Representation of Iran joining CEDAW in the reformist and conservative press: A sociological examination of competing arguments on women's human rights in Iran

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This thesis is dedicated to

my beloved parents

Mina and *Davoud*

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Declaration

I declare that the contents of this thesis, which is being submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy at the University of Nottingham, are entirely my own work. This material has not been submitted for a degree at another university.

During the course of this PhD project the following related presentations have been made or submitted for publications:

Presented papers:

'Iran Joining CEDAW: Articulation of the Challenge between Islam and the West - Focusing on CEDAW and Islamic family law', *BSA Sociology of Religion Study Group (Socrel) Annual Conference*, 2016, Lancaster, United Kingdom, Lancaster University.

'Women's Rights and Family Law Amendment in Iran: Correlation of Islam, National Identity and the Otherness of the West', *Academic International Conference on Interdisciplinary Legal Studies (AICILS 2016 Oxford)*, March 1-3, 2016, Oxford, United Kingdom, Oxford University.

Abstract

The matter of women's rights has been one of the main battlegrounds between reformists and conservatives, the two major blocs in Iranian politics. This thesis is an empirical case study of arguments in the reformist and conservative press between 2000-2004 on the matter of Iran joining CEDAW - Convention on the Elimination of the Discrimination Against Women. It focuses on how CEDAW opponents and supporters in the reformist and conservative press position the issue of women's human rights in relation to their religious values, political positions, and the international criteria on women's human rights and cultural particularities - features that are unique to certain cultures.

Using thematic analysis, this thesis analyses fifty-nine articles from the reformist and conservative press, focusing on the matter of Iran joining CEDAW centred between 2000 and 2004. This time frame is focused because the debate around Iran joining CEDAW was encouraged by the reformist government of Khatami to the reformist-majority parliament between 2000 and 2004. Accordingly, this subject surfaced in the both reformist and conservative press more explicitly in this period rather than any other time.

Women's human rights in Iran is strongly connected to religious beliefs, political ideologies and cultural particularities. The subject of women's rights is a symbolic issue used to define, sustain and contest political identities, a site based on which Iranian 'Islamic nation' is founded, and through which the otherness of the West, a principal idea in the Islamic Republic, is articulated.

Although the issue of women's rights has symbolically been a point of distinction between Iranian reformists and conservatives, research findings show how the shared national, political and religious principles between the two groups prevent the emergence of a strong alternative perspective on women's human rights within the Islamic Republic. The thesis further argues whilst CEDAW is fundamentally about women's rights, the debates around CEDAW in the both reformist and conservative press do not principally revolve around the material challenges of Iranian women's human rights.

Glossary

Aghl (Farsi)	Reason
Ahadith (Arabic)	Collections of the reports purporting to quote what the Islamic prophet Muhammad and Imams, Prophet Muhammad's successors in Shi'a branch, said verbatim on any matter
Barabari (Farsi)	Equality
Doshman (Farsi)	Enemy
Dovvome Khordad (Farsi)	The day of Khatami's election in 1997 is known as *Dovvome Khordad* (the epic of May 23) among Iranians
Estemargar (Farsi)	Colonialist
Fiqh (Arabic)	Islamic Jurisprudence
Feraksione Zanan (Farsi)	The women's faction
Gheire-mazhabi (Farsi)	Non-Religious
Guardian Council (Shoraye Negahban)	A council that is composed of 12 members, including 6 jurists and 6 clerics. Any bill passed by Iranian parliament must be reviewed and approved by the Guardian Council to become law if it is not incompatible with Islam
Hawza (Farsi and Arabic)	A seminary where Shi'a clerics are trained
Ibda (Arabic)	Creativity
Ijtihad (Arabic)	Independent investigation and reasoning of religious sources to redefine Islamic laws mostly based on the current needs and concerns of contemporary Muslim
Jahani Shodan (Farsi)	Globalisation
Khobregan Rahbari (Farsi)	Assembly of the Experts of the Leadership

Majlis (Farsi)	Iranian Parliament
Maktab (Farsi and Arabic)	Traditional School
Markaze omoore mosharekate zanan (Farsi)	Centre for Women's Participation
Matbooate eslah-talab (Farsi)	Reformist Press
Nafaqah (Arabic)	Alimony
Roohaniat (Farsi and Arabic)	Traditional clergy
Shari'a (Arabic)	Islamic laws
Sheitan (Farsi and Arabic)	Evil (Satan)
Ta'abbod (Arabic)	Obedience
Tashaboh (Farsi)	Similarity
Ulama (Farsi and Arabic)	High-ranked Muslim clerics
Umanism	Humanism
Vezarate Omure Daneshjooyan (Farsi)	Ministry of University Student Affairs
Zina (Arabic)	Extramarital Sex

Acronyms

CEDAW	Convention on the Elimination of the Discrimination Against Women
FPL	Family Protection Law
IRI	Islamic Republic of Iran
NGO	Non-Governmental Organisation
UNICEF	United Nations Children's Fund

Chapter 1: Introduction

> "This is the first time such Asian championships are held and I had participated in all training camps by the national team." Ardalan told Iran's Nasim Online news agency. "But I will miss the tournament because my husband is opposed to me travelling abroad."

These are the words of Niloufar Ardalan, the captain of the Iranian women's futsal team who is known as Lady Goal, that are reported in the Guardian on 16th September 2015. Ardalan missed the Asian futsal tournament in September 2015 because her husband refused to let her leave the country based on an Islamic law that a married woman requires her husband's permission to hold a passport and travel abroad. This happening caused broad reactions among Niloufar's supporters and women who found the athlete's absence, because of her husband's decision, unfair. It also became the centre of attention by sport fans and politicians who were concerned about the results of the competitions and the international ranking of the Iranian national futsal team. Niloufar told Iran's Nasim news agency in September 2015: "This tournament was very important for me and as a Muslim woman I wanted to hold my country's flag high, I wasn't going there to have fun. I just wanted to fight for my national flag. The national team needs me but I'm not able to join them" (Dehghan 2015). Under Iranian law, a court can repeal the law relating to husbands' consent for women leaving the country in exceptional cases. Ardalan was granted a single exit permission by the judiciary to attend the Futsal World Cup event in Guatemala in November 2015 and her problem of leaving Iran was resolved temporarily. However, the matter of women's rights for freedom of travel, alongside other laws that violate Iranian women's human rights, still remains a controversial and problematical subject in Iran.

