

**Universal women's human rights and the
'Muslim question'**

An inquiry into the Iranian women's movement

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Candidate Declaration

I certify that this thesis contains no material that has been accepted for the award of any other degree or diploma in any university or other institution.

I affirm that to the best of my knowledge the thesis contains no material previously published or written by another person, except where due reference is made in the text.

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Abstract

The relationship between human rights principles defined at the international level, and questions of justice, rights, and representation in Muslim contexts, is an issue of significant complexity. Within this broad debate – a defining feature of contemporary international relations – this thesis focuses on the extent to which the discourse of universal human rights provides women in the local Iranian context with a valuable point of reference to advance the ongoing struggle for women's empowerment.

To address this question, the author begins broadly by questioning the commonly held view that human rights are a legacy of Western culture. An inquiry into the development of international standards in the second half of the twentieth century suggests that although Muslim actors were not the 'main players' in this process, nor were they passive spectators. Rather, members of Muslim communities – indeed *Muslim women* – have been active and impacting participants in the ongoing development of the human rights framework.

The thesis then provides a more specific exploration of the strategic manoeuvres of the Iranian women's movement. Through an analysis of the shifts that have taken place within the women's movement over the course of Iran's reform and post-reform years (1997–2003, and 2004–present), the author argues that the two conventional approaches to advancing women's rights in Iran – Islamic feminism and secular feminism – carry significant practical limitations when carried out in mutual exclusivity.

It appears, however, that women activists of both religious and secular orientations have recognised those limitations, and reformed their approaches accordingly. In the context of the Change for Equality Campaign, launched in August 2006, feminists of both secular and religious orientations are working together in a sustained and systematic attempt to advance mutual goals of non-discrimination. This paradigmatic shift, where practicality has trumped the maintenance of positional ideals, has taken place under a human rights banner. The aim of the Campaign, as defined by its

members, is clear: to bring local laws on women into line with international standards on women's rights and gender equality.

The Iranian political landscape has thus witnessed the birth of something unique: a *non-ideological* form of feminism, wherein both secular and religious oriented women have identified a common point of reference in the discourse of universal women's human rights. The author argues that this new form of feminism, expressed through the Change for Equality Campaign, is having a positive impact on both civil society and government, in a way that past approaches to advancing women's rights were unable to achieve.

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INTRODUCTION

i. Overview of the research question

In the second half of the twentieth century, women's rights movements have claimed space on the political landscape of most countries throughout the world. Of these struggles, the women's movement of the Islamic Republic of Iran provides a particularly striking example of innovative agency and commitment to the establishment of universal human rights standards.

The Iranian women's movement embodies feminist organising *par excellence*. It comprises not only human rights activists in the conventional sense, but a vast constituency of women from various class, occupational, and ideological backgrounds, including both secular and religious women, journalists, lawyers, fashion designers, literary writers, actresses and film directors, university students, and ordinary housewives.¹ The women's movement does not adhere to a particular dogma or manifesto, and there are no strict 'membership' requirements. The only prerequisite, according to Iranian lawyer and Nobel Peace Laureate Shirin Ebadi, is dedication to furthering the effort to bring local laws on women into line with international standards on gender equality.² As such, individuals are free to participate in and contribute to the women's movement in their own distinct capacities, and to the extent that they feel comfortable.

Despite a widespread determinism amongst women to participate in the making of their own futures, the women's movement faces a set of state prescribed laws that specifically limit their freedoms, and a constitution that constructs women as second-class citizens to men. These legal precepts are justified by the Iranian regime as upholding Islamic values on appropriate gender relations.

¹ Janet Afary, "Seeking a Feminist Politics for the Middle East after September 11," *Frontiers* 25, no. 1 (2004).

² Shirin Ebadi, 7 July 2007. Interview with the author.

So how exactly is the women's movement – which claims to be a representative and non-ideological entity – manoeuvring in a political climate where sensitivity to issues of faith and culture are paramount? In this context, does the discourse of universal women's human rights provide local Iranian women with a valuable point of reference to advance the struggle for women's empowerment? This thesis aims to demonstrate that the discourse of universal women's human rights is not only relevant to Iranian women in the struggle for equality, but also provides the normative lynchpin of what is arguably the brightest and most promising phase of the women's movement since the establishment of the Islamic Republic in 1979.

ii. Literature review and contribution to the field

ii.i Part One: Universal Human Rights and the 'Muslim Question'

There is a prevalent impression in international relations that 'the West,' represented as the United States of America, embodies a cultural pre-disposition towards international human rights principles, while these principles are considered foreign, unfamiliar, and extraneous in other societies.³ In a world that took a paradigmatic turn on the eleventh of September 2001, the 'other' in this political master narrative has increasingly come to be understood as 'Muslim.' Therefore, although this thesis takes the Iranian women's movement as a case study, the central research question is located in a larger debate surrounding the universality of human rights and Islam as a 'complete way of life' for members of Muslim societies.

The available literature on the question of human rights universality is characterised by two dominant and competing streams of thought. For a number of academics of both Western and non-Western backgrounds, the human rights idea represents a culturally constrained project of the West – a product of enlightenment theory and

³ Ann Elizabeth Mayer, "The Internationalisation of Religious Positions on Human Rights: How Religious Particularisms Are Uniting in a Campaign against Women's International Human Rights," in *Global Justice and the Bulwarks of Localism*, ed. Christopher L. Eisgruber and Andras Sajó (Leiden, The Netherlands: Martinus Nijhoff Publishers, 2005), pp. 228.

European individualism. The relativist viewpoint, encapsulated in the politics of scholars such as Adamantia Polis and Peter Schwabb, and more recently Makau Mutua, holds that the applicability of 'human rights' outside Western societies is, at best, seriously limited.⁴

Nowhere is the idea that human rights are merely a reflection of Western cultural norms more entrenched than in relation to gender relations and women's status. According to the modern principle of gender equality, any distinction made on the basis of sex that has the intention or outcome of according women unequal rights to men is *ipso facto* discriminatory.⁵ Within the relativist viewpoint, gender equality is widely considered to be a lofty ideal of women who are white, Western, and privileged. Not only is this ideal presumed irrelevant to Muslim societies that remain organised around 'traditional' family relations, but also essentially undesirable to Muslim women, whose identities hinge on fulfilling the requirements of religious tradition within the family structure.

This presumption informs dominant Western images of the 'Muslim woman' as a dutiful, and often submissive, wife, daughter, or mother. Such images are not solely the result of the Western imagination, since there is a strong insistence from within some Muslim countries, such as Iran, that women's human rights principles are inauthentic to Muslim societies, and by definition 'un-Islamic.' Ann Mayer has pointed to the tendency in popular Western culture and some academic discourse to accept such claims as *the* 'Muslim view' on human rights, and women's rights in particular.⁶ The problem with that acceptance is that where there are restrictions on women's autonomy in Muslim societies, they come to be externally understood not as the result of patriarchal political calculations by those in power – which determine unequal status for women in most societies throughout the world – but rather, as a reflection of a community belief in Islam. That belief, according to the relativist

⁴ See Adamantia Pollis and Peter Schwabb, "Human Rights: A Western Construct with Limited Applicability," in *Human Rights: Cultural and Ideological Perspectives*, ed. Adamantia Pollis and Peter Schwabb (New York: Praeger Publishers, 1979). And, Makau Mutua, "The Complexity of Universalism in Human Rights," in *Human Rights with Modesty: The Problem of Universalism*, ed. Andras Sajo (Leiden, The Netherlands: Martinus Nijhoff Publishers, 2004), pp. 51-64.

⁵ See *The Convention on the Elimination of All Forms of Discrimination against Women, Part I* ([cited 13 November 2007]); available from <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#part1>.

⁶ Mayer, "The Internationalisation of Religious Positions on Human Rights," p. 228.

understanding, precludes the resonance of universal human rights norms to the those following a 'Muslim way of life.'

In contrast to the relativist approach, many scholars demonstrate a more tempered orientation, and argue that although human rights may have been developed under the auspices of Western philosophy, this does not necessarily preclude their significance and applicability in non-Western societies. Thinkers such as Eva Brems and Laith Kubba suggest that although human rights norms may have originated in the West, they represent a culturally transcendent project in moral reasoning, and carry the inherent capacity to be re-appropriated by members of communities outside the West.⁷

For yet other scholars whose intellectual orientations are tilted towards universality, human rights are not necessarily culturally *transcendent*, but nevertheless lend themselves to universal implementation through the establishment of cross-cultural foundations. The imperative to locate such foundations usually falls within two broad approaches. Thinkers such as Charles Taylor, for example, advocate a universal basis for a list of basic human rights norms in the metaphysical similarities between the world's major religious and spiritual traditions. For others, such as Abdullahi An-Naim and Richard Falk, minimal empiricism – the attempt to find functional equivalents of human rights norms already in existence in different cultural contexts – provides the most constructive path towards defending universality.⁸

It is generally accepted that each of these approaches to advocating human rights universality represent the notional opposite of the relativist orientation, which categorically rejects the universal dynamic of the human rights project. In fact, these two otherwise opposing positions embody a number of common characteristics. Both

⁷ See, Eva Brems, *Human Rights: Universality and Diversity*, ed. Kluwer Law International, vol. 66, *International Studies in Human Rights* (The Hague, The Netherlands: Martinus Nijhoff Publishers, 2001). And, Laith Kubba, "Faith and Modernity: What Is Liberal Islam?," *Journal of Democracy* 14, no. 2 (2003).

⁸ See, Abdullahi An-Naim, "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment," in *Human Rights in Cross-Cultural Perspectives, a Quest for Consensus*, ed. Abdullahi An-Naim (Pennsylvania: University of Pennsylvania Press, 1992), pp. 19-43. And, Richard Falk, "Cultural Foundations for the International Protection of Human Rights," in *Human Rights in Cross-Cultural Perspectives, a Quest for Consensus*, ed. Abdullahi An-Naim (Pennsylvania: University of Pennsylvania Press, 1992), pp. 44-64.

dominant streams of thought on human rights and universality, as outlined above, are tilted towards the theoretical, rather than the pragmatic. Furthermore, they both embody a conviction, whether implicit or explicit, that human rights principles as embedded in the international framework are the natural teleological result of nineteenth century enlightenment theory.

Is this a given, or could it be the case that the human rights principles expressed in the international treaty system are not 'Western' in the sense that is commonly presumed?

Far less common, but nevertheless present in the vast volume of literature on human rights universality, is an alternative viewpoint that moves away from relativism, foundationalism, and the view that human rights are culturally transcendent morals, to deal with the practical formulation of the human rights framework in the latter half of the twentieth century. The relatively small body of works produced with this motivation in mind comes from a number of key authors, including Johannes Morsink and Susan Waltz.⁹ In distinct ways, these scholars have accounted for the participation and contribution of non-Western actors in the development of the international human rights system, suggesting that modern human rights standards are by no means the inevitable outcome of European enlightenment and are not categorically 'Western.'

The intellectual impetus to demonstrate this point could hardly be more salient than in relation to Muslim communities, where local groups making claims to universal standards are consistently overshadowed by complaints at the official level of Muslim representation that human rights instruments have been shaped by exclusively Western values and aspirations. For the most part, however, the existing literature aimed at demonstrating the inclusive and protracted development of international human rights standards following the Second World War, maintains a general focus on the participation of 'small States' and non-Western actors in general.

⁹ See for example, Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting & Intent* (Philadelphia: University of Pennsylvania Press, 1999). Susan Waltz, "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights," *Third World Quarterly* 23, no. 3 (2002). Susan Waltz, "Universalising Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights," *Human Rights Quarterly* 23, no. 1 (2001).

The range of materials that place a more focussed spotlight on the participation and contribution of Muslim participants, whilst by no means non-existent, is far more sparse. Furthermore, the existing literature on the cross-cultural development of international human rights standards in the latter half of the twentieth century reveals a lack of studies on the participation and contribution of non-Western *women* in the development of *women's* human rights principles.

To address the central research question, this thesis begins broadly with a focussed investigation into the participation of Muslim actors in the development of international human rights norms. The thesis also includes an analysis of the participation and contribution of non-Western women in the development of universal standards on women's rights and gender equality, with a specific focus the experiences of Muslim women. In this way, the thesis contributes to the marginalised and contested notions in international relations that modern human rights are not the exclusive legacy of the Western European tradition; that gender equality and women's empowerment are not concepts limited to Western feminist philosophy. In the twenty-first century, this could hardly be a more important undertaking: human rights movements in countless countries around the world depend on robust recognition of the universality of human rights norms to anchor their claims for justice, representation, and rights.

Of the many Muslim contexts that could be chosen as a case study to investigate local-level human rights discourse, Iran provides a particularly salient example. Iran is often described as a society characterised by paradox and contradiction – conditions captured in the very appellation 'Islamic Republic.' In line with this analysis, Iran encompasses a dramatic range of views on human rights and the international treaty system. Perhaps the view most well known in the West is the official position of the Islamic regime, expressed succinctly by Supreme Leader Ayatollah Khomeini in late-2007 when he claimed that attempts by some 'West-fascinated' women 'to add or to cut part of the Islamic Statute or align [it]...with some of the international conventions is absolutely wrong.'¹⁰ This position rests on the state's claim to be

¹⁰ *In the Name of Allah: Being a Woman a Merit Originally* (The Office of the Supreme Leader, [cited 31 October 2007]); available from <http://www.leader.ir/langs/EN/index.php?p=news&id=3563>.

founded and organised according to the principles of Islamic jurisprudence and the law of God as the only legitimate lawmaker for Muslim societies.

This claim is often taken at face value in Western societies, particularly in the United States, where for many people a reference to ‘the Islamic Republic’ invokes the kinds of images broadcast into most American homes during Iran’s revolutionary years: streets filled with seas of women wearing black chadors, waiting in anticipation for Ayatollah Khomeini’s next public sermon. This is not necessarily representative of Iranian civil society, and especially of Iranian women, in the early twenty-first century. Little known in the West is the organic resonance of human rights discourse at the local level. According to Ebadi, ‘human rights discourse is alive and well at the grassroots level; civil society activists consider it to be the most potent framework for achieving sustainable...reforms.’¹¹ Despite this, there is a general presumption at both the popular and government levels of Western countries that the position of the Iranian regime represents the ‘Iranian view’ on human rights and the international system. This is reflective of wider tendency in the West to take the views of state leaders and Muslim conservatives as *prima facie* ‘Islamic.’

This can be partly attributed to a situation described by Mayer, where inside Muslim-majority states ‘the voices of those Muslims who are supportive of human rights universality are often muted, they are regularly censored, and they generally lack the resources to counter effectively the well-financed publicity arranged by Muslim conservatives.’¹² To compound this problem, even in the instances where Muslim positions in support of universal human rights standards are accounted for in academic and public discourse, they are often implicitly treated as less culturally authentic, and somehow less ‘faithful’ than their more conservative counterparts. In this way, it is regularly implied that human rights discourse may not provide Muslim communities, structured around the dictates of religion, with the most practical means to advance rights-based goals. Or, to be less tactful, that ‘real’ Iranians identify very little with the secular set of rights embedded in the international framework, and broadly choose to confine local moves for increased rights to religious-oriented

¹¹ Shirin Ebadi and Hadi Ghaemi, "The Human Rights Case against Attacking Iran," *The New York Times*, 8 February 2005, p. 25.

¹² Mayer, "The Internationalisation of Religious Positions on Human Rights," p. 228.

discourse. The present thesis contributes to the small but growing body of literature that challenges these presumptions, through an investigation into the practical uptake of a 'human rights' paradigm by the Iranian women's movement, which comprises both secular and religious-oriented women.

ii.ii Part Two: Human Rights Discourse and the Iranian women's movement

It is important to acknowledge at the outset that the uptake of human rights discourse by ideologically diverse Iranian women has occurred along a rather complicated trajectory of locally-informed feminism. Historically, in fact, the attempt to draw international standards into the national debate over women's status has not provided all Iranian women with the feminist methodology of choice.

Since 1979, many women in Iran have chosen to focus their energies on religious exegesis. These women, dubbed 'Islamic feminists' in the literature, engage in hermeneutical explorations of Islam's holy sources with a dual-purpose in mind: on the one hand, Islamic feminists emphasise the transcendental spiritual message of the faith, and the egalitarian impulses at its core; on the other hand, Islamic feminists challenge the modern application of less gender-enlightened injunctions by contextualising them in the specific temporal and cultural circumstances of their revelation.

In contrast to this approach, other women's rights activists in Iran have maintained a distance from religious-based arguments, choosing rather to draw on rights-based principles exogenous to the Islamic tradition. It is these women, dubbed 'secular feminists' in the literature, who have consistently used international standards as the starting point for determining women's status in Iran.

In the past, the relationship between secular feminists and Islamic feminists has been characterised by cautiousness on both sides, hesitation to engage with the feminist 'other,' and sometimes, mutual mistrust. The historical experience of feminism in the Islamic Republic thus appears to fit neatly into a discursive framework that has informed much academic discussion on 'Muslim women's rights' since the

early 1970s. This 'discussion' is in fact encapsulated in the individual intellectual trajectory of one of the most renowned Muslim voices on women's rights, Moroccan feminist Fatima Mernissi. Over the extended course of her sociological work on women's rights in Muslim communities, Mernissi has come to personalise the evolution of feminism from a movement premised on the rejection of a role for Islam in policy formulation, to one of accommodation and reform within the Islamic framework.

Mernissi's earliest intellectual presence can be linked to the secular feminist cause. In *Beyond the Veil*, first published in 1975, Mernissi suggested certain ideological links between Islam and patriarchy.¹³ To demonstrate these links, she offered a comparative description of women's self-determination in pre-Islamic Arabia and Islamic Arabia respectively. In Islamic theology, the era prior to Islam is known as *jahiliya*, a time of barbarism and ignorance. Mernissi constructed the 'barbarism' referred to in dominant versions of Muslim history as a dysphemism for sexual self-expression. According to Mernissi, a fundamental discrepancy in the Islamic transition to 'civilisation' was the suppression of female, but not male, sexuality.¹⁴

In Mernissi's analysis, control of women's autonomy maintained throughout the centuries via the deliberate misuse of particular Islamic principles, most notably those on polygamy, repudiation, and the *idda* period. In respective order, these injunctions indicate that men may marry up to four wives; construct divorce as the prerogative of the male, who can do so by verbally announcing that intention three times; and oblige a divorced or widowed woman to wait several menstrual cycles before re-marrying. According to Mernissi, polygamy, repudiation, and the *idda* period are all manifestations of the emphasis placed on biological paternity in Muslim societies.¹⁵

Mernissi thus expressed concern in what she saw as a causal relationship between Islamic tradition and political patriarchy:

¹³ See Fatima Mernissi, *Beyond the Veil, Male-Female Dynamics in Muslim Society* (Cambridge: Schenkman Publishing Company, 2003, first published 1975).

¹⁴ Ibid., p. 46.

¹⁵ Ibid., p. 64.

...there is a fundamental contradiction between Islam as interpreted in official policy and equality between the sexes. Sexual equality violates Islam's premises, actualised in its laws, that heterosexual love is dangerous to Allah's order. Muslim marriage is based on male dominance. The desegregation of the sexes violates Islam's ideology on women's position in the social order: that women should be under the authority of fathers, brothers or husbands.¹⁶

In line with this analysis, following the codification of Islamic principles into the *Sharia* legal code, emergent Muslim societies have been firmly rooted in a patriarchal system. In the closing chapters of *Beyond the Veil*, Mernissi suggested that the establishment of women's rights in Muslim communities would entail dramatic societal reconstruction: a move away from religious-oriented policy formulation and towards secular governance.

Specifically, Mernissi indicated that Muslim communities should integrate 'the elements of Western democracy generally grouped under the label 'human rights.'¹⁷ Interestingly, a perceived link between 'elements of the West' and the 'human rights' was the very issue that led Mernissi and other feminists to alter the established secular approach to Muslim women's rights. By the late 1970s, secular models of development were failing to deliver the social and economic prosperity that had been promised to the constituencies of post-colonial states throughout the Middle East. The monopolisation of power exercised by a new group of secular elites who reaped the personal benefits of employing blindly pro-Western policies, resulted in political repression and economic stagnation. As a result, Western secularism became identified with and blamed for the problems experienced by Muslim societies at that time. 'Islam is the solution' became the catchcry of virtually all post-colonial movements throughout the Middle East.

This was expressed formatively in the Islamic Republic of Iran via the politics of *gharbzadegi*, meaning Westitis, or Westoxification: a demoralisation and general malfunctioning of society, resulting from the imposition of Western cultural values at the hands of Muhammad Reza Shah, who led what was widely understood to be a

¹⁶ Ibid., pp. 18-19.

¹⁷ Ibid., p. 84.

puppet-government of the United States for much of the 1950s, 60s, and 70s. The Moroccan experience followed a similar pattern. The Monarchy that took the place of the French Protectorate in 1956 was corrupt and inefficient. Nevertheless, it enjoyed the support of Western powers. A blind implementation of policies recommended by the International Monetary Fund resulted in an economic crisis brought on by foreign debt, and mass rioting ensued.¹⁸ In the latter half of the twentieth century, Western inspired 'modernisation' thus suffered a legitimacy deficit in Morocco, Iran, and throughout much of the Middle East.

In this political climate, Mernissi and her secular feminist contemporaries sought to redefine their projects in a way that presented as a more authentic accommodation of feminist ideology to the Islamic religion. Mernissi's 1991 work, *The Veil and the Male Elite*, presents a departure from her earlier approach on the establishment of women's rights in Muslim societies. The ideas contained in *The Veil and the Male Elite* are akin to Islamic feminism.¹⁹ As suggested above, one of the most striking methodological discrepancies between secular feminism and Islamic feminism is the temporal focus of the two projects. In 1975 Mernissi focused on the immediate impact of *Quranic* injunctions on the contemporary Muslim woman; in 1991 her focus shifts further back in history. Islamic feminism involves contextualising Islamic ordinances in the specific sociological conditions in which they were revealed.

One example is Mernissi's investigation into the *Quranic* verses on *hijab* (Islamic veil). According to Mernissi, the revelation of the *hijab* occurred at a time of raised anxiety within the Muslim community, when the Prophet Muhammad was facing military uncertainty and physical decline due to old age. In Mernissi's analysis, the Prophet's military foe used his intimate relationship with his wives as a political weapon against him: Muslim women were thus being seized in public, accused of adultery, and of scheming to remarry younger men immediately after the Prophet's

¹⁸ See, Hamed El-Said and Jane Harrigan, "Globalization, International Finance, and Political Islam in the Arab World," *The Middle East Journal* 60, no. 3 (2006): pp. 444-67. And, C. R. Pennell, *Morocco, from Empire to Independence* (Oxford: Oneworld Publications, 2003), pp. 168-70 and pp. 75-76.

¹⁹ See Fatima Mernissi, *The Veil and the Male Elite* (United States of America: Addison-Wesley Publishing Company, 1991).

death.²⁰ Thus, Mernissi suggests that the *Quranic* injunction that women stay at home and cover themselves when in public (verses 59-60 of sura 33) can be seen as a protective measure designed for a specific time and place. She holds that it is only through male domination and manipulation of the *Quran* that the verses on *hijab* have come to denote the denial of women's autonomy.

By contextualising *Quranic* revelations in the sociological circumstances of their revelation, and examining the management of those verses through the centuries, Mernissi decoupled the *Quran* from patriarchal practices. In doing so she came to a different conclusion than expressed in *Beyond the Veil* in 1975. In contrast to her secular feminist approach, Mernissi's Islamic feminist conclusion did not indicate an imperative in utilising the international human rights framework for the establishment of women's rights in Muslim communities. Rather, this enterprise might occur within the Islamic framework via woman-centred re-readings of the holy sources, which Islamic feminists deem capable of unlimited expansion to meet the rights-based needs of modern Muslim women.

The contrasting poles of Mernissi's personal feminist evolution have been mirrored in the ideological orientations of emergent Iranian feminisms since 1979. At various junctures since the revolution, Iran's secular and Islamic feminist forces have demonstrated some capacity for cooperation. For example, until its forced closure by conservative officials at the beginning of 2008, the Islamic feminist magazine *Zanan* made a point of publishing secular feminist writing, providing a forum for constructive internal debate amongst secular and Islamic feminists. Beyond these kinds of initiatives, however, for much of the history of the Islamic State both groups of women displayed an overriding concern for distinct conceptual ideals. A preoccupation with ideological means, as opposed to goals-based ends, precluded substantive *collaboration* between Islamic feminists and secular feminists: no systematic way of coming together was developed, and the two groups of women did not attempt to challenge the gender ideology of the State as a larger combined force.

²⁰ Ibid., p. 163.

A Mernissian-type debate has thus provided contemporary scholars with a useful paradigmatic basis for looking at feminist politics in the Islamic Republic. An overwhelming proportion of the existing literature on feminism in Iran is characterised by a 'pros and cons' approach to the local feminist experience. Often, these contributions comprise an explicit or implicit intent to persuade the reader towards accepting the practical value of one feminist position over the other.

Intellectual support for the Islamic feminist position has been offered by a number of expatriate Iranian writers, including Haleh Afshar, Ziba Mir-Hosseini, and Afsaneh Najmabadi. In their view, it is precisely the Islamic character of the state that has generated such vigorous local debate over the 'woman question' in Iran.²¹ According to this analysis, following the thorough Islamisation of Iranian society in the early 1980s, women had less restricted access to the theological language of the politically powerful. When Islamic feminists proceeded to develop rights-based claims using the same discourse as that employed by the regime, the State had little choice but to recognise those claims as authentic. In this way, although Islamic feminists present a challenge to the regime's conservative reading of women's status, their reliance on sources endogenous to the Islamic tradition has nevertheless ensured them fairly consistent room for movement inside the boundaries of State acceptability.

In contrast, secular feminists have enjoyed very little tolerance by the regime. Throughout the history of the Islamic Republic, secular women have faced sustained repression, and the State has systematically refused to engage with rights-based claims premised on sources external to the Islamic framework. The practicality of the secular feminist approach has thus come under significant critique in the literature. Nevertheless, the Islamic alternative is by no means problem-free. In fact, there is a significant amount of existing literature devoted to highlighting the practical limitations of the Islamic feminist project. Expatriate Iranian writers such as Haideh Moghissi and Valentine Moghadam provide intellectual support for secular feminism.

²¹ See amongst their other works: Haleh Afshar, "Islam and Feminism: An Analysis of Political Strategies," in *Feminism and Islam, Legal and Literary Perspectives*, ed. Mai Yamani (Berkshire, UK: Garnet Publishing Limited, 1996). Ziba Mir-Hosseini, "Islam, Women and Civil Rights: The Religious Debate in the Iran of the 1990s," in *Women, Religion and Culture in Iran*, ed. Sarah Ansari and Vanessa Martin (Surrey, Great Britain: Curzon Press, 2002). Afsaneh Najmabadi, "Feminism in the Islamic Republic: 'Years of Hardship, Years of Growth' " in *Islam, Gender and Social Change*, ed. Yvonne Y. Haddad and John L. Esposito (Oxford: Oxford University Press, 1998).

They question the capacity of religious-oriented activism to provide grounds for the complete eradication of patriarchal cultural norms, which over the centuries have come to permeate Islamic tradition.

In Moghissi's analysis, while Islam is not the root cause of women's problems in Iran, it plays an explanatory role in the systematic subordination of Muslim women vis-à-vis the *Sharia* – a legalistic elaboration of Islam's holy sources, developed in line with pre-modern cultural practices between the ninth and fourteenth centuries. Moghissi criticises the Islamic feminist motivation to modify the *Sharia* through woman-centred reinterpretation, when in her opinion it has no place in the formation of modern-day laws.²² The need to move away from exegetic debates surrounding Islamic sources, and into addressing the immediate realities of Muslim women's lives, is a common theme in the secular feminist literature. Echoing Moghissi, Moghadam expresses concern that as long as Islamic feminists 'remain focussed on theological arguments rather than socio-economic and political question, and their point of departure remains the *Quran* rather than universal standards, their impact will be limited.'²³

Particularly throughout the late 1990s and early 2000s, the intellectual debate between thinkers such as Afshar, Mir-Hosseini, and Najmabadi on the one hand, and Moghissi and Moghadam on the other, fuelled the publication of countless books and journal articles. These texts provided a valuable insight into what was happening around women's rights in Iran at the time.

In August 2006, however, feminist activism in Iran took a significant turn. With the announcement of the Change for Equality Campaign,^{*} both secular and religious-oriented women's rights advocates indicated a new motivation to move away from ideological idealism, and towards practical action. To simplify a multi-faceted process, at the centre of the Change for Equality Campaign is a drive to collect one

²² See Haideh Moghissi, *Feminism and Islamic Fundamentalism, the Limits of Postmodern Analysis* (London and New York: Zed Books, 1999), especially p. 141.

²³ Valentine M. Moghadam, "Feminism and Islamic Fundamentalism: A Secularist Interpretation," *Journal of Women's History* 13, no. 1 (2001): pp. 44-45.

^{*} The campaign is also referred to in primary and secondary sources as the One Million Signatures campaign. For ease in readership, this author has chosen to consistently use the appellation, Change for Equality.

million Iranian signatures in support of bringing an end to all discriminatory laws on women. According to Campaign guidelines, the way these laws should be changed is not arbitrary: the project is characterised by an explicit call on the State to bring all local laws on women into line with international standards on women's human rights.

On the one hand, this suggests a secular tilt to present-day Iranian feminism. However, the Change for Equality Campaign is not premised on specific feminist creed, and nor does it demand the implementation of any particular feminist methodology. To the contrary, the diverse women who comprise Campaign membership pride the project not as cross-ideological, but in fact *non*-ideological. Although the Change for Equality Campaign is characterised by a call on international human rights standards, the project did not marginalise religious-oriented women. Rather, it was born of reflexive reassessment on behalf of both secular feminists *and* Islamic feminists. This transpired against the background of a newfound sense of urgency in the first decade of the twenty-first century to come together as a combined force in order to challenge State-sanctioned discrimination.

These changes suggests that a Mernissian-type paradigm, or the 'secular feminist/Islamic feminist debate', which has informed academic discussions about women's rights in Iran for over two decades, may no longer be the best way to talk about the reality on the ground. Yet the extent of changes to the local feminist experience in Iran since the beginning of the twenty-first century is not fully obvious in the existing literature. While the comparative advantages and disadvantages of contrasting feminist ideologies are widely-documented and well-known, there are relatively fewer sources that engage with 'the Iranian women's movement' – an inclusive, non-sectarian social phenomenon – and its most recent manoeuvres vis-à-vis the Change for Equality Campaign.

This thesis provides a new contribution to the literature by examining how feminism in Iran has evolved since the middle of the first decade of the twenty-first century, and why. Most importantly, the thesis provides an analysis of the Change for Equality Campaign. Within this project, both secular and religious-oriented Iranian women have come together using the discourse of universal human rights. This has involved a tempering of both secular and Islamic feminist convention, since in the past, both of

these approaches in their independent capacities proved to have serious practical limitations. An important question to ask, therefore, is does the new project offer a practical way forward for Iranian women, and what factors are there to indicate that this is the case?

iii. Approach to the research

The extent to which international women's human rights discourse provides Iranian women with a valuable point of reference to advance the local movement for equal rights is located in a broader academic debate about 'Islam and human rights,' or the congruity between international human rights discourse and rights-based claims within Muslim communities. Consequently, before turning to the local-level dynamics of women's human rights discourse in Iran, the author investigated the historical relationship between the international human rights framework and Muslim actors at large. Part Two of the thesis deals with the Iranian case study. The value of the two-part approach is that the thesis has conceptual significance beyond the Iranian case study, and at the same time is pragmatic.

The research question at hand hinges on broader queries on human rights universality, and there are many ways to address this issue. As suggested in the review of the literature above, the present thesis does not engage with philosophical debates on the metaphysical or moralistic aspects of human rights principles. Rather, the author takes a comparatively straightforward approach. To demonstrate the congruity of talking about human rights in relation to Muslim communities such as Iran, the thesis examines the tangible development of the international framework on human rights in the second half of the twentieth century. After all, the human rights standards embedded in the international framework were not written on a philosophical basis, or for philosophical purposes. In terms of the majority, those who drafted the Universal Declaration and the human rights treaties that followed were politicians and state representatives, and the task was done with everyday people in mind.²⁴ Therefore, rather than project philosophical justifications onto the human rights cause

²⁴ Susan Waltz, "Universal Human Rights: The Contribution of Muslim States," *Human Rights Quarterly* 26, no. 4 (2004): p. 801.

retrospectively, why not look directly at the motivations behind the development of the international framework, how it was concretely formulated, and by whom?

The author examines works by Morsink and Waltz, as well as Mary Ann Glendon, and Paul Gordon Lauren.²⁵ These scholars have opened UN archives and engaged in detailed studies of General Assembly records on the drafting process of the UDHR. They pose challenges to the dominant assumption that modern human rights principles are *ipso facto* 'Western' by highlighting the presence, participation, and contributions of non-Western actors in general. However, in only one article does Waltz focus solely on Muslim states.²⁶ In the present thesis, the author mines the range of sources on the general development of the UDHR and subsequent human rights treaties to place a precise spotlight on the participation and contribution of Muslim actors. Wherever possible, the author analyses the contribution and participation of Iranian actors.

The thesis goes beyond the available body of works on the drafting process of the UDHR, to investigate the extent of inclusiveness in development of the international framework on *women's* human rights. The author collates an extensive range of academic contributions by individuals who participated in the United Nations global conferences on women, which punctuated the 1970s, 80s and 90s. Together, these conferences culminated in the development of universal standards on women's rights and gender equality. The resulting synthesis highlights out the specific experiences, observations, perspectives, and contributions of non-Western women, and specifically Muslim women. Again, the author focuses on Iranian participants, including Nayereh Tohidi and Mahnaz Afkhami.²⁷

The synthesis and new analysis of sources allowed the author to make a number of pertinent observations and tentative conclusions. While Muslim actors were not the

²⁵ See, Mary Ann Glendon, *A World Made New* (New York: Random House, 2001). And, Paul Gordon Lauren, *The Evolution of International Human Rights, Visions Seen*, Second ed. (Philadelphia: University of Pennsylvania Press, 2003).

²⁶ Waltz, "Universal Human Rights."

²⁷ See for example, Nayereh Tohidi, "Modernity, Islamisation, and Women in Iran," in *Gender and National Identity*, ed. Valentine M. Moghadam (London and New Jersey: Zed Books, 1994). And, Mahnaz Afkhami and Erika Friedl, "Introduction," in *Muslim Women and the Politics of Participation*, ed. Mahnaz Afkhami and Erika Friedl (Syracuse: Syracuse University Press, 1997).

main players in the development of the modern human rights framework, nor were they passive spectators. Where dissent for certain principles was expressed by one Muslim state or the other, this was consistently a minority viewpoint, indicating that it was not religious principles – that is, adherence to Islam – that led to the disagreements, but rather the specific political agenda of the dissenting state itself. Furthermore, although the development of universal standards on women's human rights norms began problematically, overall the demand for robust definitions and full recognition of 'women's human rights' has been global. In fact, since the mid-1980s onwards, non-Western women have been widely understood as standing at the forefront of the global women's movement. Universal women's human rights norms have been formulated according to global political realities, including the circumstances of Muslim women's lives.

In Part Two of the thesis, the author investigates the practical content of employing human rights discourse to advance the cause for gender equality in Iran. In order to address this question, the thesis necessarily engages with the conventional approach to analysing feminism in Iran, namely, the secular feminist/Islamic feminist debate. However, while the author looks closely at the literature that provides intellectual support for Islamic feminism and secular feminism respectively, this is done largely in order to appreciate the decline of an absolute distinction between two feminisms, one Islamic versus another, secular. To examine how and why feminism in Iran moved beyond the limitations of distinct ideological orientations, the author analyses a range of literature generated during Iran's reform and immediate post-reform years, including publications by Iranian feminists at home and abroad, as well as reports from various international human rights groups and reputable news sources.

An analysis of these sources helps to shed light on the degree of practicality involved in Iranian women's subsequent uptake of human rights discourse in order to advance their goals. However, most vital Part Two of the thesis, was a fieldwork component undertaken in Tehran, July 2007. The author's personal communication with local women proved invaluable to the development of the thesis argument. In particular, the opportunity to engage in private discussion with a number of key figures from the women's movement, including lawyer Nasrin Sotoudeh, activist Susan Tahmasebi, and the young aspiring poet, Roxana Setayesh, provided otherwise unavailable

insights into various aspects of present-day activism for women's rights in Iran. The author also conducted an interview with human rights lawyer and Nobel Peace Laureate, Shirin Ebadi. Ebadi is widely regarded as one of Iran's most forthright advocates of human rights and gender equality. She is deeply engaged in the local women's movement, and has defended some of Iran's most renowned feminists against the State, including activist Parvin Ardalan, publisher Shahla Lahiji, and fellow lawyer Mehrangiz Kar. Ebadi's first hand knowledge of the modern Iranian struggle for equality thus formed another integral component of the author's analysis.

Importantly, however, the author was confronted with significant limitations in the fieldwork component of the research. At the time of the scheduled research trip to Iran, local men and women were subjected to the one of the worst crackdowns since before the reform era. In the first few days of the annual 'Spring crackdown,' some 448 individuals were detained on the streets for failing to comply to strict Islamic dress codes.²⁸ Just weeks before the author arrived in Tehran, the establishment turned its attention to the presence of dual-nationals in Iran. Two prominent Iranian-American scholars, Kian Tajbakhsh and Haleh Esfandiari, were arrested and detained in the notorious ward 209 of Evin prison. In addition, the government began confiscating the passports of other dual-nationals, including Iranian-American journalist Parnaz Azima, and French-Iranian journalism student, Mehrnoush Solouki. On May 29, the Judiciary's spokesperson, Alireza Jamshidi, told a news conference that the arrests and travel bans were issued after the Information Ministry issued complaints against the individuals. It accused the dual-nationals of 'acting against national security by engaging in propaganda against the Islamic Republic by method of spying on behalf of foreigners.'²⁹

These events were widely understood as a move by the regime to instil fear into the wider Iranian community of journalists, writers, scholars, and activists. In the political climate that ensued, the author had limited agency in organising meetings once in Tehran. Azadeh Moaveni, Tehran correspondent for *Time Magazine*, captured the general mood of women's rights activists in Iran at the time:

²⁸ *Iran Rights Group Accuses Tehran of Abuses* (Reuters News, 14 July 2007 [cited 9 May 2008]); available from <http://in.reuters.com/article/worldNews/idINIndia-28474720070714>.

²⁹ *Iran: End Harassment of Dual-Nationals* (Human Rights Watch, 31 May 2007 [cited 9 May 2008]); available from http://hrw.org/english/docs/2007/05/31/iran16025_txt.htm.

Since the arrests I, along with many of my journalist friends, have stopped meeting with foreigners altogether, worried that harmless socialising might be considered spying. I have cancelled dinners with visiting American friends, screened calls from abroad, and stopped giving interviews to foreign media.³⁰

In line with Moaveni's sentiments, a number of women originally scheduled to meet with the author were ultimately unavailable, including renowned journalist and winner of the 2007 Olaf Palme Award, Parvin Ardalan. Those women who did meet with the author, whilst relatively candid during the actual interview time, indicated a preference that no information be exchanged unless in person, as they suspected the authorities of tapping their phones and hacking their email accounts.³¹

Ebadi, with whom the author had hoped to engage in an extensive and in-depth interview, appeared particularly constrained in what she was willing to talk about, and for how long. Although the author was initially provided with a two-hour time slot, this was progressively shortened in the days leading up to the interview. Ultimately, Ebadi was only able to meet with the author for half an hour. It is no secret that Ebadi is carefully watched and monitored by state security forces. Although this has by no means hampered her commitment to locally advocating women's human rights, it did appear to be having at least some impact on her autonomy in mid-2007. Prior to the interview, the author developed a range of broad questions, and ensured a flexible interview structure, in order to allow Ebadi to determine the direction of the discussion. Nevertheless, Ebadi curiously began her answer to each and every question with the same phrase: 'Firstly, let me repeat that I am not the leader of the women's movement.'³² This raised the question of whether or not Ebadi was attempting to direct a message to someone other than the author.

Despite these limitations, however, the information gathered in the interviews and personal meetings that did eventuate during the research trip was highly instructive to

³⁰ Azadeh Moaveni, *Intimidation in Tehran* (Time Magazine, 2007 [cited 9 May 2008]); available from <http://www.time.com/time/magazine/article/0,9171,1657824-2,00.html>.

³¹ Sussan Tahmasebi, 5 July 2007. Personal communication with the author. Roxana Setayesh, 5 July 2007. Personal communication with the author.

³² Ebadi. Interview with the author.

the overall thesis argument, and key to the analysis on a normative level. The thesis makes no claim to providing an exhaustive or unchallenged view of women's human rights discourse and the practicality of that framework in advancing women's goals; it simply provides some insight, vis-à-vis the views and experiences of a number of key members of the contemporary women's movement.

A final key methodological technique employed in the thesis is instructive in this regard. The closing chapter of the thesis analyses an extensive range of articles published on the Change for Equality website. Established at the launch of the Change for Equality Campaign, the website provides campaign members with a forum for exchange of experiences, advice, opinions, and insights. The articles comprise the views of women (and men) across a wide demographic of age, ideological orientation, and occupation. Yet to date, there is no existing synthesis of the campaign articles. The analysis provided in this thesis is therefore of significant value. The campaign articles not only shed light on how secular and Islamic feminists came together under a human rights framework in 2006, but more importantly, the extent to which that framework demonstrated to advance the goals of the women's movement to date. There are hundreds of documents published on the Change for Equality website. Through a careful selection of relevant articles, the author identified common themes and key areas in which Iranian women feel they are experiencing success and moving forward in the local promotion of women's human rights.

Just as the conclusions that could be drawn from interviewing a select number of Iranian women's rights activists are limited, so the synthesis of Change for Equality articles in this thesis cannot be taken as representing the views of *all* Iranians, or even of a majority of Iranians. Nevertheless, the intention in this thesis is simply to provide an insight into how some feminists in Iran seem to be experiencing an increased sense of efficacy, and forward movement towards their goals, under the banner of the Change for Equality Campaign.

The methodology employed allowed the author to make qualitative conclusions. Throughout the thesis there is an emphasis on interpretation as opposed to quantification. Overall, personal exchanges with key women's rights activists in Iran,

as well as an in-depth study of campaign articles on the Change for Equality site, indicate a renewed sense of vigour amongst many activist women following the coming together of conventionally disparate feminists under a human rights framework. The fresh determinism of feminists in Iran can be attributed to the impact that some Change for Equality members perceive the project to be having at both the grassroots level and in governmental process. It is well within the boundaries of logic to suggest that the use of human rights discourse by Iranian women, vis-à-vis the Change for Equality Campaign, offers the brightest and most promising phase of the women's movement since the establishment of the Islamic State in 1979.

iv. Chapter structure

In Chapter One, the author argues that Muslim actors were not only present, but also actively participated in and contributed to the development of the international human rights system, beginning with the drafting of the UDHR in the late 1940s. Contrary to historical myth, Muslim actors provided support for the development of the human rights framework. In fact, it was emerging Western powers that were most hesitant to encourage robust universal standards. This speaks to the original intent behind the human rights framework; it was always intended to be a tool for the disenfranchised, not for the powerful. Over the past half-century, human rights discourse *has* been misappropriated by powerful Western states to promote national self-interests. It is not the case, however, that such misuse precludes the relevance of talking about universal women's human rights in relation to Muslim contexts. Chapter One explores this issue through an investigation of Muslim perspectives in the practical formulation of modern human rights principles following the Second World War.

Chapter Two goes further, by examining the extent to which Muslim women participated in and contributed to the development of universal standards on women's rights and gender equality. In many Muslim societies such as Iran, state-level rejection of women's human rights norms is generally framed as a lack of congruity between internationally-defined principles and Muslim women's lives, as Islam provides the full range of rights-based needs. Some Western discourse mirrors this

claim, as the refusal of many Muslim governments to define women's rights in line with international standards is understood as a legitimate rejection of Western cultural hegemony. In Chapter Two, the general assumption informing these positions is challenged. The author argues that 'gender equality' is a not Western phenomenon, as international standards on women's rights were developed by women from diverse cultural contexts in response to the global reality of political patriarchy. In Iran, it is not Islam *per se* that precludes government recognition of international standards on women's rights; it is the gender ideology of the conservative establishment. Iranian women's present-day claims to international women's human rights standards are therefore not entirely remarkable, but better understood as part of the ongoing tradition of Muslim women's agency in the development of women's human rights norms, particularly since the mid-1980s.

Chapter Three marks the beginning of Part Two, which looks more specifically at the uptakes of human rights discourse by women at the local Iranian level. To address this issue requires some knowledge of what Iranian women are dealing with in the movement for increased rights and representation. Therefore, Chapter Three provides a discussion of the Islamic State's gender ideology, and its basis in traditional Islamic jurisprudence. The author then analyses the ways that different Iranian women have dealt with discriminatory laws, by reviewing the conventional debate between secular feminist strategy and Islamic feminist strategy. This review indicates that whilst both secular feminism and Islamic feminism have some pragmatic content, both frameworks also have significant limitations. It is precisely because of those limitations that both secular and religious-oriented women have come to see the differences between their outlooks and ideological perspectives as less important than the ideals of human dignity that they share.

In Chapter Four, the author analyses the factors that contributed to Iranian feminists' move away from the 'secular versus Islamic' paradigm in 2005, arguing that this shift was in fact precipitated by a tilt towards secular-oriented strategies. The stronghold that secular feminists appeared to gain at the turn of the twenty-first century can be attributed to a number of issues, including the demise of the official Iranian reform movement, which incorporated Islamic feminist strategy; the high participation of women in tertiary education and a concomitant increase in the tendency to employ

international human rights discourse; an expanding youth population, and a related psychological move away from the ideological grievances of the Islamic revolution.

Importantly, however, the surge in secular feminism at the turn of the twenty-first century did not marginalise Islamic feminists. To the contrary, to pursue the goals of women's rights and gender equality, secular women needed to turn their attention towards new ways of collaborating with more religious-oriented women. Like Islamic feminism during the reform movement, in the post-reform years secular feminists underwent significant internal reassessment. At the hands of the new conservative regime, conventional secular strategies, such as street protests, were met with intensified violence and repression. The author argues that the failure of the reform movement and the ensuing investiture of the Ahmadinejad regime thus brought diverse Iranian feminists closer together. Faced with a suddenly more drastic situation, women of both secular and religious groundings became more aware than ever before of the respective limitations of their strategies for change. This led them to an important resolve: to challenge patriarchy, feminism in Iran would need to take on a critical mass.

Chapter Five examines the shape that this 'critical mass' ultimately took on, through an investigation into the Change for Equality Campaign. The Change for Equality Campaign represents an explicit claim to international standards on women's human rights. Chapter Five examines how secular women *and* religious loosed their ideological ideals to come together under a human rights banner. The joining of forces followed a mutual resolve to reconsider the efficacy of established methodological techniques, rooted in contrasting ideologies, to develop a more pragmatic approach to advancing the cause for women's rights. The author analyses the extent to which the Change for Equality Campaign charged with practicality by looking at the characteristics of the project in comparison with past approaches to women's rights, and provides a detailed analysis of campaign success to date.

Drafting the Universal Declaration of Human Rights: the Muslim experience

Introduction

Human rights are the common needs of all cultures and societies...Being a devout Muslim, I declare that Islam is a religion that accepts the notion and concept of human rights...Muslims can follow the Universal Declaration of Human Rights and this is not opposed to Islam.¹

Iranian lawyer and 2003 Nobel Peace Laureate, Shirin Ebadi

When the Universal Declaration of Human Rights was adopted by unanimous vote in the General Assembly in 1948, many Muslim participants in the historic event may have considered a statement like the one above, made in 2008 by one of Iran's most established advocates of human rights, as self-evident, or even superfluous. Sixty years later, Ebadi is positioned within a vigorous debate over the relevance of universal human rights norms in Muslim societies. Although today the Universal Declaration enjoys a level of prestige, respect, and attention reminiscent of the international community's sentiments in the late 1940s, it has also come to be the subject of intense scrutiny, suspicion, and dissent. Human rights have a strong political dimension, and in an era of international relations characterised by post-modern contextualism, the application of a 'universal' set of rights is highly politicised.

Arguably, this issue has never been so strongly noted as it is in post-September 11 discourse. In Andras Sajo's view, 'the issue is this: are religions – and as far as the

¹ Shirin Ebadi, "Foreword," in *Islam and the Question of Reform: Critical Voices from Muslim Communities*, ed. Benjamin MacQueen, Kylie Baxter, and Rebecca Barlow (Melbourne: Monash Asia Institute, forthcoming 2008).

contemporary world is concerned, Islam – an obstacle to human rights?’² Sajo’s ideological position as an adherent to the human rights cause is, in fact, evident in the order of logic in his question. But put in another way, those who doubt or forthrightly dispute the universality of modern human rights might ask: is the prevailing conception of human rights, embodied in the international framework, an affront to the teachings of Islam? Ebadi’s position presents a resounding ‘no’ in response to both these questions. However, detractors of the universality of human rights claim that the Universal Declaration, and the concomitant international human rights framework at large, has an inbuilt functional bias toward ‘the West.’ Underlying the charge of ethnocentricity is the conviction, as Johannes Morsink puts it, that ‘something went wrong way back in the beginning.’³

This conviction was clearly embodied in Iranian President Mahmoud Ahmadinejad’s speech to the Sixty-Second Session of the United Nations General Assembly in September 2007. After claiming that ‘international organisations and mechanisms clearly lack the capacity to overcome problems and challenges, to put in place fair relations and peace, fraternity and security,’ Ahmadinejad suggested the causes behind the malady:⁴

Without doubt, the first factor lies in the relationships arising from the consequences of the Second World War. The victors of the war drew the roadmap for global domination and formulated their policies not on the basis of justice but for ensuring the interests of the victors over the vanquished nations. Therefore mechanisms arising from this approach and related policies have not been capable of finding solutions to global problems since sixty years ago.⁵

According to Ahmadinejad, the same powers that formulated the international system of governance following the Second World War demonstrate ‘a disregard of morals, divine values, the teachings of the prophets and instructions by Almighty God.’ He

² Andras Sajo, "Introduction: Universalism with Humility," in *Human Rights with Modesty: The Problem of Universality*, ed. Andras Sajo (Leiden, The Netherlands: Martinus Nijhoff Publishers, 2004), p. 24.

