
PANEL V: COMPARATIVE AND INTERNATIONAL PERSPECTIVES ON THE “END OF MEN”

NO END IN SIGHT: POLITICS, PARADOX, AND GENDER POLICIES IN IRAN

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The postindustrial economy is indifferent to men’s size and strength. The attributes that are most valuable today – social intelligence, open communication, the ability to sit still and focus – are, at a minimum, not predominantly male.

–Hanna Rosin¹

Presidency has nothing to do with the strength of one’s arm, but with intelligence, wisdom, and know-how. Both men and women have that, so why can’t women become president of the Islamic Republic of Iran?

–Masoumeh Mohammadi²

INTRODUCTION

When I heard that the “end of men” would be the topic of a Boston University School of Law Conference, I chuckled. “What ‘end of men,’” I thought, reflecting back on Iran where I was born. On the face of it, life there appears to have brought the “end of women,” if we must look for an end,

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¹ Hanna Rosin, *The End of Men*, ATLANTIC, July/Aug. 2010, at 56, 60; see also HANNA ROSIN, *THE END OF MEN: AND THE RISE OF WOMEN* 5 (2012).

² MRS. PRESIDENT: WOMEN AND POLITICAL LEADERSHIP IN IRAN (Shahla Haeri 2002), available at <http://ffh.films.com/search.aspx?q=shahla+haeri> (interviewing one of the women presidential contenders in 2001).

particularly since 1980 and the establishment of the puritanical Islamic Republic of Iran. Could it be that appearance betrays much more complex realities involving men's and women's lives, gender roles, and the evolving relationships between the state and society? The religious state, established in the aftermath of the Iranian Revolution of 1979, resolutely aimed to reverse the perceived decadence of westernizing and secularizing trends initiated by the former Pahlavi Kings from 1925 to 1979. Chief among those trends was gender association in the public sphere, which the newly minted religious state perceived as un-Islamic, immoral, and sinful. To engineer an Islamic moral order, the state imposed strict rules of modesty on women, criminalized unveiling in public, and punished women who dared to remove the veil. This was the very same veil that not long ago had been forcibly banned by Reza Shah,³ who perceived it a symbol of backwardness and a barrier to modernizing society. Then and now, successive Iranian governments have intervened to change women's physical appearance, apparently believing women's bodies and the materiality of their public appearance to be the linchpin for restructuring society, be it modern or Islamic. Then and now, the police have menacingly harassed women in the streets of Iranian cities for daring to disobey the law, either by wearing or removing the veil.⁴

While avidly implementing gender segregation, however, the newly established religious state embarked on a national educational policy and simultaneously sought to reframe temporary marriage, also known in Persian vernacular as *sigheh*. Temporary marriage is based on private and verbal contract, and has been culturally stigmatized and traditionally marginalized.⁵ The Islamic Republic of Iran lauded temporary marriage as a legally appropriate means for gender association and sexual relation, as well as a moral substitute for the "decadent" and "free" sexual relationship prevailing in Western cities.⁶ The rationale, as formulated by Ayatollah Murtaza Mutahhari,⁷ and articulated in 1990 by President Akbar Hashemi Rafsanjani from the politically influential public pulpit of the Friday prayer, was as follows:

³ For a detailed account of unveiling policies under Reza Shah, see GHOLAM REZA AFKHAM, *THE LIFE AND TIMES OF THE SHAH* 240 (2009). Afkhami discusses the Shah's own conflicted emotions regarding women's unveiling.

⁴ Today's disputes surrounding the veiling issues focus not on whether to veil or not to veil, but rather on proper veiling as opposed to "bad" veiling, that is, to show strands of hair.

⁵ SHAHLA HAERI, *LAW OF DESIRE: TEMPORARY MARRIAGE IN SHI'I IRAN*, at ix-x, 51 (1989).

⁶ *Id.* at 6-8 ("Drawing attention to its legal and moral framework, the ulama [(Islamic religious scholars)] view this form of marriage as an Islamic substitute for the 'decadent' Western style of 'free' gender relations.").

⁷ Ayatollah Mutahhari authored several books extensively covering his view of the differences between the nature of man and woman, and their mutual rights and obligations. *E.g.*, MURTAZA MUTAHHARI, *NIZAM-I HOQUQ-I-ZAN DAR ISLAM [WOMAN AND HER RIGHTS]* (1982).

