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Notes on the Repression of the Women in Iran

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How are we to understand the Islamic Republic's battle against women? Women who want gender equality are tried and given hefty jail sentences. By intimidation and detention, the regime forces women to observe the decreed head and body coverings. But why has the Islamic Republic gone to battle with women? The author argues that the issue is directly linked to the theory of the *velayat-e faqih* [rule by an Islamic jurist] and the legitimization of rule by Islamic jurists. Without gender apartheid, the *velayat-e faqih* would cease to have meaning.

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authority because he is well-versed in *fiqh* (Islamic jurisprudence). *Fiqh* has to be implemented so that human beings can achieve felicity in this world and the next. The implementation of *fiqh* requires two things: first, someone who is well-versed in *fiqh* (a *faqih*) and, two, the establishment of a state and the handing over of supreme control to a *faqih* so that he can implement the *Sharia*.

For a *velayat-e faqih*-based system, the fact that the system is based on *fiqh* and implements the *Sharia* is the only criterion and measure for the Islamic-ness of the government. It goes without saying that the implementation of *fiqh* does not make the government and society religious; if a government would implement the precepts of *fiqh* in an atheistic or non-religious society, this would not automatically make such a society religious. We will overlook this problem for now and accept the claim made by the *fuqaha*: that a society in which the precepts of the *Sharia* are implemented is an Islamic society.

Incomplete implementation of *Sharia*

However, looking at the record of the *fuqaha* of the Islamic regime shows that the implementation of precepts is far from complete. The precepts on cutting off a thief's hand, on stoning, on apostasy, and those on *jihad* are not being implemented. Neither is the precept on interest being implemented. The *Quran* has spoken in the harshest terms about charging interest on loans and described it as waging war on God. But the Islamic Republic's banking system is based on interest and applies even higher interest rates than many banking systems in the capitalist world. Why are the lower profit rates in capitalist banking systems seen as interest rates that are prohibited by Islam, whereas the high profit rates in the Islamic Republic's banking system seen as acceptable? Is this not the application of trickery in interpreting the precepts of God? The list of unimplemented precepts is much longer. Twenty-eight years after the Islamic Revolution, the observance of ritual prayers is weak, tithes are a dead letter, and the *Quran* is neglected.¹

When the precepts of the *Sharia* are not acted upon and the state is not based on *fiqh*, then what makes the Iranian government religious and what leads to the perpetuation of rule by the *fuqaha*? Only one remaining feature suggests that the system is Islamic: women's hijab. The Islamic Republic's regime makes women wear the hijab by force so that, one, the country is considered Islamic and, two, there can be a justification for continued rule by the *vali-ye faqih* [supreme Islamic jurist/cleric]. In short, women are used to put Islamism on display.

Women should be free to wear or not to wear the hijab. The government has no right to impose a particular form of covering on women in the name of religion. Let us assume that the Iranian government is a religious government and that the implementation of the *Sharia* is the government's duty. What is the position of the hijab in the *Quran's* moral-legal-penal system? Is the hijab more important than not charging interest on loans? Why is Iran's banking system allowed to charge interest, while women are not allowed to deviate from the precept on the hijab? Is the hijab or prayer more important? Prayer is a wholly spiritual and worship-related affair. It is the link between the needy and the needed, the worshipper and the worshipped. It also serves a very important social function as far as the *Quran* is concerned. Prayer destroys immorality and vice. If the government claims to be implementing the *Sharia* and combating immorality and vice, why does it not make prayer obligatory? Even if it were possible, it would defeat its purpose. Forced prayer is not a prayer. But the hijab is not important as an act of worship or, even if it were, it is not at all comparable in this sense to prayer and fasting. And the *Quran* has not assigned any social benefits to it either. Failure to observe many precepts leads to punishment in the afterlife,

We know that the *velayat-e faqih* lacks a rational justification. The justifications based on narrated accounts of the sayings of the Shii Imams are also dubious, which is why historically most *fuqaha* have not subscribed to the theory. So why is political control over Iran in the hands of the *fuqaha*? What justifies their rule? According to those subscribing to the theory of the *velayat-e faqih*, a *faqih* has

but the *Quran* has not assigned any punishment in the afterlife for failure to observe the hijab.

Lack of security

Why is it that, when people were free in their choice of clothes under the Shah's regime, women and girls used to favour wearing the hijab, while the regime in the Islamic Republic has totally failed to impose its choice of covering on women even by brute force? Why is it that, under the Shah's regime, girls used to go to state schools and emerge as Muslims, whereas today not even the Islamic Republic's officials wish to send their children to state schools? Why is it that before the revolution, girls and women used to use public transport without any problem, but, since the revolution, the problems cannot even be solved by gender-segregation on public transport?