³ Morsink, *The Universal Declaration of Human Rights*, pp. xii-xiii.

⁴ Mahmoud Ahmadinejad, *Address by H.E. Dr. Mahmoud Ahmadinejad President of the Islamic Republic of Iran before the Sixty-Second Session of the United Nations General Assembly* (2007 [cited 16 October 2007]); available from <http://www.un.org/webcast/ga/62/2007/pdfs/iran-eng.pdf>.

⁵ Ibid.

subsequently suggested that the international human rights system, as embedded in the United Nations framework, would not be adequate to ensure 'the betterment of mankind' in the twenty-first century. 'The only sustainable way,' he continued, lay in a 'return to the teachings of the divine prophets.'⁶

Ahmadinejad's address to the Sixty-Second Session of the General Assembly reflects the intellectual position that human rights represent a Western value system that is incompatible with other cultures and religions – particularly, Islam. In this way, the application of human rights in non-Western contexts is seen as an imposition, and the international human rights framework as a tool intended for, or at least conducive to, Western hegemony. Importantly, these sentiments do not emanate solely from non-Western or Islamic circles. The ethnocentricity claim against human rights is also nurtured in Western academia. Two of the most renowned scholars in this respect are Adamantia Pollis and Peter Schwabb, who unambiguously hold that human rights are 'a Western construct with limited applicability.'⁷ While Pollis and Schwabb represent the more extreme position on the issue, even for those Western and non-Western scholars who believe that human rights do have a universal dynamic, few dispute the claim that human rights are Western at core. Additionally, there is the problem that even for those who hold that human rights are not fundamentally Western in orientation, they are unable to substantiate that claim factually.

This is the difficult political context in which Ebadi, and her contemporary human rights advocates in Iran and the Muslim world at large, find themselves compelled to reiterate their acceptance of the Universal Declaration of Human Rights and its relevance and applicability in Muslim societies. In a way that supports claims to the universality of human rights such as Ebadi's, some scholars have set out to quantitatively counter assumptions surrounding the Western bias of modern human rights.

For example, Mary-Ann Glendon, Paul Gordon Lauren, Johannes Morsink, and Susan Waltz, have provided accounts, which, while finely nuanced, collectively scrutinise the actual drafting process of the Universal Declaration. Glendon's work, *A World*

⁶ Ibid.

⁷ See Pollis and Schwabb, "Human Rights."

Made New, reads like a novel as she documents and comments on the personal exchanges, relationships, and ideological positions of Eleanor Roosevelt and her closest contemporaries during the drafting process.⁸ Lauren's-Lauren's *The Evolution of International Human Rights* traces a global impetus for the development of an international framework on human rights back to the late nineteenth century.⁹ In *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, Morsink provides an unrivalled insight into the authorship of the Declaration via thoroughly investigating hundreds of documents in United Nations archives compiled during the lengthy drafting process of the late 1940s.¹⁰ Finally, Waltz has published a number of related journal articles in which she also relies on UN archives to reveal the role of non-Western and less powerful participants in the drafting process of the Universal Declaration.¹¹

Together, these authors suggest that the view that human rights are Western ideals is not well founded. In Morsink's words:

The lingering allegation of ethnocentrism is in part caused by the fact that very few people seem to know what was said and done during the drafting process [of the Universal Declaration]. This ignorance has led to numerous misconceptions about how the document was written and what it and various parts mean.¹²

In this chapter the author navigates the above texts, complementing them with other sources and new analysis, with a view to providing a framework in which the reader might understand the appropriation of human rights discourse by Iranian women discussed in this thesis. The author has sought to pay particular attention to the authors' references to Muslim delegations to the drafting process of the Universal Declaration, and wherever possible, Iran. According to Phillippe de la Chappelle, Muslim majority states represented the second biggest faith contingency in the Member States of the United Nations during the formation of the human rights

⁸ See Glendon, *A World Made New*.

⁹ Lauren, *The Evolution of International Human Rights*.

¹⁰ Morsink, *The Universal Declaration of Human Rights*.

¹¹ Waltz, "Universalizing Human Rights," pp. 44-72. Waltz, "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights," pp. 437-48. Waltz, "Universal Human Rights," pp. 799-844.

¹² Morsink, *The Universal Declaration of Human Rights*, p. xiii.

system, second only to those of the Judeo-Christian tradition combined.¹³ Yet in conjunction with the assumption that modern human rights were engineered by and for the West is the supposition that ‘Muslim states were either absent, fundamentally contested the process and project, or played no significant role. That is not the case.’¹⁴

The imperative of this chapter is multi-layered. Firstly, authoritarian governments in the Middle East and elsewhere have exploited the intellectual claim that human rights are a fundamentally Western construct to legitimise political, social, and cultural repression. On the other hand, the suggestion that human rights are Western has been taken to its extreme in the foreign policy formulations of the Washington administration, which seem to suggest that human rights are in fact the brainchild of America, and that it is the responsibility of the United States to ‘bring’ or ‘deliver’ human rights to the rest of humanity. Finally, many human rights groups in the Muslim Middle East, including the Iranian women’s movement, depend on wide recognition of international standards to anchor their claims for justice, representation, and rights.

1.1 Human rights as practical response to shared geo-temporal realities

Human rights find a ready philosophical home in the Western tradition. In the late eighteenth century, European philosophers such as Jean Jacques Rousseau and Immanuel Kant developed theories on contractarian rights in response to the social disruptions caused by modernity. As the emergence of the modern nation-state brought with it political and economic centralisation, early conceptions of human rights were designed to protect individual autonomy from the rising possibilities of statist abuse of power. However, the discourse of human rights remained largely absent from international relations until around the beginning of the twentieth

¹³ Phillipe De La Chappelle, *La Declaration Universelle Des Droits De L'homme Et Le Catholicisme* (Paris: Librairie General de Droit et de Jurisprudence, 1967), p. 44. Cited in Morsink, *The Universal Declaration of Human Rights*, p. 21.

¹⁴ Waltz, "Universal Human Rights," p. 801.

century. When ideas about human rights were codified into the post-war global order in the late 1940s, what transpired was not a mere co-optation of Enlightenment philosophy.¹⁵ Rather, delegates from diverse regions of the globe gathered to form the international framework on human rights in the aftermath of the Second World War, bringing with them a range of ideological viewpoints that were reappropriated and expanded upon in a collective manner.

The result was a framework for rights-based governance centred not on classical Enlightenment individualism, but rather on the dignity of the individual person. Dignitarian rights derive from the principles of compassion, mutual respect, and reciprocity – encompassed in a central working principle of the United Nations, the ‘Golden Rule’: treat others the way you wish to be treated.¹⁶ The individual human rights expounded in the international framework are co-constructive: the protection of one person’s rights is dependent upon the protection of all other peoples’ rights. The international framework on human rights thereby envisions an individual who has intrinsic, stand-alone value, and yet is constituted through his or her relationships with others.¹⁷

Whilst there is a clear connection between the Universal Declaration of Human Rights and Enlightenment philosophy, the two are analytically distinct, and the former is certainly not the inevitable teleological result of the latter. To the contrary, the emergence of the Universal Declaration of Human Rights in the late 1940s, along with the human rights framework that ensued, represented a unique political project. Using Waltz’s definition, ‘a political project refers to concerted efforts to build a public and worldwide consensus around the idea of human rights, including political strategies, diplomatic initiatives, agreement of explicit principles, and conclusion of

¹⁵ See generally Morsink, *The Universal Declaration of Human Rights*. And, Waltz, "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights."

¹⁶ This precept is enshrined on a mosaic located in the United Nations headquarters, New York, which depicts peoples of diverse nationalities standing together. The ‘golden rule’ is raised as a procedural principle in countless statements, speeches, and policy documents of the UN. As general examples see Kofi Annan, *Secretary General's Address Upon Receiving Alliance of Civilisations Report* (13 November 2006 [cited 8 October 2007]); available from <http://www.un.org/apps/sg/sgstats.asp?nid=2299>. And, Karen Armstrong, *United Nations General Assembly 61st Session, Third Informal Thematic Debate, Civilisations and the Challenge for Peace: Obstacles and Opportunities, Introductory Remarks* (2006 [cited 8 October 2007]); available from <http://www.un.org/ga/president/61/follow-up/thematic-civilizations/armstrong-statement.shtml>.

¹⁷ Glendon, *A World Made New*, p. 228.

an international accord.¹⁸ The UDHR is not a philosophical doctrine. What drew state delegates from diverse regions of the globe together in purposeful cooperation in 1947 was a shared determination to deal with a number of geo-political realities of the mid-twentieth century.

The horrors of Nazi Germany are generally understood as the catalyst for the international community's attempts toward global collaboration in the mid-twentieth century. However the idea of human rights as requisite to peace and security in the international order was finding feet in numerous regions of the world well before the Second World War.¹⁹ This included the Middle East, and indeed, Iran. In the early 1900s, Iranian writer Mirza Abdul Rahmin Tabrizi (known as Talibov) rose to regional fame with the publication of several emancipatory texts, including *Izahat dar Khusus-I Azadi* [Explanations Concerning Freedom] and *Masaliku'l-Muhsinin* [The Ways of the Charitable]. Questioning the legitimacy of the traditional Shi'ite clergy's claim to be the sole proprietors of intellectual knowledge, Talibov defended the development of constitutional government in Iran as a way to invigorate liberal Muslim values and beliefs. Talibov adopted a pragmatic approach to religion, morality, and law, arguing that in every age new laws had been developed to improve the conditions of humanity, and that such development was entirely compatible with Islam.²⁰ It was also in the early 1900s that the Iranian women's movement emerged in earnest, with Iranian women presenting an organised attempt to claim their rights during the constitutional revolution of 1901 to 1906.

Agitation for women's rights, minority rights, and national rights would come to characterise numerous other regions of the world as the twentieth century unfolded, arising in response to experiences of human suffering. South Africa's nationalist party had risen to power on a platform of racial and ethnic discrimination; in the United States lynchings of African-Americans were common; on the Indian sub-continent, Pakistanis and Indians were engaged in a brutal conflict that some were calling genocidal war; and in the Middle East and South Asia millions of people

¹⁸ Waltz, "Universalizing Human Rights," p. 45.

¹⁹ Waltz, "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights," p. 438.

²⁰ See generally Mehrdad Kia, "Nationalism, Modernism and Islam in the Writings of Talibov-I Tabrizi," *Middle Eastern Studies* 30, no. 2 (1994): pp. 201-23.

continued to be subjected to repression and subjugation under colonial rule.²¹ By the time World War Two unfolded, people from all regions of the globe already were well aware of what it might mean to have, or not have, certain fundamental rights.

There is a consensus in the literature, however, that it was the shared global experience of the Second World War that galvanised extraordinary support for an international system that would formally enshrine human rights. As the second ‘total war’ of the twentieth century, WWII brought unprecedented death, destruction, and displacement. More combatants than civilians lost their lives throughout the course of the war, with over 50 million human deaths in total. Nowhere did the horror of WWII express itself so dramatically than in the state policies of the Third Reich. As part of Nazi Germany’s ‘final solution,’ eleven million people were killed, including six million Jews. The Second World War thus attracted the label of ‘the people’s war.’²² The strongest demands for an international framework on human rights in the post-war climate came not from governments or the social, political, and intellectual elite, but rather from individual advocates at the grassroots level. According to Glendon, ‘soldiers and civilians alike had become aware that the way things had been was not necessarily the way they had to be.’²³

1.2 Great Power resistance to the UDHR: human rights as checks on Western hegemony

Against this background, the process leading to the adoption of the Universal Declaration of Human Rights in 1948 was characterised by worldwide determinism for a better future. The international human rights framework evolved in a climate of genuine debate and discussion, albeit controlled by classical diplomacy on all sides. Importantly. However, this process did not transpire free of political obstacles.

²¹ Waltz, "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights," p. 440.

²² Lauren, *The Evolution of International Human Rights*, p. 133-34.

²³ Glendon, *A World Made New*, p. 10.

Popular assumption holds that as the victors of World War Two, it was the Great Powers who championed the idea of human rights as a central axis for the post-conflict structure of international governance. The master narrative of the human rights framework reads as follows: Western countries, represented by the emerging US superpower, led the rest of the world in the development of the human rights regime. Those same powers ensured the emerging framework would have a Western bias, and provide a tool for the spread of Western interests and values. This narrative does not correspond with historical reality. It is true that ‘freedom’ became the rallying call for Americans and the Allied powers under the leadership of President Franklin D. Roosevelt. However, by many accounts, in the immediate months following the end of World War Two, Roosevelt’s ‘four freedoms’ speech was relegated to the status of wartime rhetoric. According to Tony Evans, at the end of the Second World War the Great Powers sought to arrest the rising interest in the development of human rights norms, or to restrict it at the very least.²⁴

Proposals for the development of a new international organisation that would replace the defunct League of Nations took concrete form during the Summer of 1944, when leaders of Britain, China, the Soviet Union, and the United States met for talks at Dumbarton Oaks, just outside of Washington D.C. All state officials were unanimous that the purpose of the new international organisation would be to serve peace, security, and international cooperation. However, the adoption of meaningful provisions for human rights into the general principles of the organisation’s charter was not high on the agenda of the Great Powers. Although Roosevelt initially supported the idea, high-ranking officials in the US State Department quickly advised against it. Secretary of State Cordell Hull considered it a waste of time to talk about ‘human rights’ at all, since the public would presumably forget the issue now that the fighting was over and there was, apparently, no need for emancipatory discourse.²⁵ Both Britain and the Soviet Union opposed the idea from the outset.

Early resistance to the international codification of human rights norms by the world’s leading powers suggests an important point: there is nothing inherent in human rights

²⁴ See generally Tony Evans, *Us Hegemony and the Project of Universal Human Rights* (New York: St Martin’s Press Inc., 1996), especially pp. 36-41.

²⁵ Lauren, *The Evolution of International Human Rights*, p. 165.

as a concept, nor the human rights system, that provides a tool for Western cultural hegemony. In fact, the case is quite the opposite. At mid-twentieth century, the Great Powers knew that the formalisation of specific requirements for all states to observe human rights would require significant abrogation of authority. For Britain and the Soviet Union, a doctrine of human rights would pose a fundamental challenge to the *raison d'état* of both states' political orientation: colonialism in one instance, and Stalinism in the other. For the United States, formal recognition of human rights would bring to international scrutiny the discriminatory domestic policies towards African-Americans and the indigenous population.

In this context, China was the only state delegation to Dumbarton Oaks to offer full support for the idea of an international human rights regime from the outset. Diplomat Wellington Koo reminded other delegates of the civilian sacrifices made during the war, and the great body of public opinion surrounding the idea of human rights around the world.²⁶ Koo identified a robust international framework as a bulwark against the political domination of a few over the many. His orientation was not shared by the majority at Dumbarton Oaks. According to Robert Hilderbrand, the Great Powers 'saw the defense of their own security, the protection of their own interests, and the enjoyments of their victory in the world war as more important than the creation of an international organisation to maintain world peace.'²⁷

When the finalised Dumbarton Oaks proposals were forwarded to the Charter meeting of the United Nations in San Francisco, April 1945, they contained only one reference to human rights. When local populations caught word of the lack of priority placed on the development of human rights principles in the post-war system of international governance, public unrest ensued. According to Lauren, citizens from widespread regions of the globe, including Australia, Brazil, Canada, Guatemala, India, Mexico, New Zealand, Panama, and South Africa made formal complaints to government officials that the Dumbarton proposals 'flagrantly violated both the letter and the

²⁶ Colombia University, Rare Book and Manuscript Library, Wellington Koo Papers, Box 76, File 5, *Notes of a Conversation Between Wellington Koo and Sir Alexander Cadogan*, 29 September 1944. Cited in *Ibid.*, p. 164.

²⁷ Robert Hilderbrand, *Dumbarton Oaks* (Chapel Hill: University of North Carolina Press, 1990), p. 246.

spirit of the promises made about human rights for the peace that would follow victory' in the Second World War.'²⁸

State delegates to the first meeting of the United Nations found themselves under intense pressure to include a precise mandate for human rights in the organisation's Charter. The United States took steps to indicate that it had recognised public sentiment. Under Secretary of State Sumner Welles made a public statement guaranteeing that nothing would be finalised in the United Nations Charter until countries that had not been given a chance to take part in the Dumbarton Oaks proposals were given the opportunity to express their views.²⁹

In subsequent discussions in San Francisco, countries beyond the Great Powers capitalised on the opportunity to contribute to the ongoing debate. The governments of Cuba, Egypt, France, Guatemala, India, Lebanon, Mexico, New Zealand, Norway, Paraguay, and South Africa submitted amendments to the Dumbarton proposals such that support for human rights would be declared as the principle purpose of the United Nations. Over the course of the San Francisco meetings, the proposals for change were coupled with impassioned speeches and formal votes in favour of unambiguous recognition in the Charter that human rights would be central to the new international system. After two months of deliberation, the Great Powers decided that they could not ignore the extraordinary amount of public pressure to reformulate the Charter proposal. The language of human rights was mainstreamed throughout the document, and the Charter of the United Nations was signed on the 26th of June 1945.³⁰

It was not long before another dispute was raised. Article 68 of the Charter charged the Economic and Social Council (ECOSOC) with the task of establishing the Human Rights Commission (HRC, reconstructed as the Human Rights Council in 2006). In February of 1946 ECOSOC wrote the terms of reference that would guide the work of the Council, mandating it to submit proposals, recommendations, and reports regarding the establishment of an 'international bill of rights.'³¹ When the HRC was established in January 1947, state delegates revealed diverging sentiments as to the

²⁸ Lauren, *The Evolution of International Human Rights*, p. 168.

²⁹ Ibid., p. 165.

³⁰ Ibid., pp. 187-93.

³¹ E/248. Cited in Morsink, *The Universal Declaration of Human Rights*, p. 13.

specifics of the Commission's mandate. The United States and the Soviet Union insisted that the term 'international bill of rights' required the Human Rights Commission to develop a declaration of principles. However, according to Johannes Morsink, a majority of the delegations to the San Francisco proceedings felt that ECOSOC's instructions indicated nothing less than a covenant, with implementation machinery attached.³²

The need to deal with contemporary political and social problems led delegates from less powerful states to insist on a declaration with authoritative character. Indian delegate Hansa Metha expressed her distaste at the prospects of 'a vague resolution including mystic and psychological principles.' She argued that the United Nations Charter and pursuant resolutions called for a human rights declaration with 'imperative character,' and indicated that her country wanted an instrument that would be 'binding on all Member States.'³³ Similarly, Fernand Dehousse of Belgium argued that an 'academic vote' for nothing more than an inspirational statement 'might even endanger the Commission's existence and would cause immense disappointment to a world that was awaiting positive solutions capable of influencing human destiny.'³⁴

As elected Chair of the Human Rights Commission, Eleanor Roosevelt stamped her authority on the matter, instructing the Commission that the human rights document in question 'should not be drawn up in such a way as to give the impression that Governments would have a contractual obligation to guarantee human rights.'³⁵ Roosevelt's was the final word. Coming from a woman who had quickly developed a reputation as the 'first lady of the world' for her patent dedication to the human rights cause following the end of the Second World War, Roosevelt's somewhat conflicting ruling provides an insight into American *Realpolitik* of the late 1940s. According to Waltz, the world's 'first lady' did not enjoy great popularity in the decision-making circles of her own country.³⁶

³² Ibid.

³³ SR.15/p.2 cited in Ibid., p. 15.

³⁴ SR. 28/p. 2 cited in Ibid., p. 17.

³⁵ SR. 25/p. 10 cited in Ibid.

³⁶ Waltz, "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights," p. 443.

This can be at least partly attributed to Richard O'Davies' indication that right-wing opponents to the idea of human rights occupied significant political space in the post-war US administration.³⁷ Known as the 'Old Guard,' these men expressed concern that a human rights doctrine would disturb the balance of power between states and the federal government and impede the President's capacity to make international agreements. In reality, their anxiety reflected the internal dynamic of the human rights project to fundamentally alter America's racial hierarchy.

Despite strong personal identification with the human rights cause, Roosevelt was thus constrained by the US State Department and domestic political currents in her work on the Human Rights Commission. The final document adopted by the United Nations General Assembly in 1948 reflected the intents of the US and Soviet governments that the outcome of the Commission's work should be a non-binding declaration of principles. Although the Universal Declaration of Human Rights has taken on extreme political weight as the apex of rights-based standards required for membership and meaningful participation in global civil society, the document has no legal character.

Notably, however, in some ways the non-prescriptive character of the Universal Declaration has actually revealed to work in favour of the human rights cause. As a proclamation of internationally agreed-upon standards, the Universal Declaration is available for reappropriation in diverse cultures and societies all around the world. Whilst human rights standards are formalised at the international level, they are protected first and foremost at the local level. The implementation of human rights at the local level can take various forms according to different priorities of reality – so long as the universal normative function of the right is maintained. Furthermore, the non-legal nature of the Universal Declaration has served as a safeguard against the document's reification. As such, human rights standards are widely understood to be constantly evolving, with the dynamic to respond to new human rights problems and challenges as they emerge. And importantly, the Universal Declaration has been the catalyst for many finely nuanced treaties, protocols, and conventions, which together form a sophisticated comprehensive framework on international human rights. This

³⁷ See generally Richard O'Davies, *Defender of the Old Guard: John Bricker and American Politics* (Columbus OH: Ohio State University Press, 1993).

reflects the function of the Declaration's normative content, which has allowed it to stand alone in international relations as an independent statement of ethics.

The point at hand, however, is that a factual analysis of the history of the human rights project defies its subjection as a Western imposition. In dealing with the emerging human rights framework in the mid-twentieth century, the Great Powers were doing what they perceived necessary to ensure the outcome was as non-impacting as possible. What this suggests is that it is a *weak* human rights system that fosters cultural Western hegemony – rather than the opposite.

By 1953, only four years after the Universal Declaration of Human Rights was adopted by the General Assembly, the United States announced its formal intention to retreat from participating in the further development of the international human rights system.³⁸ The US was completely removed from the development of the International Covenant on Civil and Political Rights (ICCPR), and took nearly thirty years to ratify the document after its adoption in the General Assembly in 1966.³⁹ Indeed, the historical master narrative of universal human rights obscures a crucial detail: the most forthright proponents of a robust human rights system following the Second World War were not the Great Powers, but rather small states* and representatives of non-Western countries.

1.3 Towards inclusiveness: the establishment of the Human Rights Commission and the first drafts of the Universal Declaration

Small states and non-Western representatives to the United Nations did not represent a peripheral perspective in the development of the Universal Declaration. In April/May of 1946, a Preparatory Committee made recommendations to ECOSOC regarding the possible shape of the HRC. The Committee recommended that

³⁸ Waltz, "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights," p. 443.

³⁹ Waltz, "Universalizing Human Rights," p. 70.

* The term 'smaller nation' was first used in the UDHR drafting process by Carlos Romulo who, by many accounts, was one of the Philippines' most outspoken delegates. 'Small state' in this thesis refers to contemporary political influence, as opposed to geographical size. See Glendon, *A World Made New*, p. 11 and p. 15.

ECOSOC 'should at all times pay due regard to the equitable geographical distribution and to personal qualification of the nominees for service on the Commission.'⁴⁰ The Commission came to comprise delegates from 18 different nations: Australia, Belgium, Byelorussia, Chile, China, Egypt, France, India, Iran, Lebanon, Panama, the Philippines, the Soviet Union, the United Kingdom, the United States of America, Ukraine, Uruguay, Yugoslavia.⁴¹ Delegates from these countries would work together for two full years to develop the Universal Declaration of Human Rights, from January 1947 to December 1948.

At the First Session of the HRC in January/February 1947, Canadian Professor of Law and first Director of the UN Secretariat's Division for Human Rights, John P. Humphrey, was asked to write a draft of a potential human rights declaration. According to Morsink's investigation of United Nations archives, Humphrey grounded the development of his draft in existing proposals for a human rights declaration that had already been passed to the Preparatory Committee from numerous nations and non-governmental organisations (NGOs): 'This scavenging for the best articles from the various [other] drafts made for an inclusive first draft and explains, among other things, why there are social, economic, and cultural rights [alongside the more traditional civil and political rights] in the Universal Declaration.'⁴² To follow up on the 'Humphrey draft' as it came to be known, Eleanor Roosevelt appointed an eight-member Drafting Committee from within the HRC, constituting delegates from Australia, Chile, China, France, Lebanon, the Soviet Union, the United Kingdom, and the United States of America. The Drafting Committee developed the Humphrey draft over twelve more meetings, producing two further redrafts. This process included the appointment of French, British, and Lebanese delegates to a Temporary Working Group. The Working Group redrafted and reordered the articles in the Humphrey draft pursuant to the Drafting Committee's discussions.

⁴⁰ E/HR.9/p.5 cited in Morsink, *The Universal Declaration of Human Rights*, p. 4.

⁴¹ Of note to the specific line of inquiry in this thesis is that in the period from 1949 to 1963 – during which crucial time the two International Covenants on Human Rights were being developed by the Human Rights Commission – representatives from Afghanistan, Egypt, Iran, Iraq, Lebanon, and Pakistan, at various intervals, held seats on the HRC. See Waltz, "Universal Human Rights," p. 808.

⁴² Morsink, *The Universal Declaration of Human Rights*, p. 6.

There is widespread scholarly consensus on those who formed the ‘core group’ of the Drafting Committee. The personal attributes, as well as intellectual and diplomatic skills of these individuals are well documented. The core group includes Frenchman and international jurist Rene Cassin, Vice-Chair of the HRC; Dr Charles Habib Malik of Lebanon, a professor of philosophy and rapporteur of the HRC; Dr Peng-Chun Chang of China, a distinguished educator who became known for infusing discussions with Confucian thought; and Roosevelt, who embarked on a remarkable public career of her own following the death of President Roosevelt in April 1945, and was elected as Chair of both the HRC and the Drafting Committee.⁴³

Morsink provides a list of figures that goes beyond these individuals. He emphasises the paramount role of John Humphrey in providing the first draft to the Human Rights Commission, and lists as further members of the core group professor of criminal and military procedure Hernan Santa Cruz of Chile, and experienced diplomat Alexie P. Pavlov of the Soviet Union. According to Morsink’s reading of the archives, Cruz defended – often successfully – the systematic inclusion of social and economic rights in the Universal Declaration, while Pavlov insisted most tirelessly on language of non-discrimination throughout the Declaration – including non-sexist terminology.⁴⁴ Morsink also identifies a number ‘second-tier drafters’ who at various points made particularly noteworthy and substantive contributions to the debate. In this list he includes a number of delegates who spoke on behalf of Muslim majority countries, or countries with a significant Muslim population: Omar Loufti for Egypt, Hansa Metha and Lakshmi Menon for India, Karim Azkoul for Lebanon, Shaista S. Irknullah for Pakistan, Jamil Baroodi for Saudi Arabia, Abdul Rahman Kayaly for Syria, and Adnan Kural for Turkey.⁴⁵

For some of these ‘second tier drafters’, the first chance to make substantive contributions to the development of the Universal Declaration came during the Second Session of the Drafting Committee. From the outset of the drafting procedure, efforts were made towards ensuring that delegates from a range of

⁴³ See generally A.J. Hobbins, ed., *On the Edge of Greatness, the Diaries of John Humphrey, First Director of the United Nations Division of Human Rights Volume 1. 1948-1949*, vol. IV, *Fontanus Monograph Series* (Montreal: McGill University Libraries, 1994). And, Glendon, *A World Made New*. And, Morsink, *The Universal Declaration of Human Rights*, pp. 29-32.

⁴⁴ Morsink, *The Universal Declaration of Human Rights*, p. 30-31.

⁴⁵ *Ibid.*, p. 32.

different religious, cultural, economic, and political backgrounds contributed to discussions and debate. This spoke strongly to the universal content of the document being produced. Contributions from Islamic and Buddhist perspectives, for example, were not marginal, but rather came from key members of the Human Rights Commission.

Nevertheless, at the conclusion of the First Session of the Human Rights Commission's twelfth and final meeting, there remained the question of how the thirty-eight other members of the United Nations General Assembly would be drawn into the shaping of the Universal Declaration. This issue was taken up in earnest at the Second Session of the Drafting Committee, held in Geneva, November 1947.

Considering the profound multiplicity of ideological viewpoints incorporated into the debates, Glendon's description of the Second Session of the HRC as 'the high point of harmony for the group' is noteworthy.⁴⁶ Glendon, attributes this to a sense of camaraderie that had developed between the members of the Human Rights Commission. Her observation is supported quantitatively by readings of UN archives by both Morsink and Lauren; these authors highlight the practical inclusiveness that characterised the furthering of the draft declaration during the Second Session.⁴⁷

The draft produced in the early stages of the HRC's Second Session – the 'Geneva draft' – was circulated to all members of the General Assembly. Delegates were invited to comment on the draft and submit amendments to be incorporated into the subsequent document. According to Lauren, throughout this process 'governments often exchanged views with each other, asked for advice, received unsolicited opinions from individuals and NGOs, and at times even created elaborate interdepartmental committees' to assist them in working on various aspects of the draft document.⁴⁸ Many delegates took up this opportunity, and according to Morsink, 'all indications are that most of this more or less informal, non-governmental input was appreciated and often used.'⁴⁹

⁴⁶ Glendon, *A World Made New*, p. 83.

⁴⁷ See Lauren, *The Evolution of International Human Rights*, pp. 199-232. And, Morsink, *The Universal Declaration of Human Rights*, pp. 9-10.

⁴⁸ Lauren, *The Evolution of International Human Rights*, p. 224.

⁴⁹ Morsink, *The Universal Declaration of Human Rights*, p. 9.

Once incorporated into a further draft document, the Human Rights Commission was ready to present its proposal for the Universal Declaration to the Third Committee of the General Assembly, which gathered in Paris from September to December 1948. Charles Malik spoke on behalf of the HRC at the opening of the Third Committee, and took the opportunity to remind delegates of the extensive process that preceded them. The Third Committee records reveal Malik's emphasis on the endeavours made toward inclusiveness during the drafting process heretofore. The latest draft, he stated, reflected two full years of consideration and reconsideration on the basis of 'not only hundreds of proposals made by governments and private persons but also of the laws and legal findings of the Member States of the UN.'⁵⁰

1.4 Debating the UDHR: the participation of Muslim actors and other non-Western delegates

In response to Malik's opening comments, delegates from the United States of America suggested that the draft declaration be moved through the General Assembly as quickly as possible. According to Waltz, American delegates hoped that the debate over the declaration would be over in just a few days.⁵¹ However, as Chair of the Third Committee, Malik cautioned against these intentions. He advised US delegates that many of the smaller states in the General Assembly wanted to examine the Declaration in detail, emphasising that some Member States outside the HRC did not feel as familiar with the draft document as those within the Commission, and need further opportunity to comment on and amend the proposed text.⁵² When Roosevelt expressed her concerns that this would take far too long, Malik replied to the world's 'first lady' with candour: 'Matters must be allowed to mature slowly, free from sharp corners.'⁵³

⁵⁰ "United Nations General Assembly Official Records, Third Committee (1948)." Cited in Morsink, *The Universal Declaration of Human Rights*, p. 10.

⁵¹ Waltz, "Universalizing Human Rights," p. 56.

⁵² "Human Rights Questions at the Third Regular Session of the General Assembly: The United States Position," in *Foreign Relations of the United States, 1948* (Washington D.C.: United States Department of State, 1975), pp. 289-99.

⁵³ Irene Sandifer, *Mrs. Roosevelt as We Knew Her* (Silver Spring, Md.: Mrs. Durward Sandifer, 1975), p. 73.

Although personally Malik had more access than most to shaping the draft declaration, Glendon suggests that his background as a representative of a state in the contemporaneously troubled the Middle East may have impacted his decisions as Chair of the Third Committee:

Perhaps only someone like Malik, from a small, newly independent country, could understand how important it was for every Member State to have a sense of ownership with respect to the Declaration...Most important of all was the need to assure broad participation in what everyone felt to be a great historical event. The process took time, but it was well gauged to smooth the Declaration's path to adoption and to improve its chances of reception among many cultures in the long run.⁵⁴

Over the course of the Third Committee, the draft Declaration was submitted to article-by-article scrutiny. The General Assembly held eighty-five meetings to develop the draft, and sub-committees of the United Nations held twenty further independent meetings for the same purpose. In this process, representatives of small states and non-Western delegates were exceptionally assertive. Waltz argues that small states and non-Western delegates not only participated in the discussions and debate of the Third Committee, but in the process were well aware of the importance, relevance, and political magnitude of their actions in the context of the task at hand.⁵⁵

Muslim countries were represented in the Third Committee of the General Assembly by the presence of delegates from Afghanistan, Egypt, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, and Yemen.⁵⁶ According to Waltz, the records of the Third Committee show particularly extensive interventions from Afghanistan, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, and Syria.⁵⁷ Lebanon led a successful proposal to get the 'right of return' for refugees added to Article 13 of the Declaration, and Saudi Arabia was successful in adding the right to be granted asylum to Article 14.⁵⁸ Both these proposals arose in the context of the only issue that was

⁵⁴ Glendon, *A World Made New*, p. 144.

⁵⁵ Waltz, "Universalizing Human Rights," p. 53-54.

⁵⁶ Lauren, *The Evolution of International Human Rights*, p. 226.

⁵⁷ "United Nations General Assembly Official Records, Third Committee (1948)," p. xxx. Cited in Waltz, "Universal Human Rights," p. 807.

⁵⁸ Glendon, *A World Made New*, p. 153.

allowed to interrupt the General Assembly's focus on drafting the UDHR in the entire two-month course of the Third Committee – the Palestinian refugee crisis. When United Nations special envoy to Palestine, Ralph Bunche, presented a report to the General Assembly on the plight of Palestinian refugees as Israeli settlements increased exponentially, 'delegates from Egypt and Iraq seized the opportunity to point out that there was nothing abstract about that particular human rights crisis.'⁵⁹

In fact, political self-determination was an issue that Muslim delegates to the Third Committee were committed to promoting. Along with other representatives of colonial states, spokespersons from the Middle East identified great emancipatory potential in human rights as a project that would apply equally to all people everywhere, whatever the political status of their country. Omar Loufti of Egypt supplied the phrase that came to be included in the opening paragraph of the Universal Declaration.⁶⁰ That section of the text obligated the recognition and protection of human rights 'both among the peoples of the Member States themselves and among the peoples of territories under their jurisdiction.'⁶¹ In strong support of this statement, the Yugoslavian delegation proposed that it be made into a stand-alone article, so as to make the universality of the rights embedded in the Declaration patently clear. The suggestion was unsuccessful. However, the idea that an assertion of universality should be absolutely clear was taken up vis-à-vis Article 2 of the Declaration:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinctions of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.⁶²

The impact of Article 2 on colonial states, and Middle Eastern delegates in particular, was monumental. According to Waltz, in the years immediately following the

⁵⁹ Waltz, "Universalizing Human Rights," p. 54.

⁶⁰ Morsink, *The Universal Declaration of Human Rights*, p. 98.

⁶¹ *The Universal Declaration of Human Rights* ([cited October 12 2007]); available from <http://www.un.org/Overview/rights.html>.

⁶² Ibid.

General Assembly's adoption of the Universal Declaration, 'the notion that fundamental freedoms must include the right to political independence was cultured among the states of South Africa and the Middle East.'⁶³ During the formative years of the International Covenant on Civil and Political Rights (ICCPR), a coalition twelve states lobbied for the inclusion of the right to national self-determination in the document text. The coalition included Afghanistan, Egypt, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, and Syria. Waltz argues, 'for much of the 1949-1952 period, Western powers fretted about how to counter the growing sympathy for what the US State Department called the 'Muslim resolution.'⁶⁴ In response, several powers, led by the United Kingdom, proposed a clause that would limit the responsibility of colonial powers to implement human rights in their territories. The 'colonial clause' faced organised resistance from Chile, China, Mexico, India, and Peru. It met the most vigorous opposition from Afghanistan, Egypt, Saudi Arabia, and Syria.⁶⁵ Ultimately, the 'Muslim resolution' was successful: when the ICCPR was adopted by the General Assembly in 1966, the right to self-determination became a provision of international law.

Muslim delegates also spoke forthrightly in the discussions on socio-economic rights. Delegates from Afghanistan, Egypt, Pakistan, Saudi Arabia, and Syria led the debate.⁶⁶ For instance, Jamil Baroody of Saudi Arabia reminded the General Assembly that the Islamic institution *Zakat* (almsgiving) enjoyed significant success as a provision of social and economic welfare in Muslim societies.⁶⁷ In fact, Waltz attributes the inclusion of social and economic rights as the right to a decent standard of living vis-à-vis adequate food, shelter, clothing, and medical care to the advocacy of delegates from the Middle East, as well as Latin America, Asia, and the Soviet Bloc countries.⁶⁸

Representatives of Muslim countries thus played strong roles in the subsequent development of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), formulated in the years following the General Assembly's adoption of the

⁶³ Waltz, "Universalizing Human Rights," p. 66.

⁶⁴ Ibid.

⁶⁵ Waltz, "Universal Human Rights," pp. 830-31.

⁶⁶ Ibid.: p. 826.

⁶⁷ Ibid.

⁶⁸ Waltz, "Universalizing Human Rights," p. 63.

UDHR in 1948. The ICESCR represents the juristic expansion of Article 22 of the UDHR, which cemented economic and social rights as central to the human rights project. Despite this, the Great Powers continued to resist the universality of socio-economic rights. In the Plenary Session of the General Assembly in 1951-52, a representative of Egypt expressed deep concern that the Great Powers were 'haunted by the fear' of seeing the ICESCR completed and opened for signature and ratification:

In some cases, this fear is due...to the measures of international supervision to which the application of the covenant would be subjected to the advantage of some of their citizens who are segregated from society owing to discriminatory inhibitions; in yet other cases, to the inevitable consequence of extending the application of the covenant to territories under the sway of the States.⁶⁹

Despite the resistance of the world's most powerful states to internationally defined socio-economic rights, Muslim delegates displayed political savvy in advancing the agenda. As a result of their efforts, combined with other small states, the ICESCR was adopted by a unanimous vote of the General Assembly in 1966, and came into force as international law in 1976. By this time the representation of Muslim countries in the General Assembly had expanded significantly. Among the Muslim majority countries participating in the vote in 1966 were Afghanistan, Algeria, Egypt, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mauritania, Morocco, Pakistan, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, Turkey, and Yemen.⁷⁰

Similarly, in the earlier development of the UDHR, it was only after hundreds of nuanced discussions and extensive debate that the members of the General Assembly agreed the draft declaration was ready for vote. When Malik presented the final document to the Plenary Session of the General Assembly on the 10th of December 1948, he reminded all present that throughout the drafting process, over one thousand votes had been cast on various issues, and hundreds of amendments had been made to drafts and subsequent redrafts. In fact, of the 1,233 individual votes cast during the

⁶⁹ Waltz, "Universal Human Rights," p. 828.

⁷⁰ Ibid.: p. 805-06.

drafting of the UDHR, 88.08 percent were affirmative, and only 3.73 percent negative.⁷¹ Before voting on the Declaration in its entirety, the Plenary Session of the General Assembly polled Member States on each separate article. Malik's insistence that the draft declaration be scrupulously fine-combed had paid off: twenty-three of the thirty articles won unanimous approval.⁷² None of the scattered abstentions to the other seven articles carried over to the final vote. At around midnight on the 10th of December 1948 the General Assembly adopted the Universal Declaration of Human with a vote of forty-eight to zero, and eight abstentions.

The abstentions were issued by the Soviet Union and the five satellite states (Byelorussia, Czechoslovakia, Poland, Ukraine, and Yugoslavia), as well as South Africa, and Saudi Arabia. Importantly, however, not one of these states voted against the Universal Declaration as a stand-alone concept.⁷³

The Saudi abstention was an exception to the broader Muslim position at the General Assembly. Saudi Arabia's resistance was partly grounded on an objection to Article 18, which establishes the freedom to choose, and change, one's religion. Under *Sharia* law, repudiation of Islam – *ridda*, or apostasy – is punishable by death.⁷⁴ Yet the Muslim position on the authenticity of this law is far from uniform. According to Abdullahi An-Naim, although the central holy text of the Islamic faith, the *Quran*, condemns freedom of religion, it does not provide 'specific invariable punishment' for apostasy.⁷⁵ The *Sharia* law on the death penalty is drawn from a small number of select verses in the *Sunna* (the teachings of the Prophet Muhammad) and can be explained with regard to the specific circumstances of each case. In contrast, the right to freedom of religion and conscience is clearly sanctioned in multiple *Quranic* verses.⁷⁶

Muslim voices at the Third Committee of the General Assembly in 1948 reflected these nuances. The main speaker on this issue was Muhammad Zafrulla Khan, the

⁷¹ Morsink, *The Universal Declaration of Human Rights*, p. 11.

⁷² Glendon, *A World Made New*, p. 169.

⁷³ Morsink, *The Universal Declaration of Human Rights*, p. 21.

⁷⁴ Abdullahi An-Naim, *Toward an Islamic Reformation. Civil Liberties, Human Rights, and International Law* (Syracuse: Syracuse University Press, 1990), p. 49.

⁷⁵ *Ibid.*, p. 108.

⁷⁶ *Ibid.*, p. 109.

Foreign Minister of Pakistan. According to Khan, the issue surrounding the freedom of religion clause ‘involved the honour of Islam.’⁷⁷ He emphasised that although Islam encourages all people to alter their way of living in line the ethical teachings of Allah and the Prophet Muhammad, this is within the recognition of the right of conversion in other religions. According to Khan, freedom of religion was consistent with Islamic teachings, and he cited a verse from the *Quran* that specifies the non-obligatory character of faith: ‘Let him who chooses to believe, believe, and let him who chooses to disbelieve, disbelieve.’⁷⁸

The assent of all contemporary Muslim Member States except Saudi Arabia to the Universal Declaration, despite the clauses on equal rights in marriage and freedom of religion, demonstrates an important point. Somewhat paradoxically, this was articulated by Baroody himself at a gathering of the General Assembly prior to the Plenary Session. The records of the Third Committee reveal his observation that although the Declaration was sometimes ‘at variance with the patterns of culture’ of Middle Eastern states, ‘that did not mean...that the declaration went counter to the latter, even if it did not conform to them.’⁷⁹ It is crucial to note here that the ‘patterns of Middle Eastern culture,’ which Baroody perceived to be in some variance with the Universal Declaration, are not tantamount to the system of faith.

Additionally, the human rights standards established by the Universal Declaration in 1948 present fundamental challenges to the cultural traditions of many societies around the world, including those in the West – which is precisely why a *Universal Declaration* was needed in the first place. Although patterns of implementation vary dramatically, there are few societies in the world that can claim unequivocal adherence to the standards of the Universal Declaration, which was always intended as a symbiotic text, according to which disregard for one article of the document detracts from the effectiveness of others.

What the Saudi Arabian abstention to the Declaration also reveals is that the drafting process of the UDHR was *not* unproblematic. Yet this went hand-in-hand with the

⁷⁷ Glendon, *A World Made New*, p. 168.

⁷⁸ Ibid.

⁷⁹ "United Nations General Assembly Official Records, Third Committee (1948)," p. 49. Cited in Morsink, *The Universal Declaration of Human Rights*, p. 24-25.

extensive attempts toward making the procedure an inclusive one. It is certainly not the case that at mid-twentieth century the differences between cultures and societies from profoundly diverse regions of the globe were less in quantity or seriousness than they are today. Yet due to the geo-temporal conditions surrounding the end of World War Two and the beginnings of the United Nations, representatives from countries all around the world recognised the necessity to formulate global standards of equality and non-discrimination. They worked together in strong resolve to produce a document that was clear and concise, yet as Rene Cassin put it, ‘sufficiently flexible to cover all systems.’⁸⁰

The universality of the human rights principles expressed in the UDHR is reinforced by the fact that those states not present during the drafting process have subsequently affirmed their commitment to universal human rights by signing onto the Declaration. These include the Axis powers – Germany, Japan, and Italy – and numerous states in Africa and South Asia. The latter regions were under-represented during the drafting process of the Declaration, as they were still predominantly subject to colonial rule. However, over the course of the second half of the twentieth century, state delegates from Germany, Japan, Italy, and the regions of Africa and South Asia have helped to formulate and bring into force via state signatures the hundreds of human rights documents produced from the Universal Declaration.

Conclusion

Small states and non-Western delegates did not dominate the drafting process of the Universal Declaration of Human Rights. However, the political and diplomatic expertise of non-Western delegates, along with the combined voting power of small states, contributed significantly to the document’s scope and content. In 1968, Charles Malik reflected on the formation of the UDHR, emphasising the inclusiveness that characterised the proceedings: ‘The genesis of each article, and each part of each

⁸⁰ "United Nations General Assembly Official Records, Third Committee (1948)," p. 5. Cited in Morsink, *The Universal Declaration of Human Rights*, p. 21.

article, was a dynamic process in which many minds, interests, backgrounds, legal systems and ideological persuasions played their respective determining roles.’⁸¹

Muslim representatives played a part in this multifaceted process. Not only were Muslim delegations present in the development of the human rights project, they participated in and contributed to the proceedings significantly. Moreover, Muslim countries demonstrated overall support for the emerging international framework, as it represented an opportunity to codify rights to basic living standards and ward off political, social, cultural, and economic disenfranchisement.

Contrary to popular assumption, modern human rights principles do not embody a functional bias towards Western cultural hegemony and political domination. This rests on the false impression that the international treaty system is the inevitable teleological result of European enlightenment. In reality, the emergence of the international human rights framework following the Second World War represented an incisive response to contemporary challenges. The international treaty system remains a dynamic phenomenon, available for reappropriation according to the changing needs and requirements of different peoples and societies around the world.

This is reflected in the uptake of human rights discourse by grassroots movements in countries around the world, including a great number of Muslim societies. The Iranian women’s movement is a prime example. In the twenty-first century, Muslim advocates of universal human rights lay claim to the emancipatory content of the international system, following the example of their predecessors during the drafting process of the Universal Declaration.

⁸¹ O. Frederick Nolde, *Free and Equal: Human Rights in Ecumenical Perspective* (Geneva: World Council of Churches, 1968), p. 12.

Muslim women and the development of universal women's human rights standards

Introduction

In 2003, a number of reform-minded women protested for the incorporation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) into Iran's national legal framework. In doing so, the women broached an issue that is surrounded by controversy in international relations. Universal human rights standards are subject to significant intellectual and political scrutiny. Few aspects of this paradigm occupy a more contentious status than that of *women's* human rights. Local perspectives on 'appropriate' gender relations often stand at the forefront of Muslim government claims that the human rights project is culturally constrained, with little or no relevance outside Western societies.

In this chapter, the author argues that international standards on women's human rights have long resonated with Muslim women at the local level. Iranian women's appropriation of international women's human rights discourse does not represent a new or isolated issue. Rather, Muslim women have played strong and sometimes determining roles in the development of women's human rights norms over the course of the twentieth and twenty-first centuries.

The rights-based standards embedded in the international framework on women's human rights are premised on the principle of non-discrimination based on sex. CEDAW defines 'discrimination against women' as:

[A]ny distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental

freedoms in the political, economic, social, cultural, civil or any other field.¹

This wide-reaching understanding of discrimination provides the normative foundations for the principle of gender equality. The notion of gender equality embedded in the human rights paradigm contrasts with more traditional understandings of gender relations that espouse systems of gender ‘complementarity’ and a ‘balance’ of rights, as opposed to gender equality and equal rights. As a result, questions surrounding women’s status often occupy a central place in local identity politics. In the Muslim Middle East, conservative Islamist campaigns against the spread of Western cultural norms have seen women cast as bearers of indigenous culture and carriers of religious tradition. This dynamic is embodied in Iranian politics.

In July 2007, during one of the more severe crackdowns on Iranian women’s rights activists since the ascendance of the Ahmadinejad government in 2005, Supreme Leader of the Islamic Republic, Ayatollah Khomeini, criticised what he referred to as ‘scattered efforts’ of local women’s rights activists to draw the international framework on women’s human rights into the national debate on the status of women. ‘The attempt of several West-fascinated individuals,’ stated Khomeini, ‘to add to or cut part of the Islamic Statute or align them with some of the international conventions is absolutely wrong.’² According to The Office of the Supreme Leader, ‘Ayatollah Khomeini appealed to the country’s research bodies, universities and jurisprudential schools to provide quality argument against feminist views and propagandas. The IR [Islamic Republic] Leader described the undertaking as a true service to all women of the world.’³

Why this appeal was necessary if international standards on women’s rights enjoyed little resonance amongst Iranian women, as suggested by Khomeini, is unclear. Yet the Supreme Leader expressed the official view of the Islamic state on international women’s human rights by explicitly linking international conventions on women’s rights and ‘the West.’ According to Khomeini, it is by virtue of the ideals of the

¹ *The Convention on the Elimination of All Forms of Discrimination against Women, Part I.*

² *In the Name of Allah.*

³ *Ibid.*

Islamic revolution that 'the Iranian woman has been set in the right path.'⁴ The gender ideology of the Islamic Republic expresses the political position that international women's human rights norms have little relevance in Muslim societies precisely because Islam provides the necessary range of rights-based needs necessary for Muslim women to live full and meaningful lives. In Khomeini's words: 'Islam introduces Fatima,' the daughter of the Prophet Muhammad. 'This is what a woman is. This is the model for the Muslim woman.'⁵

Fatima and other female religious figures provide valuable sources of esteem for Muslim women. As the wife of Imam Ali and mother of Zeynab and Imam Hussein, Fatima represents a symbolically powerful image for Shi'ite Muslim women in particular. Taking this into account, does Khomeini's rejection of the secular international framework on women's status and gender relations hold at least some political weight? To address this question, it is important to note that resistance to women's rights unites political actors and intellectual voices that might otherwise disagree on the political and social potency of the overarching human rights project. CEDAW is subject to the most number of state reservations of the entire range of human rights documents in the United Nations treaty system.⁶ Contrary to popular assumption, these reservations do not emanate from isolated regions. Rather they issue from ideologically diverse states the world over, including those in the West. The United States, for example, has failed to even ratify the convention.