Niloufar's story is one example among many other cases through which I have perceived how unequal rights under Islamic laws in Iran influence women's

everyday lives. Similar stories in several Iranian women's lives motivated me to pay more attention to the matter of women's human rights in Iran and also official ideas that affect amendment or maintaining the arguable laws relating to women. I specifically became curious about and interested in the subject of Iran joining CEDAW (Convention on the Elimination of all forms of Discrimination Against Women), the main international women's human rights treaty. The emerging matter of Iran joining CEDAW from 2000 to 2004 was the most heated subject of women's human rights that was explicitly addressed in the political and press domains in post-revolutionary Iran. I thus use these years, from 2000 to 2004, as the time frame that is focused in this research.

The relation between the legal restrictions on women's rights (such as what happened to Ardalan) and Islam is another subject which should be regarded when we think about women's human rights in Iran. Those who advocated the decision of Niloufar's husband and the women confining laws in Iran claim that these constraints for women are verified by Islam, but I believe these laws are approved by specific readings of Islam. In contrast with traditional interpretations of Islam that legitimise women's deprivation of some basic rights such as freedom of travel, to redefine these laws dynamically based on the current situations of Muslims' lives is permitted in moderate approaches towards Islam. The Islamic moderate perspective is mainly represented by a political group within the Islamic Republic of Iran, who are known as 'reformists' and gained governmental power between 1997 and 2005 (the reform era). Focusing on the dynamic Islamic jurisprudence that is informed by reformists to reinterpret Islamic laws in favour of women, why reformists were not successful to bring about changes on the discriminative laws against women remains unanswered for me. In this respect, I decided to address the reformists' debates in comparison with conservatives' ideas about women's rights, by specifically focusing on CEDAW, to uncover the obstacles on the ways of improving women's human rights in Iran. Accordingly, the following questions, which are also the questions of my thesis, began to arise:

What values and concepts underpin supportive and opposing understandings of Iranian reformists and conservatives towards CEDAW? How is the relationship between Islam and the international criteria of women's rights articulated in

perspectives of both the opponents and supporters of CEDAW? How does the political authority of the state persuade CEDAW opponents and supporters to highlight or overlook specific aspects of this convention? In the case of reformists in particular, to what extent are the reformist press, which reflect the ideas of CEDAW supporters, influenced by their political restrictions and media censorship by hardliners?

Personal motivations

I come from a family background that has always embraced and practiced the diversity of thoughts and beliefs. Being honoured by the freedom of choice for religious and political tendencies in my family, I have had a chance to expose myself to people with diversity of beliefs and thoughts, thus their concerns on different religious, social and political subjects. Amongst the women in my family, my mother and one of my sisters have had a closer approach to the traditional Islam while my other sister and I have had a closer approach to the modern religious intellectualism. Despite being spiritually close to each other, we had frequent discussions around women's rights issues in Islam such as *Hijab*. Our long conversations made me conscious about the diversity of people's conceptions of Islam, while the individuals with different thoughts identify themselves as being committed to Islam.

I have been always a gender sensitive person even when I was a little girl. I often challenged my parents and also teachers about women's rights when the subject appeared to me by observing the examples from Iranian stories, school books, media and real lives of women around me. At the same time, my attendance in two religious schools in Tehran, where every aspect of education was in line with official political, cultural, and religious values of the IRI's regime, positioned me to ask the question that "what is the position of woman in religious traditional viewpoint?" On one hand, in these schools, girls were encouraged to achieve the highest grades to enter high-ranking universities, by putting most of their concentration on studying. On the other hand, they were always reminded of their responsibilities for their marital and motherhood roles. Moreover, in these schools, "Western culture" was introduced in contrary with Islam. They claimed

that the role of women in Western societies does not comply with the prior main characteristics of women, and also the West objectifies women sexually. In the religious traditional opinion, which was reflected in religious schools, universities, the media, and the press close to the IRI, concepts such as justice, equality, and sanctified position of women because of their motherhood role were always emphasised. However, a question that remained unanswered for me was how Islamic traditional view claims that women have high dignity and respect in Islam, and at the same time women are deprived of many equal rights with men? I have been always interested to know how the dominant Islamic approach balances out between the values such as equality and justice that are presented as Islamic values and deprivation of women's rights. On the other hand, I was continuously concerned whether as a Muslim, who believes in Islamic values, I can enjoy equal rights in family and society? What I was struggling with was that my definition for a Muslim woman was completely different from what the IRI officially presented (based on traditional understanding of Islam) from a Muslim woman, with her rights and responsibilities.

My teenage years coincided with the reform era, a period of time in which Iranian women became expectant to achieve more equal rights based on reformists' promises to amend the laws in favour of women. Khatami's presidency and the rise of political reformist ideas in the society provided more open space, politically and culturally, about Muslim women that was in more compliance with the modern world. The Islamic perspective of reformists raised my optimism about the women's rights in Islam and the possibility of redefining Islamic laws to make them close to international standards of women's human rights. However, by the end of the reform era, it was recognised that reformists did not fulfil many electoral promises they made at the beginning about the women's rights issue. Their failure to bring about the promised changes in support of women not only disappointed me from the reformists, but also made me sceptic about the potentiality of reformist Islam and reinterpretation of Islamic laws in line with equality of rights between men and women.

Experiencing the social confinements in Ahmadinejad's era, right after the reform era, and becoming more knowledgeable about socio-political context of Iran when

I was studying Social Sciences at the University of Tehran, made me interested to think back to the reform era, that I think was a lost opportunity to redefine Islamic laws in order to improve women's rights in Iran. The barriers set by powerful conservatives against reformists are known by the scholars as the main reason for the relative failure of reformists in changing the laws to improve the position of women. However, the question still remains that how reformists, who claim dynamic jurisprudence of Islam, have tried to justify for their beliefs and reasoning about women's human rights while they claimed that their Islamic view is in contrast with the dominant traditional perspective of the state?

Being located as neither conservative nor reformist, I found it possible to review reformists and conservatives' claims and dialogues around women's human rights dispassionately. Although I still identify my religious and political view closer to the reformists, I have also critical position to Khatami's government on its failure of fulfilling the promised reforms about women. What urges me to focus on the reform era is that I am still optimistic about using *Ijtihad* and dynamic jurisprudence instead of traditional reading of Islam to reconcile Iranian legislation with contemporary circumstance of Iranian women's lives. Therefore, I do not consider the reform in Iran as a completely failed project, but I assume that reformists have not sufficiently utilised the capacities of Islamic reformism and contextual interpretations to alter the laws and improve women's rights situation in Iran. Conclusively, I decided to do this research project as an accurate investigation into and comparison between reformists and conservatives' opinions on women's human rights by focusing on their opposing and supporting ideas about CEDAW.

