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# Civil Society in Iran

## *Politics of Motherhood and the Public Sphere*

Elham Gheytonchi

*University of California, Los Angeles*

**abstract:** Civil society and the public sphere are based on historically specific moral discourse. Social movements such as the women's movement emerge out of the internal contradictions of the dominant moral discourse at any historical juncture. This article explores how the women's movement emerged in post-revolutionary Iranian society, as represented in one major women's publication, *Zanān*. In post-revolutionary Iranian society, Muslim women activists broaden the boundaries of civil society by translating their highly praised status as mothers to active and morally recognized citizens.

**keywords:** civil society ♦ Iran ♦ motherhood ♦ public sphere ♦ women

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From the early 1980s into the mid-1990s, the Islamic Republic of Iran waged a series of attacks on the social and political rights of women (Keddie, 2000; Gheytonchi, 2000). The Islamic state systematically violated many human rights, as defined by the international community with the adoption of the Universal Declaration of Human Rights in 1948, but specifically targeted women. Iran opposed universal women's rights at the 1993 Vienna Human Rights Conference by pressing the claim of Islam as its religion and culture. Since the early 1990s, the government has tried to counter negative publicity about its human rights record by proclaiming its dedication to 'Islamic' human rights and its pro-equality views on women. Certainly at the core of this 'Islamic' culture as triumphed by the Islamic Republic of Iran lie contradictory concepts of women that provide a space for empowering women as guardians of culture, revolution and moral values.

In response to restrictive regulations on women imposed by the Islamic Republic of Iran as 'divine laws', Muslim women activists protested

publicly. The theocratic regime did not allow the secular women to voice their opposition (Pooya, 1999: 4–9). Of course, some secular women activists writing for publications such as *Hoquq-e Zanān* and *Jens-e Dovvom* have engaged in the public debates on women's rights in Iran, but this has only happened rather recently.<sup>1</sup> Nine women's periodicals formed a podium from which Muslim women called for changes in the government's treatment of women, especially in the legal system. In the early years of the Islamic Republic, women's periodicals were directly related to government officials, but in later years some independent ones were also published. In all nine periodicals, however, woman's praised position as mother – representing the boundary tension between the civil sphere of Islamic society and the private sphere of family – was the vehicle for women to voice their objections and demands for equal rights.

This article seeks to explain the emergence of the women's rights movement in Iran as rooted in the discourse of the moral status of women as mothers. It might seem that Iran is one of the least likely places to search for a civil society due to its theocratic regime, but a moral discourse of public sphere and civil society has existed and even intensified in the revolutionary era. The very event of revolution brought women from all social strata into the sociopolitical scene as active citizens, while Islamic state ideology protected women as 'weak' and 'emotional' subjects whose primary responsibility was mothering. This article asks: how and why did Muslim women in Iran mobilize around 'motherhood'? In what ways has the women's movement in Iran struggled for inclusion into the public sphere?

### Civil Society and the Public Sphere

Habermas's conceptualization of the 'public sphere' has provided the ground for theoretical developments (Habermas, 1989; Calhoun, 1996). The public sphere is defined as a modern institution and a set of values which brings private persons together in public to engage in the context of reasoned debates. However, this idealization of disembodied reasonableness has been criticized for its lack of historical specificity and analysis of gender (Fraser, 1994). Ideologies of public sphere have been expressed 'in concrete rather than abstract language' (Alexander, 1994: 12) while claiming to be universal. In fact, public spheres have always excluded groups of people from the larger society for various political, social or economic reasons. Exclusion from the state-monitored public sphere has, in some historical instances, led to inclusion in counter-public spheres and social movements (see 'Introduction' in Calhoun, 1996; Smith, 1998). There are, indeed, segmented public spheres coexisting in a society (Alexander, 1998a).

Despite national variations, the language that forms the core of civil society is a general semiotic structure which guides actors. Durkheimian insights describe the moral grounds upon which society is built (that is, social solidarity), and set the limits of 'universal' claims of inclusion in a society. And actual historical research shows, in many cases, the discourse of civil society and its institutions can in fact lead to non-democratic societies which exclude minorities or women from full citizenship rights while claiming to adhere to morally justified values of society as asserted by political leaders. Nazism and fascism in Germany and Italy are two vivid examples of this phenomenon (Berezin, 1997; Koonz, 1981). Although the fostering of voluntary associations and non-governmental organizations (NGOs) can count as indicators of democracy in a country, they are by no means accurate measures. For if we are to understand the internal dynamic of a society and its moral foundations, we cannot only limit our analysis to the number of associations and organizations that serve as a means for people to enter public life. The obvious shortcoming of this viewpoint is that it looks at organizations in an instrumental way. Because if the moral discourse of a country changes, as in the case of revolution or a military coup, the very same organizations could be used to oppress people. This one-dimensional analysis of counting NGOs is limited in its scope since it does not include the motives of people or their social relationships and instead focuses only on institutions. An analysis of the moral grounds on which civil societies are founded allows us to examine the points at which tensions with non-civil, but publicized particular identities of excluded people occur.