Since the 1993 World Conference on Human Rights in Vienna, women's rights movements around the world have engaged the mantra 'women's rights are human rights.' The phrase implicates the curious reality that even in the policies of those states and governments that subscribe to the human rights cause, there has been widespread failure to recognise that the rights-based standards expressed in the international framework apply equally to women and men. This political practice is mirrored by some human rights literature. Even in the writings of some scholars who gravitate towards establishing a working basis for universality, there remains an

⁴ Ayatollah Seyed Ali Khomeini, *Women* (The Office of the Supreme Leader, [cited 31 October 2007]); available from <http://www.leader.ir/langs/EN/index.php>. Available under the link 'Leader's Viewpoints' and then 'Women.'

⁵ Ibid.

⁶ Diana G. Zoelle, *Globalising Concern for Women's Human Rights: The Failure of the American Model* (London: MacMillan Press Ltd, 2000), see pp. 55 and 68.

implicit suggestion that rights-based standards dependent on the elimination of discrimination based on sex are not quite on the same standing as other non-discriminatory categories such as race, ethnicity, and nationality. Many scholars are hesitant to promote or defend women's human rights against particularist claims. Women's rights are generally seen as far more culturally complex, or indeed culturally contingent, than rights pertaining to liberation from other forms of oppression.

Andras Sajo, for example, suggests that human rights provide a 'historical consequentialist formula comprised of specific negative political experiences and known ways to avoid their repetition,' yet simultaneously warns his readers 'to be aware of the circumstances which are likely to increase the chance of bad outcomes.'⁷ The way Sajo chooses to expand on his point is revealing. 'For example,' he states, 'a person who insists on the application of human-rights based policies for women should be aware of the likelihood that a traditional community will be up in arms because of a deep-rooted opposition to the modern phenomenon of women's liberation.'⁸

Here, Sajo presents the 'traditional community's' possible or likely frustration at the implications that modern notions of gender equality may have for the status quo as representing a 'bad outcome' *ipso facto*. Whether or not Sajo perceives the perspectives of women as included or excluded from a 'traditional community' is a point on which he does not expand. Like a number of his contemporaries, Sajo implicitly privileges 'tradition' over 'women's liberation' without offering some explanation of ethnographic details as to how he came to that conclusion. His intellectual position mirrors the claims of the Iranian state, and the persistent suggestions in Western media, and some academic sources, that some Iranian women's claims to universal standards on gender equality embedded in the international framework are somehow less 'Muslim', and certainly less indigenous, than the position of conservative Iranian women.

⁷ Sajo, "Introduction," p. 17.

⁸ Ibid.

Chapter Two focuses on the development of the international framework on women's human rights. This development took place over the course of two decades from 1975 to 1995, which were punctuated by four world conferences on women. To this author's knowledge, there is no existing text that synthesises the existing literature on this specific political history in a manner that substantively demonstrates the participation and contribution of Muslim women. A large portion of the literature consulted for this chapter comes from the writings of women who were themselves participants in the world conferences on women. The analysis in this chapter is therefore not derived from anecdote, but from women's direct observations and experiences. Many of these women continue to play activist roles in local and global feminist politics. The sources consulted come from both Western women who participated in the world conferences, including Bella Azbug, Charlotte Bunch, Arvonne Fraser, and Robin Morgan (all from the United States) and Muslim participants including a number of Iranian women such as Mahnaz Afkhami, Valentine Moghadam, and Nayereh Tohidi.

2.1 The beginnings of the international framework for gender equality: building women's rights on global political realities

International commitment to women's rights was formalised with the signing of the United Nations Charter in 1945. The preamble of the Charter affirms 'faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small.'⁹ Article 1 of the Charter further states that the purpose of the United Nations is 'to achieve international cooperation...in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.'¹⁰ Like the human rights cause at large, the inclusion of a provision for gender equality in the Charter represented a response to the political realities surrounding women's status in many regions of the world during the half-century preceding the formation of the United Nations. From the outset, the development of

⁹ *Charter of the United Nations* ([cited 29 October 2007]); available from <http://www.un.org/aboutun/charter/index.html>.

¹⁰ *Ibid.*

universal standards on women's rights and gender equality has been based on political realities. Feminism as a social movement has a much longer and more nuanced history than what is commonly assumed.

Using a broad definition offered by Valentine Moghadam, feminism can be understood as an ideology encompassing a recognition that women are subject to systemic discrimination because of their gender, dissatisfaction with such conditions, and ensuing activism towards women's empowerment.¹¹ According to Sri Lankan scholar Kumari Jayawardena, feminist activism was already prevalent in Western and non-Western contexts in the late 19th and early 20th centuries.¹² Similarly, as Leila J. Rupp points out, it was as early as 1792 that British philosopher Mary Wollstonecraft wrote the seminal feminist text, *Vindication of the Rights of Woman*, which was translated into French and German and informed women's suffrage movements on both sides of the Atlantic at the turn of the 19th century.¹³ However, it is not necessarily the case that feminism originated in Western contexts and spread from there. A number of scholars have demonstrated that feminist movements throughout Asia, Latin America, Africa, and the Middle East evolved from independent bases, with distinct philosophies and goals.¹⁴ In a rare investigation into the rise of women's movements in non-Western countries Jayawardena demonstrates that 'feminism was *not* imposed on the Third World by the West,' but was rather necessitated and fostered by local circumstances.¹⁵ Jayawardena's contribution to the literature provides case studies on a number of countries with sizeable Muslim populations, including Turkey, Egypt, and Iran.¹⁶

¹¹ Valentine M. Moghadam, *Globalizing Women, Transnational Feminist Networks* (Baltimore, Maryland: The Johns Hopkins University Press, 2005), p. 78.

¹² See Kumari Jayawardena, *Feminism and Nationalism in the Third World* (London: Zed Books, 1986).

¹³ Leila J. Rupp, *Worlds of Women, the Making of an International Women's Movement* (New Jersey: Princeton University Press, 1997), p. 14.

¹⁴ See for example, Corrine A. Pernet, "Chilean Feminists, the International Women's Movement, and Suffrage," *Pacific Historical Review*, no. 69 (2000). And, Asuncion Lavrin, *Women, Feminism, and Social Change in Argentina, Chile, and Uruguay, 1840-1990* (Lincoln: University of Nebraska Press, 1995). And, Ellen DuBois, "Woman Suffrage: The View from the Pacific," *Pacific Historical Review*, no. 69 (2000). And, Janet Saltzman Chafetz and Anthony Gary Dworkin, *Female Revolt, Women's Revolt in World and Historical Perspective* (New Jersey: Rowman & Allanheld, 1986), pp. 105-62.

¹⁵ Jayawardena, *Feminism and Nationalism in the Third World*, p. 2.

¹⁶ See generally Ibid.

In the Ottoman Empire of the late 19th century, the education of women was the subject of much debate. In 1892, the novelist Fatma Aliye wrote *Muhadderat* [Womanhood], followed by *Nisvani Islam* [Islamic Women], which denounced the misinterpretation of Islam by traditional clerics and called for women to become educated and participate in society.¹⁷ Only a few years later, during the early years of the Egyptian nationalist movement, Kassim Amin wrote *Tahrir al Mara* [Women's Emancipation], in which he employed Islamic exegesis to argue that female seclusion, forced hijab, and discriminatory practices regarding marriage and divorce laws were un-Islamic. A judge by profession, Amin advocated legal changes to improve women's status, including the right to work and the right to an education.¹⁸

In Iran, women played a central role in the political events of 1905 to 1911 surrounding constitutional agitation. In one particular demonstration in 1906, Iranian women surrounded the Shah's carriage as it was moving through the streets of Tehran, and handed him a petition listing their demands. When the Constitution of 1906 failed to grant suffrage to women, a number of female secret societies were formed in response. A particularly prominent member of one such society, Sadiqa Dualatabadi, would go on to open the first girls school in Esfahan, and publish the bi-monthly women's journal *Zaban-e Zanan* [The Voice of Women].¹⁹

Women from different countries had also begun to come together cooperate and organise internationally around feminist demands prior to the United Nations preliminary call for universal gender equality in 1945. The International Alliance of Women and the Women's International League for Peace and Freedom were formed in 1904 and 1915 respectively, and embraced local chapters from a number of Muslim majority countries, including Egypt, Palestine, Syria, Tunis, and Turkey.²⁰

The affirmation of gender equality in the United Nations Charter can be viewed against a political history of *international* agitation for women's rights. This affirmation was echoed in the Universal Declaration of Human Rights, which singles

¹⁷ Ibid., p. 29. *Muhadderat* has also been translated in Turkish feminist discourse to mean 'virtuous ladies', see Nicole A. N. M. Van Os, "Ottoman Muslim and Turkish Women in an International Context," *European Review* 13, no. 3 (2005), p. 461.

¹⁸ Jayawardena, *Feminism and Nationalism in the Third World*, p. 50.

¹⁹ Ibid., p. 65.

²⁰ See Rupp, *Worlds of Women*, pp. 15-33.

out sex as possible grounds for discrimination and prohibits it.²¹ According to Morsink, the archival records of the drafting process suggest ‘that the drafters had very few substantive drafting principles and that they let their text grow organically from one drafting stage to the next.’ Their prohibition of discrimination, however, was an exception to this practice: ‘the drafters adopted this prohibition as a drafting principle that came to deeply affect the meaning and scope of every article they wrote. This principle is reflected in the repeated use of the words ‘all,’ ‘everyone,’ and ‘no one.’²² Importantly, however, even in the early stages of the Universal Declaration’s development there was an expressed awareness among some individual delegates to the United Nations that non-discrimination clauses premised on gender-neutral language such as ‘everybody’ would not necessarily protect women from the full range of possible rights violations carried out in specific relation to their gender.

In June 1946 the Economic and Social Council (ECOSOC) mandated the creation of an independent body to ‘prepare recommendations and reports...on promoting women’s rights in political, economic, civil, social, and educational fields’ and to make recommendations ‘on urgent problems requiring immediate attention in the field of women’s rights.’²³ Contrary to dominant assumptions surrounding the origins of the global movement for women’s rights, the Commission on the Status of Women (CSW) was not dominated by Western states seeking to advance a particular framework for gender relations against the interests of other states. Rather, CSW comprised women from diverse regions, including small, non-Western, and Muslim states. The original members of CSW came from Australia, Byelorussia, China, Costa Rica, Denmark, France, Guatemala, India, Mexico, Syria, Turkey, the Soviet Union, the United Kingdom, the United States, and Venezuela.²⁴

In the years that followed its formation, CSW would maintain a commitment to equitable representation. Currently, the organising principles of CSW ensure that

²¹ *Charter of the United Nations*.

²² Morsink, *The Universal Declaration of Human Rights*, p. 129.

²³ E/RES/2/11, 21 June 1946, cited in *The United Nations and the Advancement of Women 1945-1996, with an Introduction by Boutros Boutros-Ghali, Secretary-General of the United Nations*, ed. The United Nations, Revised Edition ed., vol. VI, *Blue Books Series* (New York: United Nations Department of Public Information, 1996), p. 112.

²⁴ *Short History of the Commission on the Status of Women* (United Nations Commission on the Status of Women, [cited 29 October 2007]); available from <http://www.un.org/womenwatch/daw/CSW60YRS/CSWbriefhistory.pdf>.

forty-five Member States of the United Nations serve as members of the Commission at any one time. One representative of each State is elected by the Human Rights Council 'on the basis of *equitable geographical distribution*: thirteen members from Africa; eleven from Asia; nine from Latin America and Caribbean; eight from Western Europe and other States and four from Eastern Europe. Members are elected for a period of four years.'²⁵ In 2007, Muslim countries represented on the Commission included Azerbaijan, Iran, Kazakhstan, Malaysia, Morocco, Pakistan, Qatar, Turkey, the United Arab Emirates, as well as a significant number of North African states.²⁶

CSW's commitment to inclusiveness and international dialogue was reinforced in 2003 with the introduction of roundtables for high-level representatives attending the annual sessions of the Commission, such as Ministers and State Secretaries. According to the United Nations, the roundtables have provided a valuable forum for the exchange of local experiences and best practices, and have focused on, among other things, national mechanisms for the advancement of women's status.²⁷

At its first meeting in February 1947, CSW declared its motivation:

...to raise the status of women, irrespective of nationality, race, language or religion, to equality with men in all fields of human enterprise, and to eliminate all discrimination against women in the provisions of statutory law, in legal maxims or rules, or in interpretation of customary law.²⁸

In pursuit of these goals, CSW proposed a concrete program of action, based on the recognition that the codification women's rights would need to be based on factual information on the forms and extent of discrimination against women in different countries around the world.²⁹ The Commission on the Status of Women embarked on a vast research and polling effort, initiating worldwide surveys, questionnaires, and

²⁵ *The Commission on the Status of Women: Overview* ([cited 29 October 2007]); available from <http://www.un.org/womenwatch/daw/csw/index.html#membership>. Emphasis added.

²⁶ *Membership of the Commission on the Status of Women at Its Fifty-Second Session* ([cited 29 October 2007]); available from <http://www.un.org/womenwatch/daw/csw/CSW%20Members-%2052nd%20session.pdf>.

²⁷ *Short History of the Commission on the Status of Women*. Emphasis added.

²⁸ *Ibid.*

²⁹ *The United Nations and the Advancement of Women 1945-1996*, p. 4.

studies. Member States of the General Assembly were required to provide quantitative data such as statistics on women's participation in the workforce and education, while non-governmental organisations (NGOs) and other United Nations departments and country missions provided other qualitative information.

These fact-finding efforts generated an unprecedented wealth of information on the status of women in all regions. The Commission on the Status of Women used the information to produce country-by-country reports that detailed the political and legal status of women, positive experiences, and particular obstacles to women's empowerment. The process of localised fact-finding quickly became the Commission's protocol to determine the particular rights-based issues that needed to be addressed in different societies, and how different programmes and initiatives might be best implemented according to social and cultural nuances. In-depth surveys and questionnaires continue to provide the factual underpinning for resolutions of the Commission on the Status of Women that highlight inequalities in law and require governments to change discriminatory legislation. They also provide the basis and justification for drafting international treaties on the equal rights of men and women.³⁰ From the outset of the Commission's work to formulate universal standards on women's human rights, decisions have been based on internationally gathered research, data, and analysis.

2.2 Women's early contributions to the development of human rights standards

To augment its independent meetings, the Commission on the Status of Women was granted observer status in the Human Rights Commission during the drafting process of the UDHR. Although CSW did not have an independent vote in the HRC, according to Morsink the impulse toward gender equality expressed in the Universal Declaration was primarily due to the sustained lobbying of CSW.³¹ He quotes John Humphrey as stating: 'more than perhaps any other United Nations body the delegates

³⁰ Ibid., p. 17.

³¹ Morsink, *The Universal Declaration of Human Rights*, p. 117.

to the Commission on the Status of Women were personally committed to its objective...[They] acted as a kind of lobby for the women of the world.’³²

Nevertheless, the agenda of CSW was not pursued free of difficulty. The Commission did not enjoy strong support from powerful Western states. In addition, the development of a specific set of rights for women faced an obstacle that did not befall the broader human rights project, in the organised resistance of both small states and non-Western delegates. The data collection and documentation efforts of CSW revealed that discrimination against women was prevalent in virtually every region of the world.³³ According to Lauren, as a result of the worldwide surveys and fact-finding missions initiated by CSW, ‘all governments began to understand that their particular policies toward women would receive unprecedented global attention.’³⁴

This suggests that the basis of resistance to women’s human rights during the formulation of the international framework was not located in a specific set of cultural, political, or religious values. Yet rather than detracting from the determinism of women from various national contexts to lobby for women’s rights, this reinforced the fact that such an exercise would have to take place on a global scale. The negative reaction of governments from many parts of the world to the emerging feminist politics placed at stake a political issue that transcends national, cultural, and religious boundaries: patriarchal privilege.

Women’s rights were therefore a topic of significant debate throughout the drafting process of the UDHR. The fourth draft submitted to the HRC by the Drafting Committee left out the reference to gender equality in the opening affirmation of faith, replacing it with the gender-neutral term ‘everyone.’ In a discussion in the Third Committee of the General Assembly, Lakshmi Menon of India protested, pointing out that the omission would seem deliberate and invite discrimination against women. The records of the Third Committee reveal the support offered to Menon’s position by the Dominican Republic’s Minerva Bernadino, who reminded the Third Committee that ‘in certain countries the term ‘everyone’ did not necessarily mean

³² John P. Humphrey, *Human Rights and the United Nations: A Great Adventure* (Dobbs Ferry, NY: Transnational, 1984). Cited in Morsink, *The Universal Declaration of Human Rights*, p. 117.

³³ *The United Nations and the Advancement of Women 1945-1996*, p. 8.

³⁴ Lauren, *The Evolution of International Human Rights*, pp. 20-21.

every individual, regardless of sex. Certain countries claimed to recognise the rights of ‘everyone,’ she stated, but experience had shown that women did not enjoy those rights in the same capacity as men – as, for instance, voting rights.³⁵ Explicit terms for gender equality were re-inserted into the text by a vote of 32 to 2, and 3 abstentions. The three abstentions came from the United Kingdom, Canada, and Ethiopia, and the two negative votes from the United States and China.³⁶ No Muslim delegations voted against the text on gender equality.

However, Muslim delegates to the General Assembly were ‘not united on this issue, and at various moments, differences were aired in open forum.’³⁷ According to Waltz, although they did not vote against it, most Muslim diplomats sought to limit the degree of strong language on gender equality in the Universal Declaration.³⁸ Yet the strongest resistance towards gender-enlightened terminology in the Declaration came from countries with a strong Catholic tradition, and from the United States.³⁹ The gender ideology of the United States at the time is captured in the autobiography of the leader of the Indian delegation to the Third Committee, Vijaya Lakshmi Pandit, in which she recounts an alarming moment during the Committee meetings when soon-to-be US Secretary of State Dean Acheson asked her: ‘Why do pretty women want to be like men?’⁴⁰ In contrast, Waltz has observed that some of the strongest individual voices advocating for women’s rights came from within Muslim delegations, including, for example, Iraq and Pakistan.⁴¹

One of the most striking examples of this is the debate that surrounded Article 16 of the Universal Declaration, which states that men and women are entitled to equal rights in choosing who to marry, during marriage, and in the event of dissolution. Article 16 also states that ‘marriage shall be entered into only with the free and full consent’ of both the man and the woman in question.⁴² Article 16 derived from a report submitted to the Human Rights Council by the Commission on the Status of

³⁵ "United Nations General Assembly Official Records, Third Committee (1948)." Cited in Morsink, *The Universal Declaration of Human Rights*, p. 118.

³⁶ Morsink, *The Universal Declaration of Human Rights*, p. 316.

³⁷ Waltz, "Universal Human Rights," p. 820.

³⁸ Ibid.

³⁹ Ibid.: p. 819.

⁴⁰ V.L. Pandit, *The Scope of Happiness* (New York: Crown, 1979), pp. 250-51.

⁴¹ Waltz, "Universal Human Rights," p. 820.

⁴² *The Universal Declaration of Human Rights*.

Women in mid-1947, which suggested that the clauses relating to family relations in the Universal Declaration should be based on the understanding that marriage involves: freedom of choice; the dignity of the wife; the right of keep one's nationality; the right to make contracts; and equal rights to dissolution, guardianship of children, and the ownership of property.⁴³

Of these issues, one of the most sensitive for delegates to the Third Committee was equality of men and women in the event of divorce. Echoing Waltz, Morsink observes that 'much of the opposition to the explicit mention of divorce came from delegates of Christian countries and organisations.'⁴⁴ M. Amando of Panama, for example, reminded the Third Committee that some states were bound by laws based on the authority of the Church, and had, in respect of religious marriage and divorce, obligations that would not permit them to accept clauses based on the report of the Commission on the Status of Women.⁴⁵

Muslim representatives were not absent from these discussions. A strong critique of Article 16 came from the Saudi Arabian delegation. As the main spokesperson for Saudi Arabia, Jamil Baroody expressed his view that the Human Rights Commission had given predominant consideration to Western standards on gender and family relations. He stated that the Commission 'had ignored more ancient civilisations which were past the experimental age, and the institutions of which, for example marriage, had proved their wisdom through the centuries.'⁴⁶

The institutions Baroody referred to are embodied in classical Islamic jurisprudence in the *Sharia* legal code, a product of seventh-century Arabia. Saudi Arabia proposed that the term 'equal rights' in marriage be changed to 'full rights as defined in the marriage law of their country.'⁴⁷ The use of this phrase in the document text would have construed pre-modern Islamic cultural traditions as fitting with the human rights standards espoused by the Universal Declaration. Yet classical *Sharia* law does not provide for equal rights between men and women. To the contrary, according to the

⁴³ Morsink, *The Universal Declaration of Human Rights*, p. 121.

⁴⁴ Ibid., p. 125.

⁴⁵ AC.2/SR.6/p. 2 cited in Ibid., p. 122.

⁴⁶ "United Nations General Assembly Official Records, Third Committee (1948)," p. 370. Cited in Glendon, *A World Made New*, p. 153.

⁴⁷ Glendon, *A World Made New*, p. 153.

Sharia divorce is the sole prerogative of men, and in custody cases men are granted automatic custody rights over all children over the age of infancy.⁴⁸ As such, Baroody's proposal was anathema to the fundamental purpose of the Universal Declaration to eradicate *all* forms of discrimination.

Initially, the Saudi Arabian proposal was supported by Lebanon and Syria, but failed to garner backing from other Muslim delegations. The 'wisdom' that Baroody spoke of was not as self-evident as he would have other delegates to the Third Committee believe. The Muslim position on women and the family is far from uniform, and at various junctures throughout Islam's history, traditional understandings of *Sharia* laws on marriage and the family have been challenged from within the Muslim world. Abdullahi An-Naim, for example, espouses the contextuality of many classical Islamic laws on women's rights and family relations in the specific geo-temporal circumstances of their original revelation. For instance, he argues that polygamy was a relevant and legitimate law in seventh-century Arabian society, where women significantly outnumbered men. However, according to An-Naim the polygamy precept is one of many religious injunctions intended for harmonic social relations in a particular time and place and should not, therefore, have legal consequences in the modern context because it has no necessary socio-political function.⁴⁹

The variance of Muslim voices on the issue of equal rights for women in marriage was reflected in the debates of the Third Committee of the General Assembly following Baroody's proposal. Shaista Irkamullah of Pakistan reminded other Muslim delegates that the phrase 'equal rights' was not tantamount to 'identical rights.' In her view, Article 16 was designed with the imperative 'to prevent child marriage and marriages contracted without the consent of both parties, and also to ensure the protection of women after divorce.'⁵⁰ Irkamullah pointed out that despite the rhetoric of the Saudi Arabian amendment, it 'would enable countries with laws discriminating against women to continue to apply them.'⁵¹

⁴⁸ Ann Elizabeth Mayer, *Islam and Human Rights, Tradition and Politics*, 4th ed. (Boulder, Colorado: Westview Press, 2007).

⁴⁹ An-Naim, *Toward an Islamic Reformation*, p. 63.

⁵⁰ "United Nations General Assembly Official Records, Third Committee (1948)," p. 374. Cited in Waltz, "Universal Human Rights," p. 821.

⁵¹ "United Nations General Assembly Official Records, Third Committee (1948)," p. 374. Cited in Waltz, "Universal Human Rights," p. 821.

Irkamullah's sentiments resonated with delegates to the Third Committee. Despite Baroodi's suggestion that pre-modern religious practices on marriage and the family contained a certain moral truth by virtue of being 'past the experimental age,' Article 16 did not attract the negative vote of other Muslim delegates. In fact, when the UDHR was subjected to article-by-article scrutiny, Article 16 was approved by a unanimous vote. The final text of the UDHR thus included provisions for full age of marriage partners, free and full consent of intending spouses, equal rights as to marriage, and prohibited limitations due to race, nationality, or religion. This was the text voted for by Egypt, Iran, Iraq, Pakistan, Turkey *and* Lebanon and Syria. In Morsink's analysis, this example is a clear indication that 'the question of human rights cannot be settled on religious grounds. The human rights enunciated in the Declaration are not linked to religion. The drafters did not think that in order to accept the existence of any one of the rights one had to be an adherent of a certain faith.'⁵²

Advocating gender equality would remain on the agenda of some Muslim states when the United Nations General Assembly expanded on the UDHR by drafting the two International Covenants on human rights. In the earliest drafts of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Human Rights Commission did not include an independent article on gender equality pursuant to Article 16 of the UDHR. All instances of gender equality were attached to other provisions.⁵³ It was the Iraqi delegation that insisted a separate article on gender equality should be inserted into the covenant drafts. This time, the suggestion was opposed by several delegations of both Western and Muslim-majority states. Western countries argued that a separate clause was unnecessary since the preamble of the covenants echoed the UDHR by recognising the equal and inalienable rights of the 'human family.'⁵⁴ According to the records of the Third Committee, Bedia Afnan of Iraq insisted that her delegation 'believed it imperative that the equality of women...should be unequivocally stated.'⁵⁵ A majority of states concurred with Afnan's position, and

⁵² Morsink, *The Universal Declaration of Human Rights*, p. 125.

⁵³ Waltz, "Universal Human Rights," p. 822.

⁵⁴ Ibid.

⁵⁵ Ibid.

her amendment resulted in the creation of Article 3 in both the ICCPR and ICESCR, instructing states parties to ensure the equal rights of men and women to the rights set forth in both covenants.⁵⁶

2.3 The United Nations Decade for Women: movement towards global cooperation for women's rights

Despite the success of the Commission on the Status of Women in getting women's rights onto the agenda of the UDHR drafting process, it was another two decades before the mandate of CSW was considered to integral broader human rights initiatives. The turning point came in the early 1970s, when the United Nations initiated a series of studies on food and population crises in countries where liberal economic models of development had been imposed in the absence of institutional support. These studies revealed the deteriorating status of women in developing countries. This generated a strong internal critique in the United Nations of development models that failed to take account of the specific needs of women, and marked the formative stages of a system-wide awareness that women's rights were central to the vitality and wellbeing of societies throughout the world.

The undervaluation of women subsequently came to be identified as both a cause and effect of underdevelopment. Emerging studies on women's status linked gender inequality with poverty, overpopulation, illiteracy, food shortages, malnutrition, and poor health. United Nations agencies beyond CSW, most notably the United Nations Population Fund (UNFPA), were formed with specific mandates to address gender equality and women's empowerment in the context of population and development work. CSW expanded its mandate to incorporate issues beyond the legal and political, such as family planning, the impact of technological and scientific advancements, community and rural development, agricultural work, and access to micro-credit.

⁵⁶ Ibid.: p. 823.

CSW's on-the-ground approach was enhanced by new initiatives from the UN Secretariat, such as the provision of scholarships to women in developing countries. In addition, the Secretariat initiated regional workshops on women's rights, which provided women the opportunity to discuss challenges, best-practices, and lesson-learned in advocating for rights at the local and regional levels. In 1970 the General Assembly initiated the 'Programme of Concerted International Action for the Advancement of Women.' The Programme provided a list of targets to be reached by 1980, including the combating of illiteracy, equal pay for work, health and maternity protection, and increasing women's roles in government and decision-making. It was targeted to all UN agencies, which were required to make resources available for the objectives of the initiatives. In the context of system-wide commitment to mainstreaming gender into development work, the General Assembly announced that an International Day for Women would be held annually on the 8th of March. Subsequently, 1975 was declared International Women's Year, and planning began for the First World Conference on Women in Mexico.

2.3.1 The First World Conference on Women, 1975

The First World Conference on Women (FWCW) was a consciousness-raising that alerted the international human rights community to the pervasiveness of discrimination against women, and the imperative of a specific set of rights derived from women's own experiences of abuse. The Mexico comprised 2000 delegates from one 133 different countries. 73 per cent of the delegates were women. The conference accommodated representatives from 15 United Nations bodies, 9 offices of the Secretariat, 7 national liberation movements, the Human Rights Commission, 8 intergovernmental organisations, and 114 non-governmental organisations (NGOs) with consultative status to the Economic and Social Council (ECOSOC). A further 6000 people attended the parallel NGO Forum.⁵⁷

The conference agenda allocated each Member State time to report on the status of women in their respective countries. During the plenary session of the conference,

⁵⁷ *The United Nations and the Advancement of Women 1945-1996*, p. 34.

two working committees ‘composed of delegates from virtually every country’ met to produce the conference outcome document: the World Plan of Action on the Equality of Women and their Contribution to Development and Peace.⁵⁸ The World Plan of Action did not propose blanket strategies to address gender inequality and discrimination against women in different countries. It acknowledged differences between women within and between countries, and clarified the need for individual Member States to develop distinct strategies, targets, and priorities.⁵⁹ According to Arvonne Fraser, an American delegate to the conference, the Plan of Action had a pragmatic and realistic emphasis, focussing on the institutional establishment of local women’s bureaus, commissions, and committees with clearly defined budgets and operational staff, as well as technical assistance programs on behalf of the United Nations.⁶⁰

Notably, the Group of 77 – a conglomerate of developing countries established in 1964, and the largest intergovernmental organisation within the United Nations, established in 1964 – formed an independent working group and drafted an additional outcome document. The Declaration of Mexico on the Equality of Women and their Contribution to Development and Peace was not fundamentally different from World Plan of Action in the understanding of key concepts such as women’s rights and gender equality. However, unlike the World Plan of Action, the Mexico Declaration included political statements on structural inequality at the international level. Most controversially, the Mexico Declaration referred to Zionism as a form of oppression alongside colonialism, neo-colonialism, racial discrimination, and apartheid.⁶¹ The document attracted strong objections from the United States and Israel. Other developed countries also argued that overt political manoeuvres were not appropriate in the context of a conference on women’s human rights.⁶²

⁵⁸ Arvonne S. Fraser, *The Un Decade for Women, Documents and Dialogue* (Boulder, Colorado: Westview Press, 1987), p. 23.

⁵⁹ See E/CONF.66/34, *Report of the World Conference of the International Women's Year* (1976). Cited in *The United Nations and the Advancement of Women 1945-1996*, pp. 187-211.

⁶⁰ Fraser, *The Un Decade for Women*, see pp. 24-31.

⁶¹ E/Conf.66/34 *Report of the World Conference of the International Women's Year* ([cited 9 November 2007]); available from <http://daccessdds.un.org/doc/UNDOC/GEN/N76/353/95/PDF/N7635395.pdf?OpenElement>.

⁶² Fraser, *The Un Decade for Women*, p. 24.

Ultimately, however, the Mexico Declaration was adopted by delegates to the FWCW alongside the World Plan of Action.⁶³ This can be attributed to the fact that the Mexico Declaration did not diverge from the overarching goals of the conference and the ideological underpinnings of International Women's Year. To the contrary, the Mexico Declaration was premised on a recognition that:

[W]omen of the entire world, whatever differences exist between them, share the painful experience of receiving or having received unequal treatment, and that as their awareness of the phenomenon increases they will become natural allies in the struggle against any form of oppression.⁶⁴

This is a clear statement of gender-based solidarity between women of developed, developing, Western, and non-Western contexts alike.

Follow-up meetings to the First World Conference on Women were held in Asia and the Pacific, and Africa, and a consensus emerged that the issue of 'women's human rights' required more extensive treatment. The General Assembly responded by declaring 1976 to 1985 the Decade for Women, and two further world conferences were scheduled for Copenhagen, Denmark in 1980, and Nairobi, Kenya in 1985. In 1979, Lucille Mair of Jamaica was named as Secretary General of the Copenhagen Conference.* Mair was a particularly outspoken member of the Group of 77 during the formulation of the Mexico Declaration. An article in the *New York Times* observed that Mair 'makes no secret of the fact that being black and from the third world had a lot to do with her selection.' In the same article, Mair refuted the prevailing assumption that feminism was a white, elitist paradigm, making sure her interviewer noted that women from beyond the Western world were 'acutely aware' of their inequality with men. Mair dismissed claims that international measures would have little impact on local realities. In anticipation of the Copenhagen Conference, she said: 'There comes a time when we need to put the problem [of local gender inequalities] in global perspective. This is it.'⁶⁵

⁶³ Ibid., p. 27.

⁶⁴ E/Conf.66/34.

* Helvi Sipilä of Finland was Secretary-General of the Mexico conference.

⁶⁵ "All My Interests Crystallized into One," *New York Times*, 14 July 1980. Cited in Fraser, *The Un Decade for Women*, p. 71.

Regional preparatory conferences for the Copenhagen event took place in Paris, New Dehli, Caracus, Lusaka, and Damascus. These conferences were facilitated and funded by the two main development organizations of the United Nations, the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA). Spurred on by their respective women-in-development officers, the agencies provided information to UN country missions and women's groups in the developing world. The women-in-development officers also organised local seminars where women could elaborate on the specific issues that they wanted aired at the Copenhagen forum, and held workshops on these issues to assist local women in their preparations for the event.

The issues aired at these meetings were wide-ranging and multifaceted, as indicated by a newsletter disseminated worldwide in March 1980. The newsletter grouped the issues under the themes and sub-themes of the up-coming conference: equality, development, peace, education, employment, and health. Three sets of issues emerged which cut across these themes: racism and sexism, migrants and refugees, and the family.⁶⁶ In Fraser's analysis, 'this list suggests that the dialogue and communication links among the official delegates, the organisers of both the UN conference and the NGO Forum, and the women's organisations were extensive.'⁶⁷ She notes that by the time of the Copenhagen Conference,

[United Nations officials] had well established links to programs and projects in the developing world and had identified or knew personally many of the women leaders in developing world organisations...All of these women were anxious to make the [parallel NGO] Forum a success and to use it as a place to exchange experiences about successful and unsuccessful projects and initiatives.⁶⁸

The international circulation of United Nations publications enhanced the emerging relationships between the organisers of the Copenhagen Conference, and local women's groups. In a series of newsletters issued in the late 1970s, a number of UN departments emphasised their reliance on local women's groups around the world for

⁶⁶ Fraser, *The Un Decade for Women*, p. 145.

⁶⁷ Ibid.

⁶⁸ Ibid., p. 143.

feedback on the specific issues that they wanted addressed at the conference.⁶⁹ Random samples of the newsletters indicate the inclusiveness that characterised the conference preparations. The first newsletter issued by the Division for Economic and Social Information for the conference secretariat discussed a wide range of preparatory initiatives taking in communities around the world, including Muslim countries. For example, a 'women in development' meeting took place in Baghdad, and 'a dialogue on women in Islam' was initiated by a number of Muslim women's groups in the Middle East.⁷⁰

Horizontal relationships between women's groups from different regions were also strengthened in the lead up to the Copenhagen Conference. Cross-organisational links were facilitated by the International Women's Tribune Centre, which was established at the United Nations Headquarters following the Mexico conference. The Tribune Centre used the lists generated from the Mexico Tribune to keep in touch with and initiate a dialogue between women's groups, and expanded those lists as new organisations sprang up in communities around the world. According to Fraser, the cross-country and cross-regional relationships that developed between women's organisations were mostly informal, non-hierarchical, and based on exchange of information and mutual support.⁷¹

2.3.2 The Second World Conference on Women, 1980

Despite the extensive worldwide preparation for the Second World Conference on Women, the event was characterised by friction. An issue articulated by the Group of 77 in the Mexico Declaration of 1975 remained unresolved. Women from developed and developing countries respectively continued to disagree over what constituted priority women's rights issues. For women from developing countries, the issue was this: in order for a feminist viewpoint to inform analysis and practical action in developing countries, it had to take into account the reality of women's daily struggles against colonialism, imperialism, and underdevelopment. In contrast,

⁶⁹ Ibid., p. 72.

⁷⁰ Ibid., p. 74.

⁷¹ Ibid., p. 77.

women from the developed world insisted that discussions at the world conferences should focus on issues of legal equality, representation rights, and sexual autonomy.

According to Aili Mari Tripp, however, the divergent priorities that arose in the beginning of the Women's Decade did not indicate opposing ideological axes. In her analysis, women from developed and developing countries alike shared an overarching feminist vision. Yet women from developing countries wanted to bring Western women to a point of recognition of the gender dimension of imperialism, and global inequality.⁷²

This generated some tension, and the dynamics played out most overtly at the parallel NGO Forum. Participants in the Copenhagen Forum came from all over the world: Africa, the Arab States, Asia and the Pacific, Europe and Central Asia, Latin America and the Caribbean, and North America. However, the Copenhagen Forum was not a balanced event: of the 5,400 participants, 1000 women came from the United States and 2,100 came from Europe. In contrast, approximately 150 women came from the Arab States and Central Asia combined.⁷³ These numbers do not necessarily indicate that the NGO Forum and the Copenhagen Conference did not resonate with women from the Middle East or other non-Western contexts. Rather, they suggest distributive gaps in access to funds and institutional support for women from Western or developed and non-Western or underdeveloped countries respectively. Nevertheless, the reality of unequal representation at the NGO Forum transformed it into a highly politicised event.

The participation of Iranian women at the NGO Forum is instructive in demonstrating these dynamics. At the parallel NGO Forum, a number of Iranian women held a news conference celebrating the outcome of the Islamic revolution, and called for a return to the veil as a symbol of anti-colonialism. According to Lois A. West, these expressions were representative of a wider section of participants in the NGO Forum who 'felt that they could not separate their national struggles from their feminist ones

⁷² Aili Mari Tripp, "The Evolution of Transnational Feminisms: Consensus, Conflict, and New Dynamics," in *Global Feminism, Transnational Women's Activism, Organising, and Human Rights*, ed. Myra Marx Ferree and Aili Mari Tripp (New York and London: New York University Press, 2006), p. 61.

⁷³ Fraser, *The Un Decade for Women*, p. 147.

and should not be asked to do so.’⁷⁴ In West’s analysis the Iranian participants in the NGO Forum represent ‘feminists nationalists’: women whose feminist goals existed in symbiosis with their goals of national liberation.

Importantly, however, that the women who represented Iran at the Copenhagen Conference and the parallel NGO Forum would have been carefully selected by the government of the newly established Islamic Republic. The Copenhagen Conference occurred during the Islamic Republic of Iran’s first year on the international stage. Taking this into consideration, West’s suggestion that the perspective of Iranian women at the Copenhagen Conference was organic, and in no way obscured by the agenda of the state, is problematic.

Fraser offers an alternative insight into the Copenhagen Conference. She notes that when ‘national’ issues such as education, health, and employment were raised for discussion, women delegates were ‘allowed’ to occupy the speaker’s chair. However, when ‘international’ issues were broached – such as multilateral agencies and projects, data collection and exchange of information, and elaboration on international standards – the situation was quite different. Fraser’s firsthand observations are worth quoting at length:

There was often a flurry of activity as women delegates were moved aside and the men in virtually every delegation began to move into the chairs behind the microphone. When the debate began to become very serious, the male speakers were often flanked by other men looking serious and determined. Sometimes women delegates had to go to the back of the room, into the observer section, when not enough seats were available for a country delegation. Women who had become friendly during the sessions smiled at each other when this scene began to develop...gradually little murmurs of conversation were heard as one woman whispered to another about the male takeover and transfer of power...finally, a few delegates had the courage to make slightly humorous or ironic comments on this almost universal practice. The

⁷⁴ Lois A. West, "The United Nations Women's Conferences and Feminist Politics," in *Gender Politics in Global Governance*, ed. Mary K. Meyer and Elisabeth Prugl (Maryland: Rowman & Littlefield Publishers Inc., 1999), p. 181.

point was made that women were not in the ultimate decision making positions in any country and a sense of solidarity was established.⁷⁵

Echoing Fraser, Manisha Desai argues that in the context of post-colonialism, many women from non-Western countries who participated in the first and second world conferences were used by their governments to resist the 'modernising influence of the colonial powers.'⁷⁶ This observation has clear application to the Iranian context. In fact, a number of Iranian challenge the view that women's liberation was advanced by Iran's anti-imperialist project. Nayereh Tohidi, for example, argues that Iranian women 'were prevented from conceptualising their own answer [to the woman question], developing their own movement and defining their own identity independent of the national movement and the question of national identity.'⁷⁷ In her analysis, the entwining of 'the liberation of women with national liberation and feminism with nationalism' only served to complicate the course of women's emancipation in Iran.⁷⁸

Tohidi's position reflects the reality that some Iranian women's celebration of the *hijab* as a symbol of anti-colonialism was not representative of *all* Iranian women at the Copenhagen Conference. On the 8th of March, 1979 – just months after the final stages of the Iranian revolution and only one year before the Copenhagen Conference – some Iranian women were preparing to celebrate the fifth annual International Women's Day. In the days leading up to the event, the women were attacked by the conservative press and forced to counter to clerical allegations that the international framework on human rights was a Western conspiracy. The Iranian newspaper *Women's Re-awakening* assumed the difficult task of responding. The words 'woman' and 'international,' noted the newspaper, were tantamount to blasphemy in the opinion of Iran's conservative elite, who assumed that women's plans to celebrate the United Nations event was 'an international conspiracy by corrupt and promiscuous women.' The authors of the article spoke out against those allegations,

⁷⁵ Fraser, *The Un Decade for Women*, pp. 80-81.

⁷⁶ Manisha Desai, "Transnational Solidarity: Women's Agency, Structural Adjustment, and Globalisation," in *Women's Activism and Globalisation, Linking Local Struggles and Transnational Politics*, ed. Nancy A. Naples and Manisha Desai (London: Routledge, 2002), p. 28.

⁷⁷ Nayereh Tohidi, "Modernity, Islamization, and Women in Iran," in *Gender and National Identity*, ed. Valentine M. Moghadam (London & New Jersey: Zed Books, 1994), p. 126.

⁷⁸ Ibid.

and vowed they would ‘not tolerate any more exploitation and coercion.’⁷⁹ Plans to celebrate International Women’s Day went ahead. The resounding chant of the event expressed the organisers’ belief that ‘Women’s Day is neither Western nor Eastern; it is universal!’⁸⁰

This insight into Iranian politics surrounding women’s status during the early years of the Women’s Decade suggests that United Nations initiatives towards universal women’s human rights have resonated with at least some Iranian women since their earliest formulation.

Despite, or perhaps because of, the political tensions that characterised the Copenhagen Conference, the outcome document expressed awareness of and sensitivity to the needs and requirements of women in different national and regional contexts. Many paragraphs began with contrasting precursors: ‘In the developed market-economy countries’ and ‘in the developed countries.’ These phrases reflected the need to be sensitive to the specific obstacles faced by women in different contexts. Importantly, bloc statements were followed by expressions of consensus that encompassed ‘women in all countries,’ ‘most countries’ or ‘many countries.’⁸¹ The Programme of Action thus integrated the perspectives of women from both developing and developed countries. Notably, it emphasised that issues of legal rights on the one hand and under-development on the other existed in a mutually-dependant, circular relationship.⁸²

Like the Mexico Plan of Action before it, the outcome document of the Copenhagen Conference maintained an emphasis on pragmatism and the importance of addressing women’s everyday realities. The Programme for Action encouraged organisations of the United Nations system to work with governments and local organisations in developing technical cooperation, training, and advisory services. The document

⁷⁹ Cited in Janet Afary and Kevin B. Anderson, *Foucault and the Iranian Revolution, Gender and the Seductions of Islamism* (Chicago and London: The University of Chicago Press, 2005), p. 112.

⁸⁰ Afsaneh Najmabadi, "Power, Morality, and the New Muslim Womanhood," in *The Politics of Social Transformation in Afghanistan, Iran, and Pakistan*, ed. Myron Weiner and Ali Banuazizi (Syracuse, New York: Syracuse University Press, 1994), p. 375.

⁸¹ A/CONF.94/35. Cited in *The United Nations and the Advancement of Women 1945-1996*, pp. 253-55.

⁸² *Ibid.*, pp. 255-56.

explicitly stated that these projects should be agency-based, not welfare-based.⁸³ The Programme outlined specific goals and targets relating to the mobilisation of human resources; assistance to women in South Africa; assistance to Palestinian women inside and outside the occupied territories; and assistance to women refugees and displaced women the world over.⁸⁴ Finally, the outcome document expressed consensus between women on the relevance and importance of international targets, strategies, policies, and programmes.⁸⁵

The *zietgeist* of the closing stages of the Second World Conference on Women was encapsulated by Indian delegate, Valsa Verghese:

I had mixed feelings about the Copenhagen Conference...in spite of all the frustration and confusion it was possible to turn this into a positive experience...It was for me heartening to realise that *in spite of cultural differences there was so much in common to unite us*, to feel this bond of sisterhood, to break the isolation of women and to feel the growing power within us.⁸⁶

Such sentiments, and an expressed commitment to advance the cause of universal women's human rights, informed women's activism as they embarked into the final stages of the Decade for Women. It was in this spirit that women from all over the world began preparations for the Third World Conference on Women.

2.3.3 The Third World Conference on Women, 1985

According to Moghadam, for the international women's human rights community 'the year 1985 was, in many ways, a watershed.'⁸⁷ Despite the challenges encountered in the first half of the Women's Decade, the very act of gathering *en masse* proved to be a valuable consciousness-raising and capacity building exercise. Prior to all three world conferences on women there were national and regional preparatory meetings.

⁸³ Ibid., p. 276.

⁸⁴ Ibid., pp. 277-78.

⁸⁵ Ibid. See especially pp. 274-276.

⁸⁶ *ISIS International Bulletin* 17, 1980, pp. 30-31. Cited in Fraser, *The Un Decade for Women*, p. 155. Emphasis added.

⁸⁷ Moghadam, *Globalizing Women*, p. 1.

These led to the formation of hundreds of local grassroots organisations around the world dedicated to advancing women's human rights.⁸⁸ In addition, following the Copenhagen Conference the General Assembly mandated a multilateral preparatory committee to draft a Programme of Action for the second half of the Women's Decade. The preparatory committee included representatives from over twenty different countries, including a number of Muslim-majority states, including Egypt, Iran, and Pakistan. Twenty further countries sent observers to the preparatory committee. Also involved were seventeen UN agencies, twenty-eight NGOs with consultative status to ECOSOC, and a number of national liberation movements, including the African National Congress and the Palestinian Liberation Organisation (PLO).⁸⁹

Indicating the sustained commitment of women from all over the world to advancing human rights via implementation of the international framework, at each successive world conference both the number of participants and the diversity of contexts from which they came increased dramatically. When the Third World Conference on Women took place in Nairobi, 1985, it was the largest United Nations conference in the history of the organisation.⁹⁰ The Nairobi conference accommodated over 15,000 participants – double the number at the Mexico conference ten years prior. Participants in the conference included 1,900 delegates from 157 Member States. In addition, the conference accommodated representatives of the United Nations Secretariat, regional commissions, eight specialised agencies, seventeen intergovernmental organisations, four national liberation movements, and 163 NGOs. The parallel NGO Forum attracted 12,000 participants.⁹¹ Contrary to assumptions that the early development of women's rights at the international level was dominated by white, Western women, Aili Mari Tripp reports that over 60 per cent of the attendees at the Nairobi conference came from non-Western countries.⁹²

As both the number and diversity of participants at the world conferences on women expanded, the meeting agenda followed suit. Although much interaction between

⁸⁸ Desai, "Transnational Solidarity," p. 28.

⁸⁹ Fraser, *The Un Decade for Women*, p. 78.

⁹⁰ *The United Nations and the Advancement of Women 1945-1996*, p. 6.

⁹¹ *Short History of the Commission on the Status of Women*.

⁹² Tripp, "The Evolution of Transnational Feminisms," p. 62.

women from Western and non-Western contexts at the Mexico and Copenhagen Conferences was characterised by debate over the importance of sexuality rights versus economic and political issues, the Nairobi conference indicated that women were developing a collective sense of injustice and common ways of organising.⁹³ After just two weeks of negotiations, state representatives adopted the Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000. Maintaining a practical focus on linking international initiatives to local realities, the Forward-looking Strategies built on the feedback received from a questionnaire that required governments and NGOs of 121 different countries to answer a series of baseline questions on the status of women in their societies.⁹⁴ The questionnaire encompassed a broad range of issues including women's health, education, employment, the media, water and food security, industrialisation, science and technology, the economy, and displaced and refugee women. The Nairobi Forward-looking Strategies issued a series of measures for implementing gender equality at the national level, and emphasised that all countries 'should have the option to set their own priorities based on their own...policies and national resources.'⁹⁵

There is wide scholarly consensus that the Nairobi Conference marked the emergence of the Global Women's Movement.⁹⁶ According to Moghadam, global feminism refers to 'an observed isomorphism' in the way that women from all parts of the world mobilise around the issue of women's human rights, 'including a similar vocabulary and form of organisation.'⁹⁷ The global brand of feminism that emerged in the mid-1980s suggested 'a conscious crossing of national boundaries and a superseding of nationalist orientations.'⁹⁸ In this context, women's relationships went beyond notions of solidarity to encompass information-sharing, active cross-cultural

⁹³ Moghadam, *Globalizing Women*, p. 1.

⁹⁴ *Short History of the Commission on the Status of Women*.

⁹⁵ A/CONF.116/28/Rev.1, 1986. Cited in *The United Nations and the Advancement of Women 1945-1996*, p. 47.

⁹⁶ See for example the discussions in Moghadam, *Globalizing Women*. And, Tripp, "The Evolution of Transnational Feminisms." And, Peggy Antrobus, *The Global Women's Movement, Origins, Issues, and Strategies* (Bangladesh: The University Press Ltd, 2004).

⁹⁷ Moghadam, *Globalizing Women*, p. 25.