State politics and women's rights in Iran

Conservatism and reformism are the two political camps that developed in 1990s and persisted in political context of Iran. These two camps (details explained in the context chapter) are the main dichotomised wings in Iranian politics. While these two factions are politically distinguished, their distinction is arguably rooted in their interpretive attitudes to Islam, and how rigid or dynamic Islamic teachings are seen by them. Conservatives, who dominantly run Iranian state, mostly

emphasise eternity and immortality of Islamic laws (traditional Islam) whereas reformists apparently believe in reinterpretation of Islamic rules in harmony with elements of "time" and "place" in contemporary lives of Muslim people (revisionist Islam) (Mir-Hosseini 2002).

Women's rights issue has also been one of the major bones of contention between reformists and conservatives, at least in theory (Tajali 2017). Since the Islamic Revolution of 1979, Iranian women faced new challenges about their rights in socio-legal realms, particularly in connection with religious (Islamic) justifications over institutionalised discriminations. Despite the attempts for challenging women-related laws by the forces within the state that was existed since the revolution, women's rights activists were not successful in triggering any serious discussions among the politicians for a reform in women's rights (Rostami-Povey 2016). However, the 1997's presidential election (resulted in Khatami's presidency) can be considered as a pivotal moment in post-revolutionary history of Iran in terms of surfacing women's rights issue as an officially debated subject to attract votes by reformist campaign. Khatami's plans and promises for establishing alternative policies to create more egalitarian society captivated large number of women to support him (Rostami-Povey 2016). His victory in that election and the governmental power gained by reformists brought about a new Islamic thought within Islamic regime of Iran, based on reinterpretation of Islamic laws; it also brought a new set of faces in terms of women issue into the government on a reform platform (Mir-Hosseini 2002b).

As the Reform movement was a top-down attempt from within formal boundaries of the regime, it was optimistically assumed by Iranian women's rights activists to bring about progressive changes regarding women's rights (Akbarzadeh and Barlas 2018). Khatami who came from within the advocates of the revolution was considered by his supporters as a person who has legitimacy before hardliners, and has authority as president to improve socio-legal rights for women (Hunter 2014). Women's rights activists from different groups of Islamic and secular feminists (explained in the next chapter) expected Khatami to utilise reformist strategies to tackle conservatives' religious barriers for improving socio-legal status of women (Hunter 2014). However, Khatami's reform movement in

women's rights issue is widely viewed as a failed experiment (Akbarzadeh and Barlas 2018). In practice, Khatami could not engender considerable and persistent advancement in terms of women's rights in socio-political and legal domains.

The reason for Khatami's government setback on law amendment for women's equal rights has been a matter of debate and critical analysis from different perspectives. Many scholars typically relate this failure to the barriers set by hardliners for the reformist government's policies and the laws passed by the Sixth Majlis (Arjomand 2005; Mehran 2003; Mir-Hosseini 2002a; Mohammadi 2007; Hoodfar and Sadghi 2009). The dominance of conservatives in the majority of the state's organs, the disagreement of the supreme leader with reformist ideas, and the power of hardliner jurists in the Guardian Council (*Shoraye negahban*), an appointed body of six clerics and six jurists who should approve compliancy of the passed bills by Majlis with Islam, are indicated as some reasons for the fact that reformists could not materialise the theoretical willingness of legal reforms into a platform of action (Bahramitash 2007; Koolaee 2012). For instance, Hoodfar and Sadeghi (2009: 216) claim that:

> Unfortunately, the state structure and the veto power of the Guardian Council (comprising some of the most conservative religious leaders) over any laws passed by parliament prevented President Khatami (1997-2005) from delivering the legal reforms he had promised.

Mir-Hosseini (2002a: 39) also explains how conservatives hindered the reformists from progression in women's rights:

> 'fearing that popular support for the new language of rights - as embodied in the slogans 'civil society', 'freedom of expression' and 'rule of law' - would further undermine their position, the conservatives tried to reassert their authority, counting on institutions still under their control to block and frustrate every move of the Reformist government' (Mir-Hosseini 2002a: 39).

Although the conservatives' influence in stopping the advancement of laws in favour of women by reformists is undeniable, the question still remains unanswered as to what extent gender equality was a real aim of reformists, and to what extent women's concerns remained as a central concern for reformists? This question can be clarified by what Hoodfar and Sadr (2009) suggest about subservience of woman issue in reformists' plans in comparison with their other

democratic objectives. Criticising reform government's achievements for women, Hoodfar and Sadr (2009: 17) argue that for reformists, women's rights issue was not a priority, and it can be evidenced through a comment claimed by some reformist officials saying that we 'have to wait until the dawn of democracy' to pursue women's rights issues seriously. Although the reasons that prevented reformists to fulfil their amending programs about women's rights is not the question of this research, the extent to which women's rights issues had priority in perspective of Iranian reformists can be addressed by examining reformists' articles.

This research in a broader context

Over five hundred million Muslim women live in 45 Muslim-majority countries (McCLendon et al 2018). There are a large number of scholarships around the actualities of Muslim women's rights across various geographies. This research, as a work that focuses on women's human rights issue in a Muslim society, Iran, can provide new knowledge about Muslim women's rights complementary to other studies in this area.

In the literature, Muslim women's rights issue is examined from different angles. Briefly speaking and in a general classification, most studies implicitly or explicitly criticise Orientalism, a viewpoint that considers the Middle East and Islamic world as exotic, erotic, in control of tradition, and inferior to the West (Said 1978). It seems that there is an agreement on disapproval of Orientalism among different scholars (Estes 2016; Herath 2015; Khan 2017; Teo 2017). In challenging stereotypes about Islam and Muslim women, some scholars emphasise the multiplicity of interpretations within the Islamic tradition by addressing how Islamic interpretations, over time and today, are different from one society to another (Badran 2009; Barlas 2019; Fazaeli 2016; Mernissi 1991). In their view, considerable differences on the basis of time and place can be seen in these interpretations. Arguing that Islam is not the only reason of gender inequality, other scholars focus on the important role of states in politicising women's rights issue, construing gender ideology and enacting policies that affect women (Afary 2009; Hale 2018; Htun and Weldon 2015; Moors 1999; Sadeghi 2007). On the

other hand, there are studies which pay particular attention to bottom-up actions for change, i.e. women's agencies in the form of organisations or everyday life resistance (Adely 2009; Arat 2005; Chapman 2016; Charrad 2010; Mahmood 2005; Yadav 2010).