This relinking of the notion of the public sphere in concrete terms with social movements can help us shed light on the intricate ways in which women's movements arise. As Lila Abu-Lughod has observed, in contemporary Egypt 'the Islamists stigmatize sexual independence and public freedom as Western but much more gingerly challenge women's rights to work, barely question women's education, and unthinkingly embrace the ideals of bourgeois marriage' (Abu-Lughod, 1998: 243). In Singapore, women's organizations supported the call for women to bear children for the nation as a way of inclusion in the broader civil society; but the state denied their reproductive rights later (Heng and Devan, 1992). These examples show that the relationship between women's movements and the public sphere is more complicated than it seems on the surface. Women's movements, as struggles for freedom of the excluded groups in civil society, draw on historically specific and contextual moral discourses of civil society. In what follows, I argue that in Iran the existing historical and contextual moral discourse of the public sphere created boundary tensions between non-civil and civil spheres through which the women's movement formed.

## **Civil Society, Public Sphere and the Politics of Motherhood**

It is the aim of this article to demonstrate that the women's social movement in the Islamic Republic of Iran emerged around the discourse of motherhood in civil society. Alexander argues that civil society functions as the intersection of all groups and members of the society. The overarching discourse of civil society, manifested in its moral guidelines, holds together the 'fragmented public sphere', comprised of civil and non-civil spheres. These non-civil spheres penetrate the public realm of a society 'culturally, institutionally, psychologically, and in interactional practices of everyday life' (Alexander, 1998a: 97), because the discourse of civil society is inclusive. But this same inclusive nature of civil society brings it into 'tension' with non-civil spheres. For instance, women were only partially recognized as members of the civil society because they were believed to have 'particularistic' needs due to their dual membership in the non-civil sphere of family.

The participation of women in Iranian politics and the changes they fought for in the legal system, cultural representation and citizenship show that the position of women has been deeply implicated in the form of the prevailing discourse of social solidarity. The women's positions are central to the Islamist discourse about social solidarity. Women's daily struggles are born out of the boundary tensions created between their roles as mothers and guardians of Islamic nation and citizens of the Islamic Republic of Iran. Thus, the vibrant women's movement in Iran was born out of the inherent contradictions of the Islamist regime. On the one hand, the Islamists' discourse of the revolution based its revolutionary rhetoric on the supposedly exploited position of women in the Shah's regime, arguing that the pro-western ideology of equality and modernity made women mere sex objects and that their salvation depended on the institutionalization of a paternalistic Islamist doctrine. On the other hand, the revolution allowed the middle- and lower-class women, who were previously excluded from public participation, to join the men in revolutionary activities and become full citizens in charge of the newly formed morality of an Islamist Iranian community. This twofold condition of women led to the women's movement. The real site of struggle for the inclusion of women in contemporary Iran is the state's claim for the moral regulation of society, which allows the possibility for oppressed groups to enter the public sphere.

One of the historical examples of a social movement that led into full incorporation of its group members into the whole society was 'Republican Motherhood' in late 18th- and early 19th-century America. Women demanded inclusion into the civil society through the successful

'translation' of their particularistic needs into the universalistic discourse of civil society. The arguments used in both social movements, in contemporary Iran and 19th-century America, referred to the traditional role of women as mothers, while highlighting women's legal rights as individuals. Both of these movements tried to shift the particular position of women in institutions such as the family to a better position inside civil society by stressing women's public agency in civil society. In these social movements, women publicly announce the 'boundary tensions' between their roles as mothers and their social roles in civil society.

As is the case with many mass revolutions, 'for many women the Revolution had been a strongly politicizing experience, but the newly created public made little room for them as political beings' (Kerber, 1980: 11). The distinction between the 'private' and 'public' realms seemed strong in 18th-century America because women's presence was mostly felt in churches and at home. With the revolution, women were irreversibly pushed into the public realm. Because the new republic, leaning heavily on the law, demanded 'virtuous citizens', mothers were to play an important role: they had to raise virtuous male citizens on whom the future of the new republic depended. This demand added a political importance to women's education. As Kerber suggests, 'On the one hand, republican political theory called for a sensibly educated female citizenry to educate future generations of sensible republicans; on the other, domestic tradition condemned highly educated women as perverse threats to family stability' (Kerber, 1980: 10). Women's traditional role as mothers (intertwined with ideas about passivity, submission and the family) came into conflict with the moral discourse of civil society, embedded in national discourse, which was a universal and inclusive public sphere for *anyone*. Women's successful translation of their role as mothers into the role of morally responsible actors in the new society enabled them to gain the status of legitimate public actors.

### **Periodicals and Publicization of Motherhood in Iran**

Periodicals, newspapers and publications have played an important role throughout the modern history of Iran. The media, in the absence of political parties in Iran, became the only forum for people to express their oppositions and actively participate in political debates (Gheissari, 1998: 78–84). Historically, the national media and particularly newspapers have shaped the moral discourse of civil society. In contemporary Iran, national television, radio and major newspapers are strictly controlled by the traditional right wing of the Islamic Republic. The view of political factions within the regime and opposition groups is only reflected in the few

newspapers and periodicals not governed by the Islamic right wing. Thus alternative media are the only sites for social movements and a real contestation occurs in the pages of such publications. Such newspapers as *Hamshahri*, *Salām*, *Jame`a* and *Zan-e Ruz* have recently been at the center of political fights in Iran. For instance, the new reformist president of Iran was related to *Hamshahri*, a weekly newspaper which played a significant role in his election campaign.