⁹⁸ *Ibid.*, p. 83.

support mechanisms, and organized transnational resistance to gender-based discrimination.⁹⁹

The Global Women's Movement was the product of ten years of experience in how to organise for women's rights at the international level. Over the course of the Women's Decade, those involved realised that the range of 'women's issues' throughout the world would require multiple strategies implemented symbiotically.¹⁰⁰ Fraser suggests that the emergence of the Global Women's Movement was fostered by women's increasing knowledge and experience in dealing with different governments, specific women's issues, and with the United Nations system itself.¹⁰¹

Yet it was not only operational experience at the international level that led to the beginnings of the Global Women's Movement. Moghadam argues that demographic changes led to the emergence of a critical mass of educated, employed, mobile, and politically conscious women local contexts around the world, including in Muslim-majority states.¹⁰² Statistically, global figures on women's education changed dramatically between 1970 and 1990: the gender gap in literacy and school enrolment was cut in half, and female enrolment at the tertiary level jumped from less than half the male rate to a significant seventy per cent.¹⁰³

In addition, the complexity of addressing women's rights issues in Western *and* non-Western countries alerted women to the importance of working towards mutual understanding and co-constructive ways of organizing. In developed countries, a shift towards neo-liberal economics in the 1970s and 80s led to the decline of the welfare state and a dramatic rise in unemployment. According to Moghadam, this prompted many Western feminists to recognise 'the salience of economic forces' to rights-based issues.¹⁰⁴ At the same time, women in developing countries were faced with the intensification of political patriarchy, as the identity politics of the post-colonial

⁹⁹ Charlotte Bunch, "Women's Human Rights: The Challenges of Global Feminism and Diversity," in *Feminist Locations, Global and Local, Theory and Practice*, ed. Marianne Dekoven (New Brunswick, New Jersey, and London: Rutgers University Press, 2001), p. 134.

¹⁰⁰ Desai, "Transnational Solidarity," p. 29.

¹⁰¹ Fraser, *The Un Decade for Women*, p. 30.

¹⁰² Moghadam, *Globalizing Women*, p. 86.

¹⁰³ UNDP, *Human Development Report 1995* (New York: Oxford University Press, 1995), pp. 33-34.

¹⁰⁴ Moghadam, *Globalizing Women*, p. 87.

period took hold and cast women as the representatives of traditional culture. In many countries, this comprised the emergence of religious fundamentalisms. In this context, non-Western women came to recognise the importance of issues surrounding sexuality and personal autonomy to rights-based discourse.¹⁰⁵

The debate over prioritisation of the international feminist agenda was thus worked through 'not by the force of better argument, but by the reciprocal recognition...of the validity of various claims.'¹⁰⁶ The closing stages of the third world conference challenges the assumption that feminism and international women's human rights standards are tilted towards Western women's interests. By 1985 women from all parts of the world, including Muslim communities, had forged intimate and powerful relationships. These relationships did not develop under the influence of a homogenised understanding of women's roles in society and the family, but from practical ties based on the immediate circumstances of women's lives throughout the world.

2.4 The Global Women's Movement and the Fourth World Conference on Women

The common agenda of women from diverse regions of the world was articulated clearly at the Fourth World Conference on Women, in Beijing, 1995. According to the United Nations, the Beijing Conference 'was preceded by a preparatory process that was perhaps more participatory and inclusive than any in history.'¹⁰⁷

From June to November 1994 five regional preparatory meetings were held under the auspices of the United Nations regional offices in Africa, Asia and the Pacific, the Arab States, Eastern Europe and Central Asia, and Latin America and the Caribbean. In the lead up to the preparatory conferences women throughout regions established national multidisciplinary committees, which included representatives from

¹⁰⁵ Ibid.

¹⁰⁶ Desai, "Transnational Solidarity," p. 29.

¹⁰⁷ *The United Nations and the Advancement of Women 1945-1996*, p. 64.

government agencies, NGOs, women activists, and the private sector. The respective national committees proved effective avenues for cross-border networking.

Before meeting their counterparts in Beijing in 1995, Muslim women from the Middle East and Central Asia formed strong transnational links, which enhanced their capacity contribute substantively at the global gathering in Beijing.¹⁰⁸ Muslim women's abilities were further enhanced by the special assistance of the United Nations Development Fund for Women (UNIFEM). According to Mahnaz Afkhami and Erika Friedl, UNIFEM worked with representatives of local NGOs throughout Muslim-majority countries to prepare them for working within the proposed conference agenda.¹⁰⁹

Some 47,000 people attended the Beijing Conference and the parallel NGO forum in Huairou. Many participants in the NGO forum commented positively on the extent of political and cultural representation at the event. According to Christa Wichterich, the NGO Forum encompassed 'the most diverse structures and politics, from local rank-and-file and self help groups to well-funded international lobbies and umbrella organisations...all conceivable shades between participant and representative politics were there.'¹¹⁰ In addition, spontaneous demonstrations on regional issues took place. For Robin Morgan, 'perhaps the most courageous was the march staged by more than a hundred women from Algeria, Afghanistan, and other Muslim countries: they wore red executioners' hoods to cover their faces and shouted 'No to fundamentalism and sexual apartheid'.¹¹¹ In fact, overall Morgan noted a 'positive trend' in the rise of powerful voices from non-Western and developing countries, accompanied by a 'refreshingly lower profile' maintained by Western women.¹¹² Wichterich also noted that Western women at NGO workshops and seminars often took the role of 'listeners and learners', as non-Western women introduced key issues for debate.¹¹³

¹⁰⁸ Afkhami and Friedl, "Introduction," p. 159.

¹⁰⁹ Ibid.

¹¹⁰ Christa Wichterich, *The Globalised Woman: Reports from a Future of Inequality*, trans. Patrick Camiller (London: Zed Books, 2000), p. 145.

¹¹¹ Robin Morgan, "The Ngo Forum: Good News and Bad," *Women's Studies Quarterly* 24, no. 1 & 2 (1996): p. 51.

¹¹² Ibid.: pp. 49-50.

¹¹³ Wichterich, *The Globalised Woman*, p. 146.

An example of a specific session of the NGO forum reveals the participation of Muslim against this background. The women's studies panel was initiated by the Sisterhood is Global Institute (SIGI), a transnational feminist organisation that prioritises support for women's human rights advocacy in Muslim countries.¹¹⁴ Panellists for the women's studies session came from Canada, Fiji, and two Muslim states, Malaysia and Iran (originally scheduled participants from Ethiopia, Brazil, and Palestine were unable to attend because of a fierce local rainstorm). Central to the discussion was the exchange of strategies to reclaim departments of women's studies at national universities from the tight control of government agendas.

The Iranian participant, Azar Nafisi, made extensive contributions to the panel. At the time, Nafisi was a professor of English literature at the University of Tehran. In 1981, she was expelled from teaching for not wearing the veil, but readmitted in 1987. At the NGO Forum, Nafisi indicated that Iranian women were experimenting in quiet subversion of the government's conservative agenda by disguising feminist studies as literary analyses of 'historical' fiction, such as the works of Jane Austen.¹¹⁵ Although it was little known to her feminist contemporaries, and certainly concealed from the Iranian government, in the same year of the Beijing Conference Nafisi had begun to gather a small group of her seven best female students for private lessons in her own home every Thursday morning. For the next two years, these young women met with Nafisi to discuss 'forbidden' literature, including *Lolita* and *The Great Gatsby*. In 2003, Nafisi published her acclaimed novel, *Reading Lolita in Tehran*, which documents the women's clandestine meetings and analyses their feminist outlooks in the context of Iranian politics after the revolution.

2.4.1 The international backlash against women's rights

Like the global conference that preceded the Beijing gathering, the Fourth World Conference on Women encountered difficulties. This time, however, the challenge was external to the Women's Movement itself. The draft agenda sent to Beijing by the Commission on the Status of Women contained over 468 bracketed paragraphs

¹¹⁴ See Moghadam, *Globalizing Women*, pp. 142-72.

¹¹⁵ Morgan, "The Ngo Forum," p. 50.

(representing 40 per cent of the total text) which indicated areas of disagreement. The ‘holy brackets’ as they came to be known, were inserted by an unlikely coalition of Christian-Vatican-Islamic conservatives.

In the 1990s, religious resistance to women’s rights thrived. Few issues impacted the collective consciousness of women from different regions of the world more than the global reality of politico-religious conservatism. The experiences of Iranian women, along with their counterparts from other Muslim countries witnessing the tide of post-colonial identity politics, thus fed directly into the emerging form and shape of the Global Women’s Movement. Similarly, the Vatican and other conservative Christian elements had made their presence felt in national debates over women’s status, as well as at the global conferences on women throughout the 1970s and 80s. By the mid-1990s, women from around the world – Muslim and non-Muslim alike – were faced with an international backlash against women’s rights.

A number of interrelated factors led to the emergence of this phenomenon. Women were not firmly united in terms of feminist priorities at the first two world conferences in 1975 and 1980. Although they had begun to organise at the international level, during the first half of the Women’s Decade, women did not pose a significant threat to the status quo. In Muslim communities throughout the Middle East and Central Asia, the view prevailed amongst the ruling elite that ‘women’s rights’ were private issues and not relevant to the political discourse on public policy and development. Afkhami and Friedl argue that although the ‘woman question’ had a place in the political lexicon of many Muslim leaders throughout the 1970s and 80s, practical action for improving women’s status was consistently subordinated to the desire to return a ‘golden age’ of Islam, in which society was untouched and uncorrupted by non-Islamic influences. In the pursuit of national liberation from colonial and imperial powers:

Gender and family relations as they pertained to everyday life within the family and community were largely ignored. As a whole, therefore, women and their concerns were not seen as important enough to pose a threat to patriarchal social structures. Consequently, men treated women’s human rights as a fiduciary function linked to such traditional

concepts as 'honour' and *harem*, rather than as a serious socio-political issue.¹¹⁶

The perceived lack of political necessity in taking the issue of women's rights seriously began to change in the last decade of the twentieth century. The Fourth World Conference on Women was the first time that female delegates comprised the majority of official representatives and occupied the speakers' positions in General Assembly debates for a majority of the time.

In addition, the Beijing Conference was unique from the previous world conferences in that it was the first time that 'women's rights as human rights' permeated the entire proceedings. The world conferences that took place during the Women's Decade took as their focal point 'women and development' but not, *per se*, the concept of human rights as it applies to women.¹¹⁷ The discursive shift had significant implications for women's global organising. Women's rights advocates from around the world began to move beyond identity-based coalition and issue-specific advocacy, towards building international alliances and support for common agendas.¹¹⁸

Reflecting on the Fourth World Conference on Women just months after its end, Morgan noted that women from all parts of the world appeared to have adopted an a common feminist vocabulary. In her analysis, the systematic and widespread use of words like 'oppression,' 'liberation,' 'power,' and 'equality' throughout the conference revealed an agenda that transcended regional and national boundaries.¹¹⁹ Morgan also suggested that governments around the world assumed that women would 'disperse obediently' at the end of the official Decade for Women. This did not happen. To the contrary, the experiences and insights gained by coming together for a total of four world conferences propelled women to intensify efforts in grassroots organising.¹²⁰

¹¹⁶ Afkhami and Friedl, "Introduction," p. xi.

¹¹⁷ Charlotte Bunch and Susana Friedl, "Beijing '95: Moving Women's Human Rights from Margin to Centre," *Signs* 22, no. 1 (1996): p. 200.

¹¹⁸ *Ibid.*: p. 203.

¹¹⁹ Robin Morgan, "The Un Conference: Out of the Holy Brackets and into the Policy Mainstream," *Women's Studies Quarterly* 24, no. 1 & 2 (1996): p. 79.

¹²⁰ *Ibid.*: p. 77.

This analysis translates directly to the lived experience of women in Muslim in the Middle East and Central Asia. According to Afkhami and Friedl, as a result of their participation in the world conferences during the 1970s and 80s, Muslim women throughout the regions had become increasingly aware of a gap between their human rights on the one hand, and objective realities on the other. In response, 'they started to make public demands. Now women's rights became a serious issue; the patriarchy was faced with a challenge, and it began to react.'¹²¹

The reaction came in the gender policies advocated by Islamist movements throughout the Muslim world. Although conservative Islamist organizations emerged during the 1970s, they expanded in the 1980s, and by the 1990s, were flourishing. On the one hand, Islamist parties made positive pledges to Muslim societies by promising to remedy national and international inequalities generated by domestic corruption, misallocation of resources imposed economic austerity measures, domestic corruption, and misallocation of resources. On the other hand, however, conservative politico-religious groups set out to combat changes in gender relations and the status of women. In the Islamist perception, these changes were not the result of women's indigenous organising, but rather due to the internationalisation of the cultural attributes of 'the West.' Thus, precisely when the concept of '*women's* human rights' came to a point of prominence on the international stage, previous support displayed by official Muslim leadership for the international human rights agenda entered a rapid state of withdrawal.

The first organised Islamist attempt to block Muslim women's collective organising at the international level came during the Beijing Conference, in 1995. Importantly, however, Muslim representatives were not the only protagonists located on that side of the debate. To the contrary, the Vatican often played a leading role in formulating 'religious' arguments against universal rights for women.

One of the most outstanding aspects of the 'holy brackets' was the enclosure of every instance of the word 'gender.' According to Charlotte Bunch and Susana Fried, the Vatican opened the issue to debate by insisting that the word gender should be

¹²¹ Afkhami and Friedl, "Introduction."

dropped from the proposed outcome document unless every mention of the word was explicitly tied to the 'natural' biological roles of the sexes.¹²² In a statement to conference delegates, the Holy See affirmed that its members understood the word gender to be 'grounded in biological and sexual identity, male or female...The Holy See thus excludes dubious interpretations based on world view which assert that sexual identity can be adapted indefinitely to suit new and different purposes.'¹²³

A further disagreement ensued over the term 'universal.' A report from the American Bar Association indicated that the Vatican, a number of Muslim governments, and other conservative leaderships made overt attempts to limit the application of the rights outlined in the draft document, through claims to religious or cultural exceptionalism. According to the report, a number of Muslim and Catholic countries proposed a strongly worded phrase that would give countries the autonomy to select and regulate the rights outlined in the CSW document 'with full respect for various religious and ethical values, cultural backgrounds, and philosophical convictions.' This was not a call for cultural sensitivity, but a bid to ensure that those in existing positions of power, and endowed with the authority to define and impose concepts of 'culture' and 'religion', could continue to do so.

In contrast, women representatives at the Beijing Conference repeatedly raised the need for vigilance in cultural sensitivity, but insisted that women themselves should be the ones to define the terms of the debate. A number of women representatives pointed out that the clause proposed by the coalition might allow certain countries to ignore recommendations calling for equality in inheritance, and sexual and reproductive rights, for example. In Muslim countries, this would run the risk of subverting all human rights measures to each state's relative use and interpretation of the *Sharia* – a legal framework which, in its standing form, unambiguously discriminates against women.

In ensuing discussions, the late Pakistani Prime Minister Benazir Bhutto made a notable contribution to the conference proceedings. In her address to the General Assembly, Bhutto reclaimed her identity as a Muslim from *both* Islamist forces and

¹²² Bunch and Friedl, "Beijing '95," p. 202.

¹²³ *Un Report of the Fourth World Conference on Women*, (New York: United Nations, 1995), p. 165.

Western stereotypes, and simultaneously expressed solidarity with women struggling against patriarchal forces in all parts of the world. Bhutto's speech is worth quoting at length. In the following passage, she cogently frames her faith in Islam and human rights consciousness as mutually reinforcing concepts:

On this solemn occasion I stand before you...[as] a woman proud of her cultural and religious heritage, a woman sensitive to the obstacles to justice and full participation that still stand before women in almost every society on earth. As the first woman ever to be elected to head an Islamic nation, I feel a special responsibility towards women's issues and towards all women. And as a Muslim woman, I feel a special responsibility to counter the propaganda of a handful that Islam gives women a second-class status. This is not true...Muslim women have a special responsibility to help distinguish between Islamic teachings and social taboos spun by the traditions of a patriarchal society...A month ago, Pakistan hosted the first ever conference of Women Parliamentarians of the Muslim world...As over one hundred delegates from 35 Muslim countries gathered together, I felt an enormous sense of pride that we women had each other for strength and support, across the globe and across the continents, to face and oppose those who would not allow the empowerment of women. Today I feel that same sense of pride, that we women have gathered together at Beijing...to declare: We are not alone in our search for empowerment. Women across the continents are together in the search for self-esteem, self-worth, self-respect, and respect in society itself. In distinguishing between Islamic teachings and social taboos, we must remember that Islam forbids injustice – injustice against people, against nations, against women. It shuns race, colour, and gender as bases of discrimination among fellowmen.¹²⁴

Bhutto's speech demonstrates that perspectives on human rights in the so-called 'Muslim world' are far from homogenous. As the General Assembly worked to produce an outcome document for the Beijing Conference, liberal Muslim voices emerged to challenge Islamist arguments that certain requirements of the faith precluded a set of universal standards for gender equality. Bhutto ended her speech by expressing her hope that positive changes for the world's women would continue

¹²⁴ Mohtarma Benazir Bhutto, "The Fight for the Liberation of Women: Excerpts, Remarks, 4 September, 1995," *Women's Studies Quarterly* 24, no. 1 & 2 (1996): pp. 91-92.

to 'flow from the Universal Declaration of Human Rights calling for the elimination of discrimination against women.'¹²⁵

Ultimately, the conservative attempt to limit the universality of the human rights principles in the draft document was unsuccessful. The final clause stated that although culture and religion must be 'borne in mind,' it is the duty of all countries 'to promote and protect all human rights and fundamental freedoms.'¹²⁶ In response, the conservative coalition decried the existence of a 'feminist imperialism,' designed to destroy local cultures, religions, and the traditional family.¹²⁷ In laying this claim, the coalition revealed the flaw in its own logic. On the one hand, the Vatican and Islamic opposition elements had unproblematically joined forces to claim exceptionalism from the full range of principles expressed in the draft document. Yet, each element justified the claim by recourse to *particularities* within Islamic and Catholic culture respectively. That is, religious particularities were deemed crucial enough to limit women's freedom, yet not so important as to preclude cooperation between the official leadership of Catholicism and Islam. This suggests that the motivation behind the combined resistance to women's rights had far more to do with issues of patriarchal power and privilege than it pertained to cultural and religious values.

Rather than dissipating women's determinism, the coming together of otherwise opposing forces to resist to women's rights proved to a motivating force in the ongoing formulation of international standards. As resistance to women's rights took the form of transnational alliances, women in turn recognised the imperative of feminism on a global scale. Despite concerted attempts of the conservative coalition to narrow the scope of 'women's rights as human rights,' the thousands of women who gathered for the Beijing Conference, as well as the NGO Forum remained committed to ensuring their own success.

After twelve days of NGO lobbying and intense internal discussion, the General Assembly announced that the Fourth World Conference on Women had formulated a final document: the Beijing Declaration and Platform for Action. Three governmental

¹²⁵ Ibid.: p. 95.

¹²⁶ *Fourth World Conference on Women, Beijing Declaration* ([cited 22 March 2008]); available from <http://www.un.org/womenwatch/daw/beijing/beijingdeclaration.html>.

¹²⁷ Bunch and Friedl, "Beijing '95," p. 203.

forces pulled the document out of the holy brackets: the European Union, the Scandinavian Countries, and the Group of 77 developing countries.¹²⁸ In addition, the pressure exerted by a multitude of women's NGOs resulted in women's rights being framed in the outcome document as indivisible, universal, and inalienable.¹²⁹ According to the United Nations, on the final day of the Beijing Conference, governments declared the Beijing Declaration and Platform for Action to be 'the two fundamental documents to guide women's advancement into the 21st century.'¹³⁰ The outcome document was unanimously adopted by 189 countries, including the Islamic Republic of Iran.

2.4.2 Muslim women's claims to the Beijing Platform for Action

The Fourth World Conference on Women had a dramatic effect on the organisation and mobilisation of women from Muslim communities. In fact, in the Association for Middle East Women's Studies' newsletter for November, Sondra Hale referred to 1995 as 'the year of the Muslim woman.'¹³¹ According to Iranian feminist Jasamin Rostam Kolayi, the Beijing Conference 'was an important catalyst for defining women's issues, establishing the language of women's rights as human rights, and planning action in various Muslim countries.'¹³² Equipped with a framework for empowering women that they helped bring about, Muslim women took specific initiatives to translate the Platform for Action into a living reality.

In the months following the Beijing Conference, national machineries for addressing women's issues were established across the Middle East and Central Asia. In Jordan UNIFEM and local women joined forces to formulate a national Strategy for the Advancement of Women. Palestinian women established the National Commission for Women. In Yemen local activists set up the Women's National Committee. Women in Lebanon, Kuwait, and Qatar drew on the resources of their local Ministries

¹²⁸ Morgan, "The Un Conference," p. 80.

¹²⁹ Bunch and Friedl, "Beijing '95," p. 201.

¹³⁰ *The United Nations and the Advancement of Women 1945-1996*, p. 68.

¹³¹ Sondra Hale, "The Year of the Muslim Woman," *AMEWS Newsletter* 10, no. 3 (1995): p. 5.

¹³² Jasamin Rostam-Kolayi, "The Politics of Women's Rights in the Contemporary Muslim World," *Journal of Women's History* 10, no. 4 (1999): p. 209.

of Social Affairs to formulate frameworks for advancing the Platform for Action's goals.¹³³

In May 1996, less than one year after the close of Beijing Conference, Muslim women gathered in Washington DC for the international conference *Beijing and Beyond: Implementing the Platform for Action in Muslim Societies*. The conference was facilitated by the Sisterhood is Global Institute, then under the leadership of Mahnaz Afkhami. Women from the Middle East, Central and South East Asia, and North Africa comprised the list of delegates. The participants were joined by representatives from the United Nations, the World Bank, and a number of international human rights organisations. Official speakers addressed an audience of 250 NGOs, activists, scholars, journalists, and policy-makers.¹³⁴ The event took on the characteristics of a workshop more so than a seminar, as participants explored strategies for implementing the Platform for Action at the national level. Emphasis was placed on increasing women's access to decision-making roles and positions of leadership. The outstanding theme of the conference was women's education in the fields of human rights awareness, literacy in legal affairs, women's studies at the university level, and the use of literature to create civic awareness.

The conference produced not only an outcome document, but a book edited by Afkhami and Friedl: *Muslim Women and the Politics of Participation*. The book brought together a list of conference participants who reported on aspects of implementation of the Platform in local contexts, including Turkey, Egypt, Lebanon, and Iran. Whilst the contributions indicated that women from different parts of the Middle East had different concerns and suggestions for action, according to the book's editors the authors also revealed 'a perception of the need for...common ground – for a body of knowledge that would articulate women's rights in ways that are not easily dismissible as 'elitist,' [or] 'Western'...that could help activists be proactive and to avoid being put on the defensive.'¹³⁵

¹³³ Noeleen Heyzer and Ilana Landsberg-Lewis, "Unifem and Women's Climb to Equality: No Turning Back," in *Muslim Women and the Politics of Participation*, ed. Mahnaz Afkhami and Erika Friedl (Syracuse: Syracuse University Press, 1997), p. 153.

¹³⁴ Afkhami and Friedl, "Introduction," p. xvi.

¹³⁵ Ibid.

Three Iranian women contributed chapters to *Muslim Women and the Politics of Participation*. Azar Nafisi wrote on the power of literature as a catalysing force for human rights consciousness in Iran. Maryam Elahi analysed the roles of international bodies such as the United Nations, focussing on their capacity to facilitate human rights training at the local level of Muslim societies. Afkhami provided the now well-known text *Claiming Our Rights: A Manual for Women's Human Rights Education in Muslim Societies*, 'the first practical, detailed, step-by-step manual' for raising human rights awareness in Muslim societies.¹³⁶ The working principle of the manual is clear. In Afkhami's feminist analysis '...there are no contradictions between universal human rights and the spirit of Islam.' In *Claiming Our Rights*, Afkhami affirms the *Quran* as infinite in depth and scope to promote gender equality, but distinguishes clearly between the letter of policy directives, and the transcendental message of the faith:

Where the *Quran* clearly states that some social policy must be followed, the statement is, by implication, always bound to the requirement of time and space...The impulse of the word, its eternal thrust, is toward equality for all...instances of inequality are time and space dependent...These positions can be substantiated by references to the *Quran* and the Sunna.¹³⁷

Afkhami's conviction led her to formulate a model for human rights advocacy in Muslim societies. The model was developed in local level workshops, primarily with activists and feminist scholars in Iran and Bangladesh. The model takes international standards as the starting point to determine women's status in Muslim communities, but insists that local frameworks for women's rights should be 'built on dialogue and participation, and on indigenous values.'¹³⁸ The education modules set out in the model were not developed as set text, but as suggested frameworks with enough flexibility to communicate universal principles 'in association with indigenous ideas, traditions, myths, and texts rendered in local idiom.'¹³⁹

¹³⁶ Ibid., p. xix.

¹³⁷ Mahnaz Afkhami, "Claiming Our Rights: A Manual for Women's Human Rights Education in Muslim Societies," in *Muslim Women and the Politics of Participation*, ed. Mahnaz Afkhami and Erika Friedl (Syracuse: Syracuse University Press, 1997), p. 110.

¹³⁸ Afkhami and Friedl, "Introduction," p. xix.

¹³⁹ Afkhami, "Claiming Our Rights," p. 109.

For Afkhami and other participants in UN initiatives to establish a robust framework for women's human rights, it was not enough that such processes take place only at the international level only. Rather, Afkhami and her colleagues felt that:

Women must be able to learn about these rights and how they fit local traditions, including religious ones; they must be able to compare their own situations to the postulates of 'rights' and to form and formulate their own opinions and arguments if they are to benefit from human rights policies.¹⁴⁰

This statement portrays a strong belief that the international framework on women's human rights can directly benefit women in local Muslim contexts. Despite the resistance to universal standards on women's rights at the official level of Muslim representation, international agreements on minimal standards for the treatment of women have nevertheless proved crucial to Muslim women's strategic advocacy for increased rights. According to Afkhami and Friedl, the documents that comprise the international framework on women's human rights 'provide women everywhere with models they can use to compare and assess their situations. They also provide international standards by which every nation signatory to them must measure its performance.'¹⁴¹

This expressed belief in the efficacy of international human rights documents is in many ways substantiated in the Iranian experience following the Fourth World Conference on Women. As part of the Beijing+5 and Beijing+10 initiatives, the Iranian government – then under the auspices the reformist cleric, President Muhammad Khatami – issued two follow-up reports to the UN Division for the Advancement of Women (DAW).

Five years after the Fourth World Conference on Women, the General Assembly convened a special session to review progress in the implementation of the Platform for Action at the country level. As part of the preparatory process for the Beijing+5 conference in 2000, DAW sent a questionnaire to governments around the world requesting information on national action taken towards implementing of the

¹⁴⁰ Ibid.

¹⁴¹ Afkhami and Friedl, "Introduction," p. xvi.

Platform. Under the guidance of the reform party, the Iranian government provided an obliging response.

The Iran report states that ‘since 1995 attention to advancement of women has been reinforced both in government policies and public perception.’¹⁴² This can be at least partly attributed to the initiatives prompted by the Beijing conference in 1995. Immediately following the Fourth World Conference on Women, the Beijing Declaration and Platform for Action was translated into Farsi, and a National Committee was formed to draft a National Action Plan. Iran’s report to DAW in 2000 was thus divided into twelve sections, each corresponding to the critical areas of concern outlined in the Beijing Declaration. The respective sections of the report indicated areas of progress, obstacles encountered, lessons learnt, and commitment to new initiatives.

In the area of education, the report notes that in the five years since the Beijing conference, female literacy had been cut in half. The United Nations Education, Scientific, and Cultural Organisation (UNESCO) subsequently awarded the Iranian government for its achievements in the national women’s literacy campaign. The report to DAW also refers to the inclusion of a subject on women’s rights in various university courses, designed to ‘improve the legal literacy of women.’¹⁴³ In the section that reports specifically on the ‘human rights of women,’ the report discusses the government’s mandating of a ‘special committee to study the probability of Iran’s adherence’ to the Convention on the Elimination of all forms of Discrimination Against Women.

Notably, the report also frankly acknowledged:

In areas such as elimination of legal obstacles, poverty eradication, changing negative perceptions and patronal attitudes, [and] closing [the] gender gap in high level[s] of decision-making, mainstreaming a gender perspective has been least successful. The revision process of laws and

¹⁴² *Replies to the Questionnaire on the Implementation of the Beijing Platform for Action: Iran* (2000 [cited 11 December 2007]); available from

<http://www.un.org/womenwatch/daw/followup/responses/Iran.pdf>.

¹⁴³ Ibid.

legislation on women is a long-term complex procedure, which makes modification of laws difficult.¹⁴⁴

However, the report then describes Khatami's steps to address this problem. At the beginning of his Presidency in 1997, Khatami established the Centre for Women's Participation.¹⁴⁵ According to the report, the Centre was just one of many institutional mechanisms at the national level created as part of Iran's National Action Plan on the implementation of the Platform for Action.

In the Iranian government's 2005 report to DAW, the Centre for Women's Participation is discussed in greater detail. The 2005 report was part of the preparations for the Beijing+10 conference, designed to further follow-up on the implementation of the Platform for Action at the national level. The report reveals that the Centre for Women's Participation was mandated to plan, coordinate, supervise, and monitor the activities of the executive in all areas to do with women. The 2005 report reveals a number of key initiatives taken by the Centre, including a review of the Civil Code of Iran, a study of women's rights in the existing legal framework to identify gaps and weaknesses, and the writing-up of proposals for legal reforms. The 2005 report subsequently detailed the changes made to women's status in Iranian law in the decade since the Beijing Conference.

The first page of that section provided the following precursor:

Since the victory of the Islamic revolution, revision and amendment to the laws and their adaptation to the requirements of times and space as well as enactment of laws required to restore the rights of the women have been on the agenda of the government of the Islamic Republic of Iran....In this section attempts have been made to allude to the laws and rules enacted or reviewed over the past few years and also explain the cases in which – due to the application of some concepts and terms – have lent themselves to diverse or contradictory readings and interpretations.

¹⁴⁴ Ibid.

¹⁴⁵ At the beginning of Mahmood Ahmadinejad's Presidency in 2005, the Centre for Women's Participation was dismantled and replaced by the Centre for Women and Family Affairs.

The report provides a list of close to 40 changes to laws on women's status between 1995 and 2005. These include: an amendment to Article 1041 of the Civil Code, which raised the age of majority of girls from nine to thirteen years of age (1991); a revision of Article 638 of the Islamic Discretionary Punishments Law changed the punishment for 'offences against public morality and dignity' from flogging to imprisonment and/or cash fines, along with a suspension of the punishment of stoning to death; the enactment of a law that for the first time, matched dowry payments with inflation (1997); an amendment to Article 1133 of the Civil Code to ensure that men follow formal legal process to obtain divorce, rather than simply announce 'I divorce thee' three times (2002); and in August 2003 a bill was approved by the Parliament in favour of Iran joining CEDAW.

The 2005 report to DAW also outlined a number of normative changes, including the establishment of a centre for the dissemination of legal information about women in Tehran and four other provinces (Mazadaran, Khorasan, Fars, and Esfahan). In addition, a women's rights education program was launched in primary schools. Seminars, meetings, and workshops to foster women's legal awareness were held regularly throughout the country. Finally, the climate of reform allowed for a number of short film festivals to support women filmmakers and publicly air their work. Many of the films were stories or documentaries about everyday Iranian women, their difficulties, and their triumphs.

Conclusion

The Iranian government's participation in the reporting mechanism to the United Nations Division on the Status of Women demonstrated an important point: by engaging with the international body, Iran acknowledged the relevance international standards have to the lives of local Iranian women. Through its participation in the international process, a state that claims roots in Islamic principles thus blurred the apparent boundaries between secular human rights norms, and the official 'Islamic' stance on women's status and gender relations.

In the paradigm of many Muslim women (and men) there is a rich legacy of gender equality and women's empowerment that in fact informs the Islamic tradition. Universal norms on women's human rights have long resonated with Muslim women. Contrary to the presumption that gender equality is a white, Western ideal, modern standards on women's rights developed according to local realities around the world, including the lives of women in Muslim communities. Particularly from the mid-1980s onwards, Muslim women have played strong and sometimes determining roles in the development of the international framework on women's human rights. For many activist Muslim women, there is no dichotomy to be found between their faith in Islam, and their insistence on laying claim to the standards expressed in the international treaty system.

In Iran, it is not Islam as a system of faith that precludes official recognition of universal standards on women's rights and gender equality – it is the ruling ideology of the conservative establishment. Iranian women of both secular and religious groundings are challenging this paradigm by calling on the state to bring international standards on women's rights into the national debate. The modern Iranian women's movement, explored in the coming chapters, can thus be seen as part of an ongoing tradition of Muslim women's participation in, contribution to, and engagement with the international framework on women's rights and gender equality.

The conventional Islamic feminist / secular feminist debate

Introduction

The Islamic Republic of Iran provides a dramatic example of a State where there is a marked disjuncture between the gender ideology of the ruling establishment, and the reality of women's lives. In July 2006, Shirin Ebadi warned of a 'tumult where everyone will lose' if the regime did not begin to heed the demands for rights-based change amongst Iranian women and the population at large.¹ This is not a new issue in Iran. The question of the state's ability and political will to respond to the needs of its constituency has dominated intellectual debates both within and outside Iran since the early 1990s. With regard to women's human rights, the preoccupation of political analysts and academic observers can be phrased as follows: Can the meaningful establishment of women's human rights and gender equality – as the terms have come to be understood in their modern-day usage – occur within the existing state framework via woman-centred re-readings of Islamic sources? Alternatively, will this necessitate a comprehensive move into secular human rights discourse and the separation of religion and politics?

Although the discriminatory aspects of the Iranian legal code are applied to all Iranian women equally – regardless of class, ideology, or religion – responses to these questions have been non-homogenous. Iranian women have employed contrasting strategies to generate a reflection, or direct correlation, between international standards local laws. These strategies have generally occurred within two broad ideological frameworks, widely referred to as Islamic feminism on the one hand, and secular feminism on the other.

¹ Shirin Ebadi, "Keynote Address by Shirin Ebadi, Nobel Peace Laureate and Human Rights Activist," in *Earth Dialogues, Session 4: Innovation and Inspiration* (Brisbane, Australia: 2006).

Throughout the history of the Islamic state, not all local women's rights advocates have consistently held the international framework on women's human rights as the starting point to determine the status of women. For some women, Islamic discourse has provided the orientation to conceptualise and articulate rights-based demands. Although in the past secular feminists and Islamic feminists have demonstrated an ability to cooperate to improve women's situations, for the most part the methodological discrepancies, and a mutual hesitance to move away from established ideologies, have precluded consequential collaboration.

In the early twenty-first century, however, feminism in Iran appears to have moved beyond this paradigm. Today, feminism in Iran is defined by a broad-based, non-ideological movement, which aims to bring local laws into line with international standards. The contemporary women's movement comprises women of both secular and religious groundings working under a common strategic umbrella to achieve shared goals. This is an unprecedented phenomenon in the Iranian context. In the forthcoming chapters, the author analyses the mechanisms behind the feminist shift from the maintenance of ideology, towards a framework that is premised on goals and ends-based results, more so than particular methodology. However, in order to better understand what kind of a shift has taken place, as well as its significance, it is imperative to closely examine the two broad approaches conventionally employed by Iranian women in past struggles for increased rights. This chapter explores the experience of Islamic feminism and secular feminism in Iran, the two distinct feminist ideologies that have conventionally characterised the women's rights debate.

3.1 Placing Iranian feminisms in context: the foundations and gender ideology of the Islamic Republic

Islamic feminists have conventionally conducted their work within the religious framework by engaging in woman-centred re-readings of Islamic texts. They attempt to establish a basis for women's rights by locating gender-enlightened verses within the holy sources. Islamic feminists challenge the legal letter of traditional Islamic

jurisprudence by reviving aspects of the religious texts that better reflect the humanitarian message at root of Islam's spiritual message. With this as their starting point, Islamic feminists consider the existing framework of the Islamic Republic as capable of accommodation and expansion to meet the rights-based needs of modern Iranian women.

Secular feminists, on the other hand, have engaged in activism outside the religious framework. These women refrain from becoming involved in the textuality of Islamic sources, emphasising instead the emancipatory content of human rights sources external to the faith. In the past, secular feminists have expressed some scepticism of the extent to which patriarchal cultural norms can be effectively challenged from within the religious framework, given the symbiotic relationship between the regime, classical Islamic jurisprudence, and pre-modern patriarchal traditions. Secular feminists consider traditional Islamic jurisprudence an inappropriate basis for the formation of laws in the twenty-first century. They focus less on reforming the religious framework, and more on advocating international standards on women's human rights.

To comprehend the respective strengths and weaknesses of each feminist paradigm that has informed the tradition of women's activism in Iran, it is necessary to place them in context, by looking at the political conditions of the Islamic state.

Following the 1979 revolution, the Iranian state was reconstructed along theocratic lines. Within the discourse of the revolution, the new state was intended to be both 'democratic' and 'Islamic' – as reflected in the title 'Islamic Republic.' However, in the final stages of the drafting process of the constitution, conservative elements came to overpower proponents of a more liberal Islam.² The notion of 'rule by the people' inherent in the term 'republic' eroded, and the way was paved for clerical supremacy. The Islamic Republic was thus founded on the principle of *velayat-e faqih*: rule by the most learned Islamic scholar, or expert in classical Islamic jurisprudence, *fiqh*.

² Mayer, *Islam and Human Rights*, p. 83.

Although this principle represents some innovation of orthodox Shi'ite religious doctrine, it does draw on Twelver Shi'ism for legitimacy.³

In the Shi'ite Muslim community, all people are equally subject to the governance of God alone. However, a religious authority, or *imam*, has always been required to ensure the implementation of God's will on earth. After the death of the Prophet Mohammed in 632 CE, twelve direct descendents of the Prophet were sequentially appointed to fill this role. The final *imam* in this succession, Muhammad al-Mahdi, is believed to have entered a state of occultation some time during the ninth century. Although the Shi'ite Muslim community continue to await the return of Imam al-Mahdi, in his absence they are to be led by qualified religious leaders, the *ulama*. According to Shi'ite doctrine, all Muslims must choose a *marja al-taqlid*, a model and source of emulation, from amongst the established *ulama*, whose opinions on Islamic law are binding on their followers throughout their lifetimes. Traditionally, no one *marja* can be considered more authoritative than another.⁴ However, when Ayatollah Khomeini led the Iranian revolution to victory and rose to power via a popular mandate in 1979, he claimed to be the Shi'ite Muslim community's ultimate representative of God on earth, acting in the direct place of Imam al-Mahdi in his ongoing absence.⁵

It is this claim that is named in the appellation *velayat-e faqih*. The Constitution of the Islamic Republic appoints Khomeini as Leader for Life, and an Assembly of Experts is charged with the authority to choose his successors.⁶ The foundation of the Islamic Republic in Shi'ite theology places the constituency in tight constraints so far as their ability to question or object to any aspect of state shape or content – including its laws. The merging of temporal and religious authority in the principle of *velayat-e faqih* means that to question the Iranian regime is, essentially, tantamount to questioning the wisdom of God.

³ Ziba Mir-Hosseini and Richard Tapper, *Islam and Democracy in Iran, Eshkevari and the Quest for Reform* (London and New York: I.B. Tauris, 2006), see Chapter One, 'Islam and the Struggle for Democracy in Iran,' especially pp. 17-21.

⁴ Ibid., pp. 10-11.

⁵ Ibid., p. 20.

⁶ The occasion for this has only arisen once: since Ayatollah Khomeini's death in 1989, the Islamic Republic has been governed by Supreme Leader, Ayatollah Khomeini.

Of all the demographic constituents affected by this conundrum, Iranian women face most significant difficulties. The Constitution of the Islamic Republic does not provide for a set of non-derogable rights for women. Local feminists have critiqued the constitution as a document that not only constructs women's place in society as primarily being child-bearers and caretakers, but fails to recognise the independent identities of women beyond their relationships with men.⁷ Where the constitution does refer to the 'rights' of women, the wording is ambiguous, and qualified. For example, Article 20 of the constitution states that men and women should 'enjoy equal protection of the law...*in conformity with Islamic criteria [mavazin-e eslami]*'. Similarly, Article 21 stipulates that 'the government must ensure the rights of women in all respects, *in conformity with Islamic criteria [mavazin-e eslami]*'.⁸ Essentially, the constitution stipulates that women's rights are subordinate to the gender ideology of the regime, as derived from official interpretations of Islamic sources.

The gender ideology of the Islamic Republic has its foundations in the *Sharia*, a legalistic elaboration of Islamic holy texts developed between the ninth and fourteenth centuries. The *Sharia* represents the officially recognised set of rules for what is considered acceptable and appropriate Muslim behaviour. It comprises ethical, religious, political, and legal requirements. The *Sharia* is drawn in part from injunctions contained in the *Quran*, the direct and final word of God; the *Sunna*, the sayings of the Prophet Muhammad; and the *Hadith*, the traditions and customs of the Prophet. Classical Islamic jurisprudence, or Islamic legal theory, *usul al-fiqh*, is employed by clerical jurists to determine rules that may be difficult to ascertain in the textuality of the sources. Classical *fiqh* techniques include *ijma*, the consensus of Islamic scholars; *shura*, consultation with the Muslim community, the *ummah*; and *qiyas*, analogous reasoning.⁹

Thus, although it is a product of pre-modern times, conservative clerics in Iran and other Muslim-majority countries defend the application of the *Sharia* framework in

⁷ "The Impact of Laws on Women's Lives." Campaign booklet of the One Million Signatures Demanding Changes to Discriminatory Laws Campaign (see Chapter Four). Translated for the author by Arash Nazari in Tehran, July 2007.

⁸ Mayer, *Islam and Human Rights*, see pp. 83 and 84.

⁹ For a number of good discussions on *usul al-fiqh* and *fiqh* techniques, see the various contributions to Said Amir Arjomand, ed., *Authority and Political Culture in Shi'ism* (Albany, USA: State University of New York Press, 1988).

the twenty-first century by recourse to its basis in Islamic sources, which are considered both timeless and sacred. As a composition of edicts derived from these holy texts, the *Sharia* therefore not only represents the totality of Allah's commands, but must also be independently considered unalterable and eternal in its own right.

In the book *Newly Created Problems according to the Opinion of His Excellency Grand Ayatollah Mr Seyed Yusef Madani Tabrizi* [*al-Masa'el al-mostahdasah motabeq ba fatwa-ye Hazrat-e Ayatollah al-'Ozma Aqa-ye Seyed Yusef al-Madani al-Tabrizi*], the author claims:

...because the sacred Laws of Islam are not confined to a specific time but determine people's duties in every area of life and how to carry out religious duties and [social] interaction, people must not transgress them...If we want to adjust Islamic *fiqh* to the conditions of the time, then the science of *fiqh* will be destroyed and suffer irreparable damage.¹⁰

This view of the *Sharia* by no means represents a consensus position. For some reform-minded clerics, the *Sharia* is more appropriately understood as a secondary source of Islam: a human attempt to systematise the primary sources of the faith (the *Quran*, *Hadith*, and *Sunna*) into one accessible code of practice. An outstanding example of this position is provided by one of Iran's most influential and controversial religious philosophers, Abdolkarim Soroush. In his seminal work, *The Theoretical Expansion and Contraction of the Sharia* (published as a series of articles in the Iranian magazine, *Kiyan*, between 1988 and 1990), Soroush distinguishes 'religion' from 'religious knowledge.' Religion, he argues, is divine and unchangeable, whereas religious knowledge is human, and evolves externally to the faith itself. In Soroush's paradigm, the *Sharia* pertains to religious knowledge. It cannot, therefore, be considered divine and unchangeable, but rather, open to ongoing interpretation, alteration, and reappropriation.¹¹

¹⁰ Cited in Ziba Mir-Hosseini, *Islam and Gender, the Religious Debate in Contemporary Iran* (London and New York: I.B. Tauris, 2000), pp. 32-33.

¹¹ Ibid., see pp. 217-46. Soroush's articles were published in book form in Iran in 1991, and by 1994 it had gone through three editions. See Abdolkarim Soroush, *Qabz va Bast-e Te'urik-e Shari'at* [Theoretical Contraction and Expansion of the *Sharia*] (Tehran: Sarat Cultural Institute, 1994 third edition).

The reality of everyday life in many Muslim societies has tended to reflect Soroush's philosophy. Even amongst those clerics who support application of the *Sharia* legal norms in modern societies, there is no official consensus as to what aspects of the *Sharia* do or do not apply in any given circumstance. This can be attributed to the rich heritage of rationality and scientific process in the Islamic tradition. Just as there is no monolithic 'Muslim world,' nor a uniform 'Islam,' classical Islamic jurisprudence encompasses the doctrines of several sects and many law schools. Historically, divergence of opinion among major law schools has been tolerated within the faith – a situation acknowledged in the *Sharia* concept of *ikhtilaf al-madhahib*, or difference of law schools.¹² Even within one school of law, doctrines and opinions could differ significantly on the interpretation of Islamic sources. There were even individuals whose opinions differed from the major schools, but were nevertheless considered legitimate and incorporated into the *Sharia* framework.¹³

In the twenty-first century, no Muslim country hosts the application of the *Sharia* legal code in its entirety. Rather, *Sharia* laws are applied inconsistently and unevenly both between and within Muslim countries. Farida Shaheed, director of the transnational feminist network Women Living Under Muslim Laws, argues that in the myriad Muslim communities around the world, each locally-driven appropriation of the holy texts to present rules for public life 'bears the unmistakable imprint of the regional culture and of traditions that either pre-date Islam or have been absorbed through subsequent developments and influences.'¹⁴ A striking example in this respect is female genital cutting, a practice virtually unheard of in Muslim societies outside of Northern Africa and Egypt, where it is also practiced by non-Muslims, and yet enshrined as an Islamic injunction.¹⁵

The leeway that Islamic clerics have in selecting which aspects of the *Sharia* do or do not apply in modern circumstances threatens the rights of Iranian women. The structure of governance of the Islamic Republic is tied firmly to patriarchal cultural norms. According to the liberal cleric Hojjat ol-Eslam Seyyed Mohsen Saidzadeh,

¹² Mayer, *Islam and Human Rights*, p. 80.

¹³ Ibid.

¹⁴ Farida Shaheed, *Constructing Identities: Culture, Women's Agency, and the Muslim World* (2004 [cited May 9 2006]); available from [www.wluml.org/english/pubsfulltxt.shtml?cmd\[87\]=i-87-496303](http://www.wluml.org/english/pubsfulltxt.shtml?cmd[87]=i-87-496303).

¹⁵ Marie-Aimee Helie-Lucas, "What Is Your Tribe?," in *Religious Fundamentalisms and the Human Rights of Women*, ed. Courtney W. Howland (New York: Palgrave, 2001), p. 23.

the legal rulings of Iran's conservative elite rest on a number of underlying assumptions. One, women are defective in the ability to think and act rationally. Two, as a consequence, women are incapable of living autonomously; it is natural for them to be 'owned' by a man. Three, women are inferior to men intellectually, and therefore unable to participate in certain economic and educational opportunities. And four, unlike men, who are inherently closer to God, women are unable to achieve spiritual perfection.¹⁶

Removing discriminatory laws and increasing women's rights in Iran would thus require an abrogation of authority on behalf of the ruling clerical elite, and a decrease in social, political, and economic capital for Iranian men. It is politically expedient, therefore, to maintain laws that have origins in pre-modern traditions of gender relations and women's status. A number of *Sharia* laws that clearly discriminate against women form central components of Iran's legal framework.¹⁷

When an individual is seriously injured or dies in Iran, the amount of money payable to the family of that person [*diyeh*] depends on his or her sex: the family of an injured or deceased woman receives half the amount of the family of an injured or deceased man. That is, within the *Sharia* framework women's lives are valued at half that of men's. Other *Sharia*-derived provisions tend to reflect this general de-valuing of women's lives. For example, the legal testimony of a woman is worth half a man's in a court of law, and worth nothing unless corroborated by at least one man. Therefore, even if numerous women were to testify the same report in a court of law, the evidence would remain worthless unless supported by at least one man's testimony. In addition, inheritance laws stipulate that women should be given half the amount granted to men where both have the same relationship to the deceased.

Polygamy is legal in Iran, with men being allowed to marry up to four wives. Monogamy is required for women, and adultery is punishable with death by stoning. The situation for men is dramatically different, due to a law that allows them to take 'temporary wives.' If men are found to be engaging in extra-marital affairs the claim

¹⁶ Mir-Hosseini, *Islam and Gender*, p. 254.

¹⁷ The examples of Iranian laws on the status of women provided here are taken from the booklet *The Impact of Laws on Women's Lives (the Campaign Booklet of the Change for Equality Project)*, (Translated for the author by Arash Nazari. Tehran: The Change for Equality Campaign, 2006).

is often made, and accepted in the courts, that the woman in question was a temporary wife and aware that the man was already married. Divorce remains largely the prerogative of men in Iran. Women are obliged to go through a far more complicated court process than men to obtain a divorce, and are often required to provide an unreasonable amount of ‘evidence’ as grounds for a divorce. In custody cases, men are granted automatic custody of children over seven years of age.

The impact of these laws on Iranian women’s lives reveals the anomaly of the Iranian constitution. Rather than establishing a basis for the provision of rights, the ‘Islamic criteria’ referred to in the constitution as the standard by which all Iranian laws should comply is used as a category to *limit* women’s rights, and ensure their continued legal inferiority to men.

3.2 The debate between secular feminism and Islamic feminism in Iran

Facing legally proscribed limits on their rights and freedoms, both secular feminists and Islamic feminists have demonstrated creativity, dynamism, and determination to improve the status of women. This can be attributed to a common feature of the two feminist paradigms: both secular feminists and Islamic feminists are careful to emphasise that Islam itself does not provide a basis for discrimination against women. Rather, patriarchal powers have distorted the message of Islam by writing pre-modern cultural traditions into Islamic law, and these traditions have then been preserved in the legal framework of the Islamic Republic. Thus, for Islamic and secular feminists alike it is imperative that distinction be drawn between classical Islamic jurisprudence, and what they understand to be spiritual aspects and ethical teachings of the faith. Both Islamic feminists and secular feminists have tended to view the *Sharia* as a secondary source of Islam, and one that does not in its present format provide an adequate basis for the establishment of women’s rights.