Nowadays, in our [modern] society young people mature at the age of 15, and sexual needs are awakened in them. . . . Our college students are constantly exposed to the opposite sex in the schools, universities, parks, buses, bazaars and the workplace. They are continuously stimulated [by proximity with each other], but have no recourse. Who says this is right? Presently, in our society for our youth to remain pure and honorable, and to respect the societal norms [of chastity and virginity] implies remaining unsatisfied until they are 25 or 30 years old. They will have to deprive themselves of their natural desires. Deprivation is harmful. Who says this [deprivation] is correct? Well, God didn't say that this need should not be satisfied. The Prophet didn't say so. The Quran doesn't say so. The whole world doesn't say so either. Besides, if one is deprived, then harmful psychological and physical consequences will follow. Science has proven this. To fight nature is wrong.⁸

This same rationale has echoed loudly in Iran ever since, but despite its long history of legality among Shi'a Muslims,⁹ temporary marriage has never gained popular legitimacy in Iran. Many Iranians – particularly women and middle-class families – have rejected temporary marriage just as persistently as the Islamic state has supported it, deeming such unions a form of “legalized prostitution,” with a “religious hat.”¹⁰

How is it that the Islamic Republic aims to segregate the sexes and mandate veiling, yet insists on implementing a form of sexual union – a “halal” union – that largely has been rejected by the public? Within this context lies the crux of the Islamic Republic's paradoxical gender policies: while these policies have resulted in profound changes in gender roles, expectations, and experiences, they have brought about unintended consequences. The state has proclaimed Islam to be a progressive religion responsive to modern demands while simultaneously pursuing highly restrictive and controlling gender strategies. Paradoxically, these gender policies are antithetical to the state's own progressive educational programs. The Islamic state has consistently justified these discriminatory gender policies and procedures on the basis of three presumably inviolable principles, namely, the natural differences between the sexes, the divinely mandated gender hierarchy, and the Islamic law (Shari'a).

⁸ Shahla Haeri, *Temporary Marriage and the State in Iran: An Islamic Discourse on Female Sexuality*, 59 SOC. RES. 201, 202 (1992) (quoting ZAN-I RUZ, 1990, at 55).

⁹ See HAERI, *supra* note 5, at 49-72 (describing the Shi'i argument regarding temporary marriage as being sanctioned by the Qur'an).

¹⁰ See *id.* at x (“Outside of the religious establishment and the ongoing disputes between Shi'i and Sunni scholars, the attitude toward temporary marriage has been primarily one of ambivalence and disdain. Before the revolution of 1979, the secular Iranian middle classes dismissed temporary marriage as a form of prostitution that had been legitimized by the religious establishment, who, to use a popular Persian expression, ‘put a religious hat on it.’”).

These three principles form the main foundation of the Islamic Republic's worldview and are believed to be sacrosanct and unchanging.

Thirty-three years into the Islamic Republic's determination to engineer an Islamic government and socio-moral order,¹¹ let us briefly unpack this ideologically charged and complicated vision of gender justice and consider where women stand as far as their education, employment, and political participation are concerned.

The politically galvanizing call by Ayatollah Ruhollah Khomeini, the founder of the Islamic Republic, to mobilize against the Shah persuaded many reluctant families and men to let women join them in public protests.¹² Women's move into the public sphere did much to break the old religious taboos, shift women's consciousness, and open up new opportunities, particularly for women from conservative backgrounds. During the war with Iraq, women were encouraged to volunteer their time and energy in various state-sponsored programs that focused on rebuilding an Islamic society and aiming to lift people out of poverty.¹³ Many women welcomed the chance to move out of the confinement of their homes, appear in public and assume volunteer positions. Some women even went to the war front to work alongside their male counterparts.¹⁴

I. EDUCATION: OPPORTUNITIES AND ANXIETIES

Soon after consolidating its power, the state embarked on a massive national literacy campaign,¹⁵ while simultaneously pursuing gender segregation in governmental institutions and schools. The religious state supported its gender policies, some of which appeared controversial to the more conservative strata of society, by reminding the public repeatedly that Islam raised women's

¹¹ For an excellent review of the Islamic Republic's policies to comprehensively reorganize state and society, see Mohamad Tavakoli-Targhi, *Mohandesane andishi va velayatmadari-i mojtahehaneh* [*The Emergence of Clerico-Engineering as a Form of Governance in Iran*], 27 IRAN NAMEH 4-37 (2012).

¹² AFKHAMI, *supra* note 3, at 261-62 ("Iranian women, like Iranian men, plunged into revolution.").

¹³ See PARVIN PAIDAR, WOMEN AND THE POLITICAL PROCESS IN TWENTIETH-CENTURY IRAN 303-12 (1995) (discussing women's participation in political grassroots organizations, social welfare activities, and the Iran-Iraq War).

¹⁴ *Id.* at 305-07 (discussing women's participation in the Iran-Iraq War). Mrs. La'ya Taheir, a middle school teacher, talked emotionally about her presence and participation on the war front and its impact on her life. She was one of the six women presidential contenders I interviewed in 2001 for my video documentary. See MRS. PRESIDENT: WOMEN AND POLITICAL LEADERSHIP IN IRAN, *supra* note 2.

