Deconstruction supra* note 352.
6.2.3.2 Deconstructing Religious Knowledge

Given the fact that the Iranian legal nomos is deeply rooted in Islamic ideology, the campaign activists attempted to conform by claiming that their proposed law reforms were not contrary to Islam, if new interpretive strategies are employed to challenge conventional interpretations of the religious norms reflected in its canon. The campaign’s implicit reference to the presence of alternative interpretations of the Islamic legal structure pointed to two paradoxical approaches. Firstly, the reconstructive approach towards Shari’a led the campaigners to claim they did not mean to contradict Islam. However, there needed to be a deconstructive approach with promising “practical consequences”991 to examine the orthodox interpretations of Shari’a. OMSC delegated deconstruction to faith-based scholars without furthering such theoretical explorations. In this view, Shari’a law entails conventional interpretations and hierarchical arrangements that have been manipulated by conservative ideological beliefs. Such a legal normative world has the potential to be deconstructively challenged and polemically reversed. In other words, a deconstructive approach to dominant religious knowledge can reject appeals to absolutes992 with its potential to uncover and re-invent meanings that have been marginalised or even forgotten. Moreover, deconstruction as a critical process was delegated to Islamic intellectuals who are insiders of religious discourse to turn “the unthinkable” and “never being thought”993 into thinkable and imaginable.

Toward this end, the selfclaimed secular campaign994 relied on Islamic intellectual reformists and Islamic feminists and the unique potential they could offer to the OMSC’s feminist movement in

991 Supra note 946 at 160.
994 See more at Deutsche Welle Persian, Mitra Shojaei, Kampain Yek Million Emza Do Saleh Shod [One Million Signatures Campaign Turned Two Years Old] (August 2008) online: Deutsche Welle Persian <http://www.dw.com/fa-ir/%DA%A9%D9%85%D9%BE%DB%8C%D9%86-%DB%8C%DA%A9-%D9%85%DB%8C%D9%84%DB%8C%D9%88%D9%86-%D8%A7%D9%85%D8%B6%D8%A7-%D8%AF%D9%88%D8%B3%D8%A7%D9%84%D9%87-%D8%B4%D8%AF/a-3592835>, (last accessed February 18, 2018) [translated by author]; Noushin Ahmadi Khorasani, Sekularizm, Eslam va Jonbesh Zanan [Secularism, Islam and Women’s Movement], January 2012 online: Noushin Ahmadi Wordpress <https://noushinahmadi.wordpress.com/2012/01/20/%D8%B3%DA%A9%D9%88%D9%84%D8%A7%D8%B1%D
Iran, without endorsing their role and presence officially. These scholars strove to deconstruct the dominant reading and understanding of the sacred text, to use knowledge from the hermeneutic sciences, and to find a firm grounding in their own particular historical, socio-legal and political context and ultimately to illuminate the compatibility between the Qur’anic text and Islamic women’s aspirations of gender equality. Hence, the campaign implied a reference to faith-based forces of feminism as those who challenge and disturb the status quo, who witnessed how ideologically informed legal texts deconstruct themselves by possible new interpretation and dissemination of new meanings and how faith based forces of feminism perform midwife’s duties to help give birth to new normative meanings, through this process from the heart of underlying inconsistencies in religious legal discourse.

As religious reformists deconstructed those legal texts, the belief system that informs them was also being deconstructed. For Islamic feminists, the loss of religion’s core ethical message was a result of ever increasing hyper-hierarchization and over-institutionalization in religion, where “the authorized was an ‘authority’ that has the right to speak about truth in the name of ‘absolute authority’, whether God, the authoritative or others.” Therefore, deconstructive engagement with the religious canon could lead to major shifts in the power dynamics and authorities in religious societies and even succeed in transforming the expectations of Muslims, ranging from mostly male Ulama to Muslim citizens in general, about their eligibility to participate in the production of religious knowledge. This deconstructive procession, in fact, can be perceived as a move toward uncovering religious interpretation’s monopoly and the democratization of religious knowledge. Indeed, the deconstructive approach in undercutting singular religious narratives was


996 Siti Rohmah Soekarba, The Critique of Arab Thought: Mohammed Arkoun’s Deconstruction Method, MAKARA, SOSIAL HUMANIORA, 10:2, 2006, 79-87 at 82

997 Islamic Jurists
a delicate task that needed to be boldly supported and pragmatically encouraged in a theocratic state “through embracing cultural diversity, recognizing multiple feminist epistemologies and focusing on specificities and particularities of the women’s different contexts.” Thus, a secular, liberal feminist campaign could better equip itself in its “quest and the critique of the patriarchal constructions of gender relations, which are to be found not only in the vast corpus of jurisprudential texts but also in the positive laws that are claimed to be rooted in the sacred texts.”

6.2.4 OMSC and Third World feminism

So far, I have argued that analysis of the OMSC philosophy and its strategic plans reveals the strong effects of liberal feminism in the campaign’s understanding of law and its desire to employ equality analysis to achieve law reform as a pertinent measure to achieving gender equality for Iranian women. The campaign addresses the state to realize its demands through parliamentary legislation. While OMSC uses the masculinist language of law and works within state sponsored constitutional rights, it claims an ideological distance from the religious state that adheres to political Islam. Hence, OMSC became a statist feminist campaign in its practice and secular in its ideological affiliation. These tendencies led OMSC to be a legal centralist, formalist and statist feminist campaign. Radical feminist influences also can be traced in OMSC methods in CR through FFD sessions. These methods were employed to challenge the normalizing power of the law, reveal and discuss the masculinist nature of law and its effects in degrading women’s lives. These sessions made women realize their shared experience of discrimination to build solidarity and share their stories to come up with possible solutions.

As a result of the uncritical presence of liberal and radical feminist methods in OMSC, I argue that the Iranian campaign, at least in its theoretical grounding, functioned as a reflecting surface for the first-world feminist center, although it was more of an “agentive” than “passive” enterprise. As

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999 Mir-Hosseini, Quest supra note 152 at 633.

1000 See supra note 10 at 6.
the campaign and the campaigners displayed their efforts in the international arena due to intellectual exchanges amongst the campaign’s feminists and their counterparts and OMSC members who resided in the west, a platform emerged that meant the marginal Iranian feminism reflected back the western feminism which has been historically positioned at the center. During such transnational exchanges amongst feminists, the rich rhetoric of TW feminism and its critical understanding of universalizing and orientalizing effects of liberal and radical feminism were lacking. Iranian feminism could use TW feminism in the future to challenge the universal representation of women and its hegemonic value systems, and to differentiate their voice, agency and their complex positioning that is geographically and culturally different from western-based liberal and radical feminism. TW feminism can open a theoretical window for OMSC to collectively reflect upon common problems and solutions from an autonomous Iranian standpoint. They could not only survey the intersecting forms of women’s oppression, but challenge and deconstruct colonial representations of TW women as disempowered and passive. Such a feminist enterprise in campaigns such as OMSC should truly value the diversity of its constituencies, ranging from religious, secular, left or nationalist, while fighting together for common goals. OMSC became a part of universalizing forces of the global order through its inclination towards the norms of CEDAW and its value system as well as mainstream categorization of women’s discrimination. As I explain below, the campaign also reproduced and reinforced the orientalist hegemonic knowledge of women living in the orient by perpetuating the binary of the west versus the rest.

6.2.4.1 OMSC and Universalizing Effects

Universalization can be seen as a force or a “belief system”\(^\text{1001}\) that has the effect of dominating and homogenizing a world, including its legal and cultural practices. For Iranian feminism, TW feminism provides a compelling counter narrative to the “language of blame”\(^\text{1002}\) about oriental women that was imported from the so called morally legitimimized superior western center of


\(^{1002}\) Supra note 367 at 20.
feminism,\textsuperscript{1003} by providing a contextualized feminist discourse and exploring various forms of subjugations that are specific to intersectional Iranian women’s identity. Transplantation of a liberal feminist ethos of women’s universal sufferings prevented the OMSC from delving deeper into its cultural, and most importantly political, TW context to create an indigenous methodological and analytical feminist praxis for Iran.

TW feminism justifies its engagement with the state as a viable route in countries that are not fully based on the ethos of liberal democracy under the rule of law. In contrast, the OMSC emphasized keeping distance from the government and the Islamic feminists that were thought to have governmental affiliations, following the same route the mothers of the OMSC took with the fifth parliament’s reformist MPs. It is pertinent to mention that the Iranian state heavily relied on women’s presence on all fronts, including during the 1979 revolution, and also on their labour during times of war and recession. Such presence is an asset for Iranian feminism and a reminder that they should take advantage of the fact that the state is indebted to its women. If Iranian feminists could theorize a solid ground upon which to engage with the state, including the reformist factions, they could further enrich their argument and succeed in responding to the critique that OMSC inclined towards cultural imperialism through adoption of CEDAW norms. The importance of such a strategy for Iranian feminist movements is that they have been frequently accused of being inauthentic\textsuperscript{1004} western imports. However, they are no less representative of their culture and the changing conditions of life than other participants in Iran’s national discourse. They are willing to pro-actively engage, contest and collaborate with the state, religious authorities and nationalist forces “without abdicating their own identities and constituencies”\textsuperscript{1005} to come up with effective political acts for socio-legal transformation.

In the Iranian context, the Islamic parliament offered great potential for collaboration with feminist campaigns such as OMSC, which remained unexplored. From 2000 until 2004, eleven female MPs out of the 290-seat sixth parliament lobbied to end the practice of stoning, including law professor Dr Elaheh Koulaee. She met with senior clerics and received their promise that “they would study

\textsuperscript{1003} See more in Chapter Three on 3.3.3.2. Pahlavi State Feminism. \\
\textsuperscript{1004} Uma Narayan, \textit{Dislocating Cultures} (New York: Routledge, 1997) at 30-31 as cited in supra note 384 at 8. \\
\textsuperscript{1005} \textit{Supra} note 415 at 3.
our demand to abolish stoning and replace it with other sorts of punishments such as jail.”

It is pertinent to mention that in the Iranian context, the reformist senior clerics that have been approached by Islamic reformist female MPs hold an institutional privilege and power that was both the derivative of, and the supplement to, state sovereignty. As such, these clerics had the chance to turn themselves into agents of peace, particularly in the Iranian context within which the judicial system’s independence from the state’s ideology is contested. The Islamic reformist MPs were successful in inviting these progressive minds to “tolerate and respect the normative claims of communities whose visions of the good did not comport with the commands and requirements of state law.”

Following anti-stoning campaigns and the fading presence of OMSC, there emerged another campaign to change the masculinist face of the Iranian parliament by bringing more women MPs to the parliament, and a campaign to allow women spectators to attend world Volleyball games in Tehran. These are the few examples of Iranian feminists engaging in national discourses and either contesting or collaborating with the state and religious institutions to plan their political strategies and advance their socio-legal experience.