The intellectual reasoning behind this view requires analysis. Whilst echoing the philosophy of Soroush, Saidzadeh is notable for making explicit links between Islam

and feminism in his writings and public deliveries in the holy city of Qom. For Saidzadeh, the methods and concepts used to determine Islamic legal norms, *fiqh*, represent an established discipline, or a scientific method. The *Sharia*, he argues, does not exist independently of this science. Rather, it is best understood as a creation of *fiqh*. The problem in this respect is that whilst Islam encompasses a strong 'equality perspective' that is available for the formulation of legal precepts, classical *fiqh* theories developed over the ninth to fourteenth centuries have obstructed the way to translating this perspective into modern women's realities.¹⁸ According to Saidzadeh, a majority of Islamic jurists in Iran have sacrificed the principle of equality embedded in the Islamic faith 'to endorse a set of theories resting on assumptions that are no longer valid but still remain a part of *fiqh*.'¹⁹

In Islamic theory, it is the responsibility of clerical jurists to minimise human interference with the sacred texts of Islam so as to formulate law that mirrors God's will. However, according to Saidzadeh, throughout history Islamic jurists have 'exceeded their mandate and constantly broken the limits, by adding things to religion.'²⁰ In this way, Saidzadeh challenges the latent assumption, embedded in the philosophy of many Iranian clerics, that the *Sharia* emerged, and exists, in a sociological vacuum. In his view, the *Sharia* should be understood as a framework inevitably informed by the medieval environment in which it emerged. This analysis has significant implications for Iranian feminists. When the *Sharia* is viewed as a product of human interpretive efforts in the sociological circumstances of pre-modern Arabia, the gender laws embedded in that framework become less remarkable. In pre-modern times, virtually all societies in the world were characterised by patriarchy and non-egalitarian gender relations. As clerics of pre-modern times endeavoured to develop rules for social regulation in Muslim societies, patriarchal norms and pre-modern cultural practices inevitably infiltrated both the methodology and outcome of their efforts. The discriminatory aspects of the *Sharia* thus mirror the cultural dynamics of medieval Arabia; they do not pertain to the transcendental spiritual message of Islam itself.

¹⁸ Mir-Hosseini, *Islam and Gender*, p. 251.

¹⁹ Cited in Ibid., p. 250.

²⁰ Cited in Ibid., p. 257.

Seeing classical *Sharia* law as a product of human interpretive efforts, as opposed to a divine and unalterable source of the Islamic faith, has generated two divergent conclusions about the application of the *Sharia* in modern times. On the one hand, if *Sharia* laws were originally developed in response to social, cultural, and political circumstances, they may carry the inherent capacity for changes and reform according to new circumstances and socio-cultural conditions. In this paradigm, the *Sharia* framework has an internal dynamic towards remaining relevant in the twenty-first century. This view is espoused by Saidzadeh, who argues that the science of the *Sharia* is available for reform because ‘all tools and concepts in all crafts and sciences are made by us, humans...*Fiqh* too is a science and can’t be exempted from the need to evolve in time and space.’²¹ The *Sharia* can be reformed and revitalised, he argues, if other clerics reconcile their approach with his own recognition:

...Space and time have affected my thinking, consciously and unconsciously, as with all other Jurists. *Fiqh* and interpretation of the *Quran* are affected by situations. Not only are jurists unconsciously affected by them, [but] they must be consciously taken into account.²²

This evolutionary perspective of the Islamic framework is considered to sit at the ‘modernist’ end of the spectrum of Muslim views on the *Sharia*. The full extension of the logic that frames the *Sharia* as a secondary source of Islam, however, goes further than Saidzadeh’s position. For some human rights advocates in Iran, the Islamic paradigm does not provide an appropriate starting point for the development of legal norms in the twenty-first century. Further, the spiritual vitality of modern Muslim societies is not contingent on the implementation of a legal framework explicitly informed by religious precepts.

The distinction between religious jurisprudence and Muslim spirituality is important to both Islamic feminists and secular feminists. However, it is the lengths to which this exercise of distinction is taken where the Islamic feminist and secular feminist paradigms begin to diverge.

²¹ Cited in Ibid., p. 259.

²² Cited in Ibid., p. 253.

While Islamic feminists acknowledge the discriminatory aspects of the *Sharia*, they advocate an Islamic legal framework that can respond to changing priorities of reality. In this paradigm, Islam can be retained as a basis for the formation of laws in the twenty-first century, but the religio-legal framework must be extensively reformulated if it is to be applied in modern times. The methodology employed for this purpose is dual-layered. It involves mining revelatory sources for evidence that Allah intended women as equal partners in the Muslim community. Additionally, Islamic feminists engage in historicisation and contextualisation techniques, to delimit the intent and applicability of some verses to a particular time, place, and circumstance.²³ Both techniques are underscored by the Islamic notion of *ijtihad*, which remains alive in the Shi'ite tradition. *Ijtihad* allows for intellectual reinterpretation and innovation of Islam's holy sources. Specifically, *ijtihad* involves the application of human reason to the *Sharia* legal code, in order to ascertain the applicability and suitability of particular injunctions in modern situations.

The Islamic feminist project is this part of the tradition of intellectual reformism in Islam. As highlighted by Mayer, although gender-enlightened precepts are not lacking in Islamic texts, they have been marginalised for centuries by conservative clerics for whom there is a perceived advantage in the maintenance of pre-modern patriarchal norms. Throughout the history of Islam, it is they who have claimed the sole right to interpret Islamic sources for the Muslim community.²⁴

Although no longer in publication, the self-proclaimed feminist magazine *Zanan* [Women], edited by Shahla Sherkat, provided one of the most outstanding examples of Islamic feminist strategy in Iran. In the first edition of *Zanan* in 1992, Sherkat expressed the magazine's motivating belief. Iranian women, she insisted, must:

...go back to the depths of history to uncover the grounds for social beliefs, to find the beginnings of the painful discriminations between the

²³ Afsaneh Najmabadi, "Feminism in an Islamic Republic: "Years of Hardship, Years of Growth", in *Islam, Gender, and Social Change*, ed. Yvonne Yazbeck Haddad and John L. Esposito (New York: Oxford University Press, 1998), p. 71.

²⁴ Ann Elizabeth Mayer, "The Reformulation of Islamic Thought on Gender Rights and Roles," in *Islam and Human Rights: Perspectives across the Ummah*, ed. Shahram Akbarzadeh and Benjamin MacQueen (London: Routledge, forthcoming 2008).

two genders, and the factors that have consolidated what constitutes our social unconscious – which neither comes from religion nor is humane.²⁵

Here, Sherkat clearly distinguishes between her experiences of discrimination under the law, and the personal experience of her faith. Throughout the 1990s and early twenty-first century, *Zanan* embarked on radical reinterpretations of women's rights in Islamic sources. Although the magazine sometimes attracted criticism from conservative clerics, until early in 2008 (when closure of printing headquarters was finally 'requested' by the government) *Zanan's* efforts transpired in the public arena, providing a forum for debate and discussion for a wide demographic of women.

Despite its closure, therefore, *Zanan's* legacy to Iranian feminism is not likely to fade fast. The methodology of *Zanan's* writing team bought fresh energy to the long history of feminist reinterpretive efforts in Iran. Rather than following the established method of locating and emphasising woman-friendly aspects from an already existing set of authoritative exegetical texts, the writers of *Zanan* engaged in direct interpretations of Islamic sources in their own right. This approach was premised on the recognition that dealing with select verses would provide a strong basis for women's rights. Rather, the entire Islamic canon needed to be reformed.

There is one well-known *Quranic* verse that underpins this ambitious undertaking. Sura 49, Verse 13 read: *The noblest among you in the sight of God is the most God-fearing of you.* This verse is employed by Muslim feminists to claim that God does not distinguish between his followers according to biological or psychological differences; what matters, in His eyes, is commitment to the transcendental spiritual aspects of the faith. Therefore, Muslim feminists are equipped with a textual basis to argue that the formulation of rights in Muslim communities should be premised on the inherent equality of all people – men and women – in the eyes of God, and not on cultural projections of 'the good Muslim woman' as a dutiful and obedient wife, mother, or daughter.²⁶

²⁵ Shahla Sherkat, "'Chashmah-i Agahi Agar Bijushad...'" *Zanan* 1, no. 1 (1992). Cited in Najmabadi, "Feminism in an Islamic Republic," p. 64.

²⁶ Najmabadi, "Feminism in an Islamic Republic," p. 67.

In this way, *Zanan* presented a sustained challenge to the gender ideology that underpins the Islamic Republic's legal framework on women. Yet perhaps the most radical aspect of *Zanan* was its decentring of the Iranian clergy from the domain of interpretation. In the *Zanan* paradigm, women have both the right and capacity to interpret Islamic sources for themselves; they do not need to rely on Islamic jurists to derive meaning from their faith. This is important not only in terms of representation, but also, practicality. When the woman is the primary interpreter of Islamic texts, her needs become the grounds for what shape that interpretation takes.²⁷ This logic was taken to its outer limits in the writings of *Zanan*. If a particular Islamic injunction was found to have no relation to the immediate needs of Iranian women, its translation into Iranian law was held up for critical scrutiny.

A good example of this approach is in the journal's response to a question from a law student in 1993 about the Islamic basis of Article 1169 of the Civil Code of Iran. At the time, Article 1169 granted fathers or the paternal family automatic custody rights of boys over two years of age, and girls over seven years of age.²⁸ A 'legal expert' writing for *Zanan* at the time replied:

The Iranian Civil Code, at the time of its passage corresponded to the views of influential Islamic jurists of the time...What was on the minds of the legislators was to satisfy the Islamic jurists, not to take into account the conditions of women or the needs of children, and this constitutes a central weakness of this Code...One can thus deduce that the conditions of the time in that article are open to jurisprudential and legal dispute and the article will of necessity be revised.²⁹

In 2003 this prediction came to fruition. In response to the lobbying of twelve Islamic feminists in the then reformist-dominated *Majlis* [parliament], Article 1169 was amended to ensure women automatic custody rights of both boys and girls up to the age of seven.³⁰ This may not have been the full extent of change that women wanted,

²⁷ Ibid., p. 71.

²⁸ M.A.R. Taleghany, *The Civil Code of Iran* (Littleton, Colorado: F.B. Rothman, 1995).

²⁹ "Pasukh Bah Su'alat-I Huquqi-Yi Shuma," *Zanan* 2, no. 15 (December 1993 - January 1994). Cited in Najmabadi, "Feminism in an Islamic Republic," p. 71.

³⁰ Elaheh Koolaei, "The Prospects for Democracy: Women Reformists in the Iranian Parliament," in *On Shifting Ground, Muslim Women in the Global Era*, ed. Fereshteh Nouraie-Simone (New York: The Feminist Press at the City University of New York, 2005), p. 210.

but it did demonstrate the state's capacity to respond to Islamic feminist arguments nonetheless.

The writings in *Zanan* clearly reflect the Islamic feminist view that classical Islamic treatises do not always reflect the overarching spiritual message of the faith. Islamic feminists adhere to the view that the *Sharia* is made up of a highly selected set of religious verses, representing a miniscule portion of the holy texts in their entirety. Islamic feminists argue that many of the verses on women included in the *Sharia* framework are textually ambiguous, open to manipulation by the ruling elite, and easily distorted by patriarchal cultural practices. On the other hand, some *Sharia* laws that restrict women's freedoms are unambiguous. Islamic feminists argue that these injunctions may have been intended by Allah to ensure the safety and political wellbeing of the Muslim community in the specific socio-political set of circumstances at the time of revelation. In both cases, the verses require re-examination, reinterpretation, and reassessment to ascertain the nature and extent of their applicability to the modern Iranian reality.

The Islamic feminist project is defined and demarcated within the boundaries of the Islamic state. Islamic feminists accept the legitimacy of the project of political Islam, as actualised in the Islamic Republic. Building a state to uphold and promote Islam is consummate to the project of Islamic feminists, as they consider the attainment of women's rights and gender equality to be entirely possible within the Islamic paradigm. Iran's Islamic feminists consider gender discriminatory laws to diverge from the original religio-revolutionary ideals of the Islamic Republic. They object to these laws as reflections of misguided male interpretations of Islamic texts, as opposed to Islam itself. As such, religious Iranian feminists have taken up the difficult task of challenging the state on a theological level. The success of Islamic feminists in effecting practical change, therefore, lies in the extent to which they can convince the clerical establishment of the legitimacy of a more gender-enlightened interpretation of Islam.

In many ways, this represents a pragmatic approach to change in Iran. There is no distinction between religious and temporal authority in the governing structure of the Islamic Republic; a challenge to the regime is perceived and publicised at the official

level as challenging God's word. Therefore, the strategic value of Islamic feminism lies in its restraint from questioning the Iranian regime. Islamic feminists confine their activism to those aspects of state policy deemed to deviate from the original emancipatory ideals of the revolution, and thus, from the Islamic faith.

Islamic feminists enjoy significant intellectual support from scholars in the Iranian diaspora. Afsaneh Najmabadi, Haleh Afshar, and Ziba Mir-Hosseini, for example, argue that it is precisely the Islamic character of the Iranian state that has allowed the 'woman question' to come to the fore in Iranian politics.³¹ As Ayatollah Khomeini set out to Islamise Iranian society in the early 1980s, his success depended largely on the extent to which he could rely on the social force of women, who represented over half the nation's constituency. On the discursive level, in Khomeini's revolutionary speeches women were therefore propelled into the public arena and made aware of their ability to play alternative roles to that of the traditional daughter, wife, or mother. During this time some women were energised with the knowledge that they could have an impact on their social and political realities. Afshar, Mir-Hosseini and Najmabadi explain that following the thorough Islamisation of Iranian society, women had less-restricted access to the language and belief system of the powerful elites who had presided over this process. As a result, when Islamic feminists proceeded to phrase their demands for rights within that same Islamic discourse, the state had no choice but to recognise those demands as authentic, and therefore legitimate.

Afshar is perhaps the most forthright in assessing the relative value of feminisms in Iran. In her view, of the different groups fighting for women's human rights in Iran, 'without doubt the most successful have been those who have located their political action in the context of Islam and its teachings.'³² For example, by emphasising Allah's intent to protect Muslim women in the sociological conditions of the time when the verse of the *hijab* was revealed, Afshar argues that Islamic feminists have successfully transformed the Islamic veil from a symbol of state control into a means of liberation:

³¹ See as examples of their arguments: Afshar, "Islam and Feminism: An Analysis of Political Strategies." Mir-Hosseini, "Islam, Women and Civil Rights: The Religious Debate in the Iran of the 1990s." Najmabadi, "Feminism in the Islamic Republic."

³² Afshar, "Islam and Feminism: An Analysis of Political Strategies," p. 197.

[Iranian women] maintain that the veil enables them to become the observers and not the observed; that it liberates them from the dictates of the fashion industry and the demands of beauty and myth. In the context of the patriarchal structures that shape women's lives, the veil is a means of bypassing sexual harassment and "gaining respect". In Iran it is seen as a means of liberation from the plight of being unveiled, exploited "slaves of imperialism" and facilitating their full participation in the public domain.³³

Whilst this observation may have validity for some Iranian women, Afshar's attempt to depoliticise the veil in the Iranian context is questionable. The hijab is a state imposition in Iran; women cannot *choose* to remove the 'means of liberation' if they wish to. Furthermore, that *some* Iranian women have reclaimed the veil as a means of liberation says nothing about the situation of those who are not in the position to do so, namely minority, non-Muslim, atheist, and secular Muslim women.

There are significant problems with the Islamic feminist approach to women's rights in Iran. Focussing on the capacity of religious reformists to challenge discriminatory policies on women by co-opting Islamic texts raises the issue of pluralism in Muslim societies. By placing chief methodological importance on the internal dynamics of Islam for change and reform, Islamic feminists may inadvertently buttress the claim that there is no legitimacy outside the Islamic legal framework. Thus, Islamic feminism does not necessarily provide an avenue for the development of meaningful pluralism, since in this way other, non-religious voices of change face continued marginalisation.

Furthermore, despite the increasing social costs involved in maintaining the state, since 1979 the Islamic Republic has shown little sign of systematically moderating its gender ideology to reflect a more enlightened interpretation of the sources. Those sceptical of the capacity of the Islamic feminism to generate meaningful change question the political weight of woman-centred reinterpretations of Islamic sources in

³³ Afshar, "Islam and Feminism: An Analysis of Political Strategies", p. 201.

a state where the conservative elite refuse to accept the validity of versions of the faith other than their own.³⁴

Some Iranian women have chosen to deal with these issues by adopting a secular approach to women's rights. Unlike Islamic feminists who have traditionally enjoyed access to more formal avenues of activism in Iran (in the *Majlis* or the offices of feminist journals such as *Zanan*, for example), secular women have been forced to take their issues directly to the public by initiating, for example, street protests and public seminars on human rights.

Secular feminists believe the project of women's liberation will require going beyond the textuality of the holy sources. They focus more heavily on pressuring the government to accommodate international standards on women's human rights. Secular feminists have criticised the slow nature of the reformist approach. In fact, in the past some secular women have questioned whether or not it is even possible to conceive of an Islamic form of feminism without the term losing its meaning entirely. In 1998, for example, the late Hammed Shahidian revealed a rather determined position:

If by feminism is meant easing patriarchal pressures on women, making patriarchy less appalling, 'Islamic feminism' is certainly a feminist trend. But if feminism is a movement to abolish patriarchy, to protect human beings from being prisoners of fixed identities, to contribute towards a society in which individuals can fashion their lives free from economic, political, social, and cultural constraints, then 'Islamic feminism' proves to be considerably inadequate. I define feminism in these latter terms, and for that reason, I consider 'Islamic feminism' to be an oxymoron.³⁵

Here, Shahidian suggests a belief in certain ideological links between Islam and patriarchy.

³⁴ Shirin Ebadi, *Iran Awakening, a Memoir of Revolution and Hope* (New York: Random House, 2006), see pp. 191-92.

³⁵ Hammed Shahidian, *Islamic Feminism and Feminist Politics in Iran* (1998), p. 51. Cited in Shahrzad Mojab, "Politics Of "Islamic Fundamentalism"," in *Muslim Feminism and Feminist Movement, Volume I, Iran*, ed. Abida Samiuddin and R. Khanam (Dehli, India: Global Vision Publishing House, 2002), pp. 205-06.

In 1999 Shahidian's line of inquiry was followed by Haideh Moghissi. Although Moghissi expressed some impatience with literature devoted to theorising whether or not Islamic feminism was a meaningful term, she also provided intellectual support for the secular feminist project by questioning whether or not Islamic feminism could ever present the 'revolutionary paradigm' that she deemed necessary for the establishment of full gender equality in Iran.³⁶ In Moghissi's analysis, Islam may not be responsible for the unequal status of women in Iran, but it nevertheless occupies a strong explanatory role. Moghissi disagrees with the Islamic feminist to reform the *Sharia* legal framework when in her opinion it should be dismantled and replaced:

The *Shari'a* distinguishes between the rights of human beings on the basis of sex (and religion). The *Shari'a* unapologetically discriminates against women and religious minorities. If the principles of the *Shari'a* are to be maintained, women cannot be treated any better, women cannot enjoy equality before the law and in law. The *Shari'a* is not compatible with the principles of equality of human beings.³⁷

Here, Moghissi indicates a move away from textual and theological debates within the Islamic tradition, towards starting with the immediate realities of women's everyday lives. This is a defining feature of secular feminism. Moghissi critiques the Islamic feminist project as a 'theorisation of Islam's promise, which relies on twisting facts or distorting realities, ignoring or hiding that which should be clear.'³⁸ Concluding, she argues that the Islamic feminist project 'is of no service' to Iranian women fighting for their rights.³⁹ Moghissi holds that the emancipation of the Iranian woman will only occur if they adopt a secular stance and subject potentially sacred cultural beliefs to critical scrutiny.

Not all supporters of secular feminism are as categorical as Shahidian and Moghissi in dismissing the value of Islamic feminism. Just a few years after the latter feminists published their beliefs, Valentine Moghadam provided a far more nuanced discussion of the issues surrounding feminism in Iran. Although Moghadam clearly maintained support for the secular feminist approach to women's rights, she departed from

³⁶ Moghissi, *Feminism and Islamic Fundamentalism*, p. 9.

³⁷ Ibid., p. 141.

³⁸ Ibid., p. 135.

³⁹ Ibid.

Shahidian and Moghissi by pointing to the relevance of an Islamic brand of feminism in many Iranian women's lives. As a historically sensitive project, she argued, Islamic feminism could provide Iranian women with a valuable source of esteem and pride.⁴⁰

Moghadam's solicitous approach represented one of the earliest and most significant shifts away from the more polemical debates that surrounded Islamic feminism and secular feminism during the 1990s.⁴¹ Like many other secular feminists, however, she stood beside Shahidian and Moghissi by critiquing the preoccupation with religious text in the Islamic feminist approach. In 2002 Moghadam reiterated the secular feminist concern that as long as Islamic feminists 'remain focused on theological arguments rather than socio-economic and political questions, and their point of departure remains the *Quran* rather than universal standards, their impact will be limited.'⁴²

This belief is reflected directly in the practical approaches to change employed by secular feminists in Iran. The resounding theme of secular feminist initiatives in Iran is that each and every law that discriminates against women should, quite simply, be removed from the state's legal framework. Secular feminists do not engage with religious arguments to justify this demand. For them, the discriminatory intent of particular laws justifies, *ipso facto*, the demand for their removal. In the secular feminist paradigm, reformist reinterpretations of religious injunctions behind certain laws tend to be viewed as somewhat superfluous. For secular feminists, the incongruity between current laws, and the reality of women's lives, is not only obvious, but provides fertile soil for an increasingly volatile social reality which the state will eventually have no choice but to acknowledge.

In a daring public display in mid-2005, secular feminists called for a constitutional referendum.⁴³ At the June 12 sit-in at Haft-e Square, Tehran, women protestors

⁴⁰ Moghadam, "Feminism and Islamic Fundamentalism," p. 44.

⁴¹ See in particular the following article: Valentine M. Moghadam, "Islamic Feminism and Its Discontents: Towards a Resolution of the Debate," *Signs* 27, no. 4 (2002).

⁴² Moghadam, "Feminism and Islamic Fundamentalism," pp. 44-45.

⁴³ Mahsa Shekarloo, *Iranian Women Take on the Constitution* (Women Living Under Muslim Laws, August 7, 2005 [cited July 31 2006]); available from www.wluml.org/english/newsfulltxt.shtml?cmd%5B157%5D=x-157-290357.

issued a communiqué that drew a direct link between the Constitution of the Islamic Republic and ‘women’s belittlement.’ The document critiqued the Constitution as defective, in that rather than protecting women against discrimination, it acts as a block to rights-based claims.⁴⁴ This event, simply referred to by Iranian women as the ‘22nd Khordad event’ (the 12th of June), now enjoys annual commemoration. In 2006, women at the second June 12 protest clarified the alternative source deemed most appropriate as a foundation for a new set of laws on women’s rights. The declaration of the 2006 protest called for the laws to be reformed to secure ‘fundamental and equal rights’ for women, in compliance with international standards, including the Convention on the Elimination of all forms of Discrimination Against Women.⁴⁵

The 22nd Khordad event typifies the public action strategy traditionally employed by secular feminists in Iran. Notably, secular feminist action has also produced consequences for Article 1169 of the Iranian Civil Code.

In 1997, human rights lawyer and secular feminist Shirin Ebadi defended the mother of nine-year-old Arian Golshani. Golshani died of malnutrition and serious physical abuse under the custody of her father, after the courts had repeatedly failed to follow-up on the mother’s pleas for help. In her memoir, *Iran Awakening*, Ebadi reports her intent to put the custody law itself on trial when she represented Arian’s mother in court. In Ebadi’s view, the Golshani case could not be treated as an isolated incident. Ebadi transformed Arian’s funeral, which took place while the trial was in process, into a mass feminist rally against Article 1169. The wide publicity, huge outpouring of public opinion, and ensuing pressure on the government culminated in the first changes to the custody law since 1979. In 1998, the law was amended to ensure the custody rights of fathers were made subject to a number of conditions, including evidence of alcoholism, drug abuse, or a history of violence.⁴⁶ This change may not have been as substantial as what Ebadi had hoped, but it is a good example of how secular feminist method can influence the decision-making process of the executive.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ebadi, *Iran Awakening*, pp. 122-27.

Importantly, however, the vigorous approach to social change employed by secular feminism has a number of shortcomings. The relationship between secular women's rights activists and the regime is characterised by an action-reaction dynamic. Iran's conservative elite do not consider the international framework on women's human rights a legitimate frame of reference. For them, it is both illogical and unacceptable for women to express faith in Islam and loyalty to Iran, and simultaneously uphold a secular set of laws and standards as an appropriate starting point to determine women's status. Often, the debate between the governing elite and secular feminists is over before it has begun, as ruling clerics refuse to engage in dialogue with women whose position they see as entirely inauthentic, and indeed reprehensible.

Since the late 1990s there have been several documented cases of secular feminist gatherings ending in state-sanctioned violence. Secular women's street protests and public seminars often end in injury, mass arrest, clandestine court hearings, and sometimes, imprisonment. The sustained willingness of the state to react to secular feminist calls for change with violence and repression without engaging in substantive political reassessment, calls into question the ultimate impact of secular tactics on Iranian laws. Whilst in some ways remaining removed from religious debates is an advantage for secular activists, in other ways, it is a drawback. In the past, secular approaches to women's rights have failed to draw conservative clerics into the debate. As long as demands for change are framed outside the Islamic paradigm, the religious establishment continues to abscond from engaging with the issue.

Conclusion

The problems encountered by both Islamic feminists and secular feminists in approaching the issue of women's human rights in Iran has generated substantial intellectual debate over the relative value of these contrasting brands of feminism. As indicated in this chapter, a significant amount of the literature on the movement for women's rights in Iran is characterised by an academic focus on discussing the efficacies of secular feminism versus Islamic feminism, often with a view to persuading the reader to tilt towards one or the other ideological position.

Throughout the history of the Islamic state, Islamic feminists and secular feminists have demonstrated significant methodological discrepancies, as a result of contrasting ideological stances. Those investigating human rights advocacy in Muslim societies may find some value in the intellectualisation of feminist activity in Iran. Not all Iranian women have consistently carried out rights-based advocacy by laying direct claim to standards expressed in the international human rights framework. Rather, for those women dubbed Islamic feminists, the religious framework has provided an ideological grounding for their rights-based claims. Those women referred to as secular feminists have consistently relied on international standards as the starting point for articulating rights-based demands.

As suggested at the beginning of this chapter, however, in recent years the terms of the debate on feminist activism in Iran have shifted away from the conventional Islamic feminist/secular feminist approach. In July 2007, Ebadi suggested that the academic debate over Islamic feminism and secular feminism no longer reflects how present-day human rights activism is being carried out:

The idea of ‘Islamic feminism versus secular feminism’ suggests that secular and religious women in Iran are not working together in the struggle for human rights, which is not true. This is just something that some people keep trying to project on to the feminist movement in Iran.⁴⁷

Although it may be inappropriate to dismiss the relevance of the ‘feminist debate’ to the trajectory of Iranian feminism since 1979, Ebadi’s statement points to the present-day reality of the movement for women’s rights in Iran: in the first decade of the twenty-first century, local feminism is characterised by a broad-based, non-ideological movement to bring local laws into line with international standards on women’s human rights. On the one hand, this suggests a secular tilt to Iranian feminism. Importantly, however, this movement resulted from reflexive reassessment on behalf of both secular and religious women’s rights activists. Taking into account the difficulties and disadvantages of their respective methods for change, as they moved further into the twenty-first century’s first decade, both Islamic feminists and

⁴⁷ Ebadi. Interview with the author.

secular feminists began to consider the need to loosen their grip on particular ideals, in order to move closer to practical action.

This indicates that both dominant brands of feminisms in Iran have greater internal dynamism than suggested by the conventional Islamic feminist/secular feminist debate. In addition, the non-ideological character of contemporary Iranian feminism provides a direct challenge to the claim of the Iranian government, and implicitly suggested in some academic sources, that the resonance of the international framework on women's human rights is limited to an exclusive number of 'un-Islamic' Iranian women. The move towards practical action amongst conventionally disparate Iranian feminists was not arbitrary. Rather, it was characterised by increased emphasis on drawing international standards on women's rights into the national consciousness. The mechanisms behind these phenomenal shifts form the line of inquiry of the following chapters.

The shifting boundaries of the feminist debate in post-reform Iran

Introduction

Throughout the history of the Islamic Republic, Islamic feminists have had considerably more room for public movement than their secular counterparts. At the turn of the twenty-first century, however, this began to change. In 2001, Elaheh Rostami Povey noted that secular feminism 'is getting its strength back and is challenging Muslim [i.e. Islamic] feminism and the limitation of the Islamic state and institutions on gender issues – the limitation of the reforms and the feminist reading of the *Sharia*.'¹ The mechanisms behind this remarkable shift have not been fully explored in existing literature. This chapter explores the factors contributing to the secular shade that feminist activism took on in early twenty-first century Iran. These include the demise of the official Iranian reform movement, which encompassed the Islamic feminist project; the exceptionally high participation of women in tertiary education and the spread of human rights discourse; an expanding youth population, and a concomitant psychological move away from the grievances of the revolution.

Central to the following analysis, however, is the recognition that Islamic feminists have not been marginalised from the women's movement. With the investiture of the Ahmadinejad regime, Iranian women of all ideological standings were faced with a suddenly more drastic situation. Religious-oriented strategies for change were by-and-large dismissed by the new government. Likewise, secular women were faced with intensified tactics of repression. Therefore, like their Islamic counterparts during the reform era, in the post-reform years secular feminists similarly undertook significant reassessment of established strategy and method. In the context of a newly

¹ Elaheh Rostami Povey, "Feminist Contestations of Institutional Domains in Iran," *Feminist Review* 69 (2001): p. 69.

instated conservative regime, feminists of both secular and religious groundings appeared more willing to consider ways in which they might work together more systematically to achieve practical goals.

4.1 Islamic feminism and the reform movement

Prospects that feminists might impact the future of women's rights in Iran reached a high point in the late 1990s. In May 1997, the liberal cleric Muhammad Khatami won a landslide victory at the election poles. As leader of the reform movement and President of the Islamic Republic, Khatami represented the nation's number one hope for meaningful change. He stressed national identity over strict religious roles; individual freedoms over duties; and a democratic, pluralistic Islam as opposed to the dogmatism of his counterparts. Ebadi noted how Khatami 'held young people and women in particular spell-bound with his respectful, heartfelt references to their importance in Iranian society.'² As such, women of both secular and religious orientations afforded Khatami and the reform movement a vital base of support. According to Elaheh Rostami Povey, women's support for Khatami sprung from the belief that 'under his presidency women's issues could be fought for more easily' than under the conservative candidate Nateghe Nouri.³

During the early stages of the reform era, this belief looked likely to manifest. Throughout 1998 and 1999 the Iranian landscape was background to a burgeoning civil society. There was an explosion of independent newspapers and an unprecedented wave of open debate and free expression. Newspapers and magazines even began to play the role of political parties, representing various, and sometimes unorthodox, views on Islam and its relationship to the state. Human rights discourse flourished. At the grassroots level, women's issues were increasingly discussed as human rights issues – not as matters pertaining only, or primarily, to the faith or

² Ebadi, *Iran Awakening*, p. 146.

³ Elaheh Rostami Povey, "Feminist Contestations of Institutional Domains in Iran," *Feminist Review*, no. 69 (2001): p. 49.

religious exegesis.⁴ This represented a significant advance in secular feminist method.

However, it was Islamic feminists who were ultimately provided a moment-in-the-sun by the reform movement. The *raison d'état* behind Khatami's Presidency was that for the Islamic regime to remain vital, it would have to accommodate the basic needs and freedoms of its constituency. However, this need not necessitate systemic overhaul. Rather, it could be achieved through a process of incremental reform. Khatami relied on a pragmatic interpretation of Islamic sources to justify his proposals for change to the *ulama*. In the spirit of *ijtihad*, the reform movement provided Islamic feminists with an obvious tactical and strategic partner, and the two became closely associated.⁵

In 2000, thirteen women were elected as members of the Sixth *Majlis* (parliament). In the reformist-dominated chamber, these women formed a bloc that came to be known as the Women's Faction.⁶ Like the President, the Women's Faction posed no questions to the concept of the Islamic state. However, according to one of its members, Elaheh Koolaei, the Women's Faction lamented the 'gap between the ideals of the Islamic Republic and the reality of women's rights and status.'⁷ For these women, the root cause of the gap between Iran's revolutionary promises and manifest laws on women had little to do with the idea of an Islamic state system *per se*. Rather, Iranian women's problems could be attributed to 'the influence of traditional Islam' over those with ultimate decision-making powers.⁸

The Women's Faction conceived of a challenge 'from within the Islamic framework by relying on the progressive teachings of Ayatollah Khomeini and the principles of the Islamic constitution.'⁹ Employing an explicitly Islamic feminist approach, the Women's Faction set out to alter and amend legislation to temper the severity and

⁴ Ebadi. Interview with the author.

⁵ See generally Valentine M Moghadam, "Islamic Feminism: Its Discontents and Its Prospects" (paper presented at the First International Congress on Islamic Feminism Barcelona, Spain, October 27-29 2005). And, Valentine M. Moghadam, "Islamic Feminism and Its Discontents: Toward a Resolution of the Debate," *Signs* 27, no. 4 (2002): p. 1138.

⁶ Koolaei, "Prospects for Democracy," p. 205.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

impact of existing laws on Iranian women's lives. The strategy that met with some success. The Women's Faction managed to convince the establishment to allow single women to travel abroad to study.¹⁰ Their lobbying also contributed to an amendment of the custody law to allow women automatic custody of both boy and girl-children up to and under seven years of age.¹¹ Additionally, the Women's Faction was successful in raising the minimum legal age for girls to marry from nine to thirteen.¹²

One of the more interesting initiatives of Islamic feminists in the Sixth *Majlis*, however, was the uptake of a demand traditionally considered to be the domain of secular Iranian feminists. In 2003, the Women's Faction successfully lobbied for the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), to be placed on the government's agenda. Adopted by the General Assembly in 1979, CEDAW was a direct policy outcome of the United Nations Decade for Women. CEDAW deals with discrimination against women in a way that other human rights treaties do not. In addition to dealing with the political rights of women, CEDAW broaches issues of culture, custom, and tradition. Article 2(f) of the treaty not only requires states to modify or abolish existing laws and regulations that legitimate gender equality, but also to do the same for any customs or traditional practices that discriminate against women. Article 5(a) clarifies this requirement by stipulating that states should:

...modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or in stereotyped roles for men and women.¹³

The move by Islamic feminists to draw CEDAW into parliamentary debate took place against a background of increased cooperation and dialogue between feminist

¹⁰ Mehrangiz Kar, "Women and Civil Society in Iran," in *On Shifting Ground, Muslim Women in the Global Era*, ed. Fereshteh Nouraie-Simone (New York: The Feminist Press at the City University of New York, 2005), p. 225.

¹¹ Koolae, "Prospects for Democracy," p. 210.

¹² Mahmood Monshipouri, "The Road to Globalization Runs through Women's Struggle," *World Affairs* 167, no. 1 (2004): p. 5.

¹³ *The Convention on the Elimination of All Forms of Discrimination against Women, Part 1.*

parliamentarians and secular feminists working in other areas of Iranian society, such as law and journalism. Although they did not experience the same level of interaction with the government as their Islamic counterparts, secular feminists were afforded increased room for public movement during the reform era. In the same year they brought CEDAW to the government's agenda, the Women's Faction approached Shirin Ebadi to write a draft resolution on family law to present to Parliament.¹⁴ Although Ebadi was specifically instructed to take care in ensuring her draft could be presented and discussed in line with Islamic precepts, the fact that women within government formally consulted someone with no ties to the establishment, and eventually allowed this to become public knowledge, represented a significant point in the secular feminist experience.

Initially, the CEDAW case looked set for success, as the reformist-dominated Parliament voted in favour of ratification. However, the debate was brought to a halt when the Guardian Council, charged with the purpose to ensure that all legislation remains in line with Islamic jurisprudence, rejected the proposal on the basis that the treaty was both 'un-Iranian' and 'un-Islamic.'¹⁵ The Guardian Council defended its position by invoking the cornerstone of the Islamic Republic's gender ideology, namely gender parity or a 'balance' of rights, as a more appropriate paradigm in which to conceptualise the rights and responsibilities for Muslim Iranian women. Additionally, the Guardian Council appealed to the infallibility of Islamic law, as an integral component of the revelatory message, to justify its rejection of CEDAW.¹⁶ As part and parcel of the secular international human rights framework, CEDAW was framed as not only incompatible with Iranian women's realities, but entirely unnecessary for the fulfilment of their rights.

This exposed the establishment's true agenda in the context of the reform movement. The Women's Faction did not discuss CEDAW outside of Islamic discourse. To the contrary, they were careful to stress the similitude between the treaty, and Islamic principles of justice. Furthermore, beyond the Women's Faction, a number of senior

¹⁴ Ebadi, *Iran Awakening*, p. 185.

¹⁵ Ali Akbar Dareini, *Iran Parliament Provokes Opposition* (2003 [cited 30 August 2006]); available from www.wwrn.org/article.php?idd=6554&sec=59&con=33.

¹⁶ Mahsa Shekarloo, *Iranian Women Take on the Constitution* (Women Living Under Muslim Laws, 7 August, 2005 [cited 31 July 2006]); available from www.wluml.org/english/newsfulltxt.shtml?cmd%5B157%5D=x-157-290357.

Islamic clerics supported the ratification of CEDAW: this was not a case of secularists facing off against those upholding Islamic principles.¹⁷ The CEDAW case, however, signalled the fate of the reform movement at large. Opportunities for Islamic feminists to make significant gains for women's rights rested on the possibility that the clerical elite might eventually yield their orthodox reading of Islam to the more enlightened version of the faith, broadly offered by Khatami and his backers. This possibility proved to be a non-event.

Although the *Majlis* was dominated by liberal-minded clerics during the reform era, the conservative dominated Guardian Council repeatedly exercised its veto power to block legislation that would cause any substantial change to the status quo. The stalemate that emerged between reformists and conservatives at the turn of the century emerged from the principle of *velayat-e faqih*, governance of the most learned Islamic scholar. This principle accords the *ulama* a privileged role in governing the Islamic state, and secures the Supreme Leader with the 'final say.' Effectively, the primacy of *velayat-e faqih* relegates other branches of the government, including the parliament, to function as optional extras to a predetermined political agenda.

In this respect, the fate of the CEDAW proposal was by no means the first issue to raise questions about the efficacy of the reform movement for the cause of women's human rights. Three years earlier in April 2000, soon after Khatami had won his second term in office, a cohort of intellectuals, journalists, activists, and reformists gathered in Berlin to discuss the direction of the reform movement. The Berlin conference was approved by the establishment, but later deemed 'un-Islamic' after opposition elements in exile disrupted the proceedings. Ten reformists were subsequently charged with 'acting out against the internal security of the state and disparaging the holy order of the Islamic Republic.'¹⁸ As the state meted out punishments to conference participants, however, it appeared that secular women activists were being dealt with more harshly than their religious counterparts.

¹⁷ Mayer, "The Reformulation of Islamic Thought on Gender Rights and Roles."

¹⁸ Nikkie R. Keddie, "Introduction" in Gary Sick, Nikkie R. Keddie, and Azita Karimkhany, "Women in Iran: An Online Discussion," *Middle East Policy* 8, no. 4 (2001): p. 129.

Two well-known secular feminists, lawyer Mehrangiz Kar and publisher Shahla Lahiji, took the conference opportunity to point out the slow nature of the reform movement, suggesting that as long as religious exegesis was the starting point for the development of civil laws, women's human rights would remain under threat.¹⁹ Upon their return to Iran, Kar and Lahiji were subjected to closed-door trials and spent two months in prison. Kar was held in solitary confinement. Islamic feminists who had participated in the conference, such as Shahla Sherkat (editor of the feminist magazine, *Zanan*) were accorded public trials and faced fines, but successfully appealed their prison sentences. The harsh penalties dealt out to secular women in the aftermath of the Berlin conference presented as a broad human rights issue that pertained to the state's treatment of women at large, rather than a one-off reaction to these particular women's participation in a conference gone wrong.²⁰

After conducting a series of interviews with both Islamic feminists and secular feminists in 2001, Elaheh Rostami Povey published results in line with this interpretation. According to Povey's findings, secular women felt their treatment at the hands of the state in the aftermath of the Berlin conference merited religious women's condemnation.²¹ However, Islamic feminists did not express public support for their imprisoned counterparts. This was a difficult trade-off. On the one hand, by maintaining a non-confrontational relationship with the state, Islamic feminists had greater surety of keeping a dialogue with the executive, and thereby better chances of achieving legal changes to improve women's conditions. On the other hand, this very decision meant that Islamic feminists refrained from expressing support for two women whose human rights were under direct, immediate attack. Reflecting on the course of events after being released from prison, Lahiji commented: 'This was an interesting experience that showed the limits of our [Islamic feminists and secular feminists] cooperation.' What it also highlighted were limitations of the Islamic feminist project as it was playing out in the Sixth *Majlis*.

These limitations became ever clear as time went on. Ziba Mir-Hosseini noted that even when proposed legal changes designed to improve women's conditions were

¹⁹ Povey, "Feminist Contestations of Institutional Domains in Iran," p. 66.

²⁰ Ann Elizabeth Mayer, "Gulf Discussion" in Sick, Keddie, and Karimkhany, "Women in Iran," p. 132.

²¹ Povey, "Feminist Contestations of Institutional Domains in Iran," p. 66.

passed by the Guardian Council, they were carefully ‘emptied of their progressive content.’²² For example, the amendment to Article 1210 of the Iranian civil code – which raised the minimum legal age for girls to marry from nine to thirteen – was only approved by the Guardian Council on the condition that an additional clause be added to the code. The addendum states that the marriage of girls before the age of thirteen is allowed if the girl’s guardian, along with either a judge or medical practitioner, considered the girl was ‘ready’ for marriage.²³ In effect, the addition of this clause renders the lawful application of Article 1210 non-compulsory. Quite aside, the Guardian Council outright rejected the majority of bills proposed by the Women’s Faction during the reform era.

This revealed a major problem for the project of Islamic feminism. By arguing that CEDAW and other proposals for change were compatible with the essence of Islam, the Women’s Faction revealed the vulnerability of religious-bound arguments in contesting proclamations that drew on more traditional and conservative readings of Islam. The experience of Islamic feminists during the reform era, along with that of liberal parliamentarians at large, suggested the clerical establishment was unwilling to accommodate change regardless of whether such proposals were framed within the Islamic paradigm or not. The framework within which Islamic feminists were operating proved restricting, precisely because it remained within the same conceptual boundaries as the state establishment itself. Although the conservative elite allowed Khatami and his backers into legislative power, this revealed as a move to smokescreen the executive *status quo*.

4.2 The marginalisation of women’s rights in the reform movement

The restrictions of the Guardian Council and the conservative establishment were not the only factors that damaged the project of Islamic feminism in the context of the

²² Ziba Mir-Hosseini, *Fatemah Haqiqatjoo and the Sixth Majlis: A Woman in Her Own Right* (Middle East Report Online, [cited September 28 2006]); available from www.merip.org/mer/mer233/mir-hosseini.html

²³ Soraya Tremayne, "Modernity and Early Marriage in Iran: A View from Within," *Journal of Middle East Women's Studies* 2, no. 1 (2006).

reform movement. Rather, government reformists themselves, including President Khatami, played a role in marginalizing women's rights from the agenda. The electoral process through which Khatami became President was not purely democratic. The 1997 presidential election was not different from any other year in that those candidates deemed 'outsiders' by the establishment were barred from running. In Ebadi's view, the Iranian populace voted for Khatami over any of the other 'acceptable' candidates because he 'symbolised more the opposite of what Iranians knew they did *not* want than what they did.'²⁴ In this analysis, the failure of the reform movement to bring about substantive change in the Islamic Republic includes, but goes beyond, the repeated rejection of proposed legislation by the state's clerical elite. As a result of the very same principle that circumscribes the president's powers, *velayat-e faqih*, in order to be allowed to run for that position in the first place, the candidate must be clearly inclined towards maintaining an ideologically 'correct' position in the eyes of the state.

This problem was highlighted in 2003. That year, Ebadi was awarded the Nobel Peace Prize for her ongoing defence of human rights in the Islamic Republic. The state's official response to the news was predictable: the conservative press treated it as a minor news item; some major newspapers failed to carry the story, or worse, criticised it if they did.²⁵ Somewhat more alarming than this reaction, however, was President Khatami's response to the news. Khatami suggested that the prize was 'totally political,' thereby declining to make any links between the reasons for the Nobel Committee's awarding of the prize to a female, Muslim lawyer, and the reality of discrimination against women in the Islamic Republic. When asked by a journalist why he did not officially congratulate Ebadi, Khatami replied: 'Do we have to issue an official message about whatever happens in this country? In my opinion, the Nobel Peace Prize is not very important; of course, the prize for literature is important, but the one for peace is not.'²⁶

²⁴ Ebadi, *Iran Awakening*, p. 142.

²⁵ Ramin Mostaghim, "Rights-Iran: Hardliners Downplay Shirin Ebadi Nobel Prize Win," *Global Information Network* (October 13, 2003).

²⁶ "President Khatami Says Nobel Peace Prize "Totally Political"," *BBC Monitoring Newsfile* (October 14, 2003).

These responses indicate the extent to which Khatami perceived it necessary to distance himself from processes and influences external to the state establishment. It is within the state that the reform movement defined and legitimised its project. Therefore Khatami expressed his loyalty to the state, rather than to a feminist lawyer whose work was defined by a struggle against the patriarchal biases of that state: 'We [the reformists] hope Ms Ebadi will completely pay attention to the interests of the Islamic World and Iran and do [sic] not let her achievement to be misused at all.'²⁷ Khatami's lukewarm response to Ebadi's Nobel Peace prize suggested that the reform movement may not have been as committed to the issue of women's human rights as its supporters anticipated in 1997. By implication, this raised serious questions about the value of Islamic feminist ties with the Khatami government.

Throughout her career as a lawyer, Ebadi has avoided becoming directly involved with the politics of the Islamic Republic. On the one hand, Ebadi identifies her feminist politics as explicitly secular.²⁸ This is reflected in many ways: she does not wear the veil when it is not required, and in her autobiography, *Iran Awakening*, she expresses her hopes that religion and politics will one day be separated in Iran. Ebadi has also described the difficulties and frustrations she encounters as a result of being obliged to consult the *Sharia* legal code, rather than the international framework on human rights, to argue her cases in court.²⁹ Nevertheless, Ebadi has made every effort to keep her personal politics from interfering with her ability to continue working as a lawyer in the Islamic Republic. She is extremely careful to explain her work as apolitical: she is committed to interpreting the law to improve women's status, but in order to continue doing so, avoids direct association with political protest against the regime.³⁰ Despite Ebadi's non-confrontational stance, both government conservatives and the reformist President chastised her winning of the Nobel Peace Prize, revealing a wide gap between the promises of the reform movement, and the reality of their actions.

²⁷ "Khatami Hails Ebadi over Nobel Peace Prize Success," *BBC Monitoring Newsfile* (October 14, 2003).

²⁸ Ebadi. Interview with the author.

²⁹ Ebadi, *Iran Awakening*, see pp. 50-52 and pp. 112-18.

³⁰ Ebadi. Interview with the author.

For instance, despite the numerical presence of Iranian women in the *Majlis* during the reform era, the Women's Faction was forced to operate in sub-standard conditions. In her memoir, Ebadi recounts her visit to the separate women's quarters of parliament in 2003. Her experience is worth quoting at length, as she highlights the importance of looking behind dry 'representation' of some women in government to assess real improvements in women's status:

...the women [MPs] had no place to sit. Literally, they had no chairs. You would think if they could get themselves elected to parliament in the Islamic Republic, they might have been able to arrange for some chairs. Or at least complain publicly over the awkwardness of their seating in legislature. They did neither...their chamber didn't even have a door, just a curtain. We entered an empty room whose floor was covered with a machine-woven rug. I kept looking for another door, the one that would lead to where they actually sat and worked. But they all put down their things and sat cross-legged on the rug. "Why are there no chairs in here?" I asked. "Why is there not even a copy machine in here? This is the *parliament!*" "Well, we've asked for a copy machine lots of times," one of the MPs told me, "but they told us we were too few to justify having our own office equipment. We're allowed to use the men's offices, but we prefer to be here, because it's usually so hot, and at least here we can take off our chadors and breathe a little."...Here we were in parliament, inside the very halls where women were supposed to legislate and change the conditions outside for millions and millions of women, and they couldn't even secure themselves a table. What can you accomplish in society at large when this is all you have achieved inside the institution itself?³¹

In posing this question, Ebadi alludes to a working premise of feminism in many parts of the world: election to government is not necessarily a precursor to successfully challenging political patriarchy.

In any case, in the Iranian context women were dealing with the reality of *under-representation* throughout the reform era. There are 290 seats in the Iranian *Majlis*. In 2000, reformists won 170 of these seats. Of these, thirteen were allocated to women. This represents less than five percent of the total seats in parliament. According to the United Nations' gender empowerment measure, the average number

³¹ Ebadi, *Iran Awakening*, pp. 185-86.

of seats held by women in parliament (as a percentage of the total) in all developing countries in the year 2000 was 13.6 percent. In the more specific category of South Asia (in which Iran was included), the same figure came out as 8.8 percent. In sum, the presence of thirteen women in the *Majlis* meant that Iran was included in the 'low human development' category for the percentage of total seats in parliament held by women (this category included all countries where the participation of women in parliament as a percentage of the total was less than 9.2 percent).³²

Women also remained seriously under-represented outside the *Majlis* throughout the reform years. Initially, Khatami failed to name any women in the formation of his first cabinet in 1997. This was anathema to his own campaign platform, in which he pledged to redress existing inequalities between men and women. Sensing women's restiveness in reaction to this move, Khatami eventually appointed Masoumeh Ebtekar as 'vice-president for the environment' (one of eight vice-presidential posts in Iran).³³ Khatami's double take to appoint a single female minister to his first cabinet, and then to give her an environmental post, presented as more of a symbolic gesture to dispel women's immediate agitations, rather than an act that would have significant political consequence on women's lives.

In 2001, the Women's Faction lobbied for the appointment of three female ministers to Khatami's new cabinet. This time, the President folded to the pressures of his conservative Islamic counterparts in senior political posts: 'resistance due to traditional and historical biases proved too strong,' and no women were included in Khatami's second cabinet.³⁴ Furthermore, during Khatami's seven-year tenure as President, no woman was given a governorship, an ambassadorial post, or a mayoral position in any major city.³⁵

Adding fuel to the questions and queries now surrounding the Islamic feminist project and its prospects within the Sixth *Majlis* were the ongoing reports of international human rights organisations on the continuation of abuses against women during the

³² An-Naim, *Toward an Islamic Reformation*.