¹⁵ AFKHAMI, *supra* note 3, at 225 (discussing the Shah's national literacy campaign, and his belief that education was a basic right of all Iranians). Gholam Reza Afkhami was the Secretary General of Iran's National Committee for World Literacy Program from 1975 to 1979. *Gholam Reza Afkhami*, FOUND. FOR IRANIAN STUD., <http://fis-iran.org/en/about/trustees/grafkhami> (last visited May 9, 2013).

status, that Islam has nothing against women's education, and that Muslim women's rights far surpass those of Western women.¹⁶ The state argued that Islam in fact encourages women's progress and educational pursuit, so long as those goals are pursued within an Islamic context. Ayatollah Khomeini encouraged women to mobilize and volunteer their time and energy for the country's literacy campaign, *jihad-i savad amuzi*, and supported girls' education from an early date.¹⁷ Further, the Islamic Republic enshrines "[e]qual access to education for girls and boys" up to the secondary level under article 30 of its constitution.¹⁸ Ayatollah Khomeini thus "sanctioned the mobilization of many women, especially from the traditional families."¹⁹ His call to literacy campaign and other projects "could not have been realized if women had been excluded."²⁰ In every large and small city and in every remote village, schools were built and young girls were encouraged to attend school. Many conservative families who were reluctant or had refused to send their daughters to school under the Shah's government welcomed the new opportunity, believing in the Islamic moral character and policies of the state.²¹

¹⁶ Ayatollah Khomeini declared: "Islam took women by the hand and made them equal with men, whereas before the Prophet came, women had no standing. Islam gave women strength." AYATOLLAH KHOMEINI, *THE POSITION OF WOMEN FROM THE VIEWPOINT OF IMAM KHOMEINI* 52 (Juliana Shaw & Behrooz Arezoo trans., 2001), available at http://www.iranc-hamber.com/history/rkhomeini/books/women_position_khomeini.pdf (responding, in a speech on December 11, 1978, to criticism that Shi'ism excludes women from society and hinders their progress). In a similar vein, Ayatollah Khomeini also stated on February 1, 1980, that "[t]he position of women is a high one. Women in Islam enjoy a high rank." *Id.* at 53.

¹⁷ On December 27, 1980, Ayatollah Khomeini issued a decree establishing the Literacy Movement Organization. Golnar Mehran, *Social Implications of Literacy in Iran*, 36 *COMP. EDUC. REV.* 194, 195-96 (1992); see also Roksana Bahramitash, *Market Fundamentalism Versus Religious Fundamentalism: Women's Employment in Iran*, 13 *CRITIQUE: CRITICAL MIDDLE E. STUD.* 33, 39 (2004) ("Further, as part of Khomeini's commitment to empower the *mostazafin*, a major literacy campaign was organized. . . . Many women participated in the literacy campaign.").

¹⁸ MINISTRY OF EDUC. OF THE ISLAMIC REPUBLIC OF IRAN, NATIONAL REPORT ON DEVELOPMENT OF EDUCATION IN THE ISLAMIC REPUBLIC OF IRAN WITH AN EMPHASIS ON INCLUSIVE EDUCATION: A WAY TO THE FUTURE 34 (2008), available at http://www.ibe.unesco.org/National_Reports/ICE_2008/iran_NR08.pdf.

¹⁹ *Id.*

²⁰ Bahramitash, *supra* note 17, at 39.

²¹ See JANE HOWARD, *INSIDE IRAN: WOMEN'S LIVES* 79 (2002) ("Many girls from highly religious families were allowed to go to school for the first time, then encouraged to continue into higher education."); PAIDAR, *supra* note 13, at 312-14 (discussing the Islamization of education after the revolution); Bahramitash, *supra* note 17, at 39 ("Going to literacy classes became a religious duty for them to which no man could raise any objection or else he would have to face the local religious authority."); Golnar Mehran, *Lifelong Learning: New Opportunities for Women in a Muslim Country (Iran)*, 35 *COMP. EDUC.* 201, 202 (1999) (discussing the importance of education in post-revolutionary Iran, where

By all accounts the Islamic Republic's nationwide literacy campaign has been a success. By 2006 overall literacy rates had climbed to 88.8% for girls and 94.5% for boys, though their combined rate of literacy was much higher in urban centers such as Tehran, reaching as high as 94.7%.²² Similar to the educational trend in the United States, college-age Iranian women have consistently outperformed their male counterparts, so much so that by 2009 women constituted more than half of the entire college student body in Iran.²³ In the words of the editor of the monthly magazine *Hoquq-i Zanan* (*Women's Legal Rights*), women have conquered "men's biggest stronghold," namely, colleges and universities.²⁴ This is all the more impressive considering that for young people to get into a college in Iran it is not enough to have talent and money. Women and men all must sit for a grueling entrance examination known as the *Konkur*.²⁵ The entrance examination is blind with regard to ethnicity, class, and, until recently, gender. Not only have women consistently scored higher than men, they have often won the first spots for various national and international scientific Olympiads.²⁶ Significantly, the opportunities provided to women in education have enabled them to excel and surpass their male colleagues in every field that has been opened to them. Women's higher educational performance and increasing social and political awareness,

women are expected to meet the needs of the revolutionary state and Muslim society).

²² The literacy rate among persons aged ten to forty-nine was 94.7% in urban areas and 84.8% in rural areas. United Nations Educational, Scientific and Cultural Organization, High Level International Round Table on Literacy, Paris, Fr., Sept. 6-7, 2012, *Islamic Republic of Iran Action Plan*, at 4, available at <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/Iran.pdf>.