6.2.4.2 OMSC and Orientalizing Effects

In terms of the orientalist effects of the OMSC, the rhetoric of the campaign’s petition on legal treatment of Iranian women reproduced and shared the assumption of liberal and radical feminists that a Muslim backward oriental society is the worst place for women. OMSC’s declaration saw Iranian women as being one coherent group, regardless of their class, ethnicity and religion, who

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1007 Iranian judicial system is dominantly controlled by clerics (Islamic Jurists) and is closely affiliated to the state’s conservative ideology especially regarding women. Progressive clerics can positively influence the judiciary to advance more gender egalitarian approaches in the system.


are treated as second-class, oppressed, passive, and quasi-citizens, without carefully considering their historical specificity and their uniquely complex condition. For example, the contested essential association between Islamic law and patriarchy was glossed over. Yet Tucker, in a non-orientalist approach, argues that gendered rights and duties in Islamic law could be modified within certain limits to fit jurists’ understanding of what is fair for the well-being of the whole society; only in recent times, when law became codified and linked to the state, did it become unchangeable, with any modification or adjustment impeded. In other words, there developed “the enshrinement of gendered right and privilege without the accompanying flexibility and judicial activism that had been the hallmark of Islamic justice.”

Studying Islamic law and understanding it as a history has led to the employment of hermeneutic methods. Such an approach epitomizes extensive “juridical mitosis” regarding the interpretability and changeability of Shari’a laws through the many scholarly publications, workshops and talks that were held in cyber and public spaces. Shabestari, Soroush, Mir-Hosseini, Mashini, Sahabi, Vasmaghi and Shariat Panahi were the names of those whose perception of law deviated from the campaign’s petition and its formalist statist understanding of law and Shari’a law. Another example of orientalist feminism’s blanket assumptions is about the Islamic headscarf, which, depending on the context in which it is used, can be both restraining and emancipatory. Certainly, there is a concrete ontological difference between the veil the Iranian working class women wore during the 1979 revolution to oppose Pahlavi’s western cultural inclination, and the contemporary mandatory hijab under patriarchal readings of Islamic Shari’a in post-revolutionary Iran.

Although the campaign appealed to the transformative agency of Iranian women for socio-legal change, it simultaneously appealed to CEDAW as a privileged set of cultural and legal norms that were inspired by the standards that originally tried to secure rights for the sovereign western women. In fact, OMSC uncritically followed the western liberal paradigm of gender egalitarian law reform, which was presented to the world as a universal demand shared by all women, even

1012 *Supra* note 335 at 16.
1013 *Supra* note 10 at 8; See also “Kampain Yek Melion Emza: Taghiir Baray Barabari” [One Million Signatures Campaign: Change for Equality] online: Tavana <https://tavaana.org/fa/node/1789> (last accessed February 18, 2018)
those whose political settings are not conventional liberal democracies. In Mohanty’s language, OMSC gave a cross-cultural validity\textsuperscript{1014} to the hegemony of liberal feminism. Given the complex socio-political circumstances of countries such as Iran, TW feminism contextually looks for gradual changes to elevate the communal and familial standards of women’s status, in close collaboration with their states and male counterparts. A TW feminist approach could set Iranian feminism free from the pressure of justifying their distance from emancipatory requirements of western feminism and living up to their standards.

The agentive feminist praxis by OMSC to some extent challenged the orientalist gaze regarding Iranian women as passive and disempowered. Iranian Pahlavi feminism from the third generation of women’s activism in Iran, which was placed on the periphery of global feminism by second wave feminists, was replaced by the fifth generation OMSC feminist movement, which secured its place as a renowned feminist organization. Through its historical development and from the first day of its establishment, OMSC as an Iranian campaign consolidated itself both nationally and internationally. The individual campaigners were not only recognized in various feminist and human rights circles in the West, but some went into forced exile due to the harsh socio-political climate of the Ahmadinejad era in Iran. As a result, new interactions amongst Iranian feminists and some Western feminists developed. As these interactions brought the experiences of Iranian feminism to the West, the hegemonic road of dominant feminist knowledge transmission from the West to the rest was reversed. These interactions create “a discursively permeable space for the agentive reconfiguration of the binaries contouring contemporary feminist discourses”.\textsuperscript{1015} OMSC provided the west, a ‘less partial and distorted,’ and even ‘objective’ understanding of Iranian women’s positionality due to its “epistemic advantage”\textsuperscript{1016} or “epistemic privilege” about their life conditions and their social location.\textsuperscript{1017}

The Iranian campaigners, as a by-product of their method, counter-imagined the meta narrative of feminism and created a world within which non-Western feminists were no longer silenced or

\textsuperscript{1014} Mohanty, Under Western Eyes: Colonial Discourses supra note 26 at 199.
\textsuperscript{1015} Supra note 10 at 2.
\textsuperscript{1017} Mohanty, Revisited supra note 372 at 511.
incorporated “only insofar as they are objects of Western feminist projects.”1018 Consequently, the campaigners narrated their own stories from what Harding calls “the perspective of their own experience,”1019 which was quite enlightening to western feminists. Holding “multiple standpoints across a diversity of classes and cultures,”1020 each campaign member in the West turned into a storyteller who is “an end, not a means”1021 which is a principal of preserving human dignity. I would encourage future Iranian feminists to further embark on the deconstructive method of posing a challenge to Western and secular feminist hegemony and offer their own “formulation of autonomous, geographically, historically, and culturally grounded feminist concerns and strategies”1022 wherein the West was no longer “the point of reference.”1023 As they narrated and critically explored their history of women’s activism in Iran and articulated and exchanged indigenous feminist methods arising from the heart of their lived experiences, they managed to that radically interrupt “the colonial discourses of rescue and save.”1024

Narrating women’s stories from their own perspectives and deconstructing the hegemonic representation of autonomous womanhood, some reformist Islamic voices challenged the misrepresentation and discrediting of Islam by imperial Euro-American feminist approaches “that reinforce reductionist views of Islam as a peculiarly sexist religion”1025 in some prolific scholarly efforts. These reformist Islamic scholars include, but were not limited to, Amina Wadud, Asma Barlas, Ziba Mir-Hosseini, Sa’diyya Shaikh, Gwendolyn Zoharah Simmons, Leila Ahmad, Margot Badran, Miriam Cook and many others. The common denominator in their work was to confront patriarchy in their own sociocultural milieu, disguised by religion and tradition. These international scholars critically analyze the structural marginalisation of women in society in order to transform power relations and facilitate human wholeness in the realization of gender justice.

1018 Supra note 894 at 182.
1021 Supra note 297 at 2106.
1022 Mohanty, Under Western Eyes: Colonial Discourses supra note 26 at 51.
1023 Ibid at 52.
1024 Supra note 894 at 183.
1025 Supra note 998 at 149.
They also challenge the broader Western enterprise which aims to discredit and misrepresent Islam through Euro-American feminist approaches that rest on reductionist views of Islam as a misogynist faith.

6.3 Final Remarks

In offering a theoretical analysis of the campaign, I have attended to various aspects of OMSC’s feminist praxis and highlighted its multiple methods and approaches, which at some points had apparent internal contradictions. The majority of OMSC activists were culturally muslim, yet, they grounded the campaign’s feminist praxis within a secular discourse. OMSC adopted western liberal approaches to law by having a firm belief in the rule of law. Based on such view, the campaign sought law reform to legal-based discrimination to realize formal equality and ultimately gender justice. OMSC’s understanding of law, whether faith-based or secular, was not ontologically nuanced and law’s claim to neutrality, objectivity and its power to further push women’s demands into the periphery was not critically analyzed. The campaign remained in the purview of the state and its laws. Hence, the campaign became a formalist legal centralist campaign. While the campaign’s positivist approach to law sought reform to the Iranian legal provisions by replacing them with another set of legal norms such as CEDAW, in a paradoxical shift, OMSC declared that its demands did not contradict Islamic Shari’a. That is, if appropriate hermeneutic methods are employed, gender justice is realizable within the Islamic legal canon. I am of the opinion that OMSC does not contest law itself, but wants to reform improper laws that subjugate women. Hence, the founding structure of gender discriminatory attitudes such as patriarchy and the male-dominated religious institutions and the gendered nature of law remain theoretically unmapped.

OMSC is mainly situated within the liberal feminist ethos, particularly its equality-analysis within the legal system. Giving an a priori position to law reform potentially limited the constituencies of the campaign to middle and upper class Iranian women. The influence of a liberal feminist legal approach led the Iranian campaign to, firstly, assume the concept of law in its western liberal format, and secondly to fail to develop a theoretical analysis of the foundation of laws and the hindrances that impede women’s access to their human rights. However, as OMSC’s experience
showed, equality analysis was not enough to fundamentally challenge the patriarchal machinery and sexist domination.

Radical feminism suggests that mere identification of discriminatory laws against women is insufficient. Radical feminists might suggest a better strategy for campaigns such as OMSC would be to critically analyze the power structures within state institutions and their relation to perpetuating subjugation of women. Radical feminists identified the state as an extension of male power and the translation of men’s will to regulate women’s sexuality. OMSC also limited its collaboration with the state, because of seeing the state as a male dominated institution. Instead the campaign wanted to keep its ideological affiliation safe from the government. OMSC’s FFD sessions provided diverse forms of challenging patriarchy, raising public awareness about the unprivileged status of Iranian women in the legal system and bringing women’s sufferings out of isolation. As a result, new knowledge emerged about how the patriarchal construct of the traditional body of Iranian society caused women’s collective pain. Such results increased the potential for the OMSC to translate them into proactive political action. In other words, in FFD sessions, what was personal became political.

Postmodern insights on power being dispersed within a society are essential for campaigns such as OMSC in order that they can break free from the radical feminist perception of women as eternally being imprisoned in the oppressor-victim model of domination, and their own rhetoric of Iranian women as second-class citizens and victims of legal oppression. By posing an implicit ideological change to Iranian patriarchal legal thought and institutions, OMSC took a nascent postmodernist deconstructive stance by targeting certain discriminatory laws against women and facilitating public debates over them and raising people’s consciousness. Additionally, OMSC suggested that their proposed law reforms are not contrary to Islam if progressive interpretations are applied to traditional religious norms and reflected in its canon.

However, the unreflective transplantation of liberal feminist ethos about women’s universal sufferings hampered the campaign’s efforts to delve deeper into its political Third world context and create a specifically Iranian methodological and analytical feminist praxis. In my view, TW feminism is a persuasive framework within which Iranian feminism can challenge hegemonic value systems and find their voice and agency within their complex geographically and culturally
specific socio-historical positioning. Through such critical perspective, future Iranian feminist movements can refine their collective reflection on common problems from an autonomous Iranian standpoint. I suggest that TW feminism recommends engagement with the state as a sustainable route in non-liberal democratic states. Such engagement with segments of the state that are open to the argument, is in fact more complex and contextually informed in compare to radical feminist’s perception of working with the state. Radical feminism emphasizes the persisting oppressive/victim relation of the state as an extension of male power and passive women, whereas TW feminism encourages an engagement that is interactive, discursive, agentive and tactical.
Chapter 7: Conclusion: Iranian Feminism: Past and Future

To conclude, I firstly review the considerations that led me to propose the two main questions of my dissertation. Secondly, I outline and discuss my observations and the conclusions of my main two arguments.

7.1 My Journey From Questions To Findings

I aimed to treat the emergence and formation of OMSC with utmost respect in my dissertation, as this thought-provoking feminist campaign guided my personal and academic journey through which I began to identify myself a feminist. OMSC was the child of the fifth generation of women’s activism in Iran that gained prominence during the development and reform era in Rafsanjani and Khatami’s presidential terms. The socio-economic and political climate in this era was mostly concerned with religious or secular middle and upper-class Iranian women. Regardless of the lower class women who followed and believed in Ahmadinejad’s populist discourse, the younger generation of Iranian women activists appeared to be more devoted, keen, bold and courageous in claiming their feminist demands. As the reform era ended, and the internal procedures of socio-legal changes were no longer accessible due to the rise of Ahmadinejad in 2005, new forms of grassroots activism launched their social actions and placed their bottom-up collective forces and praxis outside the official establishments.