³³ Jahangir Amuzegar, "Khatami: A Folk Hero in Search of Relevance," *Middle East Policy* 11, no. 2 (2004): p. 80.

³⁴ Koolae, "Prospects for Democracy," p. 212.

³⁵ Amuzegar, "Khatami," p. 80.

reform years. According to country reports by Human Rights Watch, the Islamic Republic's human rights record did not improve significantly during Khatami's presidency.³⁶ In 2001 a thirty-year-old woman was publicly hanged for drug possession, and at least two more women were publicly stoned to death.³⁷ In 2002, four more women were sentenced to death by stoning. Amnesty International confirmed the death of two of these women, one of whose execution was broadcast on national television.³⁸ Importantly, the death by stoning sentence was one of the laws that the Women's Faction attempted to repeal, only to be turned down by the Guardian Council.³⁹

4.3 The demise of the reform movement

Although by no means deterred from the task of women's liberation, the early years of the twenty-first century thus witnessed a reassessment of established method and strategy on behalf of many Islamic feminists. This reassessment was most dramatically demonstrated by one of the most outspoken members of the Women's Faction, Fatema Haqiqatjoo. On February 23, 2004, Haqiqatjoo announced her formal resignation from parliament in protest of the Guardian Council's indiscriminate vetting of proposed legislative changes. In a speech to an open session of parliament on the day of her resignation, Haqiqatjoo explained her view that reform from within the state system was no longer possible.⁴⁰ She referred to the oath that all elected parliamentarians must take when they are sworn into the *Majlis*. This oath requires MPs to 'remain faithful to Islam and the constitution, to defend the independence and the interests of the country, and to serve the people.'⁴¹ Haqiqatjoo stated that 'since

³⁶ *Overview of Human Rights Developments* (Human Rights Watch, See years 1997 to 2004 [cited 22 May 2007]); available from <http://hrw.org/doc/?t=mideast&c=iran>.

³⁷ *Death Penalty News, March 2001* (Amnesty International, 2001 [cited 22 May 2007]); available from <http://web.amnesty.org/library/index/engACT530022001?open&of=THEMES/DEATH+PENALTY>, *Death Penalty News, September 2002* (Amnesty International, 2002 [cited 22 May 2007]); available from <http://web.amnesty.org/library/index/engACT530042002?open&of=THEMES/DEATH+PENALTY>.

³⁸ *Amnesty International Report 2003. Iran, Covering Events from January-December 2002* (Amnesty International, 2003 [cited 22 May 2007]); available from <http://web.amnesty.org/report2003/irn-summary-eng> (accessed 27 May 2007).

³⁹ Koolaei, "Prospects for Democracy," p. 212.

⁴⁰ Mir-Hosseini, *Fatemah Haqiqatjoo and the Sixth Majlis*.

⁴¹ *Ibid.*

the possibility of keeping my oath has been taken from me and I have been deprived of [the ability to] defend your legal rights, it is no longer a source of pride for me to stay in this house.’⁴²

Haqiqatjoo’s sentiments reflected the reality of what was about to unfold on the ground. In 2004, the establishment’s intolerance for reform materialised in the investiture of a hardline government and the end of the reform movement proper. In the lead up to the 2004 legislative elections, the Guardian Council disqualified one third of the 8, 200 individuals who filed papers to run as candidates on the grounds that they were Islamically ‘incorrect.’ Initially, Khatami stood in line with a majority of reformist MPs who threatened to resign en masse unless the banned candidates were reinstated. However, as the Guardian Council’s disregard for the popular legitimacy of the elections became clear, he reversed his decision. Khatami endorsed the 2004 elections, stating, ‘whatever the result, we must accept it.’⁴³ The outcome was a parliament with no reformist bloc. Thirteen women were elected to the Seventh *Majlis*: twelve conservative, and one an independent. These women refused to address the issue of women’s rights outside the framework of traditional Islamic jurisprudence.

This working premise was summed up by one of the members of the Seventh *Majlis*, Fatemah Aliya: ‘We will try to grow women according to the framework specified by God...If fulfilling her social duties causes an interruption in her individual and family obligations, this shall constitute oppression to the woman.’⁴⁴ Aliya specified that women in the Seventh *Majlis* support the existing legal framework of the Islamic Republic: ‘If understood properly...these laws are for the good of men and women.’⁴⁵ Aliya and her colleagues actively opposed the bill (which remained on the agenda of parliament at the closing of the Sixth *Majlis*) regarding Iran’s prospective ratification of CEDAW.⁴⁶

⁴² Ibid.

⁴³ Amuzegar, "Khatami," p. 91.

⁴⁴ Shadi Sadr, *Women's Gains at Risk in New Parliament* (WeNews, 2004 [cited 20 September 2006]); available from www.onlinewomeninpolitics.org/archives/04_0608_iran_wip.htm.

⁴⁵ Ibid.

⁴⁶ Kar, "Women and Civil Society in Iran," p. 217.

As the women of the Seventh *Majlis* moved in the opposite direction of their predecessors, Iranian feminists braced themselves for a contraction of the social space gained over the past seven years. According to Mahsa Shekarloo, a member of the non-governmental Women's Cultural Centre in Tehran, Iranian women increasingly 'felt they could take only cold comfort in the record of the reform era.'⁴⁷ The failure of the reform movement called into question the relevance of the Islamic feminist project: working in the spirit of *ijtihad*, Islamic feminists and their reformist colleagues in the Sixth *Majlis* were unable to convince the establishment to liberalise the regime from within. A gender-enlightened brand of Islam proved to have little political weight in a state establishment where the clerical elite considers its interpretation of the faith as divinely mandated, and non-negotiable.

4.4 Secular feminism in post-reform Iran

Contrary to expectations that feminism in Iran would suffer after the investiture of the Ahmadinejad regime, Iranian women did not take the new situation lying down. In fact, in the immediate post-reform period, secular feminism experienced a resurgence. Iranian women began to focus less on what was happening in the judiciary and legislature, choosing instead to take their issues directly to the public through organised protests and acts of civil discontent. At the 22nd Khordad event in 2006 protestors 'made a conscious effort to avoid any engagement...with religious arguments.'⁴⁸ Additionally, Iranian women increasingly opt-out of the political process. When a 21-year old from the University of Tehran discussed her decision to not vote in the 2004 parliamentary elections with Iranian lawyer and journalist Shadi Sadr, she indicated that 'there was no candidate left that I could vote for.' Even more revealing, however, was her suggestion that even if reformist women candidates had been allowed to run in the 2004 elections, her vote still may have been in vain, as no women MPs 'could have done anything in this system!'⁴⁹

⁴⁷ Shekarloo, *Iranian Women Take on the Constitution*.

⁴⁸ Ziba Mir-Hosseini, "Iranian Women Protestors Strategize against Violent Repression," *Peacework* 33, no. 367 (2006).

⁴⁹ Shadi Sadr, *Women's Gains at Risk in Iran's New Parliament* (WeNews, 2004 [cited September 20 2006]); available from www.onlinewomeninpolitics.org/archives/04_0608_iran_wip.htm.

Deliberate improper wearing of the Islamic veil, *bad-hejabi*, has become a widespread practice amongst young Iranian women. *Bad-hejabi* involves letting the hair show at the front or sides of the veil, or wearing remarkably bright colours and patterns. This is not simply a matter of fashion. Rather, *bad-hejabi* is a symbol of young Iranian women's desires to live in a society where individual choice is valued and respected. In July 2007, Iranian poet and secular feminist, Roxana Setayesh, suggested why clothing is such an important issue to young Iranian women. Gesturing to her own outfit, a black *hijab* made of sheer material and patterned with red flowers, and a knee-length beige-coloured manteau, she asked: 'Why do I have to wear this? What does it mean? It means I cannot choose. I'm talking about choice on a broader scale.'⁵⁰ The following statement from a 25-year old university student is further instructive:

Because of these [conservative] people and their aggressive thinking, I believe I am vulnerable to attack if I don't wear the *hijab*...if I was living in a place where people could respect individual choice and not do me any harm, certainly I wouldn't wear it...I want to show I don't approve [of the establishment]...If I stay here and resist, I can prove it to myself and prove it to others.⁵¹

The comments from these young individuals reflect an increasingly large cross-section of Iranian women. In fact, the demographics of the country play a strong explanatory role in the nature of contemporary Iranian feminism. Iranian youth represent the most prominent bulge in Iran's population pyramid.⁵² Young Iranian women and girls were not witness to the heady years of the revolution. This was a time filled with idealism and hope that Islam would present the cure for all societal ills experienced under the Shah's blindly pro-Western rule, and when Islamic 'authenticity' and ideological 'correctness' were paramount personal and social attributes. The concept of the *gharbzadeh* woman, a morally corrupt 'Western doll,' was central to the cultural purification process instated by Ayatollah Khomeini, and

⁵⁰ Setayesh. Personal communication with the author.

⁵¹ Ed O'Loughlin, "Young Iranians Struggle with Dead Hand of Conservatism," *The Age*, May 24 2006.

⁵² *United Nations Common Country Assessment for the Islamic Republic of Iran* (2003 [cited August 21 2006]); available from www.undp.org.ir/reports/CCAFINAL.pdf. Youth is defined by the United Nations as those aged between 15 and 24 years of age.

her rejection was an exercise taken up by significant sections of Iranian women.⁵³ However, these concepts – in particular the discursive merging of ‘the West,’ secularism, and moral decay – may not resonate to such an extreme extent with new generations of Iranian youth.

Measures of Islamic-ness do not appear to concern young Iranian women as much as their social and economic realities. Many of these women live in a much less constrained and limited way than the state prescribes. Women comprise the majority of university students in Iran.⁵⁴ Ebadi places this figure at 65 percent.⁵⁵ Women’s advanced educations, consequent professional capacities, and consistent contributions to public processes, underlie desires for a society where there is increased economic opportunity, and greater cultural opening.

Despite the opportunity of the reform era, the state has failed to evolve its laws alongside women’s changing realities. This has created what Mahmood Monshipouri calls a ‘gender conundrum.’⁵⁶ Women occupy only 33 percent of all professional and technical posts in Iran.⁵⁷ In 2003, the ratio of estimated female to male income was a mere 0.28.⁵⁸ These figures can be all too easily coloured with personal anecdotes, including young women with degrees in environmental engineering who work as travel agents due to not finding employment in their field; women who speak English and French as fluently as their native Farsi, yet cannot find employment to match their capacities; and women who are deemed ‘unsuitable’ for certain jobs, such as being a flight attendant, because they are married.⁵⁹

These cases reveal the extent to which the state continues to understand the proper ‘Muslim woman’ as a dutiful daughter, wife, or mother, whose primary roles and responsibilities lie within the private realm. This does not correspond with many Iranian women’s conceptions of who they are, or who they aspire to be. The

⁵³ Derived from the word *gharbzadegi*, meaning ‘westitis’ or ‘westoxification.’

⁵⁴ *United Nations Common Country Assessment for the Islamic Republic of Iran.*

⁵⁵ Ebadi. Interview with the author.

⁵⁶ Monshipouri, "The Road to Globalization Runs through Women's Struggle," p. 8.

⁵⁷ Sara Powell, "The People Judge Bush," *The Washington Report on Middle East Affairs* 23, no. 9 (2004).

⁵⁸ Ibid.

⁵⁹ These stories and others were shared by with the author by young Iranian women during a visit to Tehran in July 2007.

disjuncture between conservative Islamic tradition and modern structures has generated serious social and economic problems, such that a 'conundrum' appears to have become a gender *crisis*.

Iranian women are currently grappling with serious issues of unemployment and unaffordable housing. This has generated conditions of poverty, and widespread ancillary problems such as family breakdown, prostitution, and drug addiction.⁶⁰ According to a United Kingdom based non-governmental organisation, *Association of Iranian Women in the UK*, unemployment and poverty (two interrelated issues) are the leading causes of why some Iranian women turn to prostitution as a means of subsistence.⁶¹ Suicide rates in Iran are also revealing of the reality of Iran's gender crisis. A study conducted in June 2005 found that the majority of suicide attempts in Iran were by young and highly educated women.⁶² In one case in the southern province of Shiraz in 2003, one young woman immolated herself after her father forbade her to take up the research position that she had won at a local university.⁶³

The gender crisis in post-reform Iran contributed significantly to the questions and critique surrounding the Islamic feminist project.⁶⁴ Feminist re-readings of Islam's holy sources do indeed provide a valuable source of pride and esteem for Iranian women. However, at the turn of the twenty-first century, the extent to which theological exercise would be able to resolve women's social and economic problems and help formulate a strategy for human rights and development, proved less certain.

The immediate post-reform years in Iran provided a window of opportunity for secular feminists to make a stand. By manipulating the election process to ensure the coming-to-power of an extreme right-wing government, the regime further isolated itself from the public – including many women whose feminist politics were grounded in religious identity.⁶⁵ Secular feminists, and particularly young, educated

⁶⁰ Moghadam, "Islamic Feminism: Its Discontents and Its Prospects".

⁶¹ Monshipouri, "The Road to Globalization Runs through Women's Struggle," p. 8.

⁶² See Mohammad-Reza Mohammadi et al., "Suicidal Attempt and Psychiatric Disorders in Iran," *Suicide & Life - Threatening Behaviour* 35, no. 3 (2005): pp. 309-14.

⁶³ "Special Report: Shorn of Dignity and Equality - Women in Iran," *The Economist* 369, no. 8346 (2003): p. 26.

⁶⁴ Valentine M Moghadam, "Islamic Feminism: Its Discontents and Its Prospects" (paper presented at the The First International Congress on Islamic Feminism Barcelona, Spain, October 27-29 2005).

⁶⁵ Nasrin Sotoudeh, 6 July 2007. Personal communication with the author.

Iranian women, proved unwilling to relinquish the social space that had been opened up to them during the early years of the reform movement.⁶⁶ The secular feminist actions that followed the investiture of the Ahmadinejad regime demonstrated bravery, commitment, and determinism to continue in their task. However, just as Islamic feminists underwent reassessment during the reform years, the post-reform era raised questions about the ultimate impact of secular feminist actions on state policy.

In 2006, the 22nd Khordad event was brutally crushed at the hands of state police forces, and over seventy people were arrested. Following the arrests, five leaders of the women's movement were summoned to the Revolutionary Court on charges of 'propaganda against the system' and 'acting against national security.'⁶⁷ Fariba Davoodi Mohajer, Shahla Entesari, Noushin Ahmadi Khorassani, Parvin Ardalan, and Sussan Tahmasebi went to trial on March 4, 2007. Clandestine procedures followed. The accused women were subjected to a closed-door trial and the defendants were not allowed into the courtroom.⁶⁸ The women's lawyers, Nasrin Sotoudeh and Mohammad Dadkhah, were allowed into the courtroom, but were not allowed to view the defendant's files.⁶⁹ Furthermore, on the day of the hearing over thirty further women were arrested and accused of acting against the national interests of the Islamic Republic, after they had participated in a peaceful demonstration of support for those on trial outside the Tehran courthouse.⁷⁰ All women in question were then taken to the Vozara Department for Social Corruption, a detention centre for people accused of minor crimes, such as violations of the Islamic dress code. However, they were subsequently transferred to Tehran's notorious Evin Prison, which is run by the Ministry of Intelligence and is outside the control of Iran's prison service.⁷¹

⁶⁶ Tahmasebi. Personal communication with the author.

⁶⁷ *Iran: Arrests of Women May Be an Attempt to Prevent International Women's Day Calls for Equality* (Amnesty International, 2007 [cited 21 March 2007]; available from www.amnestyusa.org/news/document.do?id=ENGMDE130222007).

⁶⁸ Sotoudeh. Personal communication with the author.

⁶⁹ Ibid.

⁷⁰ Golnaz Esfandiari, *Iran: Activists Arrested Ahead of International Women's Day* (Radio Farda, 5 March 2007 [cited 21 March 2007]); available from www.rferl.org/featuresarticle/2007/03/e23c4684-30d3-4c94-a04e-51864a502020.html.

⁷¹ *Iran: Release Women's Rights Activists, Mass Arrest Signals New Level of Repression* (Human Rights Watch, 9 March 2007 [cited 21 March 2007]); available from http://hrw.org/english/docs/2007/03/07/iran15452_txt.htm.

The arrests were widely understood as an attempt to intimidate secular feminists, and to stop them from celebrating International Women's Day in 2007. However, under pressure from the international media and several transnational human rights watchdogs, by the 8th of March all but three of the women arrested were released.⁷² They joined hundreds of women in Tehran's city streets to celebrate International Women's Day. Yet, again, state police attacked the women and the gathering was forced to disperse.⁷³

This action-reaction dynamic between the state and secular feminists prompted internal questioning about the efficacy of established feminist method. What impact would public protests have on convincing the state to bring local laws on women into line with international standards on gender equality if large numbers of women were repeatedly beaten, arrested, and imprisoned? And, how much longer could secular feminists continue on this track without being seriously demoralised?

Some light was shed on these questions in mid-2007, when the annual 'Spring crackdown' unfolded as one of the most severe instances of systematic repression since before the reform era. In a 13-page fax to Reuters News, Tehran's Centre for the Defence of Human Rights (a non-governmental organisation co-founded by Ebadi) urged reporters to make news of the broad detainment of women's and human rights activists, saying some 488 men and women were detained for not wearing 'correct' Islamic dress in the first few days of what the state termed the 'social security plan.'⁷⁴

In this atmosphere, secular feminists made a conscious decision to take the 22nd Khordad event off the city-streets. Although a gathering was held to commemorate the event and discuss issues, strategies, and prospects in the movement for women's rights, it took place in the private home of secular feminist Kadijeh Moghadam.⁷⁵ This meant keeping the event much smaller than usual, and in doing so women forfeited the public outreach dynamic of a street protest, as well as the publicity for their cause usually associated with the event. The fact that women held the gathering

⁷² "Human Rights Questions at the Third Regular Session of the General Assembly: The United States Position."

⁷³ *Iran: Release Women's Rights Activists.*

⁷⁴ "Iran Rights Group Accuses Tehran of Abuses," *Reuters News*, 3 February 2007.

⁷⁵ Tahmasebi. Personal communication with the author.

was an indication of their bravery and an enduring commitment to the struggle for women's rights no matter what the odds. However, it also suggested that the State's fear campaign was prompting secular feminists to re-consider their established operative techniques.

Conclusion

The turn of the twenty-first century was witness to one of the more remarkable periods in the historical trajectory of both Islamic feminism and secular feminism in Iran. Where did the mutual reassessment of strategy and method leave the two groups of women as they attempted to move forward in the struggle for women's empowerment? In the final stages of the reform movement in 2004, award-winning journalist Shadi Sadr suggested ideologically diverse feminists were beginning to sense an important issue: solutions to the problem of discrimination against women would not be realised 'except through a collective and mobilised act.'⁷⁶ Whilst Sadr acknowledged the difficulty of achieving such an act, her observation proved to be a sharp prediction of what the future held for feminist activism in Iran.

Although cooperation between Islamic feminists and secular feminists is not an entirely new phenomenon, past initiatives have tended to fall short of developing a systematic attempt to unite and place sustained pressure on the state. The Iranian women's press has played a key role in providing a forum for cross-ideological debate and discussion, and secular feminists such as Mehrangiz Kar made frequent contributions to the Islamic feminist magazine, *Zanan*. As former-editor of the magazine, Shahla Sherkat stated: 'Women's issues in Iran are so complicated that we [Islamic feminists and secular feminists alike] must start from somewhere we could agree with each other and work through until we arrive at areas of disagreement.'⁷⁷ This paradigm may have fostered better working relationships between Islamic feminists and secular feminists, but it does not necessarily represent an outward-looking approach to challenging the state.

⁷⁶ Shadi Sadr, "Shadi Sadr Describes the Iranian Women's Movement," *Women's ENews distributed by Global Information Network* (2004).

⁷⁷ Povey, "Feminist Contestations of Institutional Domains in Iran," p. 62.

The seeds of the recent shift in the cooperative paradigm between Islamic feminists and secular feminists were planted during the aftermath of the Berlin conference in 2001. The events of this testing time sat uncomfortably with both Islamic feminists and secular feminists. According to Islamic feminist and author Lily Farhadpour, in the weeks following the Berlin conference Iranian women began to question whether or not they could allow an ideological division to crystallise around the local movement for women's rights. Farhadpour did not think so. In response, she joined forces with editor Noushin Ahmadi Khorasani and publisher Mamoubeh Abbas-Gholizadeh to produce the book *Zanan-e Berlin* [Women of Berlin]. *Zanan-e Berlin* was written with the explicit purpose of demonstrating that 'through a realistic and objective analysis it is possible and it is necessary to fill the gap between different forms of feminism in Iran.'⁷⁸ It would be some years before this gap was significantly narrowed. Yet the way this took place in the late-2000s was far from arbitrary.

Contemporary Iranian feminism appears to have taken on secular tilt: the demand for a new set of laws in line with international standards on women's rights and gender equality is a defining feature of local activism. Women's advanced educations are vital in explaining this change. Iran's youth live in a much less constrained way than the state prescribes, and university campuses have become places where human rights principles are increasingly discussed and explored.⁷⁹ As pointed out by Setayesh, the exposure to human rights discourse at the tertiary level has also had a positive impact on the way many young Iranian *men* think about women's rights and status in society.⁸⁰ In addition, after the demoralising experience of the reform years Islamic feminists began to take a more critical look at the efficacy of working within the government. Finally, the instatement of a hardline government in 2004/5 somewhat paradoxically strengthened secular women's resolve to move forward with their goals, as they refused to relinquish the small increases in social space that had been opened up to them during the 'Tehran Spring.'⁸¹

⁷⁸ Ibid.: p. 67.

⁷⁹ Ebadi. Interview with the author.

⁸⁰ Setayesh. Personal communication with the author.

⁸¹ Tahmasebi. Personal communication with the author.

However, a resurgent and secular-tinted feminism in post-reform Iran did not lead to the marginalisation of more religious-oriented feminists. To the contrary, the contemporary women's movement in Iran is the result of new forms of cooperation and collaboration between secular feminists and Islamic feminists. As explored in this chapter, like its Islamic counterpart, secular feminism underwent a degree of internal reassessment in the post-reform years. After suffering repeated beatings and mass arrests, secular women appeared more ready to engage with religious-oriented women in order to develop more pragmatic and less ideologically rigid strategies for change. According to Ebadi, faced with a suddenly more drastic situation at the investiture of the Ahmadinejad government, Iranian feminists of both secular and religious groundings came to a crucial recognition: to challenge political patriarchy, feminism would need to take on a critical mass.⁸²

Contrary to the expectations of many academic observers and social commentators, therefore, rather than having a dissipating effect on feminism, the sustained conservatism of the clerical establishment has brought ideologically diverse women closer together. In July 2007, Sotoudeh argued that the discrepancies between secular and more religious-oriented feminists are not of great organisational consequence to the movement for women's rights in Iran. Rather, the gap between liberal-minded women of both secular *and* religious groundings on the one hand, and the culturally-closed agenda of the establishment on the other, occupies a far more important place in Iranian feminist attitudes:

Our [Iranian women's] main concern is not about whether demands for change are put forward by religious women or secular women. What is more important is whether or not you identify with the conservative agenda of the government.⁸³

This working philosophy forms the basis of the first *non-ideological* initiative in local movement for women's rights in the history of the Islamic state. The Change for Equality Campaign provides the topic of inquiry of the following chapter.

⁸² Ebadi. Interview with the author.

⁸³ Sotoudeh. Personal communication with the author.

Human rights discourse in practice: the Change for Equality Campaign

Introduction

In August 2006, activist Iranian women launched the Change for Equality Campaign. Although an extension of their long-standing participation as members of the international human rights community, the new initiative nevertheless presented the clearest expression of human rights agency in the 100-year history of the women's movement. The aim of the campaign is clear: following the collection of one million signatures in protest of current laws, the women's movement hopes to present the *Majlis* with a draft bill to bring local legislation into line with international standards on women's human rights.

The state responded to Change for Equality with claims that it is both 'un-Islamic' and 'un-Iranian.' Many of the women involved in the campaign have been accused of 'endangering national security' and 'propaganda against the state.'¹ Underlying this reaction is the charge that a movement geared towards reforming Iranian law in accordance with the principles embedded in the international framework could not possibly represent a home-grown initiative.

The close timing of a Congressional move in Washington to engage further with the issues of human rights and democracy in Iran compromised local women's agency. Less than one month after the launch of Change for Equality, Congress declared 'it should be the policy of the United States to support independent human rights and peaceful pro-democracy forces in Iran,' and authorised the President and other government officials to more systematically 'draw international attention' to

¹ Ibid. Personal communication with the author. Having represented a number of members of the women's movement in court throughout 2006 and 2007, Sotoudeh provided the author with transcripts of official verdicts, translated into English by Arash Nazari.

violations of human rights by the Iranian government.² Under the banner of the Iran Freedom Support Act, Congress granted seventy-five million US dollars to the State Department to assist these ends.

While President Bush referred to the Freedom Support Act as a way to ‘facilitate...the Iranian people in their efforts to build a just, free, and peaceful society,’³ it more accurately provided a codification of US sanctions on Iran. The policy was widely criticised as a misappropriation of human rights issues to rationalise Washington’s contemporaneous suggestions of an attack on Iran’s nuclear program. Human Rights Watch called US assertions of direct support for the human rights movement in Iran inaccurate and counterproductive: ‘the US is trying to exaggerate the impact of this initiative to say that we are helping the Iranians inside. In fact, no US aid money is actually reaching the people of Iran.’⁴ Local groups and organisations targeted as potential targets for economic assistance refused to participate in the program. The funds of the Freedom Support Act were in fact delegated to Iranian opposition elements in exile, and American non-governmental organisations.⁵

Despite their rejection of any involvement with the US agenda, the Freedom Support Act caused a severe blow to grassroots movements for human rights and democracy in Iran. The Ahmadinejad regime used the revelation of US funds to discredit local human rights initiatives. Washington’s project provided the Iranian government opportunity to substantiate its long-standing claims that the Bush Administration’s ‘democracy promotion’ was a mere disguise for a project of regime change in the interests of the United States. More damaging to local human rights groups, however, was the new round of emphasis in State lexicon on the association between ‘universal’ human rights and a coercive, homogenising Western culture. Following news of the Freedom Support Act, the Iranian government engaged in a sweeping

² *Iran Freedom Support Act* (Library of Congress, [cited 27 September 2007]); available from <http://thomas.loc.gov/cgi-bin/query/F?109:4:./temp/~c109LExMOy:e24151>.

³ George W. Bush, "Statement on Congressional Action on The 'Iran Freedom Support Act'," *Weekly Compilation of Presidential Documents* 42, no. 40 (2006): p. 1707.

⁴ Emily Blout, *Congress Debates Need for Change in Democracy Rhetoric Towards Iran* (National Iranian American Council, 2007 [cited 15 March 2008]); available from http://www.niacouncil.org/index.php?option=com_content&task=view&id=805&Itemid=2.

⁵ Shirin Ebadi and Muhammad Sahimi, "Bush's Follies and Democracy in Iran," *New Perspectives Quarterly* 24, no. 3 (2007).

program of harassment and arrests of scholars, reformists, and human rights advocates throughout the country.⁶

In this atmosphere, the women behind Change for Equality were labelled by the State as fifth columnists for US interests, and accused of conspiring a velvet revolution.⁷ In response to these claims, and as one of the founding members of Change for Equality, Shirin Ebadi insisted that the Bush administration should 'not only put an end to its misguided policy of 'helping' the cause of democracy in Iran, but immediately declare with utmost transparency which organisations and public figures have received funds from the \$75 million.'⁸ This way, she argued, it would become clear that local human rights groups were not aligned with Washington's agenda. Local human rights advocates, insisted Ebadi, were not dependent on the encouragement or assistance of external sources. In her analysis Iran is a country where 'human rights discourse is alive and well at the grassroots level; civil society activists consider it to be the most potent framework for achieving sustainable...reforms.'⁹

The Change for Equality Campaign provides a unique opportunity to qualitatively investigate Ebadi's resolve. Despite the Iranian government's insistence to the contrary, the Change for Equality Campaign comprises a diverse cross-section of women. Feminists of both secular and religious orientations are behind the campaign in terms of both advocacy and action. The Change for Equality Campaign does not represent the dissolution of differences between secular feminists and Islamic feminists, but it does indicate the will of both groups to move away from ideological idealism to work under a common strategic umbrella towards clearly defined goals. The human rights discourse expressed through the Change for Equality Campaign has provided Iranian women with a practical way to move beyond the limitations of the secular feminist / Islamic feminist debate.

⁶ See Ibid. And, Blout, *Congress Debates Need for Change in Democracy Rhetoric Towards Iran*.

⁷ Sotoudeh. Personal communication with the author. See also the numerous reports and articles on the Change for Equality website, www.we-change.org/english/, for example, Parvin Ardalan, *Who Is Accused of Being a 'Threat to Civil Security'?* (the Change for Equality site, 2007 [cited 15 March 2008]); available from www.we-change.org/english/spip.php?article80.

⁸ Ebadi and Sahimi, "Bush's Follies and Democracy in Iran," p. 49.

⁹ Ebadi and Ghaemi, "The Human Rights Case against Attacking Iran," p. 25.

In this chapter, the author draws on field research undertaken in Tehran in July 2007, just one month before the one-year anniversary of the Change for Equality Campaign. In addition, the author analyses the content of an extensive range of articles from the Change for Equality website.¹⁰ Established at the launch of the campaign, the campaign website has provided women's rights activists with a forum for the exchange of experiences, advice, opinions, and insights. The Change for Equality articles, as well as the author's field research, provide organic examples of the growing sense of cooperation between ideologically diverse feminists in Iran, in order to move towards pragmatic approaches to achieving substantive change.

5.1 The birth of the campaign

The birth of the Change for Equality Campaign can be traced to the 22nd Khordad event in 2006. Following the crushing of the International Women's Day celebration in March, some members of the women's movement questioned the wisdom of holding another public event to commemorate the protest held in June 2005. Since the IWD event, rumours were circulating that security forces had been given the authority to shoot at future protests. A debate over the efficacy of public protests played out between and amongst women of secular feminist and Islamic feminist leanings. According to secular feminist Jelveh Javaheri, Islamic feminists such as Shahla Sherkat said that 'holding public gatherings was futile and furthermore, radical.'¹¹ Secular feminists countered that even if only a relatively small number of women turned out to commemorate 22nd Khordad, it was better that the women's movement maintain a public presence and not back down in the face of state intimidation tactics.

¹⁰ The Change for Equality site is available in both Farsi and English. Those articles originally written in Farsi have been translated for the English site by campaigners who are fluent in English. In some cases, authors and translators prefer to maintain anonymity by providing first names, or initials, as opposed to their full names.

¹¹ Nahid Keshavarz, translated by MS, *Interview with Jelveh Javaheri: From a Reading Group to the Campaign for One Million Signatures* (the Change for Equality site, 30 December 2007 [cited 22 February 2008]); available from www.we4change.info/english/spip.php?article196.

Under the auspices of a handful of secular feminists, who, admits Javaheri, felt ‘very alone,’ the 22nd Khordad event went ahead.¹² In a bold move, the women protestors called upon the State to re-introduce CEDAW into the formal governmental debate over women’s rights. The reaction of the regime was predictable: the gathering was met with state-sanctioned violence, and the women were forced to disperse. Although this did not come as a complete surprise to secular feminists, the extent of the brutality meted out this particular protest, as well as the clandestine legal procedures that followed, caused perceptible shifts in secular feminist philosophy.

On the one hand, activist Parvin Ardalan ensured that following the 22nd Khordad event, secular feminists were ‘more determined than ever to overcome the atmosphere of fear.’¹³ She insisted that despite the state’s reaction, the experience of June 12 was a success for the women’s movement, as it intensified the desire amongst established feminists to empower women in the wider community, and encourage them to join the struggle for equality. ‘In simpler terms,’ stated Ardalan when reflecting on the experience, ‘we were more courageous.’¹⁴ Yet in addition to this renewed sense of determinism and courage, Ardalan noted a number of revisions taking place within the secular feminist camp in the aftermath of the June gathering.

Firstly, given the clear majority of hardliners in Parliament, and the unrelenting position of the state on non-governmental calls for a revision of the constitution, secular feminists conceded that to press on with the latter demand ‘seemed out of the question.’¹⁵ The significance of this recognition to the capacity of secular and Islamic feminists to work under a common strategic agenda cannot be understated. Throughout the history of the Islamic state, religious-oriented feminists have consistently encouraged women’s rights advocates to maintain a pace of reform by exploring the capacities of the existing constitution to accommodate change. At this

¹² Noushin Ahmadi Khorasani, translated by Simin D., *The Two Storytellers of the Women's Prison and the Imaginary Literature of the One Million Signatures Campaign* (the Change for Equality site, 2007 [cited 18 March 2008]); available from www.we-change.org/english/spip.php?article74.

¹³ Parvin Ardalan, translated by Sholeh Shahrokhi, *Women's Movement into the Streets* (the Change for Equality site, 29 May 2007 [cited 22 December 2007]); available from www.we4change.info/english/spip.php?article95.

¹⁴ Ibid.

¹⁵ Ibid.

juncture in the trajectory of the Islamic Republic, secular feminists appeared ready to further explore this option.

In addition, in the aftermath of the 22nd Khordad protest, secular feminists resolved to reformulate their activism so that it was no longer be characterised by short-term initiatives. What they needed, reasoned a number of women, was an ongoing, procedural approach to the issue of gender equality in Iran – a clearly defined *modus operandi*. Reflecting on the isolation felt in the lead up to and during the 22nd Khordad event, in the second half of 2006 secular feminists began to stress the need for collective action. According to Ardalan, ‘we learned that in order to achieve [effective] non-violent activism, collaboration with other groups [and] synchronisation of demands and methodologies would strengthen the women’s movement.’¹⁶

According to Javaheri, this final realisation provided the ultimate catalyst for the Change for Equality Campaign.¹⁷ Therefore, although on one hand the Change for Equality Campaign was a result of sustained secular feminist activism, it was only possible following significant reassessment of established methods. Beginning in late 2006, secular feminists began to more systematically investigate the potential benefits of activism on a broader scale than had previously attempted.¹⁸ In a new round of dialogue between secular women and their Islamic counterparts, a general predilection emerged for the development of a framework in which feminists of diverse ideological groundings could work together to call for an end to discrimination against women.

Initially, there was no ‘solid agreement’ as to what this framework would look like.¹⁹ Just as secular women had modified their approach to activism in order to investigate a more wide-reaching project for reform, they also presented a challenge to the conventions of Islamic feminist methodology. In a departure from the reform era

¹⁶ Ibid. It is important to note here that Ardalan is not only referring to Islamic feminists when she refers to ‘other groups...demands and methodologies.’ Following the 22nd Khordad event the women’s movement engaged in more formal efforts to establish ties with student groups, labour organisations, and to some degree, reform-oriented political parties.

¹⁷ Keshavarz, *Interview with Jelveh Javaheri*.

¹⁸ Sotoudeh. Personal communication with the author.

¹⁹ Ardalan, *Women's Movement into the Streets*.

proper, in post-reform Iran secular women stressed the need to place less focus on the capacity of women to be elected into government. Women had learnt from experience, argued Ardalan, that in order to 'have room to manoeuvre in our patriarchal society, we have no choice but to create it ourselves.'²⁰

According to Sotoudeh, initially religious-oriented women were hesitant to get behind a project of that would take focus away from the movement of women within government and state-sanctioned initiatives. It was only gradually that they came to a position of cooperation, collaboration, and support.²¹ The Change for Equality articles reveal no outstanding shift in the position of Islamic feminists, but rather, a slow recognition of the value of the campaign platform being articulated by secular women. According to Ardalan, secular and Islamic feminists alike were able to maintain focus on working together in the aftermath of the 22nd Khordad event due to an ultimately important 'minimal commonality': the recognition that in order for women to enjoy full quality of life in the Islamic state, *all* civil codes in which women are treated unequally to men should be changed.²²

One of the first official statements of the campaign indicates congruency with secular feminist convention. It reads: 'the true path to achieve equality will not be paved though the existing power structure or a dialogue solely with men and women in positions of power.'²³ The cooperative framework developed by Iranian feminists in late 2006 was thus designed according to the belief that the potential for substantive change lay in the empowerment of Iranian women at the grassroots level, regardless of age, occupation, or ideology. The reflexivity and inclusiveness inherent to this approach were important factors in influencing Islamic feminists to come to a position of clear support for the emerging campaign.

²⁰ Parvin Ardalan, translated by Ali G. Scotten., *Report on the Preliminary Three-Month Activities of the One Million Signatures Campaign* (the Change for Equality site, 10 March 2007 [cited 22 December 2007]); available from www.we4change.info/english/spip.php?article46.

²¹ Sotoudeh. Personal communication with the author.

²² Ardalan, *Women's Movement into the Streets*.

²³ *One Million Signatures Campaign Demanding Changes to Discriminatory Laws: Petition Requesting Changes to Discriminatory Laws against Women* (the Change for Equality site, 27 August 2006 [cited 18 March 2008]); available from www.we-change.org/english/spip.php?article20.

On the 27th of August 2006 a public seminar was held in Tehran to officially launch the Change for Equality Campaign. The seminar was publicised throughout the city with the title ‘The Effect of Laws on Women’s Lives.’²⁴ The state demonstrated the same line of defence as employed in previous dealing with feminist initiatives. Security forces were deployed to stop people from entering the town meeting hall where the seminar was scheduled to take place. In response, the organisers of the seminar displayed a tenacity of spirit that would come to characterise the actions of women under the Change for Equality umbrella at large. With loudspeakers and makeshift lecterns, they held the seminar on the street outside the meeting hall. In her legal expertise, Shirin Ebadi held the floor while other members of the women’s movement distributed pamphlets on the Campaign. The pamphlets contained information in lay terms about civil laws and the unequal status of women in the Iranian legal code. Providing numerous anecdotes and examples about how women bear disproportionate social costs under existing laws, the pamphlets would subsequently become tools for activism by campaign volunteers.

According to Noushin Ahmadi Khorasani, when the Change for Equality Campaign was set in motion, the Iranian women’s movement was ‘given new life.’²⁵ In the weeks and months following the launch of the project, the lives of many Iranian women would take a monumental turn.

5.2 The primary goal of the campaign

The Change for Equality Campaign is characterised by one overarching goal: the removal of *all* discriminatory laws against women. Campaign guidelines are clear on what the basis of new laws should be. The petition of the Change for Equality Campaign states:

The Iranian government is a signatory to several international human rights conventions, and accordingly is required to bring its legal code in line with international standards. The most important international

²⁴ Ibid.

²⁵ Khorasani, *The Two Storytellers of the Women's Prison and the Imaginary Literature of the One Million Signatures Campaign*.

human rights standard calls for elimination of discrimination based on gender, ethnicity, religion, etcetera. The undersigned ask for the elimination of all forms of legal discrimination against women in Iranian law and ask legislators to review and reform existing laws based on the government's commitments to international human rights conventions.²⁶

This excerpt reveals a key strategy of the Change for Equality members to publicise the State's *existing* commitments to a number of human rights documents. This is important, as in the rhetoric of Iran's conservative elite it is the supposedly 'Western' bias of international women's human rights norms, principally embedded in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), that precludes their adoption into Iranian law. Yet the state is already a signatory to other human rights documents that inform the very treaty system of which CEDAW is a part.

The documents comprising the International Bill of Human Rights precede CEDAW in calling for the elimination of discrimination against women.²⁷ The Universal Declaration of Human Rights is clear: in the preamble, Member States of the United Nations affirm 'faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,' and Article Two specifies that 'everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind,' including that of sex.²⁸ The International Covenants on human rights follow suit. Pursuant to Article Three of both the ICCPR and the ICESCR, as a signatory to these documents, Iran has pledged to 'undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth' in each respective treaty.²⁹ Additionally Iran was one of the 189 states to unanimously adopt the Beijing Declaration and Platform for Action in 1995. In doing so, Iran signalled its commitment to 'take all necessary measures to eliminate all forms

²⁶ *One Million Signatures Campaign Demanding Changes to Discriminatory Laws*.

²⁷ The IBHR comprises the Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

²⁸ *The Universal Declaration of Human Rights*.

²⁹ See *International Covenant on Civil and Political Rights* ([cited 22 March 2008]); available from www.unhchr.ch/html/menu3/b/a_ccpr.htm. And *International Covenant on Economic, Social, and Cultural Rights* ([cited 22 March 2008]); available from www.unhchr.ch/html/menu3/b/a_cescr.htm.

of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women.³⁰

According to Ebadi, the shift in focus from attempting to draw CEDAW into the formal national debate, towards emphasising the State's existing commitments to other human rights documents is a deliberate strategy of the women's movement.³¹ This approach is advantageous to the women's movement in a number of ways.

Firstly, although CEDAW may be more specific and deeper in scope than other human rights documents, it is not the only avenue in the international treaty system available to redress gender inequality and discrimination against women. Within the Change for Equality Campaign, Iranian feminists focus on the immediacy of their situation, whilst at the same time maintaining CEDAW as a long-term hope.³² By calling on the State to live up to its commitments in the IBHR and the Beijing Declaration, the women behind Change for Equality are laying firm groundwork for future adoption of CEDAW into the national framework.

Furthermore, by highlighting Iran's standing commitments to international human rights treaties, Iranian feminists challenge the State's logic that 'women's human rights' are inapplicable to the Iranian context because of their supposed incompatibility with Islam. What is at issue is not Islam *per se*, but the desire of Iran's conservative elite to maintain control of society through the maintenance of pre-modern legal practices. The Iranian legal code is derived from classical Islamic jurisprudence. Yet traditional interpretations of the *Sharia* legal code have been debated and challenged for a number of decades, not only by secular-minded Muslims, but also senior Islamic clerics. Both religious and secular members of the Change for Equality project have been explicit in emphasising the congruence between the demand to change discriminatory laws, and principles of the faith. In the following statement, Fatemah Nejati expresses the sentiment of many other young campaign activists:

³⁰ *Fourth World Conference on Women, Beijing Declaration.*

³¹ Ebadi. Interview with the author.

³² Ibid.

Talking about the campaign among family and friends resulted in a variety of questions regarding its goals...Of course, I defended the women's rights movement of my country, as well as the inalienable rights of Muslim women...Since I believe that Islam is a religion that defends justice and equality...why should Muslim women be quiet in the face of injustice? Are we less deserving than other women? Since we are Muslims, does this mean we should be without rights?³³

This is a strong example of human rights consciousness. Sharing her experiences of working on the campaign with other activists, Nejati relates how she un-expectantly influenced her father, a very 'religious, and pious human being' to support the campaign and its goals. Nejati noticed that when she brought up the issues of women's human rights with her family and friends, her father would 'carefully monitor' her course. His first reaction to the Change for Equality Campaign was that there must be certain wisdom behind the laws that women were trying to change. He suggested that Nejati should study the holy sources in an attempt to uncover that wisdom before proceeding hastily with the campaign's objectives. Counting her father as one of her 'closest family members,' Nejati followed his advice, and reported: 'the more I studied, the deeper my convictions became that the laws were discriminatory and unjust.'

Nevertheless, Nejati remained concerned that if she relayed her thoughts to her father, who 'spent his life promoting religion,' he would become offended. Her worry proved unnecessary, however, as 'little by little':

[My father] developed a smile for me and my fellow campaigners. Finally, one day while signatures were being collected from various friends and family, my father asked to sign and be a part of the campaign as well...My father is now very persistent in wanting to collect signatures from friends and co-workers. I have witnessed many of his arguments and discussions in the effort to convince friends and family of the need for women's rights, as well as the need to interpret religion based on changing times.³⁴

³³ Fatemah Nejati, translated by Leila Shirnejad Irani, *A Big Lesson* (the Change for Equality site, 20 February 2007 [cited 25 March 2008]); available from www.we-change.org/english/spip.php?article15.

³⁴ Ibid.

In line with Nejati's experiences and the trajectory of her father's position on the campaign, Javaheri reports that one of the most positive aspects of the Change for Equality project is its ability 'to integrate the discourse of equality into people's religious discourse...I think the campaign is the first social action that has been able to articulate the issue of women's rights and Islam so broadly among people.'³⁵

The broad approach to women's rights embedded in the Change for Equality Campaign is unprecedented in the Iranian women's movement. Conventionally, Iranian feminists have tended to lobby for the reform of individual laws.³⁶ The Stop Stoning Forever Campaign is a good example of issue-specific activism.³⁷ By calling on the state to remove *all* discriminatory laws in line with its obligations to international human rights treaties, the Change for Equality Campaign deals far more comprehensively with the status of women in society and in the home. In addition, addressing women's status through a human rights paradigm allows the issue of discrimination against women to be dealt with systematically. As stated by Ebadi, the women's movement stepped forward to demand '*complete* equality' between men and women – not limited equality expressed in separate and distinct legal clauses.³⁸

5.3 Beliefs and motivations behind the campaign

The goal to bring local laws into line with international standards on gender equality is motivated by a belief that legal standards should be one step ahead of cultural norms, so as to promote continual social moderation. The Change for Equality Campaign booklet suggests to its readers that 'to be able to play a positive role in the lives of individuals in a society' and raise the standard of living, legal norms must always remain one step ahead of culture.'³⁹ Change for Equality members are motivated by this belief in two distinct ways.

³⁵ Keshavarz, *Interview with Jelveh Javaheri*.

³⁶ Ibid.

³⁷ See *The Stop Stoning Forever Campaign* ([cited 25 March 2008]); available from www.meydaan.com/english/aboutus.aspx.

³⁸ Shirin Ebadi, *Campaign for Equality* (the Change for Equality site, 24 October 2006 [cited 25 March 2008]); available from www.we-change.org/english/spip.php?article2.

³⁹ *The Effect of Laws on Women's Lives* (the Change for Equality site, 28 August 2006 [cited 21 March 2008]); available from www.we-change.org/english/spip.php?article41.

On the one hand, women protest the fact that a number of discriminatory cultural practices are enshrined in Iranian law. Outstanding examples are the traditions and laws surrounding marriage. One of the practices that the Change for Equality Campaign challenges is traditional dowry [*mehrieh*]. This is the sum of money paid to the bride by the groom and his family in order to secure the woman's hand in marriage. According to the campaign booklet, because the dowry payment is taken as the marriage contract, 'the understanding is that the woman should follow her husband's orders' throughout her lifetime.⁴⁰ This is reflected in Iranian law, which stipulates that once married the woman needs her husband's permission to participate in the workforce, leave the country, or go on vacation, even within Iran.⁴¹

In addition, according to Iranian law, women have restricted access to divorce. Whereas men's claims to divorce are often facilitated by legal process, women's applications are usually neglected and can take several years to be processed. According to Sotoudeh, court records of women's divorce papers are ubiquitously filed under the heading 'family issues,' meaning that details of physical or mental abuse, for instance, are rarely recorded. Therefore, if one woman applies for a divorce on the grounds of financial dispute with her husband, her file will read the same as a woman application who is being physically beaten by her husband. These distinct cases are subject to be processed indiscriminately.⁴²

Although these practices may still seem acceptable to some Iranian men, they certainly do not resonate with all Iranian men. However, the Change for Equality booklet points out that all Iranian women nevertheless face *potential* devastation, regardless of the personal inclinations of their partners, due to the sanctification of these practices in Iranian law:

Although marriage and the family is an extremely important and central part of life in Iran, it actually has the potential to bring a great amount of physical stress to the woman. A woman has zero security in marriage, from the beginning to the end. Even if things are fine at the beginning,

⁴⁰ *The Impact of Laws on Women's Lives*. Translated for the author in July 2007 by Arash Nazari.

⁴¹ Ibid.

⁴² Sotoudeh. Personal communication with the author.

the threat of a serious loss of rights and dignity is *always* there if something goes wrong. The woman never has peace of mind. She can never say that she is in good conditions, and she can never say that she is free.⁴³

These prospects cast a shadow over the capacity, or desire, of some Iranian women to develop meaningful relationships with the opposite sex. Roxana Setayesh, for example, has made it clear that at 34 years of age, her status as a single working-woman is the result of a conscious decision. ‘I cannot accept the marriage laws as they stand,’ states Setayesh. A frequent traveller to cities such as Berlin, Paris, and Dubai, Setayesh feels that by marrying, she would risk fundamental changes to her lifestyle and autonomy.⁴⁴

Women behind the Change for Equality Campaign call for existing discriminatory practices surrounding marriage and the family to men to be outlawed. In one sense, therefore, the Change for Equality Campaign is designed to take a number of laws currently in line with certain cultural patterns and move them forward, in the hope that changes in legal standards will prompt changes in cultural norms. The Change for Equality Campaign therefore not only challenges the State to enact changes, but also encourages people at the grassroots level to re-think certain attitudes and practices that tend to hold women in unequal status to men.

The Change for Equality Campaign is also motivated by women’s growing impatience that the state’s gender ideology, enshrined in its laws, is far behind many modern Iranian women’s needs, goals, and aspirations. Women in Iran are increasingly educated, professional, and financially adept. The gross combined female enrolment rate in primary, secondary, and tertiary education in Iran is 73 percent – a figure exactly equal to that of the male enrolment rate. In addition, the female figure for tertiary enrolment rate is slightly higher than men’s: the ratio of female to male enrolment rate in Iran is 1.09.⁴⁵ However, the State has failed to advance its laws in light of women’s changing realities. Despite the professional and technical capacities

⁴³ *The Impact of Laws on Women's Lives*.

⁴⁴ Setayesh.