²³ Golnar Mehran, "Doing and Undoing Gender": Female Higher Education in the Islamic Republic of Iran, 55 INT'L REV. EDUC. 541, 543 (2009).

²⁴ Interview with Ashraf Geramizadegan, Lawyer & Editor, *Hoquq-i Zanan* [*Women's Legal Rights*], in Tehran, Islamic Republic of Iran (Jan. 10, 2006); see also Mehran, *supra* note 23 (arguing that gender parity in higher education illustrates a trend toward greater female participation in Iranian public life and consequently, greater female empowerment); *Tertiary Education (ISCED 5 and 6) Enrolment by FOS Science*, UN DATA, http://data.un.org/Data.aspx?q=Iran&d=UNESCO&f=series%3aE_56_F400%3bref_area%3aIRN (last visited May 10, 2013).

²⁵ See Shahrzad Kamyab, *The University Entrance Exam Crisis in Iran*, 51 INT'L HIGHER EDUC. 22, 22-23 (2008).

²⁶ According to Iran Atomic Energy High School, from 2003 to 2007, thirteen of the twenty-two students sent to the International Astronomy Olympiad were women. *Olympics History*, IRAN ATOMIC ENERGY HIGH SCH., <http://www.aehighschool.com/?p=3017> (last visited May 10, 2013). Most impressively, in 2004 five women – no men were included that year – participated in the Olympiad and won one gold medal, two silver medals, and two bronze medals. *Id.* In 2005, of the four girls and three boys who participated, one of the girls won a gold medal, two silver, and three bronze medals. *Id.*; see also Michael G. Gavrilov, *X International Astronomy Olympiad*, INST. SOLID STATE PHYSICS, http://www.issp.ac.ru/iao/2005/iao05_pw.html (last visited May 10, 2013).

however, have had unexpected implications for family and society. These trends have also given the male political elite anxious pause.

II. EMPLOYMENT: WOMEN, WAR, AND NECESSITY

Women's remarkable achievement in education did not necessarily lead to gainful employment – at least not initially, and not generally in the professions for which they were trained. In other words, while higher education opened their minds, it did not open the market to them. Unlike the state's mobilization for national women's education, the Islamic Republic heavily curtailed and restricted women's employment after the revolution. Having consolidated power as an Islamic state, the government moved quickly to enforce strict segregation in all public spheres and to bar women from employment. A sizable number of women were driven from their jobs, co-educational institutions were segregated, and women were prevented from teaching in male schools, including elementary schools.²⁷ More controversial steps were the state's revival of temporary marriage and the encouragement of the public, particularly young people, to take advantage of it. The irony of the state's discriminatory ordinances was not lost on many women who learned painful lessons of patriarchal opportunism and caprice. As a high-ranking female journalist told me in an interview in Tehran, "with the weapon of religion women were kept hidden in the closet [secluded]. But religion was used to break religious superstition and taboos for women. Naturally they could not be returned [home] by the time the [Iran-Iraq] war was ended. The windows had been opened."²⁸

The eight-year war with Iraq and its calamitous effects changed the dynamics of women's employment in Iran, if not necessarily the attitude of the ruling elite. Women from poorer classes, of course, have almost always worked as domestic laborers and contributed to their household economy. The husbands, fathers, or other breadwinners of many women were on the battlefield fighting Iraqi soldiers or were thrown out of their jobs because of their association with the Pahlavi regime. Many other women simply could not afford the luxury of staying home, wasting their time and energy. Whatever the reason for the male breadwinner's absence, middle-class women seemed to adapt easily and readily. Taking advantage of modern technology and machinery, some women moved swiftly to create their own business and start some sort of cottage industry, thus contributing significantly to reviving the

²⁷ Background Paper, Golnar Mehran, Gender and Education in Iran 19-20, U.N. DOC. 2004/ED/EFA/MRT/PI/50 (2003), available at <http://ddp-ext.worldbank.org/EdStats/IRNgmrpro03.pdf> ("Despite significant advancements in female schooling and considerable progress towards gender equality in Iranian education, the battle is not over yet. . . . [T]he dramatic increase in the number of educated women in Iran is not reflected in their participation in political and economic life . . .").

²⁸ Interview with high-ranking female journalist, in Tehran, Islamic Republic of Iran (Jan. 3, 2006).

family income. I have met several women who had converted the basements of their homes to run various businesses. One involved the cleaning and packaging of fresh vegetables and selling them to local grocery stores. Other women picked up stitching and quilt making, which became highly successful as the market for imported sheets and bedcovers dried up early in the war. Still others converted their small house garages into storefronts, selling stationary or various school items. Soon it became a familiar site in some neighborhoods to see tiny storefronts with men sitting on stools looking bored or talking with passersby while women managed the store and the sales. In other words, women of the middle class exhibited greater flexibility in absorbing the reversal of fortune in their families and the profound changes that ensued in their roles and relations with men of the household. Likewise, women's financial empowerment changed their expectations for themselves and created different role models for their children, impacting their future development.