My critical observation of the five generations of women activism and their intersection with law, state, class, religion and ideology gave a pertinent contextual background to contemporary feminist activism in Iran. I traced the repeating patterns of uncritical and unreflective approaches to various aspects of Iranian women’s activism as well as feminism. In particular, attention to structural paradigms of gender inequality remained untouched and the ethos of liberal feminist thought on formal equality, legal centralism and statism became the continual pattern of iterating women’s demands. Most importantly, the relationship between feminists and women activists on one hand and the state and religion on the other remained blurred and undertheorized. Although these patterns continue to be even more entrenched in the Iranian context, OMSC, to certain extent, turned a new page in the 150 years’ history of women’s activism in Iran and became one of the
very first of its kind using conscious feminist methodology. Echoing the Iranian women’s marginalized voices, the campaign extensively networked and employed cyberspace, media, and public and private spaces to attract, educate and mobilize Iranian men and women in both national and international arenas. Enriched by feminist theories that developed and presented legal demands, OMSC addressed the Iranian Islamic Republic to support their cause.

OMSC made two major demands for gender equality. In their first demand, the Iranian legal system is perceived as discriminatory towards women and as a normative structure that treats women as second-class citizens. In response, the campaign proposed to replace this normative Shari’a law with the secular CEDAW norms. The campaign’s demands suggest that this legal shift from Shari’a to CEDAW norms will secure women’s well-being and advancement. While the campaign implies that Shari’a law greatly contributes to the degraded status of the Iranian women, it asserts that its demands are not in stark contrast with Islam. The campaign utilized the intellectual gaps and debates between progressive and traditional religious scholars to their advantage by referring to the possibility of having progressive legal provisions that are legislated in light of ethical and hermeneutical reading of Shari’a.

As outlined in chapter one, authors disagree about the impact of law on women’s status after the 1979 Islamic revolution. Sanasarian believed that women’s status and activism were vastly repressed in the presence of ‘bad’ laws in the newly formed Islamic Republic of Iran. I have suggested that Sanasarian’s definition of women’s advancement drew too heavily on viewing law as the ultimate indicator of progress. Sanasarian’s view is aligned with Afkhami’s, the minister of women’s affair under Mohammad Reza Shah Pahlavi, who stated that “[t]he law as the expression of the will of the state was indispensable to the securing of women’s rights in Iran.”1026 Both views excessively rely on state-sponsored laws that place the responsibility of women’s well-being or misery in the hands of the patriarchal state and its laws. OMSC followed the same approach in understanding women’s status in post-revolutionary Iran and carried out its feminist praxis accordingly. Sanasarian labelled the post-revolutionary era as one that repressed women. Afkhami noted that good state laws are crucial to secure women’s advancement, thus she idealized state-
sponsored pre-revolutionary Pahlavi feminism and highlighted the struggle of Iranian women in the post-revolutionary era with its multitude of gender-discriminatory laws. However, in my dissertation, I argue otherwise. Through historical, doctrinal and textual examination of Iranian women’s situation, I argue that the legal structure cannot be held as the sole factor responsible for the stagnation or advancement in women’s lives.

This dissertation has primarily tried to reveal how formal legal indicators fail to capture Iranian women’s life advancement in the so called repressed post-revolutionary era. Particularly the term ‘repression’ should be carefully used, especially when other indicators of women’s advancement determine their improving status. In my view, calling post-revolutionary Iran, ‘a repression of women, as Sanasarian does, has proved to be a hasty judgement. It is true that women faced an authoritarian regime that imposed mandatory hijab and gender segregation, and temporarily introduced various laws such as retribution, blood money and stoning to the Iranian society. Under such circumstances, women’s rights to divorce, education, travel and work in certain fields were reversed and limited in various ways. However, Iranian women found a host of new ways to fight against these laws, and were not passive subjects. Indeed, they were assertive and courageous in challenging the prevailing patriarchal practices and ideologies of the state and demanded the equality and social justice that was promised to them by the Islamic revolutionaries who mobilized women in masses for the establishment of the Islamic Republic. Although Iranian women did not effectively resist these unfavorable changes through organized campaigns, they showed their opposition through their everyday choices in education, employment, sport, art, music and by having a keen interest in running for political offices. Their non-legal efforts ultimately led to many transformations in their socio-legal status; as Bayat observes, Iranian women became extremely successful in

reinstat[ing] equal education with men, curtailing polygamy, restricting men’s right to divorce, demonizing religiously sanctioned *mut’a* (temporary marriage), reforming marriage contracts, improving the employment status of women, bringing back women as judges, debating child custody, and to some degree changing gender attitudes in the family and in society. Women’s seemingly peculiar, dispersed, and daily struggles in the public domain

1027 See more at *supra* note 28.
not only changed aspects of their lives, but they also advanced a more inclusive, egalitarian, and women-centered interpretation of Islam. 1028

These positive changes in favor of women in the years following the revolution created a counter-narrative to Afkhami’s and Sanasarian’s portrayal of post-revolutionary Iran, in which they believed the state’s legal regime to be the sole determinant of women’s condition. This statist and formalist perspective, which posits all the responsibility on the state’s shoulder, fails to take into consideration women’s agency and their priorities to elevate their own status in any given socio-political context. Such perspective would predict severe decline in women’s movements and their feminist demands by understanding women’s advancement only through legal reform and state sponsored-feminism.

At the verge of the 1979 revolution, however, the torch of women’s activism was passed on to the ‘average Iranian women’ 1029 who received inadequate attention with regards to their socio-political and economic demands. The revolution particularly became an opportunity for religious and lower-class women who persistently sought justice, equality and freedom. Building upon the agency they owned and displayed throughout the revolutionary years, the less affluent Iranian women activists started to bring their demands to the political vanguard. As they slowly but surely moved from mere political affiliation to a more gender conscious feminist agency, they began their letter writing campaign to influential grand ayatollahs and female MP’s about the discriminatory divorce laws and displayed their dynamic feminist collective forces in transforming their personal issues into political one. Unfortunately, the voices of professional, middle class educated women from the third generation of feminist activism during the Pahlavi era remained quiet. The statistical data relating to Iranian women also pointed to other signs and indicators revealing women’s advancement in post-revolutionary Iran even at the presence of a regressive legal atmosphere. Although it first appeared that this regressive situation was impossible to reverse; in Haleh Esfandiari’s perspective, 1030 Iranian women won considerable advancements in their reproductive

1028 Supra note 793 at 161.
1029 Supra note 627 at 5-6.
1030 Supra note 627 at 33.
rights, access to education and the labor market, political activism, protection against domestic violence and moving towards equality in marriage, divorce, inheritance and blood money.

The data that was referenced in the introductory chapter also showed promising and encouraging crucial changes in the basic indicators of women’s advancement that cannot be dismissed easily. In the shadow of the post-revolutionary misogynist legal treatment of women, to our greatest surprise, Esfandiari observes that since the revolution, “women have persistently emerged as one of the most dynamic political forces in the Islamic Republic.”1031 She continues that despite all legal and socio-cultural impediments, “they have won considerable freedom in education, employment, the public sphere and personal dress.”1032 Along with organized women’s activism, post-revolutionary Iranian women built their own individual paths through what Fatemeh Sadeghi names as ‘quiet encroachment’1033 taking shape after long struggles between women and the state. The quiet encroachment entails the “individual behaviors that are breaking the limitations and rules of traditional familial spaces while also defying the desexualization of public spaces imposed by the Islamic government.”1034 During the rise of Ahmadinejad, the focus of women shifted from seeing religion as ultimately responsible for discriminatory laws, to the sources of political power relations and the arbitrary usage of this power in Iranian society.

Moreover, Halper emphasized that women’s status can be observed and analyzed through means other than a strict rights-based perspective, as a law-centered approach cannot entirely understand women’s day-to-day experience in Iranian society. Searching for an alternative to the formal legal-based approach, Halper focused on the “advancement of women.” She looked at women’s development indicators such as “their control of reproductive life, access to education, equality in labor, pension, and criminal legislation, protection against harassment and violence, and women’s role in the so-called public sphere, whether in the labor market or in political action.”1035 Halper’s deviation from a formal, rights-based approach used as the sole indicator of women’s progress

1031 Ibid.
1032 Ibid.
1034 Ibid.
1035 Supra note 34 at 87, n. 8.
assisted my understanding and comparison of Iranian women’s advancements in the pre- and post-revolutionary era, and made me further question feminist campaigns that draw too heavily on law and legal reform while glossing over how women defied, negotiated and even bypassed all discriminatory laws and ideologies.

Through exploring post-revolutionary feminist activism, I came to see OMSC as being exemplary of post-revolutionary Iranian women’s activism, and as an excellent example of feminist campaigns. The OMSC aimed to unite grassroots socio-political forces from below, and not from within the official power structure, in order to reform non-egalitarian, nationally-legislated laws to end discrimination against women. Toward this end, OMSC used an important body of international law, CEDAW, to lay out an agenda for national government action to end gender discrimination. The principal materials that OMSC engaged with were discriminatory laws against women, as well as enhancing women’s agency towards challenging these laws. In both strategic plans, the OMSC needed to address political power and most specifically the legislature, while the method of the campaign itself claimed to be strongly organized through grassroots activism. For the campaign, law reform was a viable medium to achieve gender equality and women’s advancement, and it asked for CEDAW to be implemented domestically through national parliamentary ratification.

Through my research, I attended to various aspects of OMSC’s feminist praxis and highlighted its multiple methods and approaches that at some points showed apparent internal contradictions and uncritical theorizations. I have observed that in its theoretical and strategic policies, there are some commonalities between Afkhami’s and Sanasarian’s approach to law and the state with that of OMSC. I also found that OMSC’s feminist legal theory has many points of mutuality with liberal and radical feminism. These western tropes of feminism, especially mainstream liberal feminism, were whole-heartedly accepted by the Pahlavi state-sponsored feminism of the third generation. OMSC defined itself within the Iranian constitution, justified its place within the Islamic Republic of Iran, and worked on national reform projects that need to be completed through legal reforms. At the same time, it presented itself as a secular feminist endeavor inclined towards a more secular sets of norms rooted in CEDAW. In other words, the campaign sought a legal paradigm shift from Shari’a Law to CEDAW norms.
Methodologically, OMSC utilized a women-inspired design of non-hierarchical management that was based on trust and collaboration. In this system, there are very few or no organizational commands, the members have no predefined agenda regarding their duties, and there exists little or no enforcement to achieve what would be called “coordination without hierarchy.” Several senior members receive members’ reports rather than one particular leader, and members are all equal in power with very few rules to govern them. This approach led the campaign to organize various OMSC sub-committees such as the men’s committee which was founded in 2006. These sub-committees encouraged feminist community engagement through their horizontal coordination to engender distinct responses to Iranian laws. Overall, OMSC focused its collective efforts to push the state to directly attend to women’s demands. The pressure is on the state that once promised the Islamic model of social justice would guarantee women’s wellbeing in and of itself.