In the early days of the revolution, women's periodicals were the direct instruments of Islamic hard-liners. Such publications as *Payām-e Zan*, *Payām-e Hajar*, and *Zan-e Ruz* were mainly in the service of the state and invited women to be active participants in the social scene, provided they were good mothers. During the eight-year war with Iraq, women's role as sacrificing mothers, who sent their sons, husbands and brothers to war, was publicly glorified. Despite Khomeini's promises to grant women equal rights, the Islamic state managed to abolish the legal rights of women including the right to divorce and abortion, it lowered the legal age of marriage from 18 to 9 years old in accordance with Islamic *shari`a*. Islamic clerics, much like priests in the Catholic Church in the Communist regime of Romania, or Protestant churches in pre-revolutionary America, became guardians of 'paternal states', to quote Kligman.<sup>2</sup> They regulated every aspect of social life in Iran. But there was no escape from the boundary tensions created between the role of women as obedient subjects of the state *and* as active revolutionary subjects, who were given the moral responsibility of guiding the new Islamic nation of Iran.

### ***Zanān*: A Women's Periodical and the Politicization of Motherhood**

As the Islamic regime eradicated secular women's public presence in the political arena, Muslim women activists were left with the sole responsibility of defending and legitimizing women's rights after the feverish days of the 1979 revolution. The trend in women's publications since 1979 indicates smooth but steady progress toward this goal of a more autonomous realm. Since 1979, these publications have raised the questions previously raised by secular feminists in exile (Moghadam, 1994; Afshar, 1991; Sanasarian, 1982; Azari, 1983; Tabari and Yeganeh, 1982). Muslim women's activists such as Rahnavard, Hashemi and Tabātabai found themselves as the defenders of women's freedom in Islamic Iran. Under their supervision, *Zan-e Ruz*, *Payām-e Hājar*, *Nedā*, and *Payām-e Zan* started as dependent organizations of the state and have moved towards quasi-independent status. These publications are actively engaged in the process of politicization and publicization of feminine virtues in order to

request changes in women's legal rights (Najmabadi, 1998; Nakanishi, 1994). Another journal, *Farzāneh*, announced its existence in autumn 1993 from a cultural relativists' position on women's issues in Iran. Its editor, Mahbubeh Ommi (formerly Abbāsqolizādeh), proposed a search for solutions to women's issues in the Iranian people's own indigenous and religious practices.

*Zanān*, on the other hand, is the only widely read women's journal that has publicly campaigned around women's rights in four distinct areas: religion, culture, law and education. With a relatively high subscription rate of nearly 120,000 readers, who are mostly urban and educated women, *Zanān* has embarked on a project of radical reinterpretation of Islamic sources concerned with women's rights. *Zanān* soon became the locus of political debates both inside and outside of the country. *Zanān*'s investigative reporting as well as public debates around women's lack of rights challenged the very culture, norms and guidelines of morality and power usually associated with women.

*Zanān* was first published in 1991 and successfully opened up a space for debates on women's issues such as economic independence, freedom and the right to choose within the discourse of Islamic civil society. It is widely quoted in the credible journals and newspapers both inside and outside of the country as a 'prominent women's magazine' (*New York Times*, 1 January 1998: A6). *Zan-e Ruz*, the state-controlled women's magazine from which *Zanān* was born, started its publication in 1980 under the supervision of the 'Writers' Association', and its editor-in-chief changed in 1991. Soon after *Zanān* was launched and its editorial note indicated that its separation from *Zan-e Ruz* was due to extreme and continuous oppression of women by the new Islamic rules. 'Some people in our system try to monopolize religion and do injustice to women under the name of Allah. These people should remember that Islamic revolution aimed at liberating women and Islam raises women's consciousness not vice versa' (*Zanān*, 1991, No. 1: 3).

It was with these words that *Zanān* started its mission to open up a space for the translation of the 'particularistic' needs of women as mothers in the non-civil sphere of the family into the discourse of civil society. *Zanān* soon found itself in opposition to the religious right-wing politicians who run the state-controlled newspaper of *Resālat*, which is backed by right-wing *bazaris* and clergies. With the help of many writers, theologians and social scientists, *Zanān* challenges the culturally and socially rigid Islamic codes on women. In an informal interview, its editor Shahlā Sherkat, who is a young woman from a lower-class and highly religious family (with restrictive standards on women's 'appropriate place'), told me that in addition to threats from the state apparatus every time an article appears in *Zanān* on issues regarding women's

political and social rights, the journal receives various threats from fundamentalist groups (loosely called 'pressure groups', believed to be supported by hard-liners in the state apparatus), who condemn *Zanān* for 'heresy' and causing 'cultural corruption among youth'. It is under these political pressures that *Zanān* continues its publication. An overview of *Zanān* magazine illustrates how, despite all these pressures, this journal has been able to publicize and politicize feminine virtues, namely motherhood, in the broader society by drawing on notions of Islamic justice and its 'liberating' promises for women.