⁴⁵ *United Nations Development Programme Human Development Report 2007/2008* ([cited 22 March 2008]); available from http://hdrstats.undp.org/countries/data_sheets/cty_ds_IRN.html.

of women as a result of their advanced educations, they continue to be barred from certain areas of employment. In contrast to the higher enrolment rate of women than men in university, Iranian women comprise only 34 percent of all technical and professional workers throughout the country.⁴⁶

Reflecting the mismatch between women's high levels of education and the prospects of employment in their chosen field, the rate of female to male overall economic activity in Iran stands at a mere 52 percent. Within this demographic, women are paid less than men. The ratio of female to male earned income in Iran is 0.39.⁴⁷ Another example is the issue of mandatory *hijab*. When a young Change for Equality activist, Raheleh Asgarizadeh, was taken for questioning by local authorities, an officer asked her: 'Why are you wearing this kind of manteau?' In her account, Asgarizadeh described the manteau as 'tight' and indicated that her hair could be seen underneath her veil. She replied to the officer: 'Because it looks nice...It's just a matter of taste.' 'But it is not in line with the norms of the society,' replied the officer. 'To the contrary,' countered Asgarizadeh, 'it is.'⁴⁸ Asgarizadeh's experience is just one example of what is now a common occurrence in Tehran, as the state is finding it increasingly difficult to maintain its strict hijab rules, particularly in the northern, more affluent parts of the city.

This anecdote speaks to a situation where the state has failed, or actively refused, to take the changing realities and demands of modern Iranian women's lives into legislative account. Structural obstacles to employment and restrictions on their movements and freedom of choice remain in place, reflecting a legal system in which women are viewed as inferior to men in terms of rationality and the capacity to lead autonomous lives. In response to the malady, the Change for Equality Campaign provides Iranian women with tools to engage in a process of catch-up. Campaign activists protest a situation where many laws lag behind the demands and realities of many women's everyday lives, and personal aspirations.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Raheleh Asgarizadeh, *Me and the Campaign on Vozara Street: A Laugh at a Chaotic Situation* (the Change for Equality site, 2007 [cited 22 March 2008]); available from www.we-change.org/english/spip.php?article136.

5.4 Diversity and inclusiveness in the campaign

In addition to the overarching goal to eliminate all discriminatory laws against women, the Change for Equality Campaign encompasses the important procedural goal to achieve sustained 'cooperation between a wide spectrum of social activists in creating and advocating for social change.'⁴⁹ Under the campaign umbrella, Iranian feminists have experienced significant success in this enterprise.

In December 2006, just three months after the launch of the campaign, the young activist Mihandokht Mesbah asked Shahla Lahiji if in her view the project has experienced any success in that time. Lahiji's response was revealing. 'Certainly!' she replied, 'Unexpectedly certain groups and individuals have expressed interest in joining this effort...[even] traditional families, with strong religious beliefs...recognise that a modern existence requires new rules.'⁵⁰ Secular feminist Javaheri also reported: 'I gave my mother some campaign booklets to distribute among the women in her religious gatherings. They were very positive and signed the campaign petition.'⁵¹ In line with these observations, despite its beginnings under the auspices of secular women, a number of Islamic feminists were among the first signatories to the campaign petition. Prominent names in this respect include Shahla Sherkat, editor of the now dismantled Islamic feminist magazine *Zanan*,⁵² former-Vice President for environmental affairs, Masoumeh Ebtekar; former-parliamentarian, Elaheh Koolaei;⁵³ and the granddaughter of Ayatollah Khomeini, Zahra Esharaghi (also married to reformist politician Dr Muhammad Reza Khatami, brother of the former-President Khatami).⁵⁴

⁴⁹ About "One Million Signatures Demanding Changes to Discriminatory Laws" (the Change for Equality site, 28 August 2006 [cited 18 March 2008]); available from www.we-change.org/english/spip.php?article18.

⁵⁰ Mihandokht Mesbah, *Signature Drives Are the Most Civic of Activities (Interview with Shahla Lahiji)* (the Change for Equality site, 10 December 2006 [cited 24 March 2008]); available from www.we4change.info/english/spip.php?article4.

⁵¹ Keshavarz, *Interview with Jelveh Javaheri*.

⁵² *One Million Signatures Campaign Demanding Changes to Discriminatory Laws*.

⁵³ Kadijeh Moghadam, translated by Leila Shirnejad, *An Alarming Experience!* (the Change for Equality site, 18 March 2007 [cited 23 March 2008]); available from www.we-change.org/english/spip.php?article47.

⁵⁴ Ali Akbar Mahdi, *A Campaign for Equality and Democratic Culture* (the Change for Equality site, 6 August 2007 [cited 23 March 2008]); available from www.we-change.org/english/spip.php?article130.

The Change for Equality project draws on the most efficient aspects of both secular and Islamic feminism, and discards the more problematic aspects of each. On the one hand, by emphasising Iran's obligations to international human rights documents, the Change for Equality Campaign displays a clear tilt towards the secular feminist paradigm. Historically, Islamic feminists have used religious exegesis to argue for equal rights for women. The Change for Equality Campaign is not characterised by an attempt to engage in theological debate. Instead, the campaign draws on the political weight of internationally recognised human rights standards to pressure the state into considering change.

On the other hand, the Change for Equality Campaign incorporates important advantages of the Islamic feminist approach to change. Within campaign guidelines, women activists are not calling for a constitutional referendum, as was the ideal of secular feminists for many years prior to the campaign. Rather, central to the Campaign is a call to bring all laws of the civil code concerning women's status into line with international standards. This is a significant shift on behalf of secular feminists. Within the campaign approach, secular feminists have clearly recognised the pragmatism of the Islamic feminist approach in calling for changes in State content, as opposed to demanding an alteration of the shape of the State *per se*.

A thorough inquiry into the campaign articles reveals further aspects of the Change for Equality project that may have enhanced the capacity of ideologically diverse feminists to come together under common guidelines. Unlike past approaches to women's rights, the Change for Equality Campaign is characterised by a lucid set of goals. The campaign booklet clearly lists the laws identified as unjust by the women's movement. These include laws on marriage, divorce, custody, polygamy, the age of majority of girl-children, citizenship and nationality, blood money (*diyeh*), inheritance, murder and manslaughter, 'honour' killings, the right to bear witness in a court of law, stoning as punishment for adultery, and the right to participate in politics.⁵⁵ Sussan Tahmasebi carefully emphasises that these laws do not represent constituency issues. Islamic and secular feminists alike have galvanised around the laws listed in the

⁵⁵ *The Impact of Laws on Women's Lives*.

campaign booklet because they affect all women regardless of social status and political orientations.⁵⁶

The success of the Change for Equality in drawing broad groups of women together can also be attributed to the decentralisation of leadership within the Campaign. Relations within the Campaign are structured horizontally, and the decision-making process is dispersed amongst members. Members of the campaign are free to engage in project activities only to the extent that they feel comfortable, according to individual capacity and choice. In the Change for Equality paradigm, there is not one right way to work towards gender equality, but rather a multiplicity of avenues that have a symbiotic effect. While some activists read the law and represent other women in court, some spread human rights discourse in classrooms and lecture theatres; some women make documentaries or films, and work as journalists; still others lobby reformist parliamentarians.

According to Ebadi, if the women behind these efforts demonstrate mindfulness of and commitment to the overarching goal of the campaign, such diverse approaches are understood by campaign activists to pertain to the project's guidelines.⁵⁷ In line with this analysis, Javaheri stresses: 'It is not relevant for the members to come from similarly minded ideologies or religious background[s], so long as they are Iranian and can agree to the general framework of the campaign.'⁵⁸ Initially, there was some debate amongst Iranian feminists as to the benefits of the wide inclusiveness of the campaign. According to Javaheri, 'some members were concerned that the open-door policy might endanger the movement of the group and distract us from our ultimate objectives; that having too many views might become unproductive in the end.'⁵⁹

However, as the discussion unfolded, a resolution was reached that the 'mission statement', or overarching objective of the campaign to eliminate all discriminatory laws and bring local legislature into line with international standards, was articulated

⁵⁶ Tahmasebi. Personal communication with the author.

⁵⁷ Ebadi. Interview with the author.

⁵⁸ Jelveh Javaheri, *A Year with the Campaign: Acquired Lessons from a Shift to a Horizontal Power Structure* (the Change for Equality site, 5 October 2007 [cited 30 March 2008]); available from www.we-change.org/english/spip.php?article149.

⁵⁹ Ibid.

so clearly and deliberately that it did not lend itself to corruption.⁶⁰ Furthermore, many women reasoned that the incorporation of a large range of views and opinions would provide the very creativity and flexibility needed to move forward in the struggle for increased rights and representation.⁶¹

Yet to act on this resolve would involve significant risk. Developing a campaign with an open-door policy, whilst ensuring inclusiveness, would also bring the possibility of differences in opinion so intense so as to impeded practical action. However, many members of the Campaign express emphatically that formulating a non-ideological approach to activism has been *entirely* beneficial to advancing the movement for women's rights.⁶² Iranian feminists have thus demonstrated a clear psychological move away from revolutionary grievances. Motivated by immediate, everyday concerns, both secular and religious oriented women display an intense desire to simply 'get on with the job' of eliminating discriminatory laws, as these laws have been found with the potential to affect all women.

A statement by Javaheri encapsulates this psychology. In an interview in December 2007, Javaheri was asked whether she thought that pursuing cooperation between feminists of diverse ideological groundings could cause a stagnation in the women's movement if such an approach meant that women could only pursue 'minimal and daily demands' as opposed to 'larger ideals and vision.' Her response was resolute:

I am a feminist who is action-oriented...By action-oriented feminism, I mean that we have to analyse the situation and daily realities and act accordingly, while not losing our values...If my ideals are so far-reaching that I can't realistically pursue them, then they will be limited to

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ebadi. Interview with the author. Parvin Ardalan, 31 May 2007. Personal communication with the author. Sotoudeh. Personal communication with the author. Tahmasebi. Personal communication with the author. Setayesh. Personal communication with the author. See the same opinions in Sasan Ghahreman, *Interview with Sara Loghmani, the Campaign for One Million Signatures: A Grassroots Effort* (the Change for Equality site, 6 January 2007 [cited 24 March 2008]); available from www.we-change.org/english/spip.php?article28. And, Somaiyeh Farid, translated by Shahrzad, *What Defines the Campaign Is Its Statement, Not the People Who Collect Signatures* (the Change for Equality site, 25 July 2007 [cited 23 March 2008]); available from www.we-change.org/english/spip.php?article120.

awareness only...[Sometimes ideology] exists in our minds and imagination but for which we take no action. What's the use of that?⁶³

The advantage of 'action-oriented feminism' was demonstrated in late 2007, when the Women's Committee of the Office to Foster Unity issued a statement condemning the detention and imprisonment of several members of the Change for Equality Campaign, including Sepideh Pouraghai, Alnaz Jamshidi, Nasim Soltanbaygi, Anousheh Azadfar, Hana Abdi, Roonak Safarzadeh, Maryam Hosseinkah, and Javaheri herself.

As an organisation, the Central Office to Foster Unity strengthens ties between universities and seminaries, and the Women's Committee is comprised of women who would traditionally fall within the Islamic feminist paradigm. The women who were arrested, on the other hand, were secular feminists, and described by the Women's Committee as 'leftist.' Despite this, in an official statement, Secretary-General Bahareh Hedayet emphasised that despite distinct ideological differences between her organisation and those women arrested, 'we [the Women's Committee] strongly condemn their detention. Our main ideals are definitely human rights and freedom of speech.'⁶⁴

This was a dramatic departure from the nature of interaction between secular and Islamic women prior to the inception of the Change for Equality Campaign. The failure of Islamic feminists to express support for their imprisoned secular counterparts in the aftermath of the Berlin conference in 2001 provides a prime example in this respect. Under the guidelines of the Change for Equality Campaign there has been a perceptible evolution in the women's movement towards mutual support between secular feminists and Islamic feminists not only in word, but also in terms of substantive cooperative action.

⁶³ Keshavarz, *Interview with Jelveh Javaheri*.

⁶⁴ Aida Saadat and Maryam Malek, *Writing About Discriminatory Laws Does Not Constitute Disruption of Public Opinion* (the Change for Equality site, 24 January 2008 [cited 22 February 2008]); available from www.we4change.info/english/spip.php?article210.

5.5 Campaign strategy and method

In order to meet the demands of a scheme that requires systematic and coordinated action, secular feminists and their Islamic counterparts are for the first time engaged in the development of *sustained* working relationships. Framed in a long-term perspective, the Change for Equality Campaign thus exhibits strategies that are unprecedented in the Iranian women's movement.

The Change for Equality project is designed to take place over two phases. Phase One involves the collection of one million signatures in protest of current laws. The women's movement anticipates that this process will take anywhere from two to three years: it is hoped that the one millionth signature will be secured some time during the second half of 2009 at the latest.⁶⁵

Upon securing the final signature, the women's movement will move on to Phase Two. Unlike the first phase, which is acted out by a large number of campaign activists, Phase Two will require the skill of a select number of legal experts to draft a bill proposing a set of new laws. The bill will be presented to the *Majlis*, along with the campaign petition and list of signatures. Campaign guidelines state that the order of legal changes expressed in the bill should be based on communication with the wider Iranian public during the signature collection phase. According to Ardalan, at the outset of the project, Campaign members decided that the 'collective intellect' of those who sign the petition should determine prioritisation of actions within the campaign.⁶⁶

Phase One of the Change for Equality Campaign has proved a multifaceted process. Before the collection of signatures can begin in any particular town or community, volunteers must be trained at campaign workshops, which are held every two weeks in Tehran and regularly in provinces outside the capital city. Volunteers, and the signatories they target, must be at least eighteen years of age. Some come into contact with the campaign through conversation with an existing volunteer. Others, after reading campaign booklet decide they feel strongly enough about the issue to get

⁶⁵ Ardalan, *Report on the Preliminary Three-Month Activities of the One Million Signatures Campaign*.

⁶⁶ Ibid.

involved themselves. In addition, women throughout Iran have the opportunity to learn of Campaign updates through public seminars and conferences that are held regularly by Campaign volunteers in Tehran and other provinces.

At campaign workshops, volunteers receive information and training in three distinct capacities. First, experienced activists impart basic information about the campaign to the new volunteers. Second, volunteers receive legal training from professionals such as Ebadi and Sotoudeh. Importantly, however, the information in these training modules is imparted in lay terms. Finally, campaign volunteers receive training on how to engage in face-to-face activism. Through exchange with professionals in relevant fields, such as members of non-governmental organisations, Campaign volunteers learn techniques in public education and outreach.

At initial sessions, women are provided with notebooks, and encouraged to document their experiences, including any queries that may come up in their first rounds of signature collection. Subsequently, the volunteers attend a round of follow-up workshops, where they can debrief and consolidate with other volunteers and their trainers. According to Ardalan, 'these are usually very interesting sessions, because by meeting again and listening to one another's experiences, each volunteer is motivated to keep working.'⁶⁷

By collecting signatures systematically and on a large scale, Iranian feminists aim to demonstrate widespread support for bringing local laws into line with international standards amongst the general public. As phrased in an official statement of the campaign: 'The successful implementation of this campaign will prove once and for all that the demand for changes to discriminatory laws is not limited to a few thousand women who have supported these types of efforts in the past.'⁶⁸

Since 1979, women in Iran have expressed their objections to discriminatory laws in different capacities and through various avenues. Iranian women's activism has comprised journalism, film, visual arts, and street activism. For those with less access to these avenues of expression, dissatisfaction with the law and its detrimental impact

⁶⁷ Ibid.

⁶⁸ *About "One Million Signatures Demanding Changes to Discriminatory Laws".*

on women's lives has led many women to seek recourse in court, or worse, resort to runaways and suicides. The Change for Equality Campaign provides the women engaged in these varied forms of opposition the opportunity to sign a common document that encapsulates their collective sentiment. In this way, the campaign embodies a strategy to make it increasingly difficult for the State to persist in referring to the demand for equal laws as that of a small constituency.

The value of the Change for Equality Campaign does not lie solely in its stated aims and objectives. Rather, campaign volunteers suggest the *process* of signature collection is just as important, and in some women's views more important in terms of impact as the signature on paper. The signature drive is geared towards a two-way process of knowledge acquisition between campaign activists and broader civil society.

By collecting signatures door-to-door and face-to-face, campaign activists are provided the opportunity to constantly update their knowledge of the everyday concerns of Iranian women across the country. The incorporation of these concerns into Campaign process helps foster a deep sense of ownership of the project not only amongst its immediate members, but also in wider society. This is vital in terms of the project's staying-power, and the practicality of its stated goals. Change for Equality women are explicit in their intent to achieve *sustainable* change in Iran. To this end, Campaign members believe that all changes must be 'community and needs driven and reflective of the desires and demands of the society at large.'⁶⁹

Through the signature drive women from broad cross sections of Iranian society are have the opportunity to engage directly with activists trained to explain the inequities of the laws and their effects on women's lives. This is important, as many women in Iran often do not know the discriminatory content of local laws until they are under distress, such as in cases of divorce or custody hearings.⁷⁰ By becoming more informed of current laws through engagement with campaign activists, Iranian women are encouraged to make rights-based claims before the fact of disenfranchisement.

⁶⁹ Ibid.

⁷⁰ Ebadi. Interview with the author.

This reveals a core strategy of the Change for Equality Campaign: the empowerment of individual Iranian women through awareness-raising techniques. The Change for Equality project builds upon this strategy by providing an arena for women who are dissatisfied with their present conditions, and in search of an outlet through which to become socially active and work towards the creation of positive change in their society.

Young women who become formally involved with the campaign are trained by legal experts and experienced women's rights advocates to talk about human rights issues and the law, and encouraged to develop their position, and share their experiences with confidence. Membership within the campaign is individual: women do not join as representatives of organisations or institutions. The Change for Equality Campaign emphasises the power of the autonomous agent. This is demonstrated by the campaign website. Not only is the Change for Equality site a useful means for advocacy and communication, it also provides a creative arena in which there is significant space devoted to personal opinions and insights. In the epitome of feminist method, the writings of the Change for Equality women are not confined to the political. As a way of identifying pathways forward and developing innovative tactics, activists often discuss controversial issues, and share deeply personal thoughts and experiences.

As campaign activists pass on knowledge of the law and women's rights to members of their families, schools, and communities, more and more individuals not necessarily formally involved with the campaign are nevertheless offered the opportunity to talk about rights-based issues. As soon as people are engaged in a dialogue with campaign members, they are encouraged to become participants in the struggle, rather than remain spectators.

The civic nature of the signature collection method thus represents a highly strategic approach. The greater the number of people talking about 'women's human rights,' the more difficult it will be for the state to dismiss the relevance of the debate, and the pressing need for change. In the past, activist Iranian women (particularly secular feminists) have carried the full brunt costs for demanding change and reform. Through the Change for Equality Campaign, Iranian feminists have set out to develop

a 'practical unison with the people.'⁷¹ By facilitating a constant connection between women's rights activists and the wider public, not only in specialised forums but also in homes, workplaces, and public arenas such as parks, sporting matches, and on public transport, the Change for Equality Campaign has a pressurising effect on the State, drawing it to engage more seriously in the debate to reform current laws.

The women's movement has taken also moves to ensure the impact of the Change for Equality project will not be limited to governmental process. A further strategic advantage of the signature collection method has been succinctly summed up by Loghmani, who states:

Even if the campaign ends abruptly for some reason, it will still have made a positive impact [on society]...What we have in mind, more than anything else, is to make people sensitive to gender issues as they are evaluating existing laws that are discriminatory towards women. If society is sensitive to these discriminatory laws and can see that it can change them, then this is the biggest and most important step that will have been taken...whether legislators revisit the laws or not, the role and effect of this campaign will be undeniable.⁷²

5.6 Campaign successes

5.6.1 The collection of signatures

The Change for Equality Campaign took time to gather momentum. The project's founding members had to devote time and energy to a number of procedural issues before campaigning proper could begin. Before the recruitment and training of the first round of volunteers, a number of professional women and experienced activists were charged with the task of designing the Campaign training modules. Attempts to do so were hampered, as the women were repeatedly denied government permits to assemble in public places. Since the inception of the Campaign, therefore, meetings

⁷¹ Nayereh Tohidi, *Iran's Women's Rights Movement and the One Million Signatures Campaign* (the Change for Equality site, 12 December 2006 [cited 26 March 2008]); available from www.we-change.org/english/spip.php?article5.

⁷² Ghahreman, *Interview with Sara Loghmani*.

have consistently been held in the private homes of members. Ardalan admits: ‘the difficulty of the work [in getting the campaign started] was beyond our initial conception.’⁷³

Slowly, technical issues were brought under control, and the first round of volunteers began the signature drive in earnest. Just six months after the launch of the campaign, Ardalan observed: many ‘volunteers are so involved in collecting signatures that the task has taken on a significant portion of their lives.’⁷⁴ In fact, the horizontal power structure of the Campaign allows experienced volunteers to initiate their own training sessions to educate new members on the goals, motivations, and strategies of the campaign. All that is required for practised members to take on roles as trainers is attendance at additional sessions of the training modules, first as observers, then as assistants under the supervision of more skilled trainers. When volunteers feel proficient and confident in the process, they can begin to train new members of the campaign on their own.⁷⁵ Tahmasebi estimates that by March 2008, approximately one thousand individual women were formally trained under campaign guidelines.⁷⁶

In articles published on the Change for Equality website, activists report that an overwhelming majority of people approached to sign the campaign petition are eager to add their name to the list. Loghmani observes that the majority of people she has spoken to have been ‘friendly and sympathetic’ towards the Campaign and its goals, and in the instances where people did not want to sign the petition, she did not encounter any ‘sharp or unexpected exchanges.’⁷⁷

On the one-year anniversary of the campaign in August 2007, the women’s movement decided not to disclose the number of signatures collected to that point. According to Tahmasebi, this decision was based on the fact that many of the signed petitions, particularly those from provinces outside Tehran, had not been submitted to the campaign’s Documentation Committee, whose task it is to collect and file signed

⁷³ Ardalan, *Report on the Preliminary Three-Month Activities of the One Million Signatures Campaign*.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Sussan Tahmasebi, *Answers to Your Most Frequently Asked Questions About the Campaign* (the Change for Equality site, 24 February 2008 [cited 8 March 2008]); available from www.we-change.org/english/spip.php?article226.

⁷⁷ Ghahreman, *Interview with Sara Loghmani*.

petitions, and tally the number of signatures collected throughout the country.⁷⁸ Early in 2008 Tahmasebi assured: ‘We will announce the number of signatures in the future and once petitions from around the country can be collected.’⁷⁹

5.6.2 The impact of the campaign on the legislature and executive

Despite the women’s movement’s decision against announcing the number of signatures collected, there is some evidence to suggest that the campaign is having its intended pressurising effect to bring the State to a position of engagement with women’s rights-based demands. According to Tahmasebi, not only reform-oriented politicians, but also their conservative counterparts, have placed a number of issues expressed in the Change for Equality petition on the agenda of their respective organisations and parties.⁸⁰ Notably, since the beginning of the campaign in August 2006, two specific pieces of legislation challenged by the Change for Equality Campaign have been raised for Parliamentary debate.

In July 2007, Member of Parliament Elham Aminzadeh reported to the press that at the initiative of the women members of the Seventh *Majlis*, the issue of equal *diyeh*, or bloody money, had been brought under formal consideration. Following the announcement, Ayatollah Akbar Hashemi Rafsanjani, former president of Iran and head of the Expediency Council, expressed his support for equal *diyeh*. The Expediency Council is mandated to investigate and resolve disputes between the Parliament and the Guardian Council. It is highly unusual for the Expediency Council to pre-empt its position on a legislative matter. Rafsanjani’s upfront expression of support was effectively a warning to both Parliament and the Guardian Council to take up the issue of equal *diyeh* favourably: ‘If the Seventh Parliament passes this legislation, it will be a source of pride for us. But if they fail to pass the legislation or

⁷⁸ Tahmasebi, *Answers to Your Most Frequently Asked Questions About the Campaign*.

⁷⁹ Ibid.

⁸⁰ Sussan Tahmasebi, *Empowering Iranian Women through the One Million Signatures Campaign* (the Change for Equality site, 1 September 2007 [cited 1 April 2008]); available from www.we-change.org/english/spip.php?article139.

if it is blocked by the Guardian Council, we [in the Expediency Council] can take steps to ensure its passage into law.’⁸¹

A court case preceded the Parliamentary uptake of the *diyeh* issue. In a May 2007 case concerning haemophiliac patients infected with HIV as a result of contaminated blood, Judge Moghadasse Ardebili ruled that the 171 female patients infected should receive a payout of equal value to male patients also infected. He based his ruling on the reasoning that *Sharia* provisions on bloody money relate to penal law, but were not applicable in civil cases.⁸² Whilst this ruling does not represent a direct response to the Change for Equality Campaign, it nevertheless echoed the contention of the women’s movement that many so-called ‘divine’ laws in the Iranian legal code are not necessarily immutable. The Parliament was not obliged to take the issue of equal *diyeh* further once the issue-specific court case had closed. That it did speaks closely to the effect of the Change for Equality Campaign in pressuring the government to engage with the women’s rights agenda.

A second issue placed on the agenda of Parliament since the beginning of the Change for Equality Campaign was a proposal to raise the age of majority.⁸³ According to current Iranian law girls are considered legal minors to the age of nine lunar years, or eight years and nine months according to the solar calendar (boys are considered legal minors until they reach fifteen lunar years, or fourteen years and six months on the solar calendar). After this, they can be sentenced to capital punishment (although the law stipulates that they should remain in jail until they are 18 lunar years old and then subjected to the sentence).⁸⁴ This broad human rights issue is explicitly challenged in the campaign booklet of the Change for Equality project.⁸⁵

According to Ebadi, both *diyeh* and the age of minority issues were sitting on the backburner of the Parliamentary agenda for three years prior to their formal uptake in 2007. In her analysis, the recent governmental discussions surrounding these issues

⁸¹ *Demand of the Campaign Reviewed by Parliament: Reform of Diyeh on the Agenda of Iran's Parliament* (the Change for Equality site, 6 June 2007 [cited 1 April 2008]); available from www.wchange.org/english/spip.php?article98.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ *The Impact of Laws on Women's Lives*.

⁸⁵ Ibid.

can be taken as an indication that the State is feeling some degree of pressure to take into its own discourse issues advocated at the public level by Change for Equality activists.⁸⁶ Tahmasebi similarly attributes the opening-up of debate around laws concerning women's status to the impact of the Change for Equality Campaign. She argues:

The campaign has acted as a catalytic force in promoting open discussion among political groups and power holders about women's legal rights...unlike in the past, where women's rights were the subject of private discussions and private lobbying efforts – mostly with men in positions of power – in the past year [2007] we have witnessed the emergence of this discourse [of women's human rights] as a public one.⁸⁷

This represents a turning point in the discourse of human rights in Iranian politics. As demonstrated by the reform era – or more clearly, in its failure – before the Change for Equality Campaign, discussions on changing existing legislature to accord women equal status with men were dismissed as irrelevant and illegitimate by the state's highest powers, through insistence that current laws are derived from an immutable Islam.

The government's shift towards recognising human rights demands has served to further motivate the women's movement. A statement signed by 700 women's rights activists in June 2007 claimed that government considerations to change certain laws on women's status were 'testament to the fact that our demands within the campaign are achievable.'⁸⁸

5.6.3 Clerical support for the campaign's goals

The goals expressed in the Change for Equality Campaign also enjoy significant support from some of Iran's most senior Islamic clerics. In late 2007, Ayatollah

⁸⁶ Ebadi. Interview with the author.

⁸⁷ Tahmasebi, *Empowering Iranian Women through the One Million Signatures Campaign*.

⁸⁸ *Statement of a Group of Equal Rights Defenders in Commemoration of 22nd of Khordad* (the Change for Equality site, 16 June 2007 [cited 1 April 2008]); available from www.we-change.org/english/spip.php?article101.

Mousavi Tabrizi vouched for the legitimacy of the campaign and the relevance of its goals to bring an end to discriminatory laws:

We have many laws that address women's status, or even men's status, which have to be reformed to meet the needs of citizens. Concerning women, laws such as *diyeh*...inheritance, child custody [and] divorce...can in fact be changed.⁸⁹

In fact, many religious leaders and Grand Ayatollahs have issued fatwas to reform current laws on women's status. For example, in January 2008 Grand Ayatollah Mazaheri issued a fatwa stating that in cases of unwanted pregnancies outside of marriage, women should have access to legal abortion clinics. Mazaheri based his argument in pragmatics of the social reality – the difficulties and psychological trauma that women in those situations face in Iranian society, and in their own families.⁹⁰ This was a clear indication that, despite the claim made by some clerics that local laws are derived directly from explicit versus in the holy texts of Islam, those texts have the capacity and internal dynamic to respond to the circumstances of time and place.

One month later, in February 2008, Ayatollah Sanei'i issued a fatwa regarding women's inheritance. According to current Iranian law, women receive one quarter of their husband's assets when the deceased has no other relatives, and the remaining assets become the property of the State. Ayatollah Sanei'i refuted the State's right to assets, arguing that women should be the sole heir of their husband's assets when he has no other living relatives.⁹¹ The demand to reform discriminatory inheritance rights is one of the key features of the Change for Equality Campaign.

Senior clerics such as Tabrizi, Mazaheri, and Sanei'i have advocated for reform many years prior to the emergence of the Change for Equality Campaign. The State's claims, therefore, that the demands of the campaign are 'un-Islamic,' and that the

⁸⁹ Ayatollah Mousavi Tabrizi: *The Charge of Actions against National Security Is Political* (the Change for Equality site, 11 November 2007 [cited 22 February 2008]); available from www.we4change.info/english/spip.php?article169.

⁹⁰ Grand Ayatollah Mazaheri *Issues Fatwa Allowing Abortion for Unwed Mothers* (the Change for Equality site, 2008 [cited 22 February 2008]); available from www.we4change.info/english/spip.php?article207.

⁹¹ Ayatollah Sanei'i *Issues Fatwa in Support of Women's Inheritance* (the Change for Equality site, 16 February 2008 [cited 2 April 2008]); available from www.we-change.org/english/spip.php?article217.

women's movement comprises an exclusive group of 'West-fascinated' women who are out of touch with the realities of Iranian society, are not well substantiated. Like the Change for Equality women, a number of Iran's Grand Ayatollah's feel the pressing need to respond to the needs of modern Iranian society by changing laws that have their basis in outdated cultural practices and pre-modern jurisprudence. As stated by Ayatollah Fazel Maybodi: 'If thirteen centuries ago polygamy was customary or the marriage of girls at nine years old was recommended, in this day and age, given [current] principles of justice and current social conditions, we have to acknowledge that these practices are no longer acceptable.'⁹²

5.6.4 The awareness-raising function of the campaign

The culture-building effect of the Change for Equality Campaign may be where activists are experiencing the most success in advancing the cause for women's rights. On the one hand, the campaign encapsulates a long-term strategy to prompt specific governmental processes and political decisions. To facilitate this aim, the campaign is geared towards capturing the sentiment of everyday citizens. The Change for Equality Campaign has had an immediate impact grassroots level of Iranian society has been more or less immediate.

As determined in campaign strategy, a key goal of the Change for Equality project is to encourage young women to voice their concerns and opinions on rights-based issues in situations where they might have previously lacked the confidence to speak up. The success of that aim is reflected in the experience of many campaign activists. Nejati, for instance, states:

Prior to working with the campaign, I would only speak with specific people such as close friends and some family members, and I would generally avoid bringing up the topic of women's difficulties in larger groups or in the presence of strangers...Low self esteem and not knowing all the facts would cause me to stop short of mentioning women's issues

⁹² Ayatollah Fazel Maybodi: *The Demands of the Campaign Can Be Met through Dynamic Jurisprudence* (the Change for Equality site, 6 June 2007 [cited 22 December 2008]); available from www.we-change.org/english/spip.php?article97.

and I would allow the social gathering to go about its traditional routine. However, since joining the campaign, I slowly began to feel a sense of conviction and responsibility in articulating the pain and difficulties of women, and my self-confidence in discussing these issues in social gatherings grew, especially in the presence of my family elders. In a way, answering people's questions about the various details of the laws made me even more aware of feminism and the situation of women in my country. More importantly, I knew that I was not alone. Knowing that many unacquainted friends of the campaign in Tehran and other parts of Iran were busy collecting signatures gave me a good feeling...Being a member of the campaign gave me a new sense of identity.⁹³

Javaheri echoes these sentiments:

Before...joining the women's movement, I wasn't very optimistic about my future...But now I am someone who thinks for herself and independently makes choices – about my friends, who I love, how to live my life. More importantly, I have been able to make a difference in the lives of people around me.⁹⁴

The Change for Equality Campaign has thus had a strong culture-building effect in Iranian society. This is best communicated by looking at further personal anecdotes from the campaign website.

In July 2007, Kaveh Yagoub Ali, a male member of the Change for Equality project, shared his experience in collecting signatures at Tehran University. On one particular day, Ali invited those of his classmates who wanted to hear about the campaign to stay behind after their lesson. Immediately, one young woman announced that she had seen the campaign website, and was keen to sign the petition. This was an auspicious start. However, when Ali began to read aloud from the campaign booklet, explaining the discriminatory content of the laws, he was interrupted by another young man who exclaimed at what he perceived to be an anti-Islamic stance of the campaign, arguing that the laws could not be changed because they are based on the *Sharia* legal code. Interestingly, this young man happened to be an Armenian Christian. Ali could not

⁹³ Nejati, *A Big Lesson*.

⁹⁴ Keshavarz, *Interview with Jelveh Javaheri*.

help but notice the irony of the situation when several Muslim classmates jumped to his aid to correct the young man who claimed to be defending Islam: ‘they explained that Iranian laws are based on particular interpretations of Islam, and as such the campaign does not oppose Islam. Rather, it is calling for new interpretations that promote equality between men and women.’⁹⁵

Following the exchange, several of Ali’s classmates proceeded to sign the campaign petition. Furthermore, the following week in class, one of the young women who had been present approached Ali to tell him that she had discussed the campaign with her family, and that they also wanted the opportunity to sign the petition. Ali notes, ‘we exchanged emails, so that...[I] could discuss with her how she could join the growing number of campaign volunteers.’⁹⁶ Ali’s summary of his experience speaks to the campaign’s success in an awareness-raising capacity:

Most impressive for me was the realisation that the campaign had so easily seeped into different social groups and families...what makes the campaign important for many of us is its capacity to penetrate society. The campaign has been able to accomplish a goal which we have all been aiming at for a long time: transferring a sense of commitment to gender issues and social resistance from among women’s rights activists to the general public.⁹⁷

The ‘transference’ that Ali speaks of is further demonstrated in the experience of campaign activist Parinaz Naeemi when she raised the issue of the campaign and its goals with her ex-husband. On a trip to a local park with their seven-year old daughter, Naeemi recalls:

I started the conversation by saying that the issue I wanted to talk about related to our daughter’s future. Then I talked about discrimination against women. I had naively assumed that he would sign the petition, and I would write about it as one of my most successful experiences. Instead, he said he could not sign it because he had no idea about the

⁹⁵ Amir Yaghoub-Ali, translated by Sussan Tahmasebi, *Interesting Reactions to the Campaign* (the Change for Equality site, 20 July 2007 [cited 2 April 2008]); available from www.we-change.org/english/spip.php?article114.

⁹⁶ Ibid.

⁹⁷ Ibid.

issues I had brought up...I replied, 'have you ever thought about the fact that in your absence, your father will get custody of our daughter and after him your brother? That I would be irrelevant in the eyes of the law[?]'⁹⁸

Disheartened at her ex-husband's advice to 'not worry about this matter,' Naeemi left her daughter to play with her father, and returned home without his signature.⁹⁹ However, simply by bringing the issue of women's status up for discussion, Naeemi had stirred something within her ex-husband. When he returned his daughter to her mother's home, Naeemi's ex-husband asked for a copy of the campaign booklet so that he could read more about the issues she was talking about, and think about the possibility of signing the petition. The awareness-raising function of the Change for Equality project could hardly be more poignantly demonstrated. Naeemi thus reached a positive conclusion: it did not matter that her ex-husband had declined to sign the petition immediately; 'the mere fact that he agreed to read the information [in]...the pamphlet might help him realise what lies in the future for thousands of young girls like our own.'¹⁰⁰

This kind of critical reflection has taken place in the minds of many Iranian men. Significant numbers of men have become formal members of Change for Equality – volunteering, campaigning, and educating in the broader community. According to Ali, 'the number of young men joining the campaign...is on the rise, demonstrating the commitment of the younger generation of Iranians to human rights, justice, and equality.'¹⁰¹

Azad Roshani shares his experience in campaigning on the Change for Equality website, recalling that when an older woman asked him, 'considering you are a man, why are you collecting signatures for this cause?' he forthrightly answered, 'well, it's very simply: because I agree with it!'¹⁰² This is a straightforward yet crucial

⁹⁸ Parinaz Naeemi, *I Returned Empty-Handed, yet My Heart Is Filled with Confidence That My Decision from Five Years Earlier Was the Right One!* (the Change for Equality site, 20 February 2008 [cited 2 April 2008]); available from www.we-change.org/english/spip.php?article17.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Yaghoub-Ali, *Interesting Reactions to the Campaign*.

¹⁰² Azad Roshani, *In Memory of Amir: In Prison, but Freer Than Most of Us* (the Change for Equality site, 6 August 2007 [cited 4 April 2008]); available from www.we-change.org/english/spip.php?article129.

statement. The struggle for women's human rights in Iran is not a case of an exclusive group of Iranian women pushing an agenda that does not resonate within Iranian society at large. To the contrary, the demand to bring local laws on women's status into line with international standards on women's rights and gender equality is one with a broad base in civil society. The debate is not one of left-wing feminists versus the remainder of society; it is more aptly viewed as struggle between a constituency longing for greater cultural opening, and increased economic opportunity, and a conservative gender ideology, implemented from above.

It is not simply goodwill that leads men to support equal rights initiatives. Rather, it is a matter of practicality. In a human rights paradigm, the gender ideology of the State is detrimental to women *and* men. The campaign petition reads: 'unjust laws have promoted unhealthy and unbalanced relationships between men and women and as a result have had negative consequences on the lives of men as well.'¹⁰³ A good example of this surrounds the issue of dowry payment. Modern rates for dowry have inflated beyond most men's financial capacities. According to the women's movement, the increasingly high payments requested by many women as part of the marriage contract 'are reflective of the lack of a sense of security' that many women feel in marriage because of their unequal status in Iranian family law.¹⁰⁴ The Change for Equality Campaign specifies that dowry payments should be abolished, and replaced with a legal marriage contract that stipulates the equal rights of women and men in marriage.

Javaheri's reflection on the way that young men are engaging with these kinds of issues in the context of the Change for Equality Campaign provides significant insight into contemporary Iranian gender relations:

[In the past] I have seen many young men who engage [with the women's movement] from a position of authority. They couldn't accept that as women, we had our own opinions. They would say we weren't capable of organising, our understanding was limited, and that we hadn't read or studied enough...They would launch very general criticisms, discourage us, and try to weaken our self confidence, yet show themselves to be all-

¹⁰³ *One Million Signatures Campaign Demanding Changes to Discriminatory Laws.*

¹⁰⁴ Ibid.

knowing. [However], the young men who are joining the women's movement are different from the young men I knew several years back. They have internalised the discourse of equality more seriously. At the same time, women have become stronger. There's a big difference between now and before.¹⁰⁵

Javaheri attributes the shift to the dynamics of the Change for Equality Campaign. Due to the empowerment function of the initiative 'women in the campaign are so strong and speak with such force.'¹⁰⁶ In Javaheri's view, women's behaviour and the way they interact with men 'play a big role' in determining how men react to the issues raised under the banner of 'women's rights.'¹⁰⁷ By encouraging women to act upon their rights-based demands with confidence and surety, Javaheri suggests that the Change for Equality Campaign has in turn encouraged men to respond with greater humility and respect. Furthermore, Javaheri points to the benefit of the long-term approach of the Change for Equality Campaign in impacting men's position in the debate over women's rights. The campaign has attracted young Iranian men to work alongside women in a protracted project. This is important in Javaheri's view, because, 'the longer men work on women's issues, the more they internalise the principles of equality.'¹⁰⁸

5.6.5 The campaign beyond Tehran

One of the most successful aspects of the Change for Equality project has been the uptake of the campaign in eighteen different provinces outside Tehran. These include: Amol, Esfahan, Gorgan, Hamandan, Marivan, Mazandaran, Rasht, Sanandaj (Kurdistan), Shiraz, Tabriz, Yazd, and Zanjan.¹⁰⁹ This expansion has not occurred

¹⁰⁵ Keshavarz, *Interview with Jelveh Javaheri*.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ See Sara Loghmani et al., *The Campaign Web Movie: Honouring the Iranian Women's Movement* (the Change for Equality site, 2008 [cited 6 April 2008]); available from www.we-change.org/english/IMG/clip/titr1/titr1_en.htm. See also the following campaign articles: Tahmasebi, *Answers to Your Most Frequently Asked Questions About the Campaign*. Saadat and Malek, *Writing About Discriminatory Laws Does Not Constitute Disruption of Public Opinion*. Ghahreman, *Interview with Sara Loghmani*. Ardalan, *Report on the Preliminary Three-Month Activities of the One Million Signatures Campaign*. *Campaign Members in Rasht Celebrate International Women's Day* (the

under a directive from campaign bases in Tehran. Rather, in each instance the campaign has been initiated by local women who hear about the campaign by word-of-mouth, or by coming across the campaign website. In Gorgan, for example, a local women's studies group heard of the campaign, and began to collect signatures independently. They noticed, however, that 'during the signature collection, there were a lot of questions on the part of signers, and everyone was in need of advancing their own awareness.'¹¹⁰ This led the Gorgan women's group to seek formal training under campaign guidelines. They contacted activists in Tehran and organised a series of formal workshops.

Similarly, in the earlier half of 2007 women from Sanandaj travelled to Tehran to participate in workshops and gain the experience of established activists. The initiator of the Sanandaj group, Zina Modaressi, noted that 'like many others' the beginnings of an interest in women's rights activism 'arose from questions that I had in my mind since early childhood...the questions piled up so much that they weighed on my mind and I had to find ways of answering them.'¹¹¹ Although Modaressi was involved in women's studies groups and participated in the annual celebrations of International Women's Day, she described the Change for Equality project as providing a more systematic way of bringing the struggle for rights and gender equality into her everyday activities. At the conclusion of the training sessions in Tehran, the Sanandaj group returned home to replicate the workshops locally and in surrounding provinces. According to Modaressi, participants in these subsequent workshops were young and old; ranged from housewives to college students; and also included a number of men.¹¹²

The order of events by which the Change for Equality Campaign becomes active in provinces outside Tehran is significant. Workshops and training sessions are only ever held in those provinces where local women have explicitly requested the initiative

Change for Equality site, 31 March 2008 [cited 4 April 2008]; available from www.we-change.org/english/spip.php?article247.

¹¹⁰ Ardalan, *Report on the Preliminary Three-Month Activities of the One Million Signatures Campaign*.

¹¹¹ Maryam Hosseinkhah, translated by Delaram Rad, *Interview with Zina Modarresi, an Activist for the Campaign in Kurdistan: I Hear the Voice of Liberation* (the Change for Equality site, 31 July 2007 [cited 6 April 2008]; available from www.we-change.org/english/spip.php?article125).

¹¹² Ibid.

and demonstrated a desire to maintain the campaign independently. Similarly, women from other towns who would like to participate in training sessions in Tehran do so autonomously. That women in eighteen different provinces have initiated local chapters of the Change for Equality Campaign demonstrates the relevance of the project and its central goal to bring local laws on women into line with international standards to the lives to everyday women throughout Iran. Unlike Ayatollah Khomeini's appeal to local research bodies, universities and jurisprudential schools 'to provide quality argument against feminist views and propagandas,'¹¹³ there is no need to 'convince' Iranian women to take up the Change for Equality agenda. The content and characteristics of the campaign speak for themselves: women throughout Iran have joined the campaign and signed its petition because of the immediate implications of the campaign's agenda to their daily realities.

5.7 Problems and challenges faced by the campaign

The State has reacted to the Change for Equality Campaign with repression, and sometimes, overt violence. In addition, the campaign has faced some resistance on a cultural level. Not all members of Iranian society carry a predilection towards contributing to or supporting a campaign that calls for equal rights between men and women. Whilst the Change for Equality agenda protests laws that lag behind the realities of many women's lives, it is also a response to the fact that some people continue to identify with the State's gender ideology as both a legitimate and appropriate basis for the formation of modern laws.

In addition to these problems, there is some degree of internal debate amongst campaign activists as to the future direction of the campaign in terms of its political scope. In many ways, this speaks to the value placed on individual expression and ideological diversity within the campaign. However, it is also a significant internal challenge that campaign activists are continuing to work through.

¹¹³ *In the Name of Allah.*

5.7.1 Cultural challenges

Campaign activists are not blind to the fact that they face some degree of cultural resistance in implementing the Change for Equality agenda. When asked if in her campaigning experience many people had refused to sign the petition, Setayesh replied: ‘Very few. But yes, this happens.’¹¹⁴ In her analysis, there are several reasons for resistance. Setayesh listed ‘traditional thinking’ as the primary reason: ‘Some people think the traditional family unit is more ‘natural,’ or easier and less trouble’ than the gender relations advocated by the Change for Equality paradigm.¹¹⁵

The choice of words by Setayesh is revealing. Some members of Iranian society view the traditional family unit as ‘natural.’ This suggests identification with the gender ideology of the establishment. Within the State’s paradigm, God-given differences between men and women, in terms of both biology and psychology, require and justify the application of ‘different’ rights and responsibilities. This position may overlap, but is not necessarily synonymous, with the view that the traditional family unit is ‘easier and less trouble.’ A personal exchange between the present author and a young Iranian woman who was pregnant with her first child, is helpful to illuminate this point. When asked if she was hoping for a boy or girl, the young woman answered:

I want to have a boy. Many people in Iran prefer to have boys. Not because they think boys are superior; it is just because they are easier to raise. If a girl wants to be free, that is good for her. But it might bring shame to her parents, and they are the ones that will suffer for it.¹¹⁶

Although this view cannot be taken as representative of expectant Iranian parents at large, it nevertheless reinforces Setayesh’s suggestion as to why some members of society might resist a petition that proposes an entirely new set of laws to determine the status of women and their roles and responsibilities in the domestic sphere. The young woman’s reasoning does not imply a necessary connection with the conservative gender ideology of the state. Yet it does suggest a sense of apprehension,

¹¹⁴ Setayesh. Personal communication with the author.

¹¹⁵ Ibid.

¹¹⁶ Anonymous Iranian woman in personal communication with the author.

or social unease, about what kind of society is implied by the demands of girls and women who ‘want to be free.’

Setayesh also raised ‘religious thinking’ as a reason for why some people might resist signing the Change for Equality petition. Setayesh explained that upon hearing about the extent of the campaign’s challenge to existing legislation, some people felt the project to encroach upon the letter of Islamic sources, and therefore could not support what they may have seen as a challenge to the fundamentals of the faith – for example, mandatory *hijab*.¹¹⁷ This position may therefore be better phrased as ‘*conservative religious thinking*,’ since not all religious-oriented members of Iranian society share the view that the textuality of Islamic sources, as well as the *Sharia* legal code, determine the core principles of the faith.

Setayesh also indicated that in her experience, of those who resisted signing the campaign, men outnumbered women. She suggested two distinct reasons for that. Some men, she observed, displayed anxiousness that if laws were changed to enhance women’s status, this naturally implied a detriment to the position of men in society. Others, she noted, felt that the campaign and the issues raised within the campaign agenda were simply ‘not their problem.’¹¹⁸

Finally, Setayesh suggested that even for those people who do not necessarily oppose the Change for Equality project on an ideological level, for many the perceived disadvantages of positioning oneself in line with the campaign’s agenda were enough to stop them from signing the campaign petition. Setayesh suggested that some people expressed a fear of being associated with the campaign after the regime’s harsh treatment of campaign activists, as well as their immediate family and friends. In a state where ideology remains a determining factor in one’s prospects for employment, this is a fear not only of being threatened or physically harmed, but also of losing one’s employment and income should their association with the campaign be discovered by the intelligence forces. This is a significant deterrent to become involved in the campaign, especially for Iranians struggling to raise families or pay

¹¹⁷ Setayesh.

¹¹⁸ Ibid.

rent in Tehran, where housing prices and the rental market have inflated far ahead of the average income.

In addition, for those people who *are* willing to demonstrate unquestioned loyalty to the regime, such a position can bring with it significant personal benefits. As highlighted by Sotoudeh, particularly for those Iranians who are associated with the regime through political links or family ties, to break rank and support the campaign agenda would mean the very real possibility of losing the kind of economic security and material luxuries not available to the vast majority of Iranians.¹¹⁹

5.7.2 State repression

Despite the resistance to the campaign in some segments of Iranian society, campaign activists are clear that this is not the site of their main problem. Javaheri states that although the Change for Equality project faces difficulties on more than one front, ‘our greatest opposition comes from the security and intelligence forces who fear the growing connections between women...the regime doesn’t want women to work together and would prefer our diversity to divide us.’¹²⁰

The state has employed a variety of tactics designed to inhibit women’s capacities for networking and public profiling. The Change for Equality website has been blocked on an average of every six weeks since the beginning of the campaign in August 2006. In addition, all local news sources, journals, and magazines have been instructed not to publish a single item on the campaign – regardless of the positive or negative content of the prospective report.¹²¹ Furthermore, the State has repeatedly refused permits to members of the women’s movement seeking to hold meetings and conferences in assembly halls. This means is that the campaign is often without suitable spaces for training workshops.

¹¹⁹ Sotoudeh. Personal communication with the author.

¹²⁰ Keshavarz, *Interview with Jelveh Javaheri*.

¹²¹ Noushin Ahmadi Khorasani, translated by Sussan Tahmasebi, *Treating Us Like Criminals! Pressures Increase on Activists Involved in the One Million Signatures Campaign* (the Change for Equality site, 19 February 2007 [cited 6 April 2008]); available from www.we-change.org/english/spip.php?article10.