OMSC, one of the most inspiring feminist uprisings in Iran, has unfortunately faded away. Without collecting the required one million signatures, it dissolved in the broader Green Movement in the face of the state’s violent raids against its members. The unfortunate statistical data indicate that only 8.18% of people aged 18 and above in the capital city of Tehran were aware of the campaign, with most belonging to up town districts. The popular response to the law reform project of the campaign was a negative attitude towards feminism and its secularization tendencies, which suggests that the campaign was not successful in mainstreaming its demands even through FFD sessions and its educational workshops and materials. The lesson is that pure pragmatism that lacks clear theoretical grounding, intersectional positioning, and straightforward explanation of the socio-political context of Iran is not enough to guarantee feminists’ progress in achieving their demands. As a result, I felt compelled to offer an unprecedented feminist legal lens to evaluate the different aspects of OMSC and academically contribute to future feminist endeavors in Iran.


\[1037\] Supra note 941.
7.2 Critical Observations, Findings and Suggestions

In my dissertation, I have critically studied OMSC within the socio-political context of 150 years of Iranian women’s activism, and through theoretical analysis, I explained my observations. Consequently, I have invited feminists in Iran to consider new theoretical insights in order to enrich the contemporary conversation on Iranian feminist literacy. In other words, I explored the possibilities of shifting OMSC’s theoretical groundings from mainly Western perspectives/philosophies of feminism, including liberal and radical feminist legal theory, to postmodern and TW feminist approaches that intend to de-center law and the totalizing feminist knowledge that homogenizes and universalizes feminists’ struggles under western feminist standards. I explored the relations between OMSC and law, liberal feminism, radical feminism, postmodern feminism, TW feminism, and finally Islamic Shari’a law.

7.2.1 OMSC in Relation to Law

I have observed that similar to much emancipatory activism, law occupied a central role in the campaign’s demands and strategies, and was over-optimistically considered as a panacea to secure Iranian women’s well-being and advancements from a rights-based approach. I found that OMSC did not contest the law’s account of itself. Its legal approach was limited to reform of irrational improper laws that subjugate women. This approach looks for women’s inclusion and to reflect their experiences and interests in the state law that is presumed to be the neutral arbiter. In the campaign’s collected literature, it has been argued that “no such rectification [in women’s lives] can be imagined without [the legal reforms that] ….are no small goal”.1038 As a result, the campaign reinforced law’s hierarchical status above other competing emancipatory feminist discourses.

Furthermore, the legal demands of OMSC reinforced the ideological state with its patriarchal power by remaining in the purview of the state and its parliament to legislate formal equality. In this regard, the campaign showed little or no capacity to discursively challenge the founding

1038 Supra note 921 at 8.
structures of the state’s gender discriminatory attitudes such as patriarchy and the male-dominated religious institutions that further marginalize women. Instead, OMSC chose an alternative method to replace Shari’a based laws with the secular CEDAW as a superior alternative to Shari’a. As a result, I conclude that the campaign became a formalist legal centralist campaign with statist tendencies.

I believe that there should be a strong desire to expand the philosophical awareness for future feminist endeavors, to develop a critical understanding of the theoretical complexities involved in law and state apparatuses that inform sustained gender discrimination against women, considering the specificities of countries located in global south. By this, I do not suggest that law is not or never a viable possibility to move towards justice, but I emphasize the ways in which law should be engaged with and encourage its operation alongside other mediums such as contextually informed women’s agency. Attention must be paid to undertaking discursive engagement with law as well as carving space for women to narrate their positioning in relation to socio-cultural, and particularly legal restraints.

7.2.2 OMSC in Relation to Shari’a Law

OMSC defined itself within the Iranian Constitution, justified its place within the IRI, and worked on national reform projects that require legal reform. At the same time, it presented itself as a secular feminist endeavor inclined towards a more secular set of norms rooted in CEDAW. In other words, the campaign sought a legal paradigm shift from Shari’a-based norms to CEDAW norms. In an internal strategic contradiction, however, OMSC’s reconstructive method suggests that its demands are not contrary to Islam as an influential source of the Iranian legal structure, since Shari’a-based laws are not static and are mutable. However, the campaign itself did not have the capacity nor was it willing to challenge dominant religious ideologies in a feminist capacity. Instead, OMSC invoked Islamic reformist intellectuals’ agency by referring to their scholarly efforts to reinterpret Shari’a law from an Islamic framework. While some secularist campaigners believed that Shari’a is inherently misogynistic, some Muslim supporters\textsuperscript{1039} of OMSC firmly believed in the possibility of legal transformation through gender-inclusive reinterpretation of

\textsuperscript{1039} These supporters include but not limited to Zhila Shariat Panahi, Farideh Mashini and Nahid Tavassoli.
certain Islamic provisions regarding Muslim women. OMSC’s partial reliance on a discursive engagement with Shari’a law and employing new hermeneutical methods to deduce egalitarian gender inclusive laws gained the support of some progressive clerics from the holy city of Qom.1040

The latter segment of the OMSC thus took a different approach in engaging with the law and its potential for change. I argue that this view deviates significantly from OMSC’s formalist, statist and positivist approach to state-sponsored laws predetermining women’s status. The campaign’s reliance on progressive Islamic jurisprudence reveals its strong commitment to postmodern hermeneutics, deconstruction, discourse analysis, and most importantly, women’s agency. Their engagement with Shari’a law offers a holistic view of law and acknowledges its limitations as well as its possibilities. Furthermore, it does not formalistically divide laws as being either bad or good. I argue that through this internal contradictory understanding of law and legal reform, the reconstructive campaign that once sought secular norms such as CEDAW to replace Shari’a, instead morphed into an Islamic constitutionalist campaign. Hence, one may conclude that it is not the religion to be blamed for women’s discriminatory laws, but the power and the political systems that are resistant to their perspective, experiences and demands that need to be tackled.

I suggest that the circumstantial feminism1041 that is posited by Noushin Ahmadi reconstructs the status quo rather than offering a nuanced problematization of Shari’a based law through deconstructive legal approach. In fact, circumstantial feminism does not adequately theorize the Iranian feminists’ approach to law and fails to strategize a feminist praxis that is legally informed. Hence circumstantial feminism uncritically and unreflectively moves back and forth between what is known as religious laws and secular liberal legal perceptions based on CEDAW. Remaining within the Islamic state’s constitution and lobbying for changes to Islamic discriminatory laws, the campaign lost the interest of some feminists from secular and leftist camps. OMSC’s endorsement of the CEDAW also alienated some Islamic feminists. This legal reform approach from within the

1040 For example, Ayatollah Sanei and Ayatollah Bojnordi were amongst the clerics who have for many years confirmed women’s requests to revise gender discriminatory laws. For them these revisions are not contrary to Islam. See more at Appendix III Tohidi, Rahma, trans. “The Effect of Laws on Women’s Lives” (August 2006) online: Change for Equality <http://we-change.org/site/english/spip.php?article41>.

1041 Noushin, Narrative supra note 132 at 97.
religious normative world faced an enormous backlash from leftist members of the campaign. For them, the preferred strategy was to overthrow the Islamic theocracy altogether so that egalitarian, secular laws could govern gender issues in Iran.\textsuperscript{1042} I posit that feminists should not subject their demands to fundamental changes in the state. I argue that, alternatively, activists should work on short-term demands which empower the civil society and its institutions, paving the way for long-term goals such as making the state more accountable for its larger structures of domination and discrimination based on ethnicity, gender, race and class.

### 7.2.3 OMSC in Relation to Liberal Feminism

OMSC’s theoretical grounding is based on the liberal feminist approach that seeks legal sameness through equality analysis within a system that is extremely gendered. Similar to Afkhami’s approach in the Pahlavi era, Noushin Ahmadi, the backbone of the OMSC, also guided the campaign towards improving the laws (read state laws), including women in legal structures, and paving the way for increasing women’s active presence in public spaces to achieve fairer treatment of women. Although historical repetition of the Iranian state giving little or no attention to women’s demands has been amply proven, OMSC like many of its predecessors, did not survey the law’s limitations and its prolonged failure to respond to feminist challenges. Therefore, we may conclude that through adopting liberal feminist ideals, OMSC did not object to the law itself, but opposed what it construed as bad laws that lead to Iranian women’s experiences of legal discrimination. In such theoretical grounding, I have observed that OMSC failed to understand and analyze the gendered nature of law in both its implication and application. I have also observed that feminist campaigns such as OMSC that situate themselves within a liberal feminist model have to then operate under the hegemonic legal culture that is phallocentric and requires conformity to mainstream male modes of thinking and behavior that impede women’s creativity to bring their gender informed demands forward. I believe that the focus on equality rights and discriminations against women cannot challenge nor eradicate the patriarchal apparatuses within our society. Future Iranian campaigns should further attend to a more sophisticated and gender

\textsuperscript{1042} See more \textit{supra} note 661 at 26-38.
conscious theoretical engagement that tackles the fundamental relations of such systems of domination.

Moreover, OMSC, unlike liberal feminism, was not able to extend its legal demands to achieve substantial equality. In fact, the campaign remained within unsophisticated formal equality demands in areas such as marriage, right to divorce, custody and inheritance that were based on men and women’s equal status. In Littleton’s language, OMSC translated its concrete experiences of discrimination and subordination to formal legal demands. In my further theoretical explorations, I encountered more complex understanding of law such as radical, postmodern, and TW feminist approaches that all shed light on past and future Iranian feminist approaches to law. The campaign’s demands only limited to *de jure* legal reforms. However, its educational workshops and FFD sessions made some efforts to reach private familial spaces and to explore *de facto* discriminations that were based on multiple grounds of discrimination and remained hidden and isolated. The prioritization of legal equality and reform demands limited the audience of the campaign to mainly upper and middle class urban women who have broader access to legal procedures. Similarly, in the pre-revolutionary era, feminism became a modernist liberal ideology that was initiated by the state, but results were not realized except for the small minority of upper and middle class women. I have also observed that similar to liberal feminism, OMSC idealized autonomous independent women as a universally shared aspiration. Future Iranian feminist endeavors should take care to distinguish their idealized self-governing woman from those individualistic competitive subjects that fail to recognize the values attached to solidarity building and collective actions.

It is important that campaigns such as OMSC that are situated in the global south become aware of the universalizing effects of such totalizing cultural representations of women. As TW feminism has shown, such claims can perpetuate essentialist portrayals of different classes, cultures and religious background and perpetuate other status-based discriminations rooted in imbalanced access to power. For example, the liberal feminist influence on OMSC would create a rhetoric of saving Iranian women from religious-based bad laws, and that is the result of the hyper-legalization

1043 *Supra* note 198 at 1284.
of feminist activism that pushes aside a more nuanced analyses of class difference, ethnicity, ability, patriarchy, religion, power and politics that would move beyond the question of legal-based equality. I argue that although mainstream liberal feminism continues to shape Iranian feminism and appears even more entrenched than before, the development indicators in the introductory chapter showed challenging results. Finally, Iranian women’s life advancement despite the regressive laws reveals that Iranian women are not dependent on existing state laws to the extent that formalist and statist liberal feminism claims. On the contrary, they have challenged, influenced and contested the law to generate promising developments.

7.2.4 OMSC in Relation to Radical Feminism

As chapter two showed, radical feminism undertook a series of challenges to the state’s institutions that extensively contribute to women’s subjugation by engaging with the relationship between gender, state and power. Such perspective led the radical feminists to perceive the state as an entity with patriarchal aspirations that treats women the way men do. Hence, they became very pessimistic about possible collaborations with the state as it is an extension of male power seeking to regulate their sexuality and control their familial relations. Moreover, as much as liberal feminists sought to collaborate and include women’s voices in public institutions such as law and the state, traditional radical feminism is cynical regarding such collaborations. In the same vein, I have observed that OMSC ideologically distanced itself from the Islamic state, mainly due to the perception that such state is the epitome of misogyny and Islamic fundamentalism. It is ironic then that the campaign’s strategy seeks the Islamic parliament to actualize their legal reform demands.