In its first editorial, *Zanān* explained that its publication was a response to a need in Iranian society for discussion about women's rights. The editorial mentioned that women face gendered discrimination in four realms: religion, culture, law and education. It clearly announced its will to pave the way for a rereading of religion to reclaim women's rights. 'We know that in a country where women's primary importance lies in her reproductive role, these discussions will not have a nice echo. Our discussions will be a difficult heresy for our Eastern men; but we hope that our efforts will result in a productive dialogue with our people in our Islamic country' (*Zanān*, 1991, No. 1). *Zanān* acknowledged the fact that its audience would mostly be educated and urban women, but it invited men and women from all other classes to participate in their discussions (*Zanān*, 1991, No. 2).

### **Civil and Family Law**

As a part of the modernization project, the previous Pahlavi regime (1925–79) had written and put into effect a 'Family Protection Law' (1967), which was designed to modernize the family and elevate women's position in the traditional setting of the family. This law was an attempt to control population, increase the age of marriage for women (in Islam it is nine years old for women and 15 for men), and restrict polygamy. The right to divorce was given to women in an attempt to recognize them as autonomous individuals since in Islamic law women's bodies are the direct property of the men in their families (the father, brother or son). The Family Protection Law was immediately annulled by Khomeini for its 'western influenced regulations'. The family became the center of the Islamic Republic's discourse of Islamization. There was clearly a tension because in 1978 the Islamic clerics had total control over the family but it had to become legalized and constitutionalized. Instead the Islamic clergy annulled the Family Protection Law, repealed the previously existing restriction on polygamy, and women's rights were subjected to the ambiguous 'extra-constitutional' and 'sacred' criteria of 'conformity with the Islamic Law'. Women were praised for their role as mothers, and it



was their eternal and glorified motherhood that gave meaning to their existence. As Paidar (1995: 259) notes, 'In the Islamic constitution, women as citizens and political beings were subjected to women as mothers.' But women as mothers necessarily meant women at home and under men's control. By leaving the sphere of family unregulated and ambiguously under the power of clerics in the pre-revolutionary as well as post-revolutionary era, clerics in power aimed at preserving legitimate political and patriarchal rule over the people while under pressure to continue economic development in Iran.<sup>3</sup> Muslim women, who poured into the streets in support of the Islamic Republic, went to war and sacrificed their sons for the cause of the Iran-Iraq War, now demanded 'Islamic Justice' to further integrate into the wider public sphere and civil society.

Issues such as family law – or rather the confusion over Islamic family law – child custody laws and women's position are posed and debated in the pages of *Zanān*. In a series of articles, Sayyed Mohsen Sa'idzadeh (writing under the name of his wife, Mina Yadegar Azadi) analyzed the Islamic laws on marriage. After three articles on women's position within family law, the author concludes that women do not need the guardianship of men since women are considered full human beings who can be in charge of themselves. Furthermore, Sa'idzadeh insists that women should not consent to unwanted sexual acts even within the marriage.

The writer is interpreting the Koranic verses to reclaim women's bodies, which were subjected to men in their families unconditionally according to the Islamic laws. These writings draw on the holy and sacred position of women as mothers in Islamic sources to demand justice and equality for women. The practice of reinterpretation of the Koran to grant women's rights as citizens of an Islamic Republic draws on the historically specific dominant discourse of the country to form a mass movement which in turn demands inclusion into the public sphere.

From its early issues, *Zanān* embarked on two seemingly different paths: one to reclaim women's rights in the civil law of Iran and the other to start a project of reinterpretation of Koranic verses and *fiqh* (Islamic jurisprudence). These tasks were intertwined because civil law and penal code in Iran were based on Islamic law after the revolution. Writers and activists writing in *Zanān* grounded their legitimacy in one unifying theme: women's primary and superb position as *mothers*. Both discourses heavily borrowed and in fact used the very same slogan that the Islamic regime had used in its early days of power: 'Heaven lies under mothers' feet'. This language, in its concrete and historically contextualized setting, adheres to the standards of both domestic and international democratic and pro-human rights ideologies.

The first task was effected by Mehrangiz Kar, a female lawyer who had obtained her liberal education under the past regime and was denied the

right to work as a lawyer after the revolution because Islamic law banned women's participation in law-making processes. Kar's new book about women's political rights after the revolution was introduced in *Zanān* (1992, No. 3). She began writing for the periodical in 1993 (No. 11). Kar's articles inform women about their unequal rights under Islamic law and range from family law to women's participation in national elections. There are two striking features in her writing: one is that due to her active presence in the social and political scene before the revolution, she is able to give personal testimony of women's rights before and after the revolution. In other words, she makes the connection from past to present and reminds her readers that Iranian law has actually gone backwards with regard to women's rights since the 1979 revolution. Kar states the Islamic state's formal ideology regarding women and their 'holy' task as *mothers*: 'Women who are constantly reminded [by the Islamic state] to be active in society as well as in their families as *mothers*, now have serious legal demands in order to do the very tasks required of them' (*Zanān*, 1992, No. 3: 38). In the same article, these legal demands are listed. Among these laws are revisions of civil law 1169 regarding the custody of children after divorce. This law requires that after divorce, mothers can have custody of their sons only until age two and their daughters until age seven. Thereafter, the custody of the children is granted unquestionably to their father. These rights, as Kar acknowledges in her writing, were granted to women under the Iranian family protection law in 1967 but were abolished by the Islamic regime. It is by posing these contradictions between the Islamic state's formal praise for *mothers* and the mothers' actual lack of legal protection, such as the right to custody of their children, that Kar starts her activities as a 'Muslim woman activist'. Her views are published in *Jens-e Dovvom* too (1998, No. 1: 56–63).