Women need security in society, but they do not have it. They do not want to be viewed as sex objects, but the Islamic Republic has reduced them to sex objects. Women are the targets of devouring eyes. The problem of women is a question of freedom and equality. They do not want to be discriminated against because of their gender. Why is this demand resisted? Is it because of a commitment to Islamic law? No, even Mr. Khomeini held that belief in God and the Prophet was sufficient to qualify a person as a Muslim. As he wrote: "What, in truth, constitutes Islam ... is the principle of the existence of God and God's oneness, the Prophethood and, possibly, belief in the afterlife. The rest of the rules consist of the precepts of Islam which have no bearing on the essential belief in Islam. Even if someone believes in the above-mentioned principles but, because of some doubts, does not believe in Islamic precepts, this person is a Muslim, on condition that the lack of belief in the precepts does not lead to a denial of the Prophethood ..."²

Notes on the of Women

Most of the Iranian women who want equal rights are Muslims. They accept that the precepts of *fiqh* used to be implemented in the early days of Islam and that they were obligatory then. But, contrary to the *fuqaha*, they doubt that these precepts hold for all time and everywhere. The unreasoned assumption of the *fuqaha* is that the precepts of *fiqh* hold for all time and everywhere unless proven otherwise. The assumption of religious modernists is that these precepts were temporary and belonged to the society of the early days of Islam unless proven otherwise. These precepts solved some problems in the simple society of the past, but, today, they do not solve any problems; instead they produce a negative perception of Islam.

Crisis of legitimacy

When "the destruction" of so many precepts of *fiqh* is unproblematic, why are the hijab and precepts relating to women so important? Because the political system is naked and exposed, it needs a cover to lend legitimacy to the rule of the *fuqaha*. But there is no such cover. Oppression, violence, and intimidation cannot be rendered legitimate by forcing women to cover. The regime in Iran has tried these methods for twenty-eight years, but the project for making a *fiqh*-based society has completely failed. Women are not like a few intellectuals who can be brought into line through assassination and imprisonment. Their lifestyle cannot be imposed on them.

Any regime has an ideology to lend it legitimacy. The ideology justifies rule by the state (the authorities) and makes it appear rightful. *Fiqh*-based Islam is the legitimizing ideology of the Iranian State. But the State is now facing a crisis of legitimacy for the following reasons: a) The *fuqaha* have deviated from the precepts of the *Sharia* and have placed the most important precepts of *fiqh* in abeyance; b) The formulation,

by religious intellectuals, of a modernist reading of Islam as opposed to the prevailing fundamentalist reading of Islam; c) The universality of democracy and human rights as values that legitimize political systems with which other ideologies are unable to compete; d) The fact that various sections of the population are turning away from the system's legitimizing ideology.

As shown, the fuqaha have themselves deviated from the precepts of fiqh and the only thing that remains is the discriminatory precepts of fiqh on women. Now, women are standing up to these laws and are rejecting them. But their rejection should not be seen as a move against religion. On the basis of Mr. Khomeini's view or, more importantly, religious modernists' reading of Islam, women's resistance can be seen as a move that favours religion. Concomitantly, the state's opposition is not based on a defence of religion either. The state is opposing women's demands because the only thing that justifies their authority is the implementation of fiqh and the only precepts that remain are the precepts that rule out freedom and equality for women. So, the quarrel is essentially not religiosity versus irreligiosity but rather democracy versus dictatorship, since equality is the shared foundation of democracy and human rights.

The centrality of justice

If we want the Prophet of Islam to protect our dignity here and today, we must recognize that God sent us prophets so that they would spread justice, not so that they would implement precepts or force women to wear a hijab. Gender discrimination, owning slaves, and patriarchy did not conflict with people's understanding of justice in pre-modern times. But based on a modern understanding of justice everyone is equal regardless of race, class, religion, or gender. If the Prophet of Islam were to appear today, he would undoubtedly defend equal rights for all human beings.

Repression in Iran

Justice takes precedence over religion in two contexts. First, justice is the criterion for accepting or rejecting a religion. Secondly, justice is the basis for understanding religion. So, religion must be just and rational. Precepts that are not worship-related are for solving practical problems. Rational people in the past devised solutions to problems. Those solutions do not solve problems today. Rational people today have presented new solutions to problems. Let us not forget that the Legislator follows the conventions of rational people, the conventions of rational people do not follow the Legislator. The Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women are the handiwork of rational people living in the modern world. They must replace the conventions of the seventh century.