OMSC lacked critical sophistication in its approach to law and had an ironic, ambivalent and inconsistent relationship with the state. However, it was involved in FFD sessions that share many similarities with the CR method that was introduced by radical feminists. These sessions were meant to raise awareness about the unprivileged status of women, and their experiences, in the Iranian discriminatory legal system. These dialogues primarily tackled the negative effects of discriminatory laws that were not readily visible in the society, and at some points appeared normal and natural.
Radical feminists’ understanding of patriarchy is one in which women are seen to be trapped in the oppressor-victim role so long as they live in a patriarchal society. This view is reflected in OMSC’s petition that talks about how women are treated as second-class citizens, and how discriminatory laws devastate their lives. However, certain conversations in FFD sessions shifted women’s focus from their sufferings to their powerful sense of agency to critique the prevailing gendered legal ideologies and construct alternatives. In fact, the women-centered FFD encounters offered an amazing capacity to bridge the knowledge derived from women’s private circles to public political spheres, deconstructively contributing to the world of feminist organizing. Furthermore, in the FFD sessions, and especially in train the trainers’ educational workshops, the campaign was able to challenge the hierarchical transmission of knowledge from top to bottom. Hence OMSC promoted FFD sessions beyond the elitist feminist circles in a horizontally structured campaign that further highlights reflection, choice, responsibility and consciousness to encourage moral decision making. These subjective endeavors led to prolific empathic stories, poems, performing arts, journal articles, blog writings and more, throughout which the object and subject of their knowledge creation superbly unite.

7.2.5 Postmodern Feminism and the Future of Iranian Feminism

OMSC mainly focused on the law, which skillfully obscures its gendered nature in its content and application. Postmodern feminist understandings of the law take a more complex and nuanced theoretical approach that I suggest are useful for future Iranian feminist endeavors. In my view, the primary teaching of postmodern feminism for OMSC would be that they should not merely resort to law, due to the fact that law is fundamentally incapable of assisting gender egalitarian movements. In fact, law will ultimately impede their efforts or at least limit their power to eliminate legal discriminations by constant legitimization and de-legitimization of women’s rights in various socio-historical eras. The key element of the postmodern feminist approach to law is that feminists may maintain law in their praxis and transform it to a potent site of struggle, but not necessarily focus on law reform. Instead, they should constantly challenge such an important signifier of masculinist power within a discursive realm\textsuperscript{1044} which would include law. Thus, women’s agency,

\textsuperscript{1044} Smart, Power of Law supra note 11 at 2.
as well as the power of laws, become contesting forces that circulate amongst several networks and environments and no longer exclusively belong to certain groups like men or the state. I suggest that such a positive theorization of power and gender breaks feminist consciousness free from the radical feminists’ perception of women as eternally imprisoned in the oppressor-victim model of domination. This postmodern effect is crucially important for future feminist activism as it shifts their focus from women’s disadvantaged condition, and tackles the commonly felt sense of chronic powerlessness that might have prevailed in women’s consciousness in their local struggles due to their persistent failure to succeed in creating a gender-egalitarian society. Discursive engagement with power is enlightening for future Iranian feminist endeavors for imagining alternative accounts of social reality, planning for individual or collective possibilities to contest power, and thinking of non-legal approaches to destabilize dominant ideological forces. Although OMSC was involved in various non-legal activities, they were not theorized as an extra-legal means to challenge the law itself as a signifier of masculinist power that governs women’s sexuality and lives.

While OMSC’s approach to law is reconstructive due to its conforming to the Iranian constitution and playing within Islamic laws, the FFD sessions opened new postmodern deconstructive possibilities. The campaigners and signatories involved in FFD implicitly posed ideological challenges to Iranian patriarchal legal thought and institutions by holding public and private discussions about them, telling stories and raising people’s consciousness in order to force the prevailing legal structure to be inclusive of women’s demands. In terms of OMSC’s approach to Shari’a law, the campaign implicitly pointed to the presence of alternative interpretations of the Islamic legal structure. I have observed that although the campaign’s perspective on law in general is formalist and determinist, its approach to Islamic laws implies the possibility of a deconstructive approach to law and dominant religious knowledge to uncover and re-invent meanings that have been marginalised or even forgotten. The self-claimed secular campaign utilized deconstruction as a critical process delegated to reformist Islamic intellectuals without endorsing their crucial role and presence to deconstruct religious legal texts and the belief system that informs them. I believe that a postmodern approach in faith-based feminist scholarship could focus on the loss of religion’s core ethical message rooted in the ever-increasing hyper-hierarchization and over-
institutionalization in religion and move towards uncovering the monopoly over religious interpretations’ monopoly and the democratization of religious knowledge.

7.2.6 Third World Feminism and the Future of Iranian Feminism

Throughout my dissertation, I have outlined the extensive influences of liberal and radical feminism on Iranian feminist activism, particularly on the Pahlavi state feminism of the third generation, and OMSC of the fifth generation. During its early stages of development, OMSC, at least in its theoretical and pragmatic groundings, functioned as a reflection of a first-world feminist center, although the campaign called for more “agentive” rather than “passive” feminist praxis. Later, as the campaign became more recognized transnationally and its intellectual exchanges expanded due to the forced emigration of the campaign’s activists and their encounters with their mainly European and American counterparts, there appeared a unique opportunity for Iranian feminism to move from the margins to the center that western feminism has been historically positioned at. In my dissertation, I suggest that the rich rhetoric of TW feminism and its critical understanding of universalizing and orientalizing effects of liberal and radical feminism are crucially important. I also maintain that TW feminism provides a compelling challenge to the universal representation of women and its hegemonic value systems that are claimed to be shared by all women. I believe that such a feminist approach will assist future Iranian feminists to differentiate their voices, inform their agency and deepen their understanding of their complex socio-historical positioning that is geographically and culturally different from western-based liberal and radical feminism. The TW feminist theoretical approach is essentially important for feminist discourse in the Iranian context due to the fact that feminism has always been labeled in Iran as inauthentic and accused of being a western import.

Further, liberal feminism, despite its value in initiating feminist movements, increasingly became an upper and middle class feminism that was not inclusive of less affluent or lower class Iranian women. Such an exclusive nature has been experienced in instances such as the Pahlavi feminism’s display of domination, where the voices of so-called religious harem women, and lower-class
Iranian women of rural area who were infantilized and treated as submissive, passive beings became absolutely absent. Such encounters were rooted in the ‘global sisterhood’ that the liberal Pahlavi feminism adhered to. The global project of sisterhood portrayed one group of sisters from the dominant global north who continued to educate and enlighten their lesser informed global subaltern sisters of the south. For instance, Mahnaz Afkhami, minister of women’s affairs during the Pahlavi era, required Iranian women to “think globally, that is, move beyond the indigenous culture they have objectively outgrown… [Otherwise] their discourse remains nationalistic, parochial, fearful, tradition-bound, and rooted in the soil of patriarchy.” Global sisterhood was lending itself to privileged Iranian women to enlighten their veiled, backward, traditional and often working-class sisters by reproducing the orientalist feminist mission “to change a dormant, cautious women’s movement”. In my view, even in the presence of relatively progressive laws, the benevolent women activists of Iran reproduced the colonial missionary language that contributed to constructing the image of the subjugated, passive and submissive Iranian women in a global hierarchy of power.

Therefore, TW feminism is a tool to be used against the universalization and orientalizing apparatuses that seek to homogenize the world by providing a contextually informed feminist theory and practice to explore various forms of subjugations and numerous forms of collective resistance. I would like to refer to the distinct way that TW feminism promotes feminist collaboration with the state. In my understanding, the statist liberal feminists looked up to the state and its laws for support and inclusion of women’s voices and demands, similar to what has been observed in liberal state-sponsored Pahlavi feminism, and to some extent the OMSC’s approach. Radical feminists, however, predominantly alienated the state as an extension of the male power. TW feminism fortifies its engagement with some segments of the state as a partner in a joint venture, a viable route, especially in the countries that are not entirely based on the ethos of liberal

1045 Supra note 43 at 242.
1048 Esfandiari, Middle Eastern Women supra note 626 at 5.
democracy under the rule of law. Therefore, I believe that unlike the OMSC, which emphasized on keeping its distance from the government and Islamic feminists, future Iranian feminist strategies should expand their coalition-building with particular compartments of the state in various socio-cultural and legal issues and confidently turn themselves into authentic representatives of their culture and active participants of their everyday national discourse.

Furthermore, I have observed that the rhetoric of the campaign’s petition concerning the legal treatment of Iranian women reproduced the assumption of mainstream western and orientalist feminists who believed that a Muslim backward-oriented society is the worst place for women. In their view, oriental women belonged to one coherent group, regardless of their class, ethnicity and religion, who are treated as second-class, oppressed and passive, without carefully considering their historical specificity and their uniquely complex condition. Additionally, the campaign’s appeal to CEDAW looked up to this privileged set of cultural and legal norms that were inspired by standards that were initially secured for the sovereign liberal western women and perceived it as a universal demand shared by all women. I have concluded that, in Mohanty’s language, OMSC gave a cross-cultural validity\textsuperscript{1049} to the hegemony of liberal feminism. In my dissertation, I have advocated for TW feminism as a contextually informed path for gradual changes in close collaboration with their states and male counterparts.

7.3 Future Research Projects

In my view, a number of research projects should be embarked upon in the contemporary Iranian context regarding law, state and feminism. Islamic feminism is amongst my own future projects on hybrid feminism that is informed by both postmodern and global south feminism. For me, Islamic feminism offers an evidently progressive and transparent approach to the inter-connections between, law, state, patriarchy and feminism by using the finely tuned intra and extra-religious language that is situated within the Iranian context as a site of its struggle. These days, Iran experiences new challenges to the mandatory hijab via a new campaign called “the girls of

\textsuperscript{1049} Mohanty, Under Western Eyes: Colonial Discourses supra note 26 at 199.
revolution street\textsuperscript{1050} to challenge such symbolic display of domination over women’s bodies. I would like to see this challenge extended to official state-generated Islamic law as yet another instrument of oppression.

In my opinion, future research on Islamic feminism has to focus on its unique creative and dialectical potential to discursively engage with and critically theorise the state and Islamic Jurists’ manipulation of Shari’a law in the pursuit of its patriarchal interests and thus, shift the power in the Islamic state. The anti-colonialist and anti-orientalist potential in Islamic feminism could allow Iranian feminism to develop a homegrown feminist discourse that challenges closed, logocentric Islamic approaches to women, especially within its modern written legal canon. Islamic feminism can extract alternative meanings from the text and analyse every single hint to elevate women’s potential. It is crucial to explore Islamic feminist theoretical and methodological approaches to the Islamic state as they (a) break free from the oppressor-victim pattern of domination through seeking democratization of law in favor of advancement of women’s status and (b) distance themselves from a liberal formalist statist approach to the laws governing women’s life in Iran. I suggest that this step can be taken in the light of the eloquent theory of comparative justice by Amartya Sen.\textsuperscript{1051} This theory, as opposed to liberal Rawlsian theory of justice,\textsuperscript{1052} commits itself to an auspicious mission of reducing injustice rather than striving for a supremely just condition. In Hilary Putnam’s words, this theory can yield the judgements “that tell us when and why we are moving closer to or farther away from realizing justice in the present globalized world.”\textsuperscript{1053}

I also suggest that in the current Iranian political atmosphere, there is a need for critical analysis of Iranian feminists’ relation with CEDAW, which is known as a secular liberal international instrument with possible colonial nature. Islamic feminists claim that “based on the Qur’anic teachings, justice is integral to the philosophy of law in Islam. However, justice is also an extra-

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\item Supra note 1052 at back cover.
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religious value*1054 which constantly evolves and changes in time and context. Hence, Islamic feminists’ anti-colonial and third world feminist critical lens towards CEDAW as a popular “point of reference”1055 in Iran is vital. In addition to CEDAW’s potential, Iranian feminists need to explore the extent to which CEDAW is a hegemonic colonial discourse, masked with the ethos of global sisterhood and imposing its agenda on women from diverse cultural backgrounds. Hence they can equip themselves theoretically and critically to argue for or against CEDAW within the Iranian state’s apparatus.