Over a two-year period, 1992–4, Kar's articles concentrated on women's real status under Iranian civil law. From issue No. 11 of *Zanān* (1993) to No. 20 (1994), and in fact till the present day, Kar discusses family law with regard to women, as *mothers*. In her article on criminal law, Kar points to another tension in Islamic law: women are considered adults at the age of nine while men are considered adults at the age of 15. 'Therefore women are responsible for any crime six years before the men are legally held responsible for unlawful activities. Civil law 1210 has definitely placed women in an unequal position with regard to men' (*Zanān*, 1993, No. 11: 18). Kar mentions that the Islamic state praises women for their holy task of motherhood but in law a woman's testimony is worth half of a man's. It is these inequalities and contradictions in Islamic law and ideology, Kar claims, that drive her to invite all women to *ijtihad* to claim their rights on behalf of their status as mothers.<sup>4</sup>

In a 1994 issue, Kar discusses mothers' lack of rights to open a bank

account for their children (*Zanān*, 1994, No. 22). She reminds her readers that in 1978, just before the revolution, mothers had full rights to open a bank account for children under the age of 18 which was strictly under their control and gave single mothers financial security. Kar states that after the revolution, the law-makers, who 'disrespect' the rights of mothers, took this right away. In the laws passed after the revolution, the father and his side of the family gained complete control over the bank accounts which were previously the mother's entitlement. Kar highlights the inherent tension in the law: 'How do we in fact respect the highly praised status of *mothers*: in our set of slogans and motto or in our set of laws? The law clearly warns us that the *high status of being a mother* remains locked in slogans only. There is yet to be any recognition of this status [mothers] as a legally respected status and our laws are not in fact evolving towards this goal' (*Zanān*, 1994, No. 22: 47).

In April 1997 the magazine published the proceedings of a roundtable about the most important problems women face in Iran (*Zanān*, 1997, No. 34: 12–19). The participants were Mr Alavi-Tabar, an economist, and Ms Shirin Ebadi. Shirin Ebadi was the director of Tehran's principal court from 1975 to 1979, but after the revolution her appointment was canceled and she was forced to take a secretarial job in the court. The reason was that according to Islamic rules women could not hold a juridical position. She then demanded retirement in 1984 and since then she has consistently been writing for journals on the legal rights of women and children in the Islamic Republic of Iran. According to Ebadi,

Under our law, if a father or a grandfather kills their son, there is no *qisās* [punishment in Islamic law]; there would be a legal follow up only if the mother complained. The same law says that abortion is a crime. . . . Again in the same law, it is said that if a man takes his child into the desert and the child dies of hunger, the father is subject to *qisās*. A father can legally kill his child at home and face trial only if the mother complains but he cannot kill his child in the desert.

Ebadi argues that the apparent contradictions in Islamic law point to various 'interpretations' of Koranic verses by the clerics. These interpretations have to be modified, according to Ebadi, to suit the modern times better.

On the topic of female adulthood, Ebadi points out the contradictions in Islamic law as currently enforced in Iran. She argues that according to Islamic law, a girl at the age of nine years is considered an adult and can legally marry a man. But when the time comes for the election of the country's prime minister, the legal age for females to vote is 16 years old. Ebadi poses the question 'How is it that a nine-year-old woman can choose a husband for a lifetime, but cannot choose a prime minister of

the country for four years?' Ebadi shows how social problems become entangled with the enforcement of contradictory Islamic laws:

A nine-year-old girl can legally get married. She might have a child by the age of 13. If her husband dies or divorces her, she needs to work. But in this case the labor law intervenes and declares that child employment under the age of 15 is illegal. Therefore, even over a very simple distinction of female adulthood – or the end of female childhood – there are so many contradictory laws.

At the end of the roundtable, Ebadi reminds readers that these contradictions clearly demonstrate a reinterpretation of Koranic verses related to women – who are in essence mothers – in order to achieve a more unified, just and truly Islamic system of law in the country. As shown, boundary tensions between the non-civil sphere of family and discourse of civil society are publicized. Furthermore, motherhood is politicized as a site for women's struggles for equal rights.

### Mothers as Mujtahids

The other strand of writing in *Zanān* demands women's direct engagement in religious studies and reinterpretation of Islamic law. In the Pahlavi era (1925–79), Islamic law was only used in matters related to family law, which was itself restricted by the Family Protection Law of 1967. The Family Protection Law was a relatively progressive law drafted by the state in its efforts to modernize the country. It granted women's right to vote, right to get a divorce and legal abortion (Paidar, 1995: 152–7). In drafting the Family Protection Law, Islamic clerics were consulted as a credible source to give laws religious legitimacy. However, it was only after the revolution that a total program of Islamicization of the country led to the total control of Islamic clerics over the law, penal code and women's legal rights. *Zanān* has made its foremost priority to argue that women, due to their highly praised status as mothers in the Islamic Republic of Iran, should also enter the religious realm and directly participate in Islamic law-making processes. *Zanān* argues that Islam has never been exclusionary towards women and now is the best time for Muslim women, the teachers of Islamic guidelines to the next generation, to actively participate in reinterpretation of Islamic sources.