The formal economic sector, however, was much slower in absorbing women into the labor force. From the establishment of the Islamic Republic until the end of Iran-Iraq War, women were by and large excluded from gainful employment,²⁹ though some were able to create their own small businesses, as mentioned above. Beginning with Mr. Rafsanjani's presidency in 1991, many women emerged as the default breadwinners given the loss of their men in the war with Iraq. Many others sought out jobs and took advantage of the opportunities ushered in by President Rafsanjani's open-door policies.³⁰ Moreover, "gender segregation had created a great need for female labor in different sectors of the economy, particularly in education and health."³¹

Increasingly, women's steady income became necessary to contribute to the vital needs of the family in almost all classes and backgrounds, particularly when state subsidies dried up.³² Paradoxically, the Islamic regime was eventually forced to provide employment opportunities for women, despite its

²⁹ See Bahramitash, *supra* note 17, at 38 ("Khomeini initially adopted a very traditional approach, wanting [women] to be just mothers, wives, and pillars of the family. This attitude filtered through to the government, which enforced compulsory *hejab* and other exclusionary practices to remove women from public space. Many professional women, predominantly from the middle class and the elite, were harassed and made to feel very uncomfortable at their work places; many were forced to resign."); Fatemeh Etemad Moghadam, *Women and Labor in the Islamic Republic of Iran*, in *WOMEN IN IRAN FROM 1800 TO THE ISLAMIC REPUBLIC* 163-81 (Lois Beck & Guity Nashat eds., 2004).

³⁰ Bahramitash, *supra* note 17, at 41 ("After Rafsanjani's open door policy started, employment for women increased quite rapidly."). Mr. Rafsanjani's presidency is also known as the "era of reconstruction," and in Mehran's words, "[d]uring this period women were encouraged to participate in all arenas of social, educational, political, and economic life and contribute to post-war reconstruction." Mehran, *supra* note 27, at 7.

³¹ Bahramitash, *supra* note 17, at 39.

³² See *id.* at 41-42 ("More women had to seek employment to help pay for basic needs as state subsidies for food items progressively were reduced or eliminated . . .").

own earlier philosophical reluctance and restrictive policies. As in other developing countries, however, Iranian women have found the service sector more hospitable and easier to enter, particularly in the private sector.³³ Although Iranian women's higher employment in the service sector seems to track a global trend,³⁴ it is worth mentioning that women's employment in Iran is greatly concentrated in elementary education and nursing.³⁵

According to Hanna Rosin, "The postindustrial economy is indifferent to men's size and strength. The attributes that are most valuable today – social intelligence, open communication, the ability to sit still and focus – are, at a minimum, not predominantly male."³⁶ Using a similar logic, Masoumen Mohammadi, one of the female presidential contenders I interviewed in Iran during the 2001 election, maintained that knowledge, intelligence, and know-how are the most important prerequisites for leadership, not "the strength of a man's arm." She said that "both men and women have intelligence and know-how, so why can't a woman become president of the Islamic Republic of Iran?"³⁷ But this woman, along with forty-seven other women who had nominated themselves for the office of presidency in 2001, was ultimately disqualified by the Guardian Council.³⁸

III. POLITICAL RIGHTS AND PARTICIPATION

Notwithstanding their disqualification as presidential contenders, Iranian women have retained their rights to vote and be elected to the parliament. Before the revolution many religious leaders, including Ayatollah Khomeini, vehemently objected to women's political enfranchisement and considered it un-Islamic. Later, the rationale for allowing women to vote was that through Islamization of the social structure the political system was "purified," thus enabling women to legitimately execute their citizenship rights under the Islamic state. Utilizing their educational expertise, Iranian women have

³³ In 2011 women represented 46% of service work in the public sector, while men represented 53%; women and men's shares of the private sector were 72% and 28%, respectively. ADIL AZAR, NATAYEJE-I AMARGIRIY-I NIRUY-I KAR 1390 [STATISTICAL RESULT OF MANPOWER] 101-03, 108 (2011), available at http://www.amar.org.ir/Portals/0/Files/fulltext/1390/n_niru_s90.pdf.

³⁴ See ROSIN, *supra* note 1.

³⁵ Women constituted 53% and 86% of public and private education, respectively, whereas men's share was 46% and 14%, respectively. AZAR, *supra* note 33.

³⁶ Rosin, *supra* note 1.

³⁷ MRS. PRESIDENT: WOMEN AND POLITICAL LEADERSHIP IN IRAN, *supra* note 2.