This study, in terms of the subject, context and approach of the research can be placed among all the above-mentioned categories due to its connection to their inquiries.

As mentioned earlier, many studies argued against Orientalist view towards Muslim women's status and rights in their societies; this research is also identified as an anti-orientalist project which believes in shared human rights and it challenges stereotypes that are often attached to Muslim women. In addition, this research attempts to show how fluid Islamic interpretations over men and women's rights and responsibilities are in accordance with "time" and "place". Therefore, this research can contribute to provide knowledge in anti-Orientalist area, especially anti-Orientalist feminism. However, the focus of this thesis is different from the mainstream anti-Orientalist feminist studies because it examines the ideas of internal political groups instead of concentrating on Western opinions about Iranian women's human rights.

Politicisation of women's rights issues in Iran necessitates examining these issues in the arguments of Iranian political groups, i.e. conservatives and reformists. As the prevalence of the works on entanglement of women's rights and politics shows, the influence of the states and their ideologies is one of the central issues in inquiries over gender discriminations and barriers for developing women's rights (Gerami 2012). In Iranian politics, the matter of women's rights has been constantly one of the main pillars over which the conservative doctrine of post-revolutionary state is positioned (Honarbin-Holliday 2013). Furthermore, the issue of women's rights in Islam is at least rhetorically one of distinguishing elements between the ideas of the two main political camps of conservatives and reformists in Iran (Rostami-Povey 2012). Women's rights complexities of Iran have broadly been addressed in connection with post-revolutionary state's policies (addressed in Context chapter). However, none of these studies examine the controversies in the political scope over women's human rights from a

sociological pint of view. This research, alongside other studies on Muslim women's human rights, can show the impact of political atmosphere of Muslim societies on shaping women's human rights in comparison with international standards of human rights.

As mentioned, many studies around Muslim women's rights are focused on observing women's endeavours for change and their bottom-up struggles to challenge patriarchal structures. Although this research does not expressly consider women's actions for change, the outcome of this study can influence Muslim women's rights activities. This study improves the knowledge of Muslim women's rights activists, particularly Iranian ones, about their states' mechanisms to legitimise discriminative policies. Moreover, this research helps them to recognise how both dominant and marginalised political groups benefit from politicisation of women's rights. Considering mutual characteristics of Muslim cultures and their states, women's rights activists can use experiences of other Muslim countries in light of the findings of studies like this that focus on discussions over Muslim women's rights and political authorities. Using documented experiences, the activists can find the most fruitful strategies to negotiate and dialogue with their politicians over their socio-legal rights to tackle misogynist laws in accordance with features of their governments and legalisations. In particular, this study can be considered in connection with the extensive trend in Muslim societies to replace mainstream Islamic interpretations with reformist/revisionist readings to resolve incompatibilities between *Shari'a* and today's circumstance of Muslim women (Tadros and Khan 2018). Understanding the experience of Iran as a country that has experienced a short period of a reformist government and a society in which revisionist changes in favour of women's rights did not thrive can help other Muslim women, reformists, and even politicians to anticipate the potential obstacles to fulfil their emancipative goals in future.

Iran and dealing with CEDAW issue

Before explaining the emergence of arguments over Iran joining CEDAW in political and press domains, I present a brief explanation of this Convention that is the main international treaty of women's human rights.

CEDAW - A brief overview

CEDAW that is also known as Women Convention was adopted by the general assembly of the UN on 15-Dec-1979, and entered into force on 3-Sep-1981 after ratification by the twentieth state party. This convention is an important step forward in introducing experiences specific to women into human rights law (Krivenko 2008). It is also 'the most comprehensive international treaty on women's issues' (Ross 2009: 1). Since CEDAW came into force in 1981, it has been ratified by all Muslim states except Iran, Somalia, and Sudan; 'in most cases, however, ratification has been subject to 'Islamic reservations', which speak of unresolved tensions' (Mir-Hosseini et al 2013: 1).

CEDAW consists of a preamble and thirty articles. The preamble of CEDAW expresses the reasons and purposes of the Convention (Moazezi Zadeh Tehrani, 2007), and identifies the central theme of CEDAW as 'the elimination of discrimination against women and the equal rights of men and women' (Moazezi Zadeh Tehrani 2007: 39). In a general overview, the Articles of CEDAW are categorised in six parts. Part I (Articles 1-6) covers States parties' general obligations; Part II (Articles 7-9) deals with public life and civil and political rights; Part III (Articles 10-14) relates to the economic and social rights; Part IV (Articles 15-16) focuses on legal status, including legal status within the family; Part V (Articles 17-22) deals with the Committee; and Part VI (Articles 23-30) deals with the final provision (Freeman et al. 2012).

The preamble of CEDAW states that 'discrimination against women violates the principles of equality of rights and respect of human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries'. In this statement discrimination against women is in contrast with equal enjoyment of men and women from human

dignity and also equal rights of participation in socio-political, cultural and economic spheres of the society. The Article 1 of CEDAW can be regarded to identify what the Convention means by "discrimination against women":

> "Discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, and civil or any other field (Article 1 from Part 1 of CEDAW in Lockwood 2006: 668)

As Article 1 of CEDAW shows, the scope of this convention is very broad to define discrimination, from family domain to socio-political sphere. CEDAW observes the 'principle that men and women are to be treated equally in order to ensure that gender will no longer operate as a basis for the allocation of benefits and burdens in society' (Hevener Kaufman and Lindquist 1995: 114). Therefore, CEDAW determines a number of Articles based on which the governments are obliged to provide policies and regulations to pave the way for eliminating discrimination against women in different aspects in their society.

Emergence of CEDAW in Iranian politics

CEDAW deals with women's rights in legal space including equal civil, political, economic, as well as social rights, and above all women's rights in family matters (Fraser 2002). This Convention became quickly a battleground between the reformist government of Khatami and the conservatives over women's rights issues. In 1999, the reformist government proposed the bill of 'Iran joining CEDAW' during the last remaining months of the Fifth Majlis (parliament). However, this bill was considered more seriously by the next parliament, the Sixth Majlis (2000-2004) with its reformist majority. Despite conservatives' disagreements, the Sixth Majlis ratified the bill on 23-Jul-2003. This ratification triggered massive objections from the conservatives and famous traditional clerics towards the content of CEDAW and the decision of the Sixth Majlis. Finally, Iran's powerful Guardian Council vetoed the bill on 18-Aug-2003. The Guardian Council declared that the bill was in conflict with Islamic principles.