Sa'idezadeh (writing under the name of Azadi) argues that in the primary Islamic sources – Koran and hadiths – there is no evidence that Islam denies women the right to become a cleric. He argues that only secondary sources such as *fiqh* argue against women's ability to become religious authorities. He then invites the religious thinkers to include women in their discussions (*Zanān*, 1992, No. 8: 24–32). The author further quotes contradictory secondary sources which have stated that a woman,

once educated in Islamic law and jurisprudence, is equal to a man and can become a *mujtahid* (see note 4) and execute an Islamic decree.

In the same spirit, an important feature of Kar's writings are her clear invitation of women to engage in *ijtihad*. 'It is time for *ijtihad*' (*Zanān*, 1991, No. 2). The same call is made later by Ebadi (*Zanān*, 1997, No. 34). This call to *ijtihad* is unique in the history of the women's movement in Iran and it is also what constitutes the common ground between Kar, Ebadi and those writers who argue strictly from an Islamic viewpoint such as Mohsen Sa'idzadeh and Kazem Musavi. All these claims, however, seek legitimacy in the Islamic state's praise for the holy task of *motherhood* given by God to women. It is this tension between women's daily struggles and unequal rights and their highly praised status as mothers that yields to numerous discussions and dialogues over the rights of women in the pages of *Zanān*.

Another example of *ijtihad* was Sa'idzadeh's attempt to alter the laws regarding custody of children. In *Zanān* (1997, No. 38), he once again discusses *fiqh* and tries to give a different reinterpretation of Islamic sources based on the holy status of mothers. Sa'idzadeh gives an overview of religious debates among Islamic thinkers and jurists regarding the right of custody. He then suggests that 'Islamic Republic of Iran, with permission of *velāyat-e faqih* [the supreme jurist and leader who overviews all aspects of government, the judiciary, executive and legislative branches] can make a law that would transfer all rights of custody to the *mother*' (*Zanān*, 1997, No. 38: 8). After this bold statement, a few months later, Sa'idzadeh, who is himself a cleric and a graduate of Qom religious seminaries, was arrested and put in jail by the Islamic state apparatus (*Zanān*, 1998, No. 44: 56).

## Violence against Mothers

In addition to family laws, Kar also discusses violence against women, as mothers in a society where laws clearly do not protect single mothers. In an article in *Zanān* (1996, No. 29), Kar criticizes the lack of legal protection for single mothers, whose husbands fail to be tried in Islamic courts due to disregard for women's testimony in Islamic law. Kar states that in Islamic courts, if a judge decides to disregard 'mothers' testimony, as in fact Islamic law allows, the same highly praised 'mothers' with the responsibility for their children on their shoulders have no other safe place in which to take refuge.

If a woman requests divorce from a court, even if it is granted to her after years, the husband is not responsible for her financial support. If she gets a divorce, she will lose her children, by law, to their father. So, in a lot of cases the mother

has to stay in a home where man's violence threatens her life and instead perform her motherly duties. (*Zanān*, 1996, No. 29: 3)

Kar wrote a series of articles on marriage and its legal procedures (see *Zanān* No. 30 to *Zanān* No. 50). In these articles, she meticulously explains every detail of marriage law in Iran and actually shows 20 ways of including a precondition in the marriage contract that would allow women to legally request divorce. Kar clearly objected to civil law 1133 which states that 'a[Muslim Iranian] man can divorce his wife any time he desires'. The articles suggest including preconditions such as husband's impotency and addiction as a basis for women's request for divorce.

Violence against women/mothers remains a recurrent issue in *Zanān*. In one issue (*Zanān*, 1996, No. 29), the magazine discusses the necessity for creating women's shelters for battered women/mothers who are subject to violence if they return to their homes. *Zanān* then focuses on the tension between the holy status of mothers as promoted by the Islami-cizing state and mother's real legal rights. This contradiction drives the writers in *Zanān* to indirectly demand the status of 'individual' for women to perform motherly duties.

Kar's articles since the events of May 1997, when President Khatami was elected by an overwhelming majority of voters – mainly women and youth – have become openly critical of the regime. During 1998, there were four brutal killings of dissident writers and intellectuals in Iran. A fundamentalist group, *Fedā'iyān-e Navvāb*, announced full responsibility for the killings. Meanwhile the traditional Islamic faction of the regime, Khamenei and his followers, who are strongly opposed to the reform agenda of Khatami, publicly announced that in fact these dissident writers were 'enemies of Islam'. In an article published in *Sobh-e Irān* newspaper, Kar boldly criticizes the peculiar characteristics of Islamic criminal law, the fact that the law allows 'Muslim Iranian man' to justify his murders under the name of Islam. It should be noted that Islamic courts which were set up after the revolution have been the target of many international human rights organizations, but very rarely do Iranian intellectuals or politicians criticize the judiciary system inside the country. The reason is obviously the fact that upon doing so they would be brought to trial in the same courts and condemned to death. Kar's article, therefore, deserves special attention because it is among the very first voices raised against the judiciary system from inside Iran. Kar writes:

Islamic Criminal Law No. 295 clearly says that in the case that a [Muslim Iranian] man kills someone because he believed that someone had to be killed – via *qisās* [legal retribution] – and it is tried in the Islamic courts and later it becomes clear that it was a mistake, because the killer had done so based on his belief in Islam he is exempt from *dieh* [blood money] or *qisās*. The

assumption is that a Muslim man can in fact recognize when someone has to be killed. An Iranian Muslim man is legally entitled to be the judge and executioner as well. In this case, why do we even need a juridical system? (*Sobhe Irān*, 1998)

As seen earlier, mothers' opposition to violence goes further than the particular sphere of family which can directly involve state's opposition.

### Paternalistic State's Opposition

Kiani Sabet (a state official) criticizes those views expressed in *Zanān* that claim equality of men and women in Islam (*Zanān*, 1994, No. 14). It is the official ideology of the Islamic state and is constantly invoked in state-controlled media that men and women are in fact biologically different, women become mothers and must be protected by the state. Sabet warns the magazine that 'any critique of Islamic jurisprudence [*fiqh*] is a violation of Islamic belief and religion' (*Zanān*, 1994, No. 14). The author then proceeds to invoke state-ruled ideology, quoting Islamic clerics and concluding that Islamic law is the best type of law with regard to essential characteristics of men and women. In response, Sa'idzadeh writes a powerful article proving that Kiani Sabet's points are not in accordance with real *fiqh*. Sa'idzadeh asks: 'Why should a woman's body (a female person) be any different? Why should women, who have such a highly praised status as mothers in Islam, be denied their rights?' (*Zanān*, 1994, No. 14: 57). Sa'idzadeh, Musavi and other writers highlight the tension that exists in Islamic jurisprudence, which is the basis of civil law and penal code in Islam as a liberating religion which pays special dues to women for their holy task of motherhood.

It did not take the Islamic state and the hard-liners long to threaten *Zanān*. In June 1994, *Zanān* published a letter issued by the Ministry of Internal Media which clearly threatened to close the magazine down for its bold criticisms of the Islamic state and its policies. The letter stated 'These threats to people's religious faith and the cultural fruits of our bloody revolution cannot be tolerated. Thus hereby we warn *Zanān* publication that continuation of harmful activities might result in the termination of their paper subsidy from the Ministry of Internal Media in Iran' (*Zanān*, 1994, No. 18: 2-3). All newspapers and periodicals in Iran receive a subsidy for printing paper that enables their publication. It is in this highly tense political atmosphere that *Zanān* continues its publication.

The political pressure over the possible closure of *Zanān* only intensified as time passed. In August 1994, Asadollah Badamchiyan, the consultant to the presidency (who is a *bazari* with ties to a right-wing faction), also

issued a letter to the editor of *Zanān*, warning her that '[*Zanān*'s] tone is clearly against Islamic values' (*Zanān*, 1994, No. 19: 9). The status of motherhood is stressed in these letters, which try to reclaim the realm of Islamic jurisprudence for the state and the clerics in high positions of power inside the government. But motherhood serves as the tension between the Islamic laws, state's ideology and women's lack of legal rights. Just as the women active in the American Republican Motherhood movement, in the pages of *Zanān* motherhood has been reclaimed by women and Muslim women's activists. They are now using the same slogan to demand actual legal protection for issues such as divorce, custody of children and even abortion as public actors present in the social scene.

### **Mothers and the Political Sphere**

In March 1996, *Zanān* reflected on the fifth election for the Majlis (the Iranian parliament) with regard to women's participation (*Zanān*, 1996, No. 28). According to *Zanān* and other news agencies in Iran, there were 179 female and 2751 male candidates for about 270 seats. In the first round of elections, Fa'ezeh Hashemi from Tehran and Marzieh Hadidchi from Hamadan were elected. Fa'ezeh Hashemi is the daughter of the president. In the same issue, *Zanān* published an article which justified and in fact made it necessary that women be included in political procedures. According to law 91 of the constitution – which was added after the revolution – a committee of guardians has to overview the qualifications of the candidates. This committee is composed of six religious jurists (*faqihs*) and six lawyers. Members of this committee have to be elected by the supreme jurist. *Zanān*'s article critically reviewed the criteria for choosing the six *faqihs* and argued that the

... *faqih* can be anyone who knows *fiqh*, whether through *ijtihad* or *taqlid* [the latter refers to a cleric who has mastered *fiqh* but does not issue fatwas]. ... Since women can become *mujtahidun*, they can become members of the committee. ... In fact, according to Koranic verse Nafar (sura 121), female *faqihs* have the duty to pass on their knowledge about *fiqh* to others and use it. (*Zanān*, 1996, No. 28: 20–1)

Therefore women publicly demand the right to participate in the political scene through engaging in a process of reinterpreting religious decrees in the name of mothers.