It would be also beneficial if future research explores the following concerns. First, elimination of discrimination does not necessarily create gender justice for women, as it only constraints certain practices by legal acts. Second, most CEDAW norms appear to be formed around the limited concept of freedom rather than the notion of justice. Third, CEDAW assigns states the role of implementing the process of elimination of discrimination, a notion which is quite undertheorized by dominant liberal Iranian feminism. The lack of profound theorization of feminists’ collaboration with a theocracy renders their female population as objects of discipline rather than partners in a joint enterprise to advance their lives.

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1054 Supra note 134 at 21.
1055 Supra note 150.
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Appendices

Appendix I: OMSC Petition

One Million Signatures Demanding Changes to Discriminatory Laws
A Campaign for Action
International Support

Iranian women’s rights activists are initiating a wide campaign demanding an end to discriminatory laws against women in the Iranian law. The Campaign “One Million Signatures Demanding Changes to Discriminatory Laws” is a follow-up effort to the peaceful protest of the same aim, which took place on June 12, 2006 in Haft-e Tir Square in Tehran.

We the undersigned, representing international women’s groups and activists, human rights organizations and activists, university and academic centers, and social justice initiatives, would like to express our support for Iranian women in their effort to reform laws and achieve equal status within the Iranian legal system.

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[www.we-change.org](http://www.we-change.org)
Address: Iran – Tehran – P.O.Box: 14335-851
Background Information

Campaign Description:

Iranian law considers women to be second class citizens and promotes discrimination against them. It is noteworthy that legal discrimination of this type is being enforced in a society where women comprise over 60% of those being admitted to university. It is generally believed that laws should promote social moderation by being one step ahead of cultural norms. But in Iran the law lags behind cultural norms and women’s social position and status.

Without a doubt, women of lower socio-economic status or women from religious and ethnic minority groups suffer disproportionately from legal discrimination. On the other hand, these unjust laws have promoted unhealthy and unbalanced relationships between men and women and as a result have had negative consequences on the lives of men as well.

On the other hand, the Iranian government is a signatory to several international human rights conventions, and accordingly is required to bring its legal code in line with international standards. The most important international human rights standard calls for elimination of discrimination based on gender, ethnicity, religion, etc.

The Campaign aims to collect one million signatures in support of changes to discriminatory laws against women. It will provide education on legal issues to the public and especially to women, raise public awareness, promote collaboration between groups demanding equality between men and women, and document experiences. The Campaign will be implemented through the following means:

1. Collection of signatures through door-to-door contact and dialogue with individual women;
2. Collection of signatures in places and events in which women gather, and where dialogue and discussions with groups of women can be carried out;
3. Implementation of seminars and conferences with the intent of raising the profile of the campaign, promoting dialogue, identifying supporters and collecting signatures;
4. Collection of signatures through the internet. The internet will be utilized to share information about the Campaign, including legal educational materials, and those interested in supporting this effort can sign petitions related to the Campaign.

Contact Information:
• For more information on the Campaign please visit: www.we-change.org or write to the Campaign Organizers at:forequality@gmail.com
Appendix II: About One Million Signatures Demanding Changes to Discriminatory Laws


Monday 28 August 2006
All the versions of this article:

Iranian women’s rights activists are initiating a wide campaign demanding an end to legal discrimination against women in Iranian law. The Campaign, “One Million Signatures Demanding Changes to Discriminatory Laws,” which aims to collect one million signatures to demand changes to discriminatory laws against women, is a follow-up effort to the peaceful protest of the same aim, which took place on June 12, 2006 in Haft-e Tir Square in Tehran. Preparation activities in support of this campaign commenced in June of 2006 and the campaign will be officially launched on August 27, during a seminar entitled: “The Impact of Laws on Women’s Lives.”

The collection of a million signatures in support of changes to the law is only one of several aims of this campaign. The Campaign will also aim to achieve the following:

1. **Promotion of Collaboration and Cooperation for Social Change:** This campaign intends to serve as catalyst in promoting cooperation between a wide spectrum of social activists in creating and advocating for positive social change.

2. **Identification of Women’s Needs and Priorities:** This collaborative campaign aims to develop connections and linkages with a broad base of women’s groups from different backgrounds. Direct contact between equal rights defenders and other women’s and citizens’ groups will allow those involved in the campaign to identify the everyday concerns of women, especially their legal needs and problems. On the other hand, this direct contact will increase awareness among the general population about the inequities that exist within the law.

3. **Amplifying Women’s Voices:** Through this campaign, the organizers hope to be able to connect with groups whose demands are left unheard. The campaign, relying on the needs identified by women themselves, aims to amplify the voices of women whose needs are often not addressed at the national policy level.

4. **Increasing Knowledge, Promoting Democratic Action:** This campaign is committed to increasing and improving knowledge through dialogue, collaboration, and democratic action. The campaign steadfastly adheres to the notion that real and sustainable change can be achieved only if it is community and needs driven and reflective of the desires and demands of the society at large. Changes to women’s status in society need to be based on the belief that legal problems faced by women are not a private matter, but rather symptomatic of larger social problems faced broadly by women. In other words, this campaign is committed to carrying out bottom-up reform and to creating change through grassroots and civil society initiatives, and seeks to strengthen public action and empower women.
5. **Paying our Dues:** The initiators of this campaign recognize that social change and the elimination of injustice are not easily achieved. It is through commitment to collaboration and hard work that we will be able to build the solidarity necessary to create change. Surely this solidarity and collaboration in pushing forth the objectives of the campaign will have a positive impact on the future of our country. The experiences of women’s democratic movements around the globe, and particularly, in countries within the region, have demonstrated that solidarity and commitment to the goals of collective action are key components to the successful elimination of discrimination. The struggle for equal rights in Iran will indeed be a lengthy, difficult and arduous process. The true path to achievement of equality will not be paved through existing power structures or a dialogue solely with men and women in positions of power. Rather, achieving the goals of this campaign will be based largely on a strategy which seeks to raise awareness among individual women and citizens about their identity and their status within society.

6. **The Power of Numbers:** The successful implementation of this campaign will prove once and for all that the demand for changes to discriminatory laws is not limited to a few thousand women, who have supported these types of efforts in the past. In fact, the successful implementation of this campaign will demonstrate that support for legal changes are broad-based and that a large majority of men and women are suffering from the inequities that are promoted by Iranian law. The Campaign will strive to demonstrate that women are, and have consistently employed a variety of means and venues to voice their objections to the laws, such as the writing of books, articles, production of films and other forms of artistic expression, and through social activism. Those women with fewer and more limited resources have demonstrated their objection through more difficult channels, such as recourse in the courts, running away from home, or more destructive means such as suicide, or self-immolation. In an effort to demonstrate the widespread dissatisfaction with the status quo, the Campaign will aim to highlight the many strategies used by women to challenge discrimination in the law.

7. **Power in Plurality:** The successful implementation of this campaign will also shed light on the fact that the demand for changes in the law is not only voiced by a specific group of women. In an effort to silence the voices of women calling for change, critics claim that demands for legal change are expressed by a particular group of women, who are out of touch with the realities of ordinary Iranian women. These critics wrongly claim that only elite and socially and economically advantaged women seek changes to laws, in direct opposition to the real needs and sensitivities of the masses of Iranian women. These claims are indeed incorrect, as discriminatory and unjust laws negatively impact the lives of all women, whether they are educated or not, live in upper class neighborhoods or poor communities, are married or single, live in rural areas or in cities, and so on. The Campaign will work to address some of these issues.

**Timeline:** This campaign will be ongoing. The first phase of the Campaign will focus on the collection of one million signatures demanding changes to discriminatory laws. It is a fair assessment to claim that the first phase of the Campaign will be carried out over one to two years, after which the campaign will move into its next set of phases focused on proposing new laws.

**The Demands of Campaign are not in Contradiction to Islamic principles:** The demand to reform and change discriminatory laws is not in contradiction to Islamic principles and is in line
with Iran’s international commitments. Iran is a signatory to the UN Convention on Civil and Political Rights and as such, is required to eliminate all forms of discrimination. Based on these commitments, the government of Iran needs to take specific action in reforming laws that promote discrimination.

On the other hand, these demands are in no way contradictory to the foundations of Islam. In fact, the changes being demanded by this campaign have been a point of contention and debate among Islamic jurists and scholars for some time. Ayatollah Sane’i and Ayatollah Bojnourdi, to name a few, have for years called for a revision and reform of laws which are discriminatory against women, and have explicitly stated that such reforms are indeed not contradictory to the basic beliefs of Islam. A million signatures supporting changes to discriminatory laws, will demonstrate to decision-makers and the public at large that a large segment of the Iranian population is in support of revising discriminatory laws against women and that these demands are not limited to a small segment of society. This campaign will also demonstrate to law makers that Iranian women are serious in their demands to change current laws.

**Implementation of the Campaign:** This campaign will rely largely on face-to-face education and contact to achieve its goals. It will be implemented through the following strategies:

1. Collection of signatures through door-to-door contact and dialogue with individual women.

2. Collection of signatures in places and events in which women gather, and where dialogue and discussions with groups of women can be carried out. Public locations, such as parks, universities, production centers, factories, health centers, religious gatherings, sports centers, and public transportation centers (metro, buses, etc), where groups of women can be accessed, will be identified by members of the Campaign for the purpose of initiating dialogue about the law and collecting signatures in support of changes to discriminatory laws.

3. Implementation of seminars and conferences with the intent of raising the profile of the campaign, promoting dialogue, identifying supporters and collecting signatures.

4. Collection of signatures through the internet. The internet will be utilized to share information about the campaign, including legal educational materials, and those interested in supporting this effort can sign petitions related to the Campaign.

**Volunteer Education:** In order to successfully implement the Campaign a large number of volunteers will be recruited. Volunteers will receive legal education as well as information on the campaign. Several committees have been established within the campaign, including the “Education Committee” which is charged with implementing educational workshops for all volunteers. All those interested in cooperating with the campaign and collecting signatures will be provided with training on legal issues and laws; the aims and strategies of the campaign; face-to-face and door-to-door education techniques; public education and outreach techniques, etc. All volunteers interested in becoming involved in face-to-face education must participate in the workshops.
It should be noted, that volunteers don’t necessarily need to be experts in women’s legal issues. These workshops implemented by the “Education Committee” will provide an overview for the lay person with respect to legal rights of women.