There are several reasons that make the matter of Iran joining CEDAW important to be examined as a research topic. Firstly, my initial investigation in publications about the reflection of the women's rights issues raised in the Sixth Majlis showed that CEDAW created a myriad of arguments, more than any other subject about women's rights in reformist and conservative publications. Their discussions over CEDAW engendered heated debates about the notion of right equality for men and women, and about compatibility between women's equal right and Islam in relation with amending laws in favour of women. Therefore, studying the debates over CEDAW for me is an opportunity to realise and compare the ideas of reformists and conservatives on women's human rights, which is one of the most controversial subjects between these two political camps in Iran.

The second reason to consider CEDAW as a focus of this research relates to its characteristics as the main women's human rights convention in the world. As Rebecca Cook indicates (1990 cited in Shah 2006: 173), 'the Convention is the definitive international legal instrument requiring respect for and observance of the human rights of women; it is universal in reach, comprehensive in scope and legally binding in character'. CEDAW gives us some international standards to define equal rights of women in different aspects of legislation such as penal codes, work, family, social activities and exercise, dress, and parenting. Theodor Meron (1986 cited by Shah 2006: 173) argues that other human rights conventions address particular aspects of women's rights, but CEDAW 'is the first universal instrument which focuses on the general prohibition of discrimination against women'. CEDAW's clauses cover a wide range of woman activists' demands, and can be considered as collective aspirations of Iranian activists of different groups. Therefore, examination of the articles about CEDAW helps me to understand the opinions of the opponents and proponents of women's human rights in Iran in different dimensions. Moreover, revealing the concepts based on which the discussions of CEDAW opponents and supporters are developed, it can be clarified that what is 'at stake' over and above the question of amending women-related laws and regulations to access equal rights for women. Such information paves the way to perceive the complexities and socio-political and religious barriers to improve women's human rights in Iran.

Additionally, CEDAW can play an important role for Iranian woman activists as a measure for comparing women's rights in Iran with international norms. Illustrating the key reasons of CEDAW opponents and supporters to criticise and advocate CEDAW can disclose how women's rights concerns in Iran are distant from or close to international women's human rights issues. Moreover, as CEDAW is introduced by the conservatives as a product that is fabricated for people in the "West" and "Western culture", addressing the matter of Iran joining CEDAW can shed light on long-lasting accusation of Westernisation by the conservatives against woman rights activists in Iran. Furthermore, it becomes clarified that how the subject of women's human rights in Iran is entangled with the politics in general and the policies of Iranian state about the "West" in particular.

Political presence of reformists in post-Khatami era

The presence of reformists in the political scene of Iran dramatically changed by the ending of Khatami's presidency and the beginning of the radical conservative Mahmoud Ahmadinejad's presidency era on 3-Aug-2005. The reformist movement in Iran 'was always constrained as a political force, even when reformist elements dominated the parliament and the presidency' (2000-2004), but they became noticeably even more marginalised from the centres of power and decision making in Ahmadinejad's era (Razavi 2006: 1224). By the victory of Ahmadinejad, in 2005's presidential election, the conservatives regained ground. As Menashri (2007: 153) explains, Ahmadinejad demonstrated adherence to the original conservative 'dogma more than any of the contesting candidates to the presidency'. Consequently, in terms of foreign policy, 'the policy of dialogue between civilizations, promoted by Khatami, was replaced by an eventual clash of civilizations', and 'the policy of détente in regional and international relations gave way to a growing tension' (Menashri 2007: 153). In terms of domestic policies, 'the process of reform gave way to growing conservatism' (Menashri 2007: 153). Thus, the freedom of speech in the newspapers and public domain decreased; many civil activities and NGOs became prohibited and the control on the cultural products such as cinema and books escalated.

Activities concerned with women's rights issues became also confined in Ahmadinejad's presidency era. His government promoted a conservative approach towards legislation that was based on patriarchal and traditional reading of gender roles and rights in Islam (Hoodfar and Sadr 2009). Women's rights advocates made considerably obliged to decrease or stop their political and rights activities by hardliners since Ahmadinejad became president. During his presidency, much of the women's press closed and a considerable number of women's rights activists were jailed, accused of being part of an enemy conspiracy for a "soft subversion" of the IRI's state (Amnesty International 2009). The woman activists' activities regarded by hardliners in conflict with Islam and in harmony with "Western values". Thus, the subject of Iran joining CEDAW was also diminished in the government of Ahmadinejad, and it was disappeared as a broadly discussed issue within the media.

However, with candidacy of Hassan Rouhani (the current president of Iran) for presidency in 2013, reformists' appearance increased in Iran's politics. Although president Rouhani cannot be recognised as a reformist figure, he could gain the support of reformists in the presidential elections of 2013 and 2017 because he was the most moderate candidate in both presidential competitions. Reformist figures in the government of Khatami were not mostly chosen for governmental posts in Rouhani's government, even some of them such as Tajzadeh, deputy home secretary of Khatami's government, remained in prison in Rouhani's first presidential era (2013-2017). However, Rouhani employed some moderator women in his cabinet who were closer to reformists. For example, in his first and second presidential eras, Rouhani employed Shahindokht Molaverdi as the vice president of Iran in the section of women and family affairs and as special assistant to the president for citizenship rights (Roshandel et al 2019). He also chose Masoumeh Ebtekar for the head of environmental protection organisation in his first cabinet and as vice president of Iran for women and family affairs in his second presidential era. In Rouhani's government, compared to Ahmadinejad's, the freedom of press increased, and the activity of reformist parties and women activists advanced to some extent, but it could not return the political atmosphere of Iran to Khatami's presidential era in which differenet voices were being reflected (Roshandel et al 2019; Tohidi 2016). In other words, it could not open

the political and cultural atmosphere of Iran to what it used to be in Khatami's era when the two political sides, conservatives and reformists, could openly discuss their ideas. Furthermore, the matter of Iran joining CEDAW was not raised by Rouhani's government and the parliaments after sixth Majlis, and also in the press after 2004. Thus, one can conclude that although official control (censorship) on the press and the activities of reformists was still high in Khatami's era, there has been no era after the revolution, except Khatami's, in which different political tendencies from the dominant voice of the IRI, especially reformism, could have political presence and reflection in the official press. Considering the fact that the matter of women's human rights was not publicised in Iranian media after 2005, as broad as it was during Khatami's presidency, and the press could not gain more freedom than the reform years, this research focuses on the time period of the reform era (specifically 2000-2004) to investigate the ideas of both reformists and conservatives towards women's human rights.