### **Motherhood: 1998 and Onwards**

In the months of March and April 1998, two measures reached parliament which were clearly drafted to restrict women's range of social activity in the public sphere. One of these measures is that 'instrumental use of



women's pictures in the media which insult women's status in the society is strictly banned' (*Zanān*, 1998, No. 42: 6–7). *Zanān* strongly objected to the measure and demanded its rejection by parliament. The other measure aims at separating hospitals and public health facilities according to the patient's biological sex. The Islamic hard-liners in the Majlis clearly wanted to prove their political power despite the overwhelming victory of the moderator cleric, President Khatami. This time too, *Zanān* opposed the measure by reinterpreting Koranic verses and reasoning that the law is inherently against Islamic law as interpreted by *Zanān's* writers and activists.

In the spring of 1999, *Zanān* published a unique editorial victoriously reviewing the successes of the women's campaign over the past 12 months and encouraging women to continue their battle (*Zanān*, 1999, No. 51: 2).

In the same issue, Kar, who has remained the most prolific writer in *Zanān*, wrote a calling on behalf of women:

In the beginning of the Persian new year, I am listening – in the midst of political battles in Iran – to understand who I am and what are my rights which I have lost under the name of *motherhood*.

Women are asking one question: Under the contemporary legal system of Iran, are women citizens or possessed objects? I hope you understand that when a victim – at the peak of her suffering – speaks of the injustice and objects, a historical event proceeds. Take her seriously! (*Zanān*, 1999, No. 51: 3)

## Conclusion

I have shown in this article the dynamics of the emergence of the women's movement in post-revolutionary Iran. In particular, I have analyzed two aspects of this movement: the dominant moral discourse of the public sphere and the discursive strategies of the women's movement in Iran. On a general level, it is evident that the use of motherhood was an effective strategy of mobilization for women to gather public support and legitimacy for their cause. This strategy is not unique to women in Iran, as women's movements in revolutionary times in other places, such as the USA, have also employed this strategy. In the latter, nationalist discourse served as the basis of moral claims of inclusion in the public sphere. The moral guidelines and cultural practices of the modern public sphere – as intertwined with the religious and moral context of a state-monitored public sphere – provide a context for the expression of women's demands.

The creation of a state-monitored public sphere leads to tension with non-civil yet politicized spheres. In particular, my analysis of the politics of motherhood as used by women in Iran suggests that moral codes of

civil society in Iran, as outlined by the state, are bound to produce boundary tensions for women allowing them to carve a space in the public sphere. This analysis aims to point at the seemingly veiled ways in which the moral discourse of civil society is gendered. This shows that reason and arguments in a society – which create the public sphere – are always morally justified, which allows the actors, in this case women, in a social movement to draw from the same moral grounds to ensure their inclusion in the public sphere and civil society.

The women's movement has emerged in the Islamic Republic of Iran paradoxically because of the regime's attempt to restrict women's rights by holding them up as the 'moral guides of the Islamic nation'. Iranian women, once recognized as active participants in the revolution and post-revolutionary political and social activities, much like American women in the Republican Motherhood movement, argued convincingly that their particularistic claim as mothers constitutes the core of the moral premises on which the idea of the public sphere is based. Subordinating their status of women as citizens to their role as self-sacrificing mothers created what Alexander calls 'boundary tensions'. Muslim women activists have been able to use their 'dual membership' in the holy and non-civil sphere of family and the broader sphere of Islamic society to 'translate' their previously recognized 'weak' and 'feminine' virtues into a discourse for a 'just Islamic society'. These cultural and moral translations in the discourse of *Zanān* magazine have successfully provided the grounds for women's inclusion into the public sphere.

## Notes

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1. *Hoquq-e Zanān* was launched in 1998. Its editor is Ashraf Gerami-Zadegan and its focus is on women's legal issues in Iran. *Jens-e Dovvom* was also launched in 1998 and its editor is Nooshin Ahmadi Khorasani. The latter magazine devotes its pages mainly to secular feminists in exile and it is therefore unique in its range of contributors.
2. As Kligman states:  
Domination of the public sphere by church or state demands the selfless dedication – or sacrifice – of persons to it, rather than the self-interested practices of individuals in it as typically associated with capitalism. This fundamental contradiction captures the tensions that characterize the conflicts of interest between the states, churches, and their populations that pertain to reproductive politics and practices. In each case, the fact of life itself supersedes consideration of its quality, especially with respect to the mother or the child. (Kligman, 1998: 7)
3. According to Pooya, 'women's employment [under Islamic state] did not fall

in comparison with the pre 1979 period, even though the Islamic state strengthened patriarchal relationships, which are detrimental to women's employment status' (Pooya, 1999: 158).

4. *Ijtihād* means individual inquiry to establish the ruling of the *shari'a* – the body of rules guiding the life of a Muslim, in law, ethics and etiquette – upon a given point, by a *mujtahid*, a person qualified for the inquiry.

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**Biographical Note:** Elham Gheytnchi is a PhD student in the sociology program at the University of California Los Angeles. Her current research is on women's legal rights in Iran.

**Address:** Department of Sociology, University of California Los Angeles, 2201 Hershey Hall, Box 951551, 610 Charles E. Young Drive, Los Angeles, CA 90095-1551, USA. [email: elham@ucla.edu]