**Scope of Activities:** The activities of this campaign will not be limited to Tehran, and women’s rights activists in the provinces are strongly encouraged to participate in this Campaign. Groups and individuals based in the provinces can participate in workshops in Tehran and begin campaign activities in their provinces. Larger numbers of women and women’s rights groups interested in receiving training and/or participating in this campaign can request special workshops to be held in their respective provinces. Additionally, Iranians based outside Iran can submit signatures in support of the demands of the Campaign by mail or email.

**Minimum Age for Signatures:** Women and men signing on in support of the demands of the Campaign must be at least 18 years of age. Signatures will be collected in special forms developed for this purpose, and will also be published on the web.

**Support for the Campaign:** Participation in this campaign is purely voluntary. Volunteers are asked to support the Campaign through a contribution of 5,000 tomans (roughly 6 USD). These funds will be the major source of support for the activities of the campaign. In order to create change, women have often had to rely on their own limited resources, financial or other, such as time and energy. Women have always managed to rely on their capacities and their beliefs to create change. The success of this campaign, too, will benefit from women’s immense commitment.

**Contact Information:** Those interested in supporting or joining this effort should feel free to contact us, through the following means:

- Web address: [www.we-change.org](http://www.we-change.org)
- Email address: forequality@gmail.com

**Initial Supporters (in Alphabetical Order):**

1. Babak Ahmadi (Writer and Translator)  
2. Farhad Aish (Artist)  
3. Simin Behbahani (Poet)  
4. Shirin Ebadi (Nobel Peace Prize Recipient)  
5. Shahla Ezazi (Professor)  
6. Farideh Ghairat (Attorney)  
7. Banafsheh Hejazi (Writer and Researcher)  
8. Manijeh Hekmat (Director)  
9. Shahla Lahiji (Publisher)  
10. Tahmineh Milani (Director)  
11. Narges Mohamadi (Activist)  
12. Jafar Panahi (Director)  
13. Fariborz Raees-Dana (Economist)  
14. Moniro Ravanipour (Novelist)
15. Ardeshir Rostami (Artist)  
16. Omran Salahi (Satirist)  
17. Sima Sayah  
18. Mahvash Sheikh-ol-eslami (Director)  
19. Shahla Sherkat (Journalist)  
20. Farzaneh Taheri (Translator)  
21. Maedeh Tahmasebi (Artist)  
22. Babak Takhti (Novelist)  
23. Majid Tavalae (Journalist)  
24. Nahid Tavassoli (Writer and Journalist)  
25. Naser Zarafshan (Attorney)  

Founding Members of the Campaign (Listed in Alphabetical Order):  

1. Tara Ahmadi  
2. Noushin Ahmadi Khorasani  
3. Parvaneh Ale Boyeh  
4. Taraneh Amir Teymourian  
5. Zaran Amjadian  
6. Elnaz Ansari  
7. Parvin Ardalan  
8. Faranak Arta  
9. Zohreh Arzani  
10. Maryam Bahreman  
11. Zhila Baniyaghoub  
12. Vida Bigleri  
13. Fariba Davoodi Mohajer  
14. Shahla Entesari  
15. Mahdis Farahbakhshi  
16. Faranak Farid  
17. Farideh Ghaeb  
18. Sepideh Gilasian  
19. Bahareh Hedayat  
20. Azam Heshmat  
21. Maryam Hosseinkhah  
22. Mahboubeh Hosseinzadeh  
23. Nahid Jafari  
24. Jelveh Javaheri  
25. Mahsa Jazini  
26. Parisa Kakaie  
27. Fazeleh Khalili Nejad  
28. Pooyeh Madadi  
29. Homa Maddah  
30. Golnaz Malek  
31. Nahid Mirhaj  
32. Maryam Mirza  
33. Khadijeh Moghaddam
34. Rezvan Moghaddam
35. Firouzeh Mohajer
36. Mona Mohammadzadeh
37. Iman Mozafari
38. Kaveh Mozafari
39. Fakhri Nami
40. Sadighe Nasiri
41. Elnaz Nateghi
42. Fatemeh Nejati
43. Negar Rahbar
44. Setareh Sajadi
45. Farnaz Seifi
46. Fakhri Shadfar
47. Mahsa Shekarloo
48. Mansoureh Shojaee
49. Elahe Soroush Nia
50. Talat Taghinia
51. Bita Tahbaz
52. Sussan Tahmasebi
53. Nargess Tayebat
54. Parvin Zarrabi
Appendix III: The Effect of Laws on Women’s Lives


Translated by Rahma Tohidi
Monday 28 August 2006

Why don’t we think the current laws are just?

There are many things that we should know, but we don’t. There are many things that we do not know and we do not even think about them. The law is one such thing: until we run into difficulty with the law, we don’t think about it at all; and once we do, we only consider the laws that have challenged and prohibited us personally, and not in terms of how they affect everyone.

For example, consider a family who is about to give their daughter’s hand in marriage, and to send her to the house of bakht, the house of her fate and destiny. Everything goes according to traditions; the groom’s family takes the girl with much respect and dignity. But what future awaits her? Is her fate dark and gloomy or light and blissful? What if the groom doesn’t turn out to be the good person everyone has hoped? The very house that once filled her soul with excitement and enthusiasm about her future becomes her own personal hell. She cries day and night. Her daily complaints and the general sadness that’s fixed on her face, is her only release. She expresses her anger towards her family. She is angry with herself for not thinking before agreeing to this marriage. Girls like this are not rare in Iran, they might console themselves by saying “marriage is like an unbroken watermelon, no one knows how it’s going to turn out”; but after a while, when she and her family are running up and down the steps of the court, even if they might not admit it to others, they will admit to themselves that that is not quite true. If instead of being pre-occupied with finding rings and organizing a marriage portion (mehr), the girl and her family were studying the law, and making provisions for its gaps in the marriage contract (aghd), they wouldn’t be as lost and miserable today. If the laws pertaining to marriage and family were written in some other way — justly — and the bride’s rights weren’t dependent on the signature of the groom, but rather enshrined in law, these problems would not arise.

This is why we believe the law is relevant and important in every day life for all; for men and women, for children who are born as well as those who are yet to be born. The law is important to any human being who wants to live in peace. There are only two sets of people who aren’t interested in the law: those whose wrongdoing is proscribed by it, and those who don’t understand how valuable it is.

Let’s return to the story of the girl who was wedded, and has come back to her father’s house in tears. If you were this girl’s parents, and had gone to court to resolve her problems, and you told the court "my son-in-law wont let my daughter work, wont let her leave the house, wont even let her come and see us" - if you said "the house my son-in-law has picked for my daughter is unbearable to her", if you told them "he won’t let the
doctors operate on my sick daughter in hospital", and such things, and heard "well, that’s the man’s right" in reply, surely you’d ask in astonishment "who has given a man such rights?". The simple answer is: the law. This is the predicament the law has put your daughter in. But it’s your fault too. Without much thinking, you have given control of your child to another, to someone who is capable of keeping her caged in the house. Someone, who in case of illness can prevent her from getting treatment. A marriage partner who can take her children away, and if he desires, torture and kill her. If he has a psychological problem and suspects his wife has cheated on him, he can kill her with ease of mind, without fear of just punishment. So, by sending your daughter to her "house of fortune", you have enslaved her in the hands of someone who has control over her life and death.

Do you think the stories we’ve presented are unusual? Unfortunately, they are not. All the family murders we hear about in the papers have roots in the weakness of the system of family laws, and in our own weakness in not being familiar with them. Unfortunately, instead of relying on the protection of law, we rely on customs and traditions and the integrity of our bridegroom, and demand an extraordinary sum for our daughter’s mehr. We find it strange to state in the aghd contract that our daughter has a right to divorce. Meanwhile, if a husband and wife get into major difficulties in their marriage, the wife, in order to be freed from the hell of family life, will part with her mehr very easily — well, she has to — and then, to get a divorce, she has to wade so far through the minefields of courts and bureaucracy that she will be willing to forfeit her life.

There is a way to prevent this calamity. All that is needed is that every one of us — women and men, the mothers and fathers and sisters and brothers who care for our loved ones — stops daydreaming. We must go to the trouble of finding out what the laws — which govern the lives of our wives and daughters, and ultimately our families — actually say. We must cover all the gaps in the laws in our marriage contracts; and then we must join the struggle to make the laws fair for all the people who live in our country, so that we all enjoy a better and more peaceful life. A life where we can enjoy our daughter’s wedding, resting assured that she and her husband will live a happy and healthy life, rather than sharing a life in a hell they create together.

Some of the unjust laws:

1. Marriage [1]

In our country, Iran, marriage is an important affair which has a big impact on the lives of women. However, if we flip through the pages of the Book of Civil Law of Iran, we can see how marriage, which is supposed to be the "sweetness" of life, sometimes creates mental and physical problems for women, leaving a bitter taste they live with for the rest of their lives.

The first step a woman must take in marriage, according to the existing Law, is to satisfy the "condition of the father’s consent"; if a father doesn’t want his daughter to marry, she — even if she is a forty-year-old university professor — can never marry, unless approved by the courts. In fact, for marriage, virgin women must have their father or paternal grandfather’s permission. If they do not satisfy this condition, their father or paternal grandfather can annul the marriage through the courts — even after the marriage has occurred. Some relate the philosophy of this act to the respect that is due to a father.
However, our question is: must it be only daughters who pay respect to their fathers? And are sons not forced to pay respect to their fathers? More importantly, why is the respect and tribute paid only to the father? Why has the mother’s respect been forgotten, with no requirement for her approval?

With the courts’ permission, a father can marry his daughter, even before the age of 13, to a 70 year old man. Through this unjust law, the marriage of young girls in many regions of our country, especially in rural villages, has come about — because the “law” has given the father this right.

That the legal age of marriage for girls in our law is 13 has caused a lot of problems in society. For example, a research study that has taken place in the county of Booshahr has shown that 70 percent of marriages which have ended in divorce have been from wives and husbands who married young — at 15 to 19. [2].

2. Divorce [3]

According to the law, divorce is the exclusive right of a man, and a man can divorce his wife whenever he pleases. On the other hand, if a divorce is initiated by the wife, she must prove her husband is guilty of misconduct: not paying her subsistence expenses, addiction or imprisonment, etc. Most know that proving such things in a court is difficult. In most cases, the wife can only prove them after many years of running around the court system. Of course, in most cases, women simply forfeit their mehr, in order to be freed of the harassment and domestic abuse of their husbands. Research done in the city of Qom found that 91% of women who got divorced did not claim their mehr in full [4]. In many cases, where the divorce was agreed upon by both husband and wife, the wife has forfeited all her financial entitlements to secure the agreement of her husband. In many cases, the wife has even paid all the financial costs of the divorce. From a religious perspective, it is clearly stated that a woman may easily obtain divorce if she agrees to forfeit her mehr, however Iranian law has added the clause "must obtain husbands consent" to this; so if an Iranian woman wants to get a divorce, she must not only forfeit her mehr, but also obtain the consent of her husband.

A visit to the family court will show that when a man wants a divorce, he will put his wife under immense pressure to forfeit her mehr; so that she will request the divorce herself — forfeiting what little rights she had. 3. The right to have custody of children [5] In our law, hezanat (day to day caring) and guardianship of children have two different meanings. Hezanat means to look after a child; and guardianship means: wardship, and managing financial affairs, decisions in relation to education, determining where to live, permission to leave the country, expressing opinion and permission to allow child’s health treatments and other affairs. In accordance with Iran’s civil law, a mother can never be the legal supporter of her child. Also, in a scenario where the father and paternal grandfather are absent, she will not have wardship; she can only be the caretaker of her child. However, in that situation, the mother’s guardianship is directly under the observation of the child support agency (Attorney General). Even the right to sell the child’s property resides with the child support agency.