Dressing codes and naked ideology

It goes without saying that men and women do not walk around totally naked in any society. Convention and law have accepted a minimum of clothing. But this minimum is the product of long, historical experience in conditions of freedom. In Iran, people know that morality and religiosity are mere slogans of the government; power and pretentious religiosity have the last word. A despotic political system cannot decide unilaterally what people should wear and impose it by force. The question of clothing must be left to male and female members of the public, so that they can reach a consensus, through dialogue, on the accepted minimum standard.

The regime's battle to impose a dress code on women has nothing to do with a return to tradition. Rather, these imposed dress codes resemble measures that were taken by other authoritarian regimes that used brute force to keep "a woman in line with ideology." In Muslim societies, measures of this kind began in Central Asia after the Bolshevik Revolu-

tion, reached a peak in Turkey, and were imitated by Reza Shah in Iran.

Extensive measures (known as "hujum" or "assault") taken in Soviet Central Asia to force women not to wear the hijab reached a peak in 1927. On the orders of the women's section of the Communist Party, thousands of women threw their scarves and traditional garments into fires in public squares in some cities. However, the "liberation" of women by force never produced the desired results in the Central Asian republics. Douglas Northrop's study on Uzbekistan showed that the "assault" did not succeed in producing a substantial change to the power relationship between men and women and that, in a paradoxical way, it increased Uzbeks' propensity to wear the hijab as "a symbol of ethnic and national identity" and as a form of resistance to the Soviet state.³ The Islamic Republic's use of force in this respect has likewise produced an outcome that is the reverse of what the state intended.

In Turkey the creation of "a woman in line with civilization" was part of the authoritarian modernizing project of the Kemalist state. Ataturk used to say: "I've seen women ... who throw a cloth or a towel over their heads to hide their faces and, when men pass by, they turn their faces and move out of the way ... Gentlemen! Can the mothers and daughters of a civilized nation resort to this kind of strange behaviour and return to barbarous times? This is a scene that brings ridicule for the nation ..."⁴ How arrogant must a person be to describe half of his country as barbarous? This problem remains unresolved to this day. In May 2007, the Turkish army threatened the country's parliament and said that it would not, under any circumstances, allow a man to become president whose wife observed the Islamic hijab. Turkey's Islamists respect the separation of the state and religion, they do not seek to implement the precepts of the Sharia, and they approved all the laws relating to human rights and democracy which were endorsed by the EU. But the Kemalist establishment refuses to tolerate the fact that Islamist politicians' wives wear the hijab. Women do not own their own bodies; they have to present their bodies in a way that is in line with the commands of the Kemalist army. Here, the body is reduced to a product produced by power.

In order to solve this "problem," Iran's pseudo-modern government under Reza Shah devised the policy of the forced discarding of the hijab. Paternalistic and authoritarian elites, who thought they had the cures to all of humanity's ills in their ideological pockets, decided to "liberate" women, who still did not have the right to vote and whose opinion no one ever asked, and thus to grant them "equality." The radicals in the Islamic Republic are trying to "elevate women's dignity and standing" in a similar authoritarian way. Apparently, they have not learned anything from history and continue to resort to force and intimidation.

The status of women during the early post-colonial era has been part of the discourse of power and the attempt to build states and nations "from above." Creating "a woman in line with the ideology"—whether the ideology is Bolshevism, secularism, Kemalism, Reza Shah's brand of authoritarianism, or fundamentalist Islam—has always been part of the state-building project of authoritarian elites. In all these projects, states distinguish between "good women" and "bad women." The discerning analyst can clearly see the power-gender relationship behind these structures.

Women's liberation will be achieved when the plurality of women's social identities is officially recognized and when the state stops imposing on women norms that suit the ideological preferences of ruling elites. Turkey's Kemalists see women who observe the hijab as barbarous and Iran's fundamentalists consider women who do *not* observe the hijab as similarly barbarous. But is barbarity anything other than a state that forces its citizens in a direction that they do not want to go? We must accept freedom of choice. Women must not be used as a means for achieving ideological ends. Freedom and equality have to be accepted so that everyone can live their lives on the basis of their own moral judgements. The modern individual is someone who creates him/herself as a work of art. Every work of art is different from every other work of art. Democracy means recognizing differences and the right to be different and to think differently.

Notes

1. Baztab website, 28 April 2007.
2. Ruhollah Khomeini, *Al-Tahara*, vol. 3: 327–8.
3. Douglas Northrop, *Veiled Empire: Gender and Power in Stalinist Central Asia* (Ithaca: Cornell University Press, 2004).
4. Matt Cherry, "When a Muslim Nation Embraces Secularism," *Humanist*, May–June 2002: 22.

Akbar Ganji is Iran's leading political dissident. He was recently awarded the 2007 John Humphrey Freedom Award, Canada's most prestigious human rights and pro-democracy prize. Translation by Nilou Mobasser.