The women's movement remained active in the face of these restrictions. New domain names are repeatedly secured for the campaign website, and formal gatherings are consistently held in the private homes of campaign members. However, this is not an ideal situation, as it usually means that the number of women who can attend a particular event is determined by a relatively small amount of space. Furthermore, some members of the women's movement have expressed their discomfort with the clandestine air that meetings in private homes tend to take on, and are thereby somewhat hesitant to attend.¹²²

Many members of the Change for Equality Campaign have faced threats, interrogations, arrests, and jail terms. In addition, to the high participation of youth in the campaign, police have taken to calling the homes of young campaign members to speak to the parents of such individuals. Mothers and fathers are told of 'secret lists' of young persons who are in need of being 'advised,' and of others whose arrests have already been scheduled. Parents are warned that they should not tell their daughters (or sons) of these private phone calls. Rather, they should simply 'guide' their children to ensure they are no longer 'deceived' by the exclusive group of 'un-Islamic' and 'un-Iranian' who are issuing the Change for Equality demands.¹²³ More established women's rights activists – those who are allegedly 'deceiving' the younger generation – express concern that the authorities tap their cell phones, and hack their email accounts.¹²⁴

By the beginning of 2008, over fifty individual women had been imprisoned for their involvement in the campaign.¹²⁵ As a random example, Rahaleh Asgarizadeh and Nasim Khosravi were arrested in February that year while collecting signatures at the International Fajr Theatre Festival in Tehran. Asgarizadeh and Khosravi spent two nights in the Vozara Detention Centre before being taken to the Revolutionary Court and charged with 'propaganda against the state.' Bail was set at twenty million tomans, roughly US \$22,000. With no relative able to come up with the amount, the

¹²² Ardalan, *Report on the Preliminary Three-Month Activities of the One Million Signatures Campaign*.

¹²³ Ibid.

¹²⁴ Tahmasebi. And, Setayesh. Personal communication with the author.

¹²⁵ Parvin Ardalan, *Parvin Ardalan: Text of Speech Delivered at the Olaf Palme Foundation* (the Change for Equality site, 7 March 2008 [cited 8 March 2008]); available from www.we-change.org/english/spip.php?article231.

women were transferred to the notorious Evin Prison, where they remained for thirteen days.¹²⁶

This run of events is typical of the state's response to the Change for Equality activists: women are arrested without warrant in couples or in groups, and placed on trial without attorney; charges are announced after the fact of imprisonment; and the bail set on their release is consistently disproportionate to the 'crime' in question. Activism for women's rights is considered and treated as a greater crime than other far more injurious activities in Iran. Whilst soliciting signatures in a Tehran park in August 2007, Azad Roshani found himself being approached by a security officer. In a panic, Roshani pleaded with the woman he was talking to, 'Madam, I beg you to please tell the policeman that I was trying to sell you drugs. And please put the [campaign petition] form in your purse and hide it.'¹²⁷ In this account, Roshani feared the punishment for collecting signatures in favour of equal rights for men and women far more than he feared being reprimanded for selling drugs.

Underlying the State's harsh response to the Change for Equality Campaign is the accusation that the methods and strategies employed by women's rights activists are a deliberate attempt to undermine 'national security.' According to Kaveh Mozaffari, Iran's conservative elite have 'mistakenly assumed the campaign to be their political opponent, and have done their best to control, confront, and repress it.'¹²⁸ Yet the women's movement is explicit in defining the Change for Equality Campaign as a legal struggle, not a political struggle *per se*. This struggle has been mounted not in the houses of government, but in homes, workplaces, schools and universities, mosques, churches and synagogues, streets and alleys. The individuals who comprise the activist base of the campaign do so precisely because they are passionate about their country, its people, and its place in the international human rights community.

¹²⁶ Asgarizadeh and Khosravi left Evin Prison after a third party agreed to pay ten million tomans for their release. See *Nasim Khosravi and Rahaleh Asgarizadeh Released from Prison* (the Change for Equality site, 15 February 2008 [cited 6 April 2008]); available from www.we-change.org/english/spip.php?article215.

¹²⁷ Roshani, *In Memory of Amir*.

¹²⁸ Kaveh Mozaffari, translated by Pouran Saeedi, *The Campaign and Future Political Challenges* (the Change for Equality site, 15 March 2008 [cited 4 April 2008]); available from www.we-change.org/english/spip.php?article237.

These sentiments were captured by Tahmasebi in July 2007. Earlier that year, Tahmasebi had been summonsed to the Revolutionary Court, and was waiting to hear the length of an impending jail sentence for taking part in 'illegal gatherings.' 'I could do six months, a year, two years,' said Tahmasebi of the imprisonment prospects. When questioned about the option of returning to the United States of America, where she lived for many years, Tahmasebi replied, 'If I go back now, I could never return to Iran. If it is a choice between a two-year jail term, or leaving and never returning to my country, the choice is actually easy. Iran is too much a part of who I am, and I could never leave it forever.'¹²⁹ And yet the state persists in labelling the Change for Equality Campaign and its members 'un-Iranian.'

Ardalan argues that since the beginning of the Change for Equality Campaign, state-sanctioned attacks on members of the women's movement have become increasingly deliberate and systematic. She attributes the new round of oppression to a state of panic on behalf of the regime, as the concept of 'the women's movement' as a unified force of women from ideologically diverse segments of Iranian society is new for the security forces.¹³⁰ Displaying the spirit and determinism of Tahmasebi, members of the Change for Equality Campaign have refused to allow tactics of denial and repression to dampen the project. To the contrary, they have turned state tactics on their head, by arguing that with every arrest, trial, imprisonment, or display of public violence, the security forces are demonstrating and publicising the Change for Equality agenda. According to Javaheri,

Arrests [of women's rights activists] have kept the campaign alive and high on the public's consciousness....On the one hand, people are arrested, but on the other, people are still going out and collecting signatures. This has a positive impact on people who see that the campaign and its activists are serious and committed about reforming discriminatory laws. People respect that....In the past two years, women's issue have become more widely discussed throughout society...[therefore] I don't really think it's possible to stifle women's discourse on gender equality.¹³¹

¹²⁹ Tahmasebi. Personal communication with the author.

¹³⁰ Ardalan, *Who Is Accused of Being a 'Threat to Civil Security'?*

¹³¹ Keshavarz, *Interview with Jelveh Javaheri*.

Similarly, Ebadi argues that even when members of the government raise the issues of the women's movement and its goals in order to argue against their legitimacy, these moves remain inadvertently beneficial; at the very least, they prompt women's rights activists and those involved with the campaign to make counterpoints based on the principle of gender equality.¹³²

Nevertheless, state tactics of repression do have some impact on the vigour of the campaign. In February 2008, Tahmasebi indicated that the women's movement was reassessing the original timeline set for the collection of signatures. Initially set at two to three years beginning in August 2006, Tahmasebi suggested that Phase One of the project may take longer than anticipated – although she did not specify an alternative timeframe.¹³³

5.7.3 The relationship of the campaign to politicians and political parties

Alongside externally imposed pressures, the Change for Equality Campaign faces internal debate over the value of various tactics, and the future of the project in the political sphere. There is some diversity of views within the campaign about the extent to which the women's movement should cooperate and engage with reformist political parties to promote gender equality. In April 2008 a public meeting was convened on 'the relationship between the campaign, political parties, and social movements.'¹³⁴ Although a full report of this meeting is yet to be published on the Change for Equality website, it reveals the relevance of this issue to the women's movement.

Many articles on the campaign website, particularly those written by younger members of the women's movement, portray an intense pride in the grassroots approach to change which characterises the Change for Equality Campaign. For some campaign activists, this sentiment has encompassed a wariness of political process, elitism, and even intellectualism. In Hosseinkhah's opinion, the legitimacy of the

¹³² Ebadi. Interview with the author.

¹³³ Tahmasebi, *Answers to Your Most Frequently Asked Questions About the Campaign*.

¹³⁴ *Third Public Meeting of the Campaign Held* (the Change for Equality site, 28 April 2008 [cited 22 December 2007]); available from www.we-change.org/english/spip.php?article75.

Change for Equality Campaign lies in the extent to which campaign demands emanate from ‘beyond the tight circle of elite communities, such as intellectuals, university students, professors, and women’s rights activists.’¹³⁵ Therefore, some Change for Equality members oppose substantive engagement with government, including reformist politicians. ‘Social activists ought focus on their social demands,’ argues Mozaffari, ‘preserving their independence from political games [and] chicanery’ so that political parties come under pressure to respond to civil demands.¹³⁶

Nayereh Tohidi, however, cautions against taking an unequivocal stance on the issue of formal engagement with government. She argues that whilst the ‘street politics’ approach is certainly a strength of the Change for Equality Campaign, it may be ‘much more effective if combined...[with the] participation and support of the members of the elites and experts as well.’¹³⁷ To follow this kind of strategy, Tohidi suggests that those members of the Change for Equality project with the inclination and capacity to do so should initiate lobbying, advocacy, and negotiation with reformist politicians and political parties. For Tohidi, activities of this nature offer ‘indispensable tools and strategies for ensuring the continuation of this effort and the achievement of its goals.’ In her view, cooperation, coordination, and ‘dialectical interaction’ between the streets and the elite will most likely bring about substantive changes in Iranian law and society.¹³⁸

A number of Change for Equality activists concur with Tohidi’s intellectual position. Bahareh Hedayet, for example, encourages Change for Equality volunteers to remember that Phase One of the project – the collection of one million signatures on the petition statement – does not in itself represent the ultimate goal of the campaign. Rather, Phase Two – the elimination of all discriminatory laws to bring local legislature into line with international standards on women’s rights and gender equality – represents the outcome hoped for by the women’s movement. In Hedayat’s view, whilst signature collection is of great procedural and strategic value, on its own it may not be enough to exert the kind of pressure needed to bring the regime to a

¹³⁵ Maryam Hosseinkhah, translated by Sussan Tahmasebi, *The One Million Signatures Campaign: Moving Beyond Elite Demands* (the Change for Equality site, 2 January 2008 [cited 8 April 2008]); available from www.we-change.org/english/spip.php?article197.

¹³⁶ Mozaffari, *The Campaign and Future Political Challenges*.

¹³⁷ Tohidi, *Iran's Women's Rights Movement and the One Million Signatures Campaign*.

¹³⁸ Ibid.

position of sincere recognition of women's demands so that they are mainstreamed in policy formulation. Like Tohidi, Hedayat argues that for the Change for Equality Campaign to be successful, the signature collection method must be accompanied by formal dialogue with political parties and politicians.¹³⁹

Hedayat qualifies her stance by indicating that she does not consider dialogue with conservative politicians who are currently in positions of power to be a necessary strategic advantage. Instead, she encourages campaign activists to establish a dialogue with 'political hopefuls' in the reform camp, who have already expressed their alignment with the campaign's goals.¹⁴⁰ Of the campaign members who advocate deepening the political scope of the Change for Equality project, most agree with Hedayat's line of thinking. Journalist Taghi Rahmani, for example, indicates that to enhance the signature collection method, campaign activists need not engage directly with conservative members of the government. Rather, women should follow a less confrontational path and engage with members of the clergy who express sympathy with the campaign and its demands. It is then the onus of the liberal clergy and reformist politicians to exert more direct pressure on their conservative counterparts.¹⁴¹

There are some activists, however, who go further than Hedayat and Rahmani in encouraging communication and cooperation with political factions. Like Hedayat, Tahmasebi expresses her concern that unless campaign activists engage sincerely with political parties, Phase Two of the project will be remain out of reach. In Tahmasebi's view,

Since the campaign is ultimately asking for the power structure, namely the legislature, to address its demands, efforts to build alliances and create connections with political groups and parties, and those currently in office, are a necessary step forward toward the eventual success of this effort.¹⁴²

¹³⁹ Bahareh Hedayat, *Promotion of Equal Rights Discourse among Political Groups* (the Change for Equality site, 29 July 2007 [cited 8 April 2008]); available from www.we-change.org/english/spip.php?article124.

¹⁴⁰ Ibid.

¹⁴¹ Somaiyeh Farid, *Cultures Create Civil Laws: Interview with Taghi Rahmani* (the Change for Equality site, 6 July 2007 [cited 9 April 2008]); available from www.we-change.org/english/spip.php?article109.

¹⁴² Tahmasebi, *Empowering Iranian Women through the One Million Signatures Campaign*.

To this end, Tahmasebi advocates engagement with reformist politicians, Ayatollahs, and religious scholars with progressive viewpoints. Tahmasebi encourages campaign members to capitalise on the position of female members of the Islamic Iran Participation Front, such as Zohreh Aghajari, Fatemah Rake'i, and of course, Elaheh Koolaei, who is a signatory and forthright supporter of the Change for Equality Campaign. Yet Tahmasebi goes further to argue that it may also be advantageous for campaign activists to establish a working relationship with more conservative sectors of government, including the executive, judges and judiciary officials, and in particular, the female members of the 7th *Majlis*.¹⁴³ Tahmasebi leads by example in this regard. On the birthday of Fatemah, the daughter of the Prophet Mohammed in 2007, Tahmasebi indicated that she would also be using the day as an excuse to call her women 'friends in government' to say 'hi, how are you, and when can we meet again?'.¹⁴⁴

The campaign debate over the strategic value of engaging with current or hopeful members of government remains characterised by healthy dialogue. There is no one faction within the campaign that is attempting to bring this issue under centralised control.¹⁴⁵ Since the campaign is structured non-hierarchically, individual members can choose to engage in whatever form of activism they see as fitting with their personal inclination and capacities – so long as the approach is geared towards advancing the overarching aim of the campaign to bring local laws into line with international standards. Whilst some activists confine their activities to signature collection and maintain a distance from the political process, others are engaged in advocacy and lobbying efforts with politicians and political parties.

What does remain to be seen, and will perhaps only be revealed as the campaign advances into Phase Two, is whether or not reform-oriented politicians and political parties who currently claim to support the Change for Equality Campaign and its goals are doing so for their own political self-interests. Women in the Change for Equality

¹⁴³ Ibid.

¹⁴⁴ Tahmasebi. Personal communication with the author.

¹⁴⁵ Ebadi. Interview with the author.

Campaign are yet to deal with the potential consequences of having their demands misappropriated if they engage in working relationships with those in politics.

5.7.4 The question of secular governance and democracy

According to Javaheri, the Change for Equality Campaign has faced a degree of criticism from far-left factions of Iranian civil society for advocating for change within the existing legal structure, rather than prioritising regime change and secular democratic governance.¹⁴⁶ However, the women's movement has remained clear on this issue: 'the campaign is not an opposition group or opposed to the government. It seeks to work within the existing system to create change and to express the demands of a major segment of the Iranian population to the government.'¹⁴⁷

Despite the secular tilt to her feminist politics, Kadijeh Moghadam has pointed to the strategic advantage of working within the current legal framework of the state, stating 'we are not engaged in anti-governmental activities...our entire objective is to raise awareness of our goals in a transparent manner.'¹⁴⁸ It is the very transparency of the campaign, Moghadam argues, that allows women to voice their concerns and be heard amongst families, friends, and strangers in various private and public settings. Tahmasebi reiterates that by submitting a petition to the legislature and asking that they in turn take it to the executive, the Change for Equality Campaign is by definition addressing those in power. Therefore, in her view it is incongruous to suggest that the project was designed in opposition to the very people that members of the campaign are looking towards to take up the demands.¹⁴⁹

Ebadi has pointed to the fact that activism focussed on changing the *shape* of the Iranian State may not necessarily bring about desired changes in the *content* of the State.¹⁵⁰ This recognition was most dramatically demonstrated by the Iranian revolution. Despite the intense hope of the Iranian populace to the contrary, the

¹⁴⁶ Keshavarz, *Interview with Jelveh Javaheri*.

¹⁴⁷ Tahmasebi, *Answers to Your Most Frequently Asked Questions About the Campaign*.

¹⁴⁸ Moghadam, *An Alarming Experience!*

¹⁴⁹ Tahmasebi, *Answers to Your Most Frequently Asked Questions About the Campaign*.

¹⁵⁰ Ebadi. Interview with the author.

human rights abuses that characterised the Shah's secular rule carried over into the Khomeini era. Ebadi reinforced her point by recalling the Khatami Presidency, which claimed to be a source of reinvigoration for the latter part of the appellation 'theocratic democracy.' Despite this claim, country reports by Human Rights Watch and Amnesty International indicate that Iran's human rights record – particularly women's human rights – did not improve significantly during Khatami's presidency.¹⁵¹

The experience of the reform era left Iranian women throughout the country disenchanted with the political process. Therefore, whilst many campaign activists continue to emphasise the strategic importance of maintaining a dialogue with politicians and political parties, the campaign attempt at cooperation differs from the reform era in that the women's movement has not pinned its hopes for change on the internal manoeuvres of these bodies. Just as the women's movement is not waiting for a 'secular democracy' to pursue the goals of gender equality, as advocated by far-left factions, it similarly refuses to wait for the reinvigoration of the 'Islamic democracy,' as promised by Khatami loyalists. Instead, Iranian women have been compelled to organise and network amongst themselves under the banner of Change for Equality. According to Ardalan, these women see the achievement for equal rights for women as paving the way toward a democratic future – not the other way around.¹⁵² In this analysis, whilst not expressed as a political goal, the Change for Equality project, by strategy and by procedure, is a way of democratising civil society.

Conclusion

Within the Change for Equality Campaign, feminists of diverse ideological groundings have come together under a common strategic umbrella to work systematically for long-term change. This is unprecedented in the Iranian context. Past initiatives towards women's rights have occurred within more limited methodologies, carried out under the auspices of secular women on the one hand, or more religious-oriented women on the other. However, both conventional approaches to reform failed to

¹⁵¹ See: *Overview of Human Rights Developments*. And, *Death Penalty News*, March 2001. And, *Death Penalty News*, September 2002. And, *Amnesty International Report 2003*. *Iran, Covering Events from January-December 2002*.

¹⁵² Ardalan, *Text of Speech Delivered at the Olaf Palme Foundation*.

independently convince the regime of the imperative to change local laws to make women equal with men.

The new round of repression and social control initiated by the Ahmadinejad regime placed a spotlight on the distinct limitations of both secular feminism and Islamic feminism. However, rather than dissipating local feminism, the suddenly more drastic situation prompted both secular and religious-oriented activists to consider new ways of working – and indeed, new ways of working *together* – together to convince the state that women's demands for change require a substantive response.

Under the Change for Equality project, Iranian women of diverse backgrounds issued a collective call upon the government to bring local laws into line with international standards on gender equality. Although challenges remain, a number of factors suggest that the human rights paradigm mobilised by member of the Change for Equality Campaign provides women with a practical way to move forward in the local struggle for women's empowerment.

The awareness-raising function of the Change for Equality signature drive is of key importance in this regard. As campaign volunteers collect signatures, they engage ordinary Iranians in a dialogue on the contrast between local laws and international standards. Campaign experience to date has shown that many women involved in this discourse with campaign volunteers subsequently request to be more formally involved in the project. The campaign thus embodies a self-expansion dynamic that was not present in past approaches to women's right.

Furthermore, the Change for Equality project has a demonstrated empowerment function. According to many campaign articles, the civic quality of the Change for Equality project, and its growing notoriety and popularity in Iranian cities and towns, has prompted many young men and women to speak up on issues of women's rights, in places and situations where they might have been hesitant to do so in the past.

The campaign also appears to be having a pressurising effect on clerical leadership and the government. The goals of the Change for Equality Campaign enjoy the support of a number of senior Islamic clerics, who have issued *fatwas* to reform existing laws on

women in relation to reproductive rights, as well as inheritance rights. Since the launch of the campaign both reformists and conservative politicians have discussed the possibility of changing some existing legislation on women, most notably with regard to laws on *diyeh* and the legal age of majority. This has not occurred behind a smokescreen, but rather, in a public discourse of ‘women’s rights.’ As argued by campaign activists Susan Tahmasebi, the significance of the semantics and openness of this discourse in the Iranian context cannot be overstated.¹⁵³

The Change for Equality Campaign has spread to eighteen different provinces outside Tehran. This is unique in the Iranian experience, where past organised initiatives on women’s rights initiatives tended to remain concentrated in the capital city. Through seminars, workshops, and training sessions, the Change for Equality Campaign equips Iranian women with the discourse of women’s human rights and encourages them to use it. The campaign booklet explicitly points to the gaps between local laws and international standards, and in lay terms, assists ordinary women in their attempts to interpret and understand that gap.

Most importantly, the Change for Equality project says to local Iranian women: international women’s human rights standards are yours to claim. As the campaign continues to grow, the human rights paradigm that characterises the campaign is providing Iranian women with a practical framework to move forward in the local struggle for gender equality and women’s empowerment.

¹⁵³ Tahmasebi, *Empowering Iranian Women through the One Million Signatures Campaign*.

CONCLUSION

i. Recapping the research question at hand

The term ‘human rights’ – especially in relation to *women’s* rights – continues to invoke unease in some academic discourse. The global resonance of international human rights standards is an issue of considerable intellectual debate, and there is a wealth of literature on the topic of universality. Yet the issue remains salient: as the capacity of universal human rights norms to provide useful tools for action in diverse communities around the world continues to be debated and theorised in abstraction, countless local-level movements around the world are struggling to make their claims to those very principles heard. One of those is the women’s movement in Iran.

This thesis took up the question: does the discourse of universal women’s human rights provide local Iranian women with a valuable point of reference to advance the struggle for gender equality and women’s empowerment?

In few aspects is the debate over human rights more complex than when there is a religious dimension to be taken into account. For many scholars, there is an inherent *contretemps* between religion on the one hand, and secular human rights standards on the other. Nowhere is this assumed dichotomy more entrenched than when it comes to the principles of gender equality and non-discrimination based on sex. Particularly since September 11, 2001, ‘religion’ in this usage has increasingly come to indicate ‘Islam.’ Where some commentators treat the Muslim tradition as a bulwark to human rights and gender equality *ipso facto*, others encourage the view of Islam as a ‘complete way of life’, to the extent that members of Muslim communities, including ‘authentic’ Muslim women, find little need to lay claim to principles external to the faith.

In contrast to literature of *both* these orientations, the analysis presented in this thesis demonstrates broadly that it is not incongruous to talk about universal women’s human rights discourse in relation to local struggle for rights in Muslim contexts,

including the Islamic Republic of Iran. Specifically, in the context of the Change for Equality Campaign, feminists of both secular and religious orientations are working together in a sustained and systematic attempt to move mutual goals of non-discrimination forward. This is a clear indication that in contemporary feminist strategising in Iran, practicality has trumped ideology. Yet as explored in the thesis, this has not always been the case: the move from maintaining positional ideals to focus more on clear, attainable goals is a paradigmatic shift in the women's movement. Importantly, the observed transfiguration has occurred under a human rights banner.

ii. Key analytical points

Part One of this thesis took issue with a standing master narrative within international relations, according to which modern human rights principles, as embedded in the international framework, are the natural teleological result of nineteenth century enlightenment theory. Within this view, although for some scholars human rights carry the potential for reappropriation in diverse societies, it is Western communities that carry a *cultural predisposition* towards accepting and fulfilling the requirements of human rights. In more categorical analyses, it is widely assumed that local members of non-Western societies consider universal human rights principles foreign, unfamiliar, and extraneous. Particularly since the early twenty-first century, Muslim contexts have provided the overwhelming focus for studies of such orientations.

To assess the weight of these claims, the present author added to a relatively small body of literature that questions the 'human rights as Western' thesis by examining the practical formulation of human rights standards in the second half of the twentieth century.

Chapter One analysed the participation and contribution of Muslim actors in the development of the Universal Declaration of Human Rights. While Muslim actors were not the main players in the development of the UDHR, they were by no means passive spectators at the whim of a Western agenda. To carry that argument would be

to strip Muslim – and indeed other non-Western – participants of the agency that historical records reveal was indeed exercised. Where dissent for certain clauses or principles within the Universal Declaration was expressed by one Muslim state or another, these represented the viewpoint of a minority, indicating that it was not Islam *per se* that was leading to disagreement, but rather, the specific ideological orientation of the dissenting state in question. Contrary to historical myth, Muslim representatives on the drafting committee of the UDHR by and large supported the beginnings of the international human rights framework: it was the United States and its closest allies that were most hesitant to encourage robust universal standards. This speaks loudly of the original intent behind the human rights framework: it was always intended to be a tool for the disenfranchised, *not* the politically powerful.

This leads to a further point of analytical importance. International women's human rights principles have long resonated with many Iranian women, and indeed women at the local level of other Muslim societies. In Chapter Two the author provided a synthesis and analysis of works that refer to the participation and contribution of non-Western women – and where possible, Muslim women specifically – in the development of international women's human rights standards. This process got off to a problematic start: as women from Western countries prioritised sexual rights, non-Western women struggled for recognition that any representative and effective women's rights agenda must take the realities of underdevelopment into account.

As the proceeding analysis demonstrated, however, this should not be understood as a wholesale critique of the women's rights movement on behalf of non-Western women. Rather, the tension that characterised the early years of the International Women's Decade may be more appropriately understood as non-Western women's bid to be fully involved, and have their issues fully incorporated in the development of the international framework. This became grounded in reality, as over the progression of the Women's Decade (1975-85), Western and non-Western women developed a collective sense of injustice and common ways of organising. The revealed willingness and ability of otherwise opposing actors to join forces to thwart the development of women's human rights was a strong motivating force in this respect. As conservative Christian, Muslim, and far-right governments came together to resist claims to equality and non-discrimination, one fact was made clearer than

ever before: patriarchy is a global political problem, and one not confined to specific cultures or communities.

In many Muslim societies such as Iran, state-level rejection of women's human rights norms is generally framed as a lack of congruity between internationally-defined principles and Muslim women's lives, as Islam provides the full range of rights-based needs. Some Western discourse mirrors this claim, as the refusal of many Muslim governments to define women's rights in line with international standards is understood as a legitimate rejection of Western cultural hegemony. Yet, as the analysis presented in Chapter Two revealed, overall the demand for a robust definition and full recognition of 'women's human rights' has been a global one. Contrary to the presumption that gender equality is a white, Western ideal, modern standards on women's rights and the principle of full equality with men developed according to global political realities.

Since the mid-1980s, non-Western women have been widely understood as standing at the forefront of the global women's movement, and Muslim women have played strong and determining roles in this respect. The presence of women such as Ebadi on the international human rights stage is not new, and nor should it be considered remarkable. For many activist women in Iran and beyond, there is no dichotomy to be found between their faith in Islam, and laying claim to rights-based standards as expressed in the international treaty system. In Iran, it is not Islam *per se* that precludes government recognition of universal women's human rights principles; it is the conservative gender ideology of the state. It is this paradigm that Iranian women of both religious and secular orientations are challenging, by calling on the state to bring local laws into line with international standards on gender equality.

The present-day demands of the women's movement can thus be understood as part of an ongoing tradition of the contribution and participation of Muslim women in the international women's human rights system. As discussed in Chapter Three, however, the centralisation of human rights discourse to the strategy of the Iranian women's movement has occurred along a rather complex trajectory of locally-informed feminism. Laying direct claim to international standards has not always provided all Iranian women with the feminist methodology of choice. Rather, those

women referred to as ‘Islamic feminists’ in the literature have conventionally concentrated their efforts on woman-centred re-readings of Islam’s holy sources, taking those sources as the starting point for the formulation of women’s rights. It is the women referred to as ‘secular feminists’ who have maintained a distance from religious-oriented arguments, using instead rights-based principles external to the religious framework. For secular feminists, the international human rights principles have consistently provided the reference point for determining the future shape and content of a framework for women’s rights in Iran.

Throughout much of the history of the Islamic Republic, both secular feminists and Islamic feminists demonstrated an overriding concern to maintain respective ideological ideals. Mutual preoccupation with methodology precluded substantive collaboration between the two groups. Although on occasion cooperative attempts were made – for example, through exchange of ideas in the feminist magazine, *Zanan* – these were better characterised as internal debates, not *outward*-looking strategies to effect change. For nearly two decades, secular feminists and Islamic feminists conducted rights-based initiatives in a rather *ad hoc* fashion, without developing a systematic way of coming together as a combined force to challenge state-sanctioned patriarchy.

With the initiation of the Change for Equality Campaign in late 2006, however, feminism in Iran took a paradigmatic turn. The Change for Equality project indicated a newfound motivation on behalf of both secular and religious-oriented women’s rights advocates to move away from an ideological focus towards practical action. At the centre of the campaign is a drive to collect one million Iranian signatures in support of bringing an end to *all* discriminatory laws against women. According to campaign guidelines, the way these laws should be changed is not arbitrary: the project is characterised by an explicit call on the government to bring all local laws on women into line with international standards on women’s human rights.

In some ways, the announcement of the Change for Equality project suggested that local Iranian feminism had taken on a secular tilt. And indeed, at the turn of the twenty-first century a number of social realities saw secular feminism gain credibility *vis-à-vis* the Islamic counterpart. However, the coming together of both religious and

secular grounded feminists under a human rights banner involved a tempering of *both* conventional approaches to women's rights in Iran. In the past, both Islamic feminism and secular feminism proved to have significant practical limitations.

Few would deny that over the course of the Islamic Republic's history, Islamic feminists have enjoyed considerably more room for movement than secular activists. On face value at least, the state has been constrained in issuing an all-out rejection of the Islamic feminist cause. Women of that orientation present their arguments in the same religious discourse employed by the conservative elite. In contrast, the regime has displayed very little tolerance for secular feminist demands.

In Chapter Four, the author presented a number of specific factors that brought the practicality of the Islamic feminist project under question at the turn of the twenty-first century. This added to the relative weight of the secular feminist cause. These factors included: the demise of the official Iranian reform movement, which incorporated Islamic feminist strategy; the high participation of women in tertiary education and a concomitant increase in awareness and use of human rights discourse; an expanding youth population, and a related psychological move away from the ideological grievances of the Islamic revolution.

Of these factors, the demise of the reform movement arguably had the most impact. The Guardian Council rejected the majority of bills proposed by women parliamentarians during the reform era. This revealed a major problem for the project of Islamic feminism. By building their argument for changes to laws relating to women on religious principle, the Women's Faction revealed the limitations of religious-bound arguments in contesting proclamations derived from more traditional or conservative interpretations of the faith. Shirin Ebadi provides sharp commentary on the restrictions of employing religious exegesis to argue for change in the Islamic Republic:

Ijtihad frees us by removing the burden of definitiveness – we can interpret and reinterpret *Quranic* teachings forever; but it also means clerics can take the Universal Declaration of Human Rights home and argue richly about it for centuries. It means it is possible for everyone,

always, to have a point. It means that patriarchal men and powerful authoritarian regimes who repress in the name of Islam can exploit *ijtihad* to interpret Islam in the regressive, unforgiving manner that suits their sensibilities and political agendas....This does not mean that Islam and equal rights for men and women are incompatible; it means that invoking Islam in a theocracy refracts the religion through a kaleidoscope, with interpretations perpetually shifting and mingling and the vantage of the most powerful prevailing.¹

The political trajectory of the Islamic Republic reflects Ebadi's analysis. The lack of substantive change in state ideology and the eventual demise of the reform movement proper suggested that the conservative elite were unwilling to consider meaningful change to laws on women *even if* such proposals were framed within the Islamic paradigm. As demonstrated by the resignation of MP Fatemah Haqiqatjoo, the experience of the reform era thus prompted a significant degree of reflection and reconsideration of established methodology on behalf of Islamic feminists. Feminist re-readings of Islam's holy sources provide a great source of pride for Iranian women. However, at the turn of the twenty-first century, it appeared unlikely that theological exercise alone would be able to solve women's economic and social problems.

Importantly, however, the lessons of the reform era did not preclude Islamic feminists from playing an important role in the ongoing struggle for women's rights. This can be at least partly attributed to the comparative limitations of secular feminism. Conventional secular feminist approaches to making the regime aware of women's demands for change involved the orchestration of street protests and public sit-ins. As Iranians witnessed the investiture of a conservative government following the demise of the reform movement, questions intensified regarding the capacity of secular feminist strategies to influence change at the state level. Under the hand of the Ahmadinejad government, public lobbying efforts were met with increased violence, including sweeping arrests, clandestine court trials, and *en masse* imprisonment of women activists.

In the post-reform years, the relationship between the government and secular feminists came to be characterised by an action-reaction dynamic, which detracted

¹ Ebadi, *Iran Awakening*, pp. 191-92.

from the coherency of the secular feminist project. As demonstrated 2007's small-scale marking of the 22nd Khordad event in the privacy of Kadijeh Moghadam's home, the policies of the Ahmadinejad government forced secular feminists to reconsider established techniques.

Following the disillusionment of the reform era and under the pressures of the conservative Ahmadinejad regime, conditions were ripe for secular feminists and Islamic feminists to consider new ways of working, and indeed new ways of working *together*. The two groups of conventionally disparate women came to a common agreement: to pursue the goals of gender equality and challenge state-sanctioned patriarchy, they would have to loosen attachments to established ideals and conceive of a framework that would facilitate working as a critical mass.

This recognition bore fruit in the Change for Equality Campaign. The Change for Equality project is not premised on a specific feminist creed, nor does it demand the implementation of any specific methodology. Rather, it is a product of reflexive reassessment on behalf of both Islamic feminists *and* secular feminists. One of the most outstanding features of the Change for Equality Campaign is the way in which individual women contribute to, participate in, and support the project in their own capacities, and only to the extent that they feel comfortable.

The Change for Equality project has thus provided Iranian women of diverse ideological groundings a framework to work together in different capacities, but towards common goals. As discussed in Chapter Five, although significant challenges remain, there are a number of factors that suggest the Change for Equality project has moved the local struggle for women's rights forward, beyond the limitations of past 'secular' or 'Islamic' feminist approaches.

The awareness-raising function and the self-expansion quality of the campaign signature drive are key in this regard. As campaign volunteers collect signatures, they engage ordinary Iranians in a dialogue on the contrast between many local laws on women and universal human rights principles. Campaign experience to date shows that many women who engage with this discourse subsequently request to be more formally involved in the campaign. The campaign also has a vital empowerment

function. According to many campaign articles published on the Change for Equality website, the civic quality of the project has encouraged many young women (and men) to speak up on issues of women's rights that they may have been hesitant to broach in the past, especially in public arenas.

The Change for Equality Campaign has spread to eighteen different provinces outside Tehran. This is unique in the Iranian experience, where past initiatives on women's rights have tended to remain concentrated in the nation's capital. A number of factors make the Change for Equality project easily appropriated by women in different cities and towns throughout Iran. The campaign is highly organised, yet allows participants independent agency and autonomy. There is a disaggregation of leadership roles within the campaign, which increases the sense of ownership amongst the broad constituency of members. This sense of ownership is crucial to the sustainability of campaign goals. Finally, as demonstrated by the campaign website and regular campaign meetings and training sessions, the project is carried out under a premise of constant knowledge-exchange between women who are young and old, religious and non-religious, and experienced and novice in activism. Ongoing analysis of best practices and lessons learned ensures the campaign's vitality and relevance to the immediate realities of Iranian women's everyday lives.

The Change for Equality Campaign also appears to be having a pressurising effect on clerical leadership and the government. A number of leading Islamic clerics, as well as both reformist and conservative politicians, have at the very least indicated recognition of the campaign and its goals. In some cases, this has extended to clear support for women's rights-based demands. Notably, this has not occurred behind a smokescreen, but in a public discourse of 'women's rights'. As argued by campaign activist Susan Tahmasebi, the significance of the semantics, as well as the open use of rights-based language, cannot be underestimated in the Iranian context.²

Overall, personal exchanges with key women's rights activists in Iran, as well as an in-depth study of campaign member's articles as published on their website, indicate a renewed sense of vigour amongst many activist women following the coming together

² Tahmasebi.

of ideologically diverse activists under a human rights banner. The fresh determination of women's rights advocates in Iran can be attributed to the simultaneous impact that many campaign members see the campaign to be having at both the grassroots level *and* on government and clerical opinion.

iii. Limitations of the study

The findings and conclusions presented in the thesis are based on interpretation, not quantification. As detailed in the Introduction to the thesis, the author was confronted with significant limitations when attempting to contact and interview members of the Iranian women's movement. Having detailed the views of just a few women from what is a broad-based, non-homogenous movement in terms of membership and the nature of participation, and without soliciting the views of women outside the Change for Equality Campaign, this thesis makes no claim to presenting an exhaustive or unchallenged view of Iranian women's positions on human rights discourse and the value of that paradigm to the advancement of local feminist goals. Similarly, the synthesis of Change for Equality articles presented in the thesis cannot be taken as representing the views of *all* Iranians, or even of a majority of Iranians.

Nevertheless, the intention of this thesis was to provide a degree of insight into how some feminists in Iran seem to be experiencing an increased sense of efficacy under the banner of the Change for Equality Campaign, and forward movement towards their rights-based goals. In this regard, the interviews that were conducted, along with the analysis of campaign articles, provided material that was both pertinent and useful.

iv. Implications for scholarship

The analysis and qualitative conclusions of the thesis have a number of distinct implications for scholarship on the universality of human rights, particularly vis-à-vis

the ‘Muslim question’, and for studies on feminism and women’s rights movements in Iran and other Muslim communities. The thesis raises questions about a number of master narratives that currently inform such scholarship, each indicated in the section headings below.

iv.i Human rights as the natural teleological result of nineteenth-century Enlightenment

On a broad level, the thesis added to the limited available literature that questions the idea that modern human rights principles, as expressed in the international framework of treaties, conventions, and declarations, represent the inevitable teleological result of the European Enlightenment. In doing so the author challenged *both* dominant streams of scholarly thought on the issue of human rights universality.

In the relativist tradition, human rights were written both by and for Western powers, with limited applicability in non-Western contexts. An alternative to this view is the position that although human rights may have been developed under the auspices of Western powers and according to Western philosophy, this does not preclude the capacity of those principles to be reappropriated in non-Western communities. Some scholars of this orientation perceive human rights to be a culturally transcendent project in moral reasoning; others are more cautious, but nevertheless advocate the possibility of finding cultural foundations for human rights in diverse communities, via exercises in minimal empiricism.

It is generally accepted that these approaches to advocating the universality of human rights represent the notional opposite of the relativist orientation, which rejects the universal dynamic of the human rights project. However, these two otherwise opposing positions share something fundamental: they both embody a conviction, whether implicit or explicit, that human rights principles as embedded in the modern international framework are an *inherent* outcome of nineteenth century enlightenment theory.

By providing a comprehensive overview of the participation and contribution of non-Western – specifically Muslim – actors in the development of the international human rights system, the author moved away from the common academic positions of relativism, foundationalism, and the view that human rights are culturally transcendent morals. Instead, a focus on the practical formulation of the human rights framework in the latter half of the twentieth century suggested that human rights are not ‘Western’ in the sense that is commonly presumed. The beginnings of the international human rights system following the Second World War, along with the multiplicity of specific human rights documents that the system has since come to comprise, represent breakthrough responses to specific problems grounded in contemporary, geo-political realities. Muslim actors played roles in formulating those responses. To suggest otherwise denies their agency as members of the international community, and overlooks the innovation and energy that has come out of Muslim communities in the ongoing development of human rights norms.

Whilst there is a small amount of literature that takes as its focus the practical formulation of human rights in the second half of the twentieth century, an overwhelming proportion of scholarship on the specific question of universality is characterised by theoretical orientations. In this author’s view, there is significant need to consider the historical constraints of such scholarship – particularly as the international human rights community, as well as local actors around the world who are struggling for better conditions, move forward into the twenty-first century, continuing to promote and defend of human rights.

iv.ii The assumption of a coherent ‘Muslim position’ on human rights

The thesis also challenges the political narrative that Islam is an inwardly focused and all-encompassing paradigm for *all* members of *all* Muslim communities.

The overview of the participation and contribution of Muslim actors in the development of international human rights norms, as well as the more specific investigation into the Iranian women’s movement, bring to scrutiny the widely held

assumption that 'real' or 'authentic' Muslims do not identify with secular human rights precepts, or more categorically, actively oppose them.

This scrutiny is far from redundant. Particularly on the political level, Muslim advocates of human rights are constantly challenged to explain, defend, or justify themselves vis-à-vis the 'official' Muslim position. This reality was strongly indicated by Ebadi in 2008, when in a foreword to the book entitled *Islam and the Question of Reform*, the prominent member of the Iranian women's movement chose to strongly emphasize her identification with the human rights principles expressed in the international system. Ebadi contrasted her views with the position of organised Muslim leadership:

Being a devout Muslim, I declare that Islam is a religion that accepts the notion and concept of human rights [as expressed in the international framework]...In the 19th meeting of the Foreign Ministers of the Organisation of Islamic Conference [OIC], held in Cairo in 1990, an Islamic human rights declaration was adopted. If this declaration was considered as a method for the implementation of international human rights laws, it is not wrong. However, if we consider this declaration as an opposition to or exclusion from the Universal Declaration of Human Rights, I register my dissent from the Islamic Declaration on Human Rights; because, there is no need for this declaration. Muslims can follow the Universal Declaration of Human Rights and this is not opposed to Islam.³

This excerpt brings to bear the question of representation. The issue is not necessarily the 'legitimacy' of one position (Ebadi's) over another (that of the OIC) but rather, why the latter should be far more readily accepted and treated as *the* 'Islamic' position on human rights, and the other assumed to be the minority viewpoint. Through an investigation and analysis of the Iranian women's movement, this thesis demonstrated that there is no such thing as *the* 'Iranian view' on human rights, indicating that there is no such thing as *the* 'Islamic view' on human rights. Yet it remains the case that in popular discourse, and some academia, voices of Muslim conservatives overshadow those who express adherence to and acceptance of the

³ Ebadi, "Foreword."

international human rights cause. The resonance of human rights principles at the grassroots level of many Muslim societies receives far less attention in international media and politics. The implications of this for policy formulation are far reaching. As such it is an issue that requires constant and sustained questioning in socially conscious academic contributions.

iv.iii The presumed dichotomy between systems of faith and secular human rights principles

The analysis of the Iranian women's movement also raised fundamental questions about the widely presumed dichotomy between secular values and systems of faith. Grounding a feminist approach in secular ideology does not automatically negate dedication to one's faith. Many of the women referred to as 'secular feminists' in existing literature on feminism in Iran are devout Muslims. In addition, secular oriented feminists in Iran have joined forces with more religious-oriented feminists to pursue common aims and goals. Many members of the Change for Equality Campaign refer to the outcome of this coming together not as simply cross-ideological, but rather, *non-ideological*. This remarkable display of reflexivity – a characteristic of feminist movements *par excellence* – has occurred under a human rights banner.

In interviews with members of the Iranian women's movement, and through analysis of the campaign articles of the Change for Equality project, the author was repeatedly reminded of the willingness of both religious and secular oriented feminists in Iran to move away from preoccupation with methodology. Instead, local feminists appear to have heeded the experience of the reform and immediate post-reform years, which highlighted the limitations of both conventional secular and Islamic feminist method. As discussed in Chapters Four and Five, a focus on the common goal of bringing an end to all forms of discrimination against women has led secular and religious oriented women to work within a common framework, where each can pursue the goal of non-discrimination via methods of their choice, participating only to the extent and that they feel comfortable.

Therefore, it is not simply the case that religious values and secular values are in a state of sensitive co-existence in the context of the Iranian women's movement. Rather, the two are proving to be *mutually reinforcing* in moving Iranian feminists closer to their goals. This observation has implications for wider scholarship on human rights movement in Muslim societies. It may be the case that in other Muslim contexts, principles of faith and secular human rights standards are not in a state of tentative co-existence in strategy formulation, but are more substantively providing local actors with *reciprocal tools for action*. Further understanding of these dynamics is required, and investigations into instances where a kind of reciprocity between secularism and faith-based values may be apparent will make valuable contributions to future literature.

iv.iv The conventional framework for analyzing feminism in Iran

The cooperation between secular and religious women's rights advocates in Iran, expressed through the Change for Equality Campaign, suggests that the conventional framework for assessing and analyzing the phenomenon of feminism in Iran may be outdated.

As discussed in the Introduction and Chapter Three and Four of the thesis, for almost two decades, feminism in Iran has been viewed through a rather dichotomous lens, *vis-à-vis* the secular feminist/Islamic feminist debate. An overwhelming proportion of the literature is characterised by a 'pros and cons' approach, with the intent of persuading the reader towards accepting the value of one feminist paradigm over the other. Such contributions were useful in providing insight into what was happening in relation to women's rights in Iran during the late 1980s, 90s, and into the early years of the twenty-first century. For much of the history of the Islamic Republic, the relationship between secular and religious feminists has been characterised by mutual cautiousness, and a hesitance to engage with the feminist other on a strategic level.

This slotted the experience of feminism in Iran into a discursive framework that has informed the overwhelming majority of literature on 'Muslim women's rights' in general. The author described this framework in the Introduction as a Mernissian

paradigm on Muslim women's rights. Over the extended course of her work on women in Muslim societies, renowned sociologist Fatemah Mernissi shifted standpoints from rejecting a role for Islam in policy formulation, to advocating accommodation and reform for women's rights within the Islamic paradigm. These two contrasting positions have been reflected in Iran's distinct feminist groups.

However, the emergence of the Change for Equality Campaign suggests that the secular feminist/Islamic feminist debate may no longer be the best way to talk about the reality on the ground in Iran. In the context of the Change for Equality project, the women's movement of Iran can be aptly described as an inclusive, non-sectarian phenomenon that is not premised on a particular feminist creed or specific methodology. By joining forces to advocate basic principles of equality and fundamental human rights, both secular and religious-oriented feminists have moved beyond revolutionary grievances, and together form a movement that can indeed be described as *non-ideological*.

Intellectual preoccupation with an assumed Islamic feminist/secular feminist split obscures a fundamental point, highlighted by Nasrin Sotoudeh in July 2007. Whatever discrepancies exist between religious and secular grounded feminists, these are not of ultimate consequence to the movement for women's rights in Iran. Rather, the gap between women's rights advocates of *both* secular and religious orientations on the one hand, and the conservative agenda of the establishment on the other, occupies a far more prominent place in Iranian feminist attitudes.⁴ The question of women's rights in Iran is not a struggle between women themselves and their relative capacity to influence change at the state level; it is better understood as a debate between all proponents of women's human rights, regardless of their ideological orientations, and the regime.

In line with Sotoudeh's analysis, in July 2007 Ebadi described the contemporary 'women's movement' in Iran as having rather elastic boundaries. According to Ebadi, 'membership' of the women's movement does not depend on ideology or methodology, but more simply on the individual's commitment to the overarching

⁴ Sotoudeh.

goal to bring local laws on women into line with international standards on women's human rights.⁵ Under the Change for Equality framework, both secular and religious grounded feminists are working towards this goal.

Therefore, as suggested throughout this thesis, it may be appropriate to use new terms of reference in academic discourse on feminism in Iran. The conventional terms 'Islamic feminism' and 'secular feminism' suggest that these streams of activism occur within static and mutually exclusive boundaries. Whilst this reflects some historical reality in Iran, since 2006 the women widely referred to as 'Islamic feminists' and 'secular feminists' have loosened adherence to ideological ideals to move towards practical action to achieve common goals. In this thesis, therefore, the author suggested alternative terms of reference for more comprehensive use in the literature: namely, religious-oriented feminism and secular-oriented feminism. These terms are more conducive to conveying that although it may remain possible to identify individual women as belonging to a particular orientation, this can be done for the purposes of analysis only. Iranian feminists' ideological groundings are more appropriately understood as 'starting points' for activism, as opposed to indicating strict confines of that activism and where it is intended to lead.

iv.v Human rights as an extravagant paradigm with little practical content

Finally, the analysis of the Change for Equality project challenges the widely held position in academic discourse that human rights are a lofty, extravagant paradigm, with little scope for practical application in the everyday lives of people struggling for better conditions.

Rarely is this assumption more apparent than in relation to Muslim contexts. It is regularly suggested in popular and academic discourse that the international human rights framework may not provide Muslim communities, assumed tightly bound by the dictates of what is often exogenously presumed to be religious custom, with the most practical means to advance rights-based goals.

⁵ Ebadi. Interview with the author.

Yet it is precisely under a human rights banner that Iranian feminists of both secular and religious orientations moved beyond ideological ideals and emphasis on methodology, to develop an ends-based approach to social activism. Within the Change for Equality Campaign, the common goal of bringing an end to all laws that discriminate against women provides motivation for substantive action in a range of capacities – advocacy and signature collection, street theatre, re-readings of religious sources, public gatherings, publications, films, journalism, and more.

As indicated in the Campaign booklet, these activities take place with the intention of highlighting for the wider community the discrepancies between local laws and international standards on women's rights. People can then think about the issues for themselves. Experience to date suggests that the awareness-raising function of the campaign has been effective in impacting public opinion, as evidenced in the ongoing expansion campaign membership. This has had implications at more official levels, as both politicians and senior Islamic clerics have recognised the necessity of issuing at least some degree of recognition of the campaign and its goals.

Just as human rights principles were not formulated in abstraction, nor do they exist as theoretical constructs sixty years later. It is not difficult to intellectually scrutinise universal principles in a world of incredible diversity and cultural complexity. However, by definition of purpose, 'human rights' may mean the most to the very people from whose lives they are missing. For the relatively powerless and disenfranchised, human rights principles have depth, meaning, and value beyond intellectualism, philosophical semantics, or political rhetoric. This is demonstrated through the Iranian women's movement, and the formulation of the Change for Equality Campaign.

v. Directions for future research

At the time of completion of the thesis, the Change for Equality Campaign remains in Phase One, the signature collection phase. Only after one million signatures have been collected will the women's movement focus more specifically on lobbying the government by providing draft legislation for a new legal framework on women's rights. Two years after the launch of the Change for Equality Campaign, the women's movement has not released any figures as to how many signatures have been collected.

Therefore, the key question remains: will the human rights discourse employed by the women's movement – whose project and goals are increasingly being supported by political reformists and senior Islamic clerics – translate into action by the government? After all, this is indeed the overarching goal of the Change for Equality Campaign – legal changes comprising the removal of *all* discriminatory laws on women.

With this goal at its centre, the Change for Equality Campaign is aimed at a dramatic re-casting of women's position in the gender ideology of the state. As Iranian women march into the third year of campaign activism, ongoing tracking and analysis of their progress is imperative. Not only will the effects and outcomes of the campaign have consequences for broader analyses of the Iranian political landscape, but indeed for future scholarship on human rights and women's movements in broader Muslim contexts.

To this end, continued synthesis and analysis of Change for Equality articles, as published on the campaign website, provide a useful avenue for conducting future research on the women's movement in Iran – especially as more articles of substance and significant depth are added to the website on a daily basis. In addition, researchers in the field may find it useful to conduct further interviews with a wider range of members of the Change for Equality Campaign *and* women who do not identify with the campaign's goals (that is, conservative women in government

circles). As in the experience of this author, the success of efforts to do so will depend largely on timing and the political climate within Iran at any given stage.

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