Focus of research

The problem of this research originates from the conflict between conservatives (representatives of ideological and traditional Islam) and reformists (representatives of modern or reformist Islam), as the two main political strands in Iran, towards women's human rights. Conservatives and reformists are also two groups whose ideas could be reflected in Iranian press in 2000-2004, and for the most part they were respectively opponents and supporters of CEDAW. Thus, the articulation of the dialogues between reformists and conservatives about women's human right, in a specific time period (2000-2004), during which the publications of both groups had relative freedom, is examined in this research. As Abdo (2003: 878) explains, the reform era experimentation was an occasion to discover how the women's issues are perceived 'between two competing visions of Islamic Iran that emerged in aftermath of the revolution'. Thus, the focus of this research is on investigating how CEDAW is represented by CEDAW supporters and opponents in reformist and conservative publications between 2000-2004. The reflected ideas in reformist and conservative publications over CEDAW, as the main

representative of international women's human rights, is the focus of this research.

Focusing on CEDAW helps me to understand how the mainstream political factions in Iran, conservatives and reformists, which are respectively representatives of traditional and modern/revisionist Islamic thoughts perceive the matter of women's human rights. The reflected ideas within reformist and conservative publications show that how, and based on which concepts CEDAW opponents and supporters define women's rights and position in the society. As the main aim of CEDAW is the elimination of all forms of discrimination against women based on an international body of clauses, the collected articles show how CEDAW considers the relationship between Islam and international criteria for women's rights. Thus, the collected articles can show which values have priority in the discussion over the women's right issue in the perspectives of CEDAW opponents and supporters.

In addition to investigating the ideas of reformists and conservatives towards Iran joining CEDAW, the ways in which CEDAW opponents and supporters present their ideas in the reformist and conservative publications is also regarded in this research. As both reformists and conservatives are loyal to the Islamic revolution's principles, it is worth considering how these two groups who are respectively and predominantly supporters and opponents of CEDAW have different perspectives towards this convention, and at the same time both of them respect the cultural values of the Islamic Republic?

Moreover, the specific situation of reformists in Iranian politics makes it more important to consider the reflected discussions over CEDAW in connection with political atmosphere of Iran. Although reformists were in power both in government and the Majlis between 2000-2004, the highest position on the pyramid of power belonged to the conservatives. Moreover, reformists were very likely to be forced to resign by powerful conservatives within the state, and reformist newspapers and magazines were frequently shut down by conservative forces in the state within the reform era. Thus, how the political context shapes or frames what can and cannot be said and how arguments are expressed over the CEDAW subject in reformist and conservative publications seems to be an important matter that should be addressed.

Research aims and questions

Finally, the research aims and questions can be formulated as follows:

- Exploring how the subject of Iran joining CEDAW is articulated in CEDAW opponents and supporters' arguments: What values and concepts underpin supportive and opposing understandings of reformists and conservatives towards CEDAW?

- Investigating how the battle of obeying international standards versus preserving cultural particularities is framed in the publications of reformists and conservatives as representatives of 'traditional' and 'revisionist' Islam in discussions over CEDAW: how is the relationship between Islam and the international criteria of women's rights articulated in discussions of CEDAW opponents and supporters?

- Examining how the Iranian political atmosphere influenced the representation of CEDAW in reformist and conservative publications: How does political authority of the state persuade CEDAW opponents and supporters to highlight or omit specific aspects of CEDAW? According to reformists in particular, to what extent are the reformist press which reflect the ideas of CEDAW supporters influenced by their political restrictions and media censorship by hardliners?

Structure of thesis

The following chapter (Chapter 2) focuses on Iranian women in post-revolutionary context. In this chapter, the development of conservative and reformist camps in Iran is argued. Moreover, I explain the state control over Iranian press, especially on publications in relations to women's issues. Furthermore, it is considered that how presidential campaign of Khatami officially highlighted women's rights subject in its advertisements as one of its main objectives of his government. Thus, the influence of reformist government of Khatami on women's rights in Iran, and its failure to fulfil the electoral promises about women are discussed.

The third chapter, Literature Review and theoretical framework, situates the research among relevant scholarship by offering critical review of the literature that have informed this study. I review the literature on developing the subject of women's rights in the domain of international human rights, with special attention paid to the literature about CEDAW to show its aims and mechanisms to eliminate the discrimination against women. Moreover, I focus on feminist literature that clarify different perceptions of rights equality to demonstrate how right equality is defined in CEDAW, and in the perspectives of Iranian CEDAW opponents and supporters. Then I move on to review the existing literature on Islam and women's human rights, and also principal theories of universalism and cultural relativism. Regarding the subject of women's human rights in Muslim majority societies, a specific attention is paid to the literature on anti-Orientalist feminism as this project is also located in framework of anti-Orientalist feminist studies. Finally, I review the literature which exists on women's rights under Iran's post-revolutionary state's policies to reveal the contribution of this thesis to add knowledge into the literature around Iranian women's human rights.

The fourth chapter addresses the methodological aspects of the project. I explain the approach of my research and its epistemological positioning, offering a rationale for choosing qualitative documentary archival method. In this chapter, I describe the approach of this research towards documents as the site of data collection. Furthermore, I present a full account of the process of sampling and data collection alongside presenting my reasons to choose 2000-2004 as a time frame to examine the matter of Iran joining CEDAW. In this chapter, I introduce the method of analysis that is employed in my research, i.e. thematic analysis. The last part of the chapter focuses on the researcher's role and reflexivity during the process of research, detailing the strategies employed for reducing biased interpretation of data and preserving validity of research findings.

The next three chapters, Chapters 5, 6 & 7 are allocated to analysis of the collected data. These chapters are structured by driven themes from the discussions of CEDAW opponents and supporters. Each analysis chapter is preceded by a brief introduction to the content of the chapter in order to orient the reader.

Chapter 5 addresses the ideas of CEDAW opponents and supporters on the theme of 'universality' of CEDAW. In this respect, the advantages and disadvantages that are attributed to CEDAW as a universal convention by the opponents and supporters are presented. This chapter shows how CEDAW supporters look at Iran joining CEDAW as an opportunity for improving international image of Iran and Islam, as well as an opportunity for advancing Iran's contribution in the process of globalisation. Discussing over universality of this Convention, the dichotomist approach of CEDAW opponents towards Islam and the West appears, as well as their critical approach towards globalisation which is represented by them as a Western project. The last part of the chapter focuses on the cultural relativism theory that can explain CEDAW opponents' critical claims about inapplicability of CEDAW in 'Muslim society'. For this, I apply Edward Said's ideas on diversity of Islam and common humanity between Western and non-Western people to respond to the critiques of CEDAW opponents.