³⁸ The Guardian Council is a mediatory political institution created in the aftermath of the Iranian Revolution. See ISLAHAT VA TAGHIYRAT VA TAMIMAH QANUN-I ASSASSI [AMENDMENT TO THE CONSTITUTION] 1368 [1989] arts. 91-99 (Iran). It is an exclusively all-male institution, composed of twelve members, six of whom are appointed by the Supreme Leader and six of whom are selected by the parliament from a list of twelve men supplied by the Supreme Leader. *Id.* art. 91.

converted the knowledge they have gained since 1979 into power. They have systematically and persistently organized and mobilized to agitate for social justice and gender equity. The most prominent example is a campaign to collect one million signatures to change the discriminatory laws.³⁹

Taking advantage of the more open political atmosphere during Mr. Rafsanjani's and Mr. Khatami's governments, women have engaged authorities and institutions of power on all fronts. They have founded, funded, and worked collectively and individually in a variety of nongovernmental organizations, building up and strengthening civil society. Ironic though it may seem, women have published feminist magazines, newspapers, and periodicals; they have written commentaries challenging the state's discriminatory gender policies;⁴⁰ and they have taken issue with political and judicial decisions related to stoning for adultery,⁴¹ runaway girls, child abuse, and capital punishment for women who have intentionally or inadvertently murdered violent and abusive men. Women have produced and directed films;⁴² taught at universities; performed and preached in all-women or mixed gatherings; and competed in car racing, golf tournaments, and polo matches.⁴³ In short, Iranian women have excelled in every educational, scientific, and artistic field that has been open to them, despite many official or unofficial roadblocks along the way. Collectively, they level challenges to the traditional male privileges and patriarchal authority that, according to Ashraf Brujerdi, who served in a high-ranking position under President Khatami's government, "can no longer be ignored."⁴⁴ Nonetheless, despite their noticeable gains in education and

³⁹ See Sussan Tahmasebi, *One Million Signatures Campaign: Answers to Your Most Frequently Asked Questions*, CHANGE FOR EQUALITY (Feb. 24, 2008), <http://www.we-change.org/english/spip.php?article226>. The Campaign's demand include, among other things: (1) banning polygamy; (2) equal rights to divorce; (3) equal inheritance rights; (4) equal rights in marriage; (5) increasing the legal age of criminal liability to eighteen years old; (6) placing equal value on women's testimony in court; and (7) eliminating temporary marriage. *Id.*

⁴⁰ Of particular note is *Zanan*, a monthly magazine, founded by Shahla Shirkat in 1992. *Zanan* was published for 152 issues in sixteen years and covered issues such as "health, parenting, legal issues, literature and women's achievements." Editorial, *Shutting Down Zanan*, N.Y. TIMES (Feb. 7, 2008), http://www.nytimes.com/2008/02/07/opinion/07thu1.htm?_r=1&. It was banned in 2008. *Id.*; see also INSTISHARAT-I ROHANGARAN [ROHANGARAN AND WOMEN'S STUDIES], <http://www.rohangaran-pub.ir/> (last visited May 12, 2013).

⁴¹ See FEMINIST SCH., <http://www.feministschool.com/> (last visited May 12, 2013); INT'L COMMITTEE AGAINST STONING, <http://fa.stopstoningnow.com> (last visited May 12, 2013).

⁴² For example, Pari Saberi is a theater director, and Rakhshan Bani Eternad, Tahmineh Milani, and Pouran Derakhshandeh are three film directors.

⁴³ See Neil McFarquhar, *Iranian Women's Dress Code Is Modest but Golf Friendly*, N.Y. TIMES (July 5, 2005), <http://www.nytimes.com/2005/07/05/international/middleeast/05golf.html?pagewanted=all>.

⁴⁴ Shahla Haeri, *Women, Religion, and Political Agency in Iran*, in CONTEMPORARY IRAN: ECONOMY, SOCIETY, POLITICS 125, 135 (Ali Gheissari ed., 2009).

employment, or perhaps because of them, the state has continued to enforce legally regressive family laws.

The paradox of Iranian women's educational and professional advancements but outdated and unequal legal rights in the Islamic Republic becomes apparent once viewed within the context of the rigidity of Shari'a law and the fluidity of the social structure. Caught in the rhetoric of its own ideology, the religious state simultaneously hampers and helps gender causes in Iran. The government has provided universal education for women and has honored women's literary achievements with prizes and awards and it has supported women's citizenship rights to elect and be elected to the parliament and to participate in political institutions,⁴⁵ however minimally. Yet an Iranian woman's legal status remains tethered to her father's impulses and her husband's caprice; her rights are institutionally restricted and legally inferior, limiting her professional options.⁴⁶

IV. NO END IN SIGHT

Women's awakening through higher education and gainful employment have led to a higher average age for women's first marriages, an increased rate of divorce,⁴⁷ and individual dissatisfaction with the state's restrictive family laws and oppressive policies.⁴⁸ The state's public advocacy of temporary marriage and its acknowledgement of the "unavoidability" of sexuality have in fact made pre-marital relations more common, however secretly, particularly

⁴⁵ See *Iranian Women Seek Equality*, BBC (Feb. 13, 2000, 4:20 PM), http://news.bbc.co.uk/2/hi/middle_east/641601.stm. One such politician is Dr. Fatemeh Rakei. *IRAN-IRAN: Interview with Leading Female Reformist MP, Fatemeh Rakei*, IRIN NEWS, <http://www.irinnews.org/Report/18605/IRAN-IRAN-Interview-with-leading-female-reformist-MP-Fatemeh-Rakei> (last visited May 12, 2013).