A mother cannot open any account in her child’s name, besides a loans account, or buy a house for her child without her husband’s signature. If a mother (with her own money) does buy a house for her child with the father’s permission, the father can sell or rent
this house whenever he wants, and the mother has no right in this matter. Or, if a mother’s child is sick in hospital and needs to have surgery, it is the father who has to give permission for the surgery to be done; without the father’s signature the mother cannot ask the doctors to do surgery on her child. According to law, wardship and guardianship is the “manifest destiny” of the father. Meaning, even if the father himself wants, he cannot give guardianship of the child to his spouse!

4. Number of partners [6]

Among other cases of inequality in the present marriage law is the discussion of the number of partners. That is, multiple wives for men; in such a way that a man can have 4 aghdi (permanently married) wives and infinite sighehi (temporarily married) wives. Many women imagine that their husbands are such good men that they would never do such a thing. However, paying a visit to the family courts shows that many husbands even at the expense of hiding it from their first wives unjustly use this “right by law”. This law along with the lack of possibility of divorce by women and the power in law that has been given to men have caused many problems in family relationships; with it’s extreme seen in the incidence of spouse-killings. Research that was done in 15 states of the country about spouse-killings has shown that 67 percent of women who have killed their husbands did this because their husbands were unfaithful to them, and 33 percent have committed the crime in retaliation for violence from their husband [7]. Such outbreaks of unhealthy relationships occur as a consequence of current laws that are discriminatory and unable to formulate a relationship between man and woman in a humane and just way.

5. Age of criminal responsibility [8]

The age of criminal responsibility for girls is 9 lunar years (8 years and nine months) and for boys is 15 lunar years (14 years and 6 months). Thus if a 9-year-old girl committed a crime, she will be treated just as an adult would be treated with all the penal laws (even execution) applicable to her. The only exception is that that child will be jailed or kept in a juvenile institution until she reaches the age of 18 years when the execution verdict can be carried out. It must be asked of lawmakers whether a child, who is 9 years of age (or even after nine!), is wise and mature enough about her actions to take the life she is living away from her?


Citizenship is an important legal issue. In the current state of the world, citizenship has an important place; it determines the relationship between a person and the state, and determines the jurisdiction in which a person may marry, be punished, own property etc. According to the law of Iran, the citizenship of a woman does not transfer to her child. If your father is Iranian, you too are considered Iranian; but having an Iranian mother does not make you an Iranian citizen. This has caused many problems for women who marry Afghani men, for example. Their children are not considered Iranian, and therefore do not have the right to live in Iran. Research shows that around 20,000 children in Iran are without an identity card. These children do not have the right to live or go to school in Iran. The simple reason for this is that their mothers married their Afghan fathers without seeking the permission of the Interior Ministry, therefore their children are not citizens and lack identity cards.

In some cases a woman who marries a foreign man even loses her own Iranian citizenship.
7. Diyeh - Blood Money [10]

Diyeh is the amount of money a murderer or one who has inflicted grievous bodily harm pays the victim or their family. In Iranian law, a woman’s life is considered to be worth half that of a man. For example, if a brother and sister are hit by a car on the street, and both have both legs broken, the compensation the brother receives is double that of his sister. If they are killed, the money their family receives for the son is double the money they would receive for their daughter. If a woman who is five months pregnant is in an accident and is killed, the amount of money paid for the woman is half that paid for the male fetus inside her.


According to civil law, after the death of the father and mother, sons receive 2 times as much in inheritance as daughters. If a man dies and has a wife and child, she inherits one eighth of her husband’s wealth and if the husband has no child, the wife inherits one fourth of her husband’s wealth. Having said that, women can never inherit land. If a man dies and has more than one wife, that same one-eighth or fourth portion gets divided between his wives.

However, if a woman dies and has a husband and child, the husband inherits a fourth of her wealth and if she has no child, the husband inherits half of her wealth. So in actual fact, a husband inherits twice as much as a wife does.

And more painful is that if a woman dies and has no inheritor other than her husband, her husband inherits all of her wealth. However, if a man dies and has no inheritor other than his wife, she inherits only one fourth of the price of his property and wealth. The rest of the money/wealth will belong to the government, meaning, the government is closer to that man than his wife with whom he has lived an entire life time.

9. Laws that support honor killings [12]

Among the discriminatory laws, one can note the law that gives a man permission to kill his wife whenever he sees her in bed with another man and the law will not punish this man. This law in the hands of men has allowed men to kill women. As an example, 20 percent of killings in our country are killings with a motive related to unchastity and sexuality. A research study about this has shown that 90 percent of the men who have killed their wives did it because of mistrusting their spouse and imagined offenses. When these men were asked whether they were sure of their spouse’s infidelity, they all indicated that they were not absolutely certain about this and they had only suspected their wives [13]. These men can say in court that their wife had been unfaithful to them (and her blood was wasted, so he had the right to kill her) and according to these laws they are exempt from the heavy punishment for their act. This means a man, who has only been doubtful of his wife, with the support of these laws, can get away with killing his wife. Regarding intentional killing of children, according to the law, a father and paternal grandfather will not be held responsible. For example, if a father kills his daughter for suspecting her (of corruption) or any other reason, he will be exempt from the standard punishment for murder, and the court can only sentence him to a maximum 10-year jail term.


There are some crimes women can not testify to, these include sodomy, homosexuality,
prostitution and drinking alcohol. In the cases where a female witness is accepted, the testimony of two women equals that of one man, and usually if women testify to witnessing an incident it’s not accepted unless at least one man also testifies.

11. Other Discriminatory Laws [14]

There are many other discriminatory laws in Iran’s legal system. In our constitution a woman is only recognised as a citizen once she is a mother (married), therefore she has no standing as an independent person in any law derived from our constitution.

1. The condition "Rajal-e siyaasi" - which has been interpreted as “man of politics” to date - appears in the conditions for becoming President. This means that a woman cannot become the country’s president.

2. Compulsory prescribed dress for women, regardless of their creed or beliefs. For example, Christian women whose religion does not require them to wear hijab will be punished for not wearing it. If they choose to dress in a way different to how authorities deem fit, they can be jailed or fined.

3. Social Security laws. Even though women pay the same amount of money for insurance as men do, their children can not benefit from their retirement pension or health insurance. This means that a mother can not provide any sort of comfort for her children after her death.

4. Stoning is the frightening punishment prescribed by our law for people who commit adultery. This punishment is usually only performed on women, because according to the law, a man can have an infinite number of temporary marriages (sigheh) and therefore can claim that the woman who he had a relationship with (provided she was single) was his temporary wife.

Why do we want to collect "one million signatures" to change discriminatory laws?

In the world and lives of people, there is no law that cannot be changed. In the opinion of many jurists, law is likened to clothing – when a person gets fat or slim, their clothes have to change accordingly. In many countries of the world, jurists and law makers believe that the Law has to be one foot forward of Culture to be able to play a positive role in the lives of individuals in a society and to uplift the level of culture and standard of lives. Meaning when the culture of a society moves one step forward, the law must change and be one step ahead of the culture. In this way the law becomes a tool for reforming. Actually, law makers in most of the countries of the world see Culture-building as one of the roles of laws and for this reason, believe that law must be relative to the environment and culture of the society for a more advanced view. However, unfortunately at present our law is related with our culture in the opposite manner. That is, the law in Iran is a few steps behind the average culture of society. Although women have shown their strength in different social and financial arenas, this backwardness, in relation to laws related to women is extremely discriminatory and disadvantageous to women.

Women try to upgrade the living standards of their families and themselves by individually struggling to complete many educational or occupational degrees. However because of the existing discriminatory laws many of these individual struggles meet a dead end. Perhaps it is for this reason that women have not complained more about the laws that are
affecting their lives and if they have complained it has been individually and their complaints have not got anywhere. Maybe the reason for this is because we have not realized that the advantages for women is inseparable from the advantages of men and children. To remove these inequalities, we – a group of women – have started a campaign collecting “One Million Signatures to Change Discriminatory Laws” to show the decision makers that many women and men in Iran want changes and revision of the existing discriminatory laws and this want for a change in the laws is not only from a small group of Iranian women. The campaign and wide spread request for change and revision of discriminatory laws and collecting these signatures will show lawmakers that the women of Iran are serious and adamant about their request.

Requesting for the review of discriminatory laws is not a request that is against Islam or the Sharia rather it is inline with the Iranian government’s international liabilities because Iran’s government has made a covenant to implement the convention of international civil-political rights and the convention of international socioeconomic rights. The first step in these conventions is disallowing all kinds of discrimination. Therefore, in coinciding with the international liabilities of the Iranian government, discrimination must be abolished.

On the other hand, requesting for change and correction of these discriminatory laws is in no way opposing the foundations of Islam nor is it damaging to the pillars of religion. Because the laws that we are requesting to be changed lie in an area of controversy between clergy men and religious scholars. Many religious scholars, namely Ayatollah Sanei or Ayatollah Bojnordi and other clergy men have for many years verified the request for revision of discriminatory laws and have not seen this revision as contrary to Islam. Because they believe that considering the circumstances of the time and place, laws must change to be in harmony with the level of culture and with the role and presence of Iranian women. They believe that in Islam we have "Secondary Precepts". According to secondary precepts, even if there is a clear order given in the Quran but this order results in secondary consequences due to circumstances such as the time and place, or is deemed injurious to society, it is possible to suspend and replace them temporarily with other laws. In Islam, as long as the secondary circumstances persist, or expediencies require, the suspension of the precepts is sanctioned and acceptable.

Ayatollah Musavi Bojnordi has clearly announced: “Islam in no way differs from Human Rights and it cannot be said that one gender has eminence and the other doesn’t.” In his opinion: “Human rights in an Islamic society have meaning. Rights are for mankind and regardless of gender. God has considered these rights for human beings.”[15]

However, these discriminatory laws will never change and will devastate women’s lives unless not only a large number of people request for it’s change but also to have this message reach and heard by the authorities and legislators of the country. The collection of signatures for changing these discriminatory laws is being made to deliver this message. By signing the statement of “One Million Signatures for Changing Discriminatory Laws” through people who approach you to collect signatures or sending the form attached to the end of this booklet, you can also take a step in making a change to these laws and improving the lives of Iranian women.
Our website:
persian: http://www.we4change.com
English and others: http://www.en.we4change.com
Our email address: forequality@gmail.com
Footnotes:

[1] Article 993, 1005, 1041, 1043, 1044, 1048, 1049, 1060, 1075, 1082, 1105, 1106, 1107, 1108, 1114, 1117, 1233 Civil Law; Paragraph 3, Article 18 Passport Law.


[5] Paragraph 1, Article 18 Passport Law; Article 1167, 1168, 1169, 1170, 1173, 1180, 1181, 1183, 1184, 1185, 1199, 1207, 1218, 1233, 1236, 1241 and 1251 Civil Law.

[6] Paragraph 2, Article 900 and Article 901 Civil Law.


[8] Article 1210 Civil Law; Article 49 Islamic Criminal Law; Article 219-213 Criminal Procedure Code.


[14] Article 83 and amendment 638 Islamic Criminal Law; Article 115 of the Constitution.