Chapter 6 concentrates on 'humanism', women's freedom of choice', and 'family' as three interwoven themes based on which CEDAW is ascribed to "Western culture" and defined in contrast with Islam by its opponents. The chapter shows how CEDAW opponents' perception of humanism is confined to anti-religious definition of humanism and how they see CEDAW influenced by the humanist thought. Women's freedom of choice that is introduced by CEDAW opponents as the outcome of humanism and as a feature of "Western culture" which is boosted by this Convention is also considered in this chapter. Family theme is also focused in this chapter because of CEDAW opponents' concern about the influence of prevalence of the idea of humanism on family, i.e. centralising individual interest rather than family's benefit, and their concern about marginalising standard family based on their Islamic interpretation. Moreover, clarifying the sanctified and nation safeguarding characteristics of family in Iran, I analyse the concern of CEDAW opponents about changing 'Islamic model' of family, and reformists' avoidance to challenge CEDAW opponents' idea about family. Employing the theory of reverse Orientalism, I analyse the homogenising view and superior approach of CEDAW opponents towards "Western culture" that is located by them against "Islamic culture", and I also challenge their confining interpretation of humanism and women's individuality in Islam.

The final analytical chapter focuses on three themes of 'equality versus similarity', 'feminism' and motherhood that mainly emerge from CEDAW opponents' emphasis on natural and innate differences between men and women, and justify different roles and rights for them. The chapter shows how CEDAW opponents' ideas about the emphasis of Islam on equality rather than similarity of rights between men and women are supported by 'paradox of equality' theory of Emon. On the other hand, this theory is also used in this chapter to demonstrate the importance of social dynamics to read Islamic rules that are omitted in CEDAW opponents' idea. The second section of this chapter focuses on 'feminism' that is represented by CEDAW opponents as the origin of the idea of 'similarity' rather than 'equality' of rights between men and women. While CEDAW opponents identify feminism homogenously as a Western thought school against Islam that promote the idea of similarity, the chapter challenges CEDAW opponents' opinion about feminism in general and their claims about feminist approach of CEDAW in particular. The chapter moves on to analyse the theme of motherhood that is repetitively considered by CEDAW opponents as a domain that is influenced by the idea of similarity of rights between men and women. Focusing on CEDAW opponents' critiques about replacing motherhood with other social roles, I challenge their perception of 'good mother' through the theories that describe motherhood as a cultural practice that was dynamically redesigned in response to changing economic and social factors. The chapter comes to an end by arguing the necessity of regarding contemporary circumstance of Iranian women to define good mothering, and analysing the silence of reformists to reread motherhood in Islam in connection to politicisation of the role of mothering for women by the Islamic Republic.

In the concluding chapter, the analysis of Chapters 5, 6 and 7 are summarised and synthesised to explain how my research questions have been addressed. The main characteristics of CEDAW opponents and supporters' arguments in connection to their religious, cultural and political positions are argued in this chapter. Furthermore, I offer an argument on the contribution of my research into the existing knowledge in theoretical areas and specifically about Iranian women's human rights. Finally, the chapter is finished by specifying the new areas for further studies in relation to the subject of this research.

Chapter 2: Iranian women in post-revolutionary context

Introduction

In order to study the opposing and supportive positions within Iranian press towards the subject of Iran joining CEDAW, this chapter focuses on the context of this research by providing an overview of the political atmosphere in post-revolutionary Iran, and also the legal provisions of women's rights in Iran in connection with Islamic *Shari'a* laws. The chapter also presents a historical review on the attempts of women's rights activists for constitutional developments on women's rights in Iran. In addition to illuminating the political context and women's rights situation in Iran, the emergence of the demand for CEDAW and principal positions towards this Convention in the political domain and within Iranian press are also addressed in this chapter.

This chapter begins with presenting an overview of the political context in Iran after the 1979 revolution. It explains how since these political parties started to appear in Iran's political context, they were initially separated based on their economic views. It then focuses on to the emergence of the reformist party since the beginning of the reform era which started with Khatami's presidency and how that resulted in the presence of two main political parties of reformists and conservatives until now. The chapter then focuses on the definition of reformism and conservatism in the political context of Iran and how these two political tendencies are separated based on their interpretation of Islamic laws, i.e. advocating fundamentalist jurisprudence versus dynamic jurisprudence in Islam. The third section of this chapter concentrates on the reform era which began with Khatami's presidency to bring about more open space, politically and culturally, an era in which women's human rights and consequently Iran joining CEDAW became a heated subject as a result of the achieved relative press freedom. It also

explains how the reformist government could not fulfil its promises for women's human right and also Iran joining CEDAW due to the majority presence of conservative views in other politically powerful organs such as the Guardian Council despite the majority presence of reformist views in the Sixth Majlis. In two sections in this chapter, the concentration is on the situation of women's rights after the revolution and the attempts of women activists to amend discriminatory laws against women. It is explained that despite being admired by the state for their principal role in protecting "Islamic" and "Revolutionary" values, women enjoyed very limited legal rights in post-revolutionary Iran. It also lists some of these discriminatory laws against women that are reflected in the relevant literature and how the gender policies of the Islamic state have been criticised, specifically by women's rights activists. Furthermore, in these sections, Women's rights activists in Iran are said to be divided in two main categories of "Islamic" and "Secular" activists and it is explained how they come to collaboration on a common question of women being treated as second-class citizens and under men's domination and how Islamic activists could act as mediators between secular and Islamic women activists outside and inside the state because of showing their loyalty to Islam that was the principle of the IRI's state. In the section of "Reformism and Iranian women", this chapter focuses on the achievements of the reformist government for women's human rights. It explains that how reformists could achieve some improvement in terms of socio-political status of women, and how they failed to improve women's human rights status in legal area, due to some reasons stated in related literature including the influence of conservatives and that women's rights issue was not a priority for the reformist government. The demand for Iran joining CEDAW as one of the results of women's activists' attempts is also addressed in this chapter. It is explained how the bill of joining CEDAW finally got approval from the Sixth Majlis with its reformists majority, and how this bill was vetoed by the Guardian Council with its conservative majority due to ascribing CEDAW to the "West". It also explains the attempts of reformists for justifying joining CEDAW and their suggestion to reconcile Islamic law and CEDAW by using reservation right in the CEDAW. Finally, the chapter ends with focusing on the reflection of the topic of Iran joining CEDAW in Iranian press, including the reformists press in which the ideas of CEDAW

supports are reflected and the press that was attributed to conservatives that reflected and mostly backed the arguments of CEDAW opponents.