⁴⁶ *Id.* at 140. For Iranian civil laws concerning marriage and divorce, see QANUNI MADANI [CIVIL CODE] 1928, arts. 1034-1157 (Iran), *translation available at* <http://www.unhcr.org/refworld/docid/49997adb27.html> (including directions on, for example, "asking for the hand in marriage," "medical fitness for marriage," and the "reciprocal duties and rights of parties to a marriage"). For Iranian civil laws concerning children, families, and guardianship, see *id.* arts. 1158-1256 (including directions on, among other things, the "maintenance and education of children" and "the appointment of a guardian and the procedure relating thereto").

⁴⁷ Between 2009 and 2010 there were approximately three to four times as many marriages as divorces in Tehran. See Nat'l Org. for Civil Registration, *Vital Statistics Events: Recorded Marriage in the Whole Country According to Provincial Separate in 1388 (2009-2010)*, MINISTRY INTERIOR, <http://www.sabteahval.ir/Upload/Modules/Contents/asset90/q.pdf> (last visited Apr. 1, 2013); Nat'l Org. for Civil Registration, *Vital Statistics Events: Recorded Divorce in the Whole Country According to Provincial Separate in 1388 (2009-2010)*, MINISTRY INTERIOR, <http://www.sabteahval.ir/Upload/Modules/Contents/asset90/tt88.pdf> (last visited Apr. 1, 2013).

⁴⁸ For the existing laws and policies, see CIVIL CODE 1928.

among the middle classes.⁴⁹ Alarmed by the rise in delayed marriages, high rate of divorce, prostitution, drug addiction, and other social maladies,⁵⁰ the political elite seems to have had a change of heart and mind regarding what gender role and status ought to be. Gradually but systematically, the political and religious elite have started attributing the myriad social problems and cultural dilemmas besetting the country to women's higher rate of education, arguing that women are becoming too educated for their own good or the good of the society. According to retired sociology professor Saeed Moidfar, "[t]he women's movement has been challenging Iran's male-dominated establishment for several years . . . [and] politicians now see educated and powerful women as a threat."⁵¹ Periodically, one official or another – whether religious or of the laity – uses the highly popular Friday prayer pulpit to warn of the dire consequences of women's higher education, accusing educated and working women of being unwilling to marry men with less education, demanding high brideprices, having unreasonable expectations, being quick to file for divorce, abandoning children, and disturbing the natural and godly mandated male authority. Looking for a way to turn the tide back, in 2008 the state sent a bill to the parliament, euphemistically labeling it the "Family Protection Bill."⁵² This new "family law" aimed to remove any incongruities between the Shari'a and the existing law by lifting any conditions or restrictions placed on a man's unequivocal right to plural marriages, highlighting that it is his divine right.⁵³ The new law would make it more difficult for women to divorce a polygamous husband, because divorce is legally a unilateral right of the husband.⁵⁴ Registration of temporary marriage, required shortly after the revolution and under the Islamic Republic's own

⁴⁹ See PARDIS MAHDAVI, *PASSIONATE UPRISINGS: IRAN'S SEXUAL REVOLUTION* 135-36 (2009) (discussing how premarital relations have become more common in Iran due to online youth culture, women's participation in the public sphere, and a shift in attitude and ideas).

⁵⁰ See, e.g., Parto Parvin & Arash Ahmadi, *Iran Sets Sights on Tackling Prostitution*, BBC (July 26, 2012, 2:35 PM), <http://www.bbc.co.uk/news/world-middle-east-18966982>.

⁵¹ See Fariba Sahraei, *Iranian University Bans on Women Causes Consternation*, BBC (Sept. 21, 2012, 8:57 PM), <http://www.bbc.co.uk/news/world-middle-east-19665615>.

⁵² See *2007 Family Protection Bill*, FOUND. FOR IRANIAN STUD., <http://fis-iran.org/en/women/laws/07fpb> (last visited Mar. 16, 2013); Elahe Amani, *Widespread Opposition to Iran's "Family Protection Bill": From Bad to Worse and Beyond . . .*, IRAN WOMEN SOLIDARITY (Aug. 15, 2008), <http://www.iran-women-solidarity.net/spip.php?article430>; Sahar Sepehri, *Women Fight Polygamy Proposal*, INST. FOR WAR & PEACE REPORTING (Feb. 1, 2010), <http://iwpr.net/report-news/women-fight-polygamy-proposal>.

⁵³ Sepehri, *supra* note 52; see also Talat Taghi-Nia, *The "Family Protection" Bill Will Severely Cause Hardship for the Families*, FEMINIST SCH. (Aug. 27, 2008), <http://www.feministschool.com/english/spip.php?article136>.

⁵⁴ Although divorce is a man's unilateral right, in practice many conditions must be met before he can actually divorce his wife. See ZIBA MIR-HOSSEINI, *MARRIAGE ON TRIAL: A STUDY OF ISLAMIC FAMILY LAW* (2d ed. 2000).

regulations, was deemed unnecessary. The argument for this change was that the proposed necessity to register such marriages would make it public and thus subject to cultural disapproval. This would in turn discourage a man and a woman from legally and morally pursuing their desire.⁵⁵ The 2008 bill further reaffirmed restrictions on women's travel abroad without their father or husband's permission. Thanks to many women activists, the bill was stopped in the parliament, though it has not been removed from the agenda and may be revived at any time.⁵⁶

Furthermore, Iran adopted a quota system in 2010 to boost men's attendance in college and restrict women's participation.⁵⁷ To discourage young women from attending universities in major cities, particularly in Tehran, the authorities changed one of the *Konkur's* most fundamental rules. Previously, the highest-ranking students – men or women – automatically would be placed in the best universities, which are in Tehran and a few other big cities. In 2011 women were unceremoniously barred from majoring in some seventy disciplines and fields,⁵⁸ ensuring they will not have a chance to compete with men. Now, no matter how high their scores, many aspiring women are obliged to stay close to their homes and under the supervision of their families, which not only deprives provincial women from receiving the best education, but also limits their employment opportunities and individual autonomy.⁵⁹ Faced with many objections from women and their families, President Ahmadinejad has blamed various universities and their individual policies for the change,

⁵⁵ This argument was forcefully made by Mr. Ali Mutahhari, a Member of Parliament. See *Mokhalefat-i majlis ba elzami shodan-i sabt-i ezdevaj-i movaqqat* [The Parliament's Opposition to the Requirement for Registering Temporary Marriage], ISFAHAN E. NEWS AGENCY (Mar. 6, 2012, 12:20 PM), <http://www.isfahaneast.com/newsF-658.html>.

⁵⁶ According to one survey conducted in 2008, ninety-six percent of Iranian women did not approve of the introduction of polygamy to Iranian civil law. Sepehri, *supra* note 52. The government's plan to introduce polygamy "was dropped after a group of intellectuals, religious, social and human rights activists created a movement to voice their opposition to the law." *Id.* "In September 2008, a group of 50 well-known women, including poet Simin Behbahani, politician Azam Taleghani and lawyer and Noble prize winner Shirin Ebadi" discussed with members of parliament "their concerns about what they called 'an anti-family protection law.'" *Id.*

⁵⁷ See Shirin Ebadi, *Iran/UN: Open Letter by Dr. Shirin Ebadi to Secretary-General of the UN*, WOMEN LIVING UNDER MUSLIM LAWS (Apr. 20, 2010), <http://www.wluml.org/node/6226>; *Iran: Ensure Equal Access to Higher Education*, HUM. RTS. WATCH (Sept. 22, 2012), <http://www.hrw.org/news/2012/09/22/iran-ensure-equal-access-higher-education>.

⁵⁸ Meredith Bennett-Smith, *Iran Universities Reportedly Ban Women*, HUFFINGTON POST (Aug. 21, 2012, 3:50 PM), http://www.huffingtonpost.com/2012/08/21/iran-universities-women-ban_n_1819281.html.

⁵⁹ See Nahid Hosseini, *Tab'iz-i tahsili va vazi'yat-i hoquq-i shahrvandi-i zanan-i Iran* [Educational Discrimination and Women's Citizenship in Iran], ALBORBZ NEWS (Jan. 14, 2013), <http://www.alborznews.eu/index.php/2012-07-28-16-01-39/level-22/3490-neshastha-ye-shoma19.html>.

arguing that it was not the state's policy, even though the change appears to have been well orchestrated.⁶⁰

While no end may be in sight one way or another, we may note deep socio-political anxieties associated with the actual changes in men's and women's lives and roles after the revolution and the subsequent Islamization of the country's social structure. Women's gradual yet steady professional performances seem to have alarmed the ruling political elite, particularly the religious leaders, who are becoming ever more aware of the changing dynamics of gender power relations. They thus exert their political and legal authority ever more strictly. Many of Iran's leaders have not missed a chance to blame every social malady on women, from the collapse of the Iranian monetary unit in October 2012 to the devastating earthquake in 2010, which was said – without a hint of irony – to have been caused by women's "bad" veiling and "unnatural" and impious behavior.⁶¹

Do such manifestations of patriarchal anxieties over the direction that gender roles and dynamics are taking signal the "end" of male privileges and status in the Islamic Republic of Iran? Not necessarily. But then one wonders why the government in the Islamic Republic of Iran has stressed the need for greater legal "fortification" of gender disparities.

⁶⁰ See Ahmad Shirzad, *Tafkik-i ghair-i kar shinasi-i jinsiyati* [Unprofessional Gender Segregation], SHARQ NEWSPAPER (Aug. 8, 2012).

⁶¹ See *Women to Blame for Earthquakes, Says Iran Cleric*, GUARDIAN (Apr. 19, 2010, 11:00 AM), <http://www.guardian.co.uk/world/2010/apr/19/women-blame-earthquakes-iran-cleric>.