The Islamic Revolution and political camps

The Islamic Revolution of 1979 was the beginning of broad changes in political, social and legal spheres in Iran. Different groups from various political spectrums, including Muslim clerics, leftists, Marxists and Islamic nationalists were involved in the revolution. However, the victory was attained by the Islamic revolutionary group who followed the Shi'a[1] cleric Ayatollah Rohallah Khomeini and they established a new state. Following the Islamic Revolution, the political activities were strictly controlled by the new state under the leadership of Ayatollah Khomeini. The new regime's intention was on determining its identity as an Islamic state (Abrahamian, 1993). The Islamic state that was founded upon *Shari'a* (Islamic laws) intended to harmonise all aspects of Iranian society with Islamic laws. Gradually, only those organisations that pledged to be loyal to the IRI and Islam succeeded to obtain approval from the Interior Ministry (Hoodfar and Sadr, 2009). Therefore, only the religious parties and those who paid lip service to Islam by adding a religious adjective to their name were officially recognised. On the other hand, political groups that were recognised by other scholars as secular parties such as *Tudeh* and *Fadayiane-Khalgh* were suppressed and entirely prevented from being active (Fairbanks, 1998; Hoodfar and Sadr, 2009). Secular groups in Iran believe in separation of state and religion (Rahnema and Moghissi, 2001). While there are conflicted political groups within the state (such as reformists and conservatives who are explained in the next section), they are all against secularism as they verify dominance of Islam on the state (Rahnema and

[1] Shi'a is a large sect in Islam, which usually is perceived versus the other major sect in Islam, Sunni. Shi'as believe in Imam Ali, the Prophet Muhammad's son- in- law, as Muhammad's first successor in Caliphate. However, Sunnis believe in Abu Bakr, Omar, Osman respectively as the Islam's Caliphates after Muhammad. Shi'as consider Imam Ali and Prophet Muhammad's family as rightful successors of Muhammad whom were divinely appointed. Shi'a divides in different branches based on Prophet Muhammad's family members whom are considered as Imams (the Prophet Muhammad's successors) after Ali. Shi'a branch which is predominantly followed by Iranian people and the IRI is largest Shi'a sect, *Asna Ashari* or Twelvers. *Asna Ashari* Shi'as believe in twelve Imams and their *Fiqh* (Islamic jurisprudence) is based on four sources: Qur'an; *Sunnat* (sayings of the Prophet and Imams); *Ejma* (the historical consensus between Islamic scholars) and *Aghl* (reason).

Moghissi, 2001). Therefore, 'secularists are entirely marginalized and only find voice as public critics' (Hoodfar and Sadr, 2009: 15).

Before the revolution, most of Islamic clerics such as Ayatollah Khomeini and their supporters in Iran believed that Mohammad Reza Shah, the last Shah of Iran (1941-1979) whose state was overthrown by the Islamic Revolution in 1979 was a "puppet of the West", and he intended to modernise Iran by substituting Islamic values with "Western culture". The Islamists believed that Shah's secular state was in favour of the West's cultural, political and socio-economic aims. Therefore, the Islamic state intended to change all the symbols of Shah's government by Islamising the Iranian society in all aspects (Tamadonfar, 2001). The Islamic Republic of Iran (IRI) established a new constitution on 24-Oct-1979 with centrality of *Shari'a* law in its content. In the post-revolutionary constitution, a certain Islamic worldview and religious laws were combined with some modern institutions and concepts including parliamentary and presidential election, and citizens' rights (Ghasemi, 2014).

The registered parties of Islamic activists who supported the revolution and could enter the political sphere in Iran were separated primarily in terms of economic policy until the 1997 presidential election that brought the reformists to governmental power (Hoodfar and Sadr, 2009: 16). Those in favour of a liberal economy and more privatisation were known as 'the Islamic Right' (*Rast-e-Islami*); those who were supporting nationalisation and greater regulation of the economy were considered as 'the Islamic Left' (*Chap-e-Islami*) (Hoodfar and Sadr, 2009). The economic base for division of left and right in Iran is arguably close to their characterisation in other parts of the world; as 'Left' in European and American forms seek social justice by redistributive social and economic policies, while 'Right' supports private property and capitalism (Milner and Judkins, 2004). It is worth noting that economic factor to distinct these two factions gradually faded since early 1990s, when Hashemi-Rafsanjani was president, because the economic ideas of Leftists became close to Rightists' in terms of promoting privatisation and market economy in Iran. Both Leftists and Rightists prioritised Islam in justification of their opinions. While this priority is uniquely seen among Islamic Leftists and Rightists, the distinction between restricted or moderate view

towards religious teachings is one of the mutual bases to respectively characterise Right and Left in different political contexts. Islamic Rightists in Iran have their 'roots in the Shiite tradition and the governing of religious rulers over the country plays a central role' in their thinking (Asayesh et al., 2011: 222). According to them, credibility of the entire political system, 'more than any other factor, is based on the decree and ideas of religious rulers' (Asayesh et al., 2011: 222). The Right party is traditionally conservative and stresses traditional social relationships (Asayesh et al., 2011). On the other hand, the Left camp emphasises 'executing the constitution in order to respect people's rights and to work towards enhancing political freedom' (Asayesh et al., 2011: 222). The Leftists 'believe the guarantee of legal and political freedoms is the most important component for social and political growth; for them these values have priority over other political and social issues' (Asayesh et al., 2011: 222). The Left party is supported by the middle class and lower class of the political body, and also by the middle-class layers of bureaucracy (Asayesh et al., 2011). Since 1997, the Left and Right divisions converted to reformism and conservatism categorisations (Mir-Hosseini, 2002b). These new political classifications are elaborated in the next section.

Reformism and conservatism

The new classification was based on social, political, and ideological contradictions, centrally, in terms of the relationship of *Shari'a* and modern socio-political ideas such as human rights and democracy. The political parties were divided into two major categories that are recognised as conservatives (*Osoolgara-yaan*) and reformists (*Eslahtalab-aan*) in Iranian socio-political scene and by different scholars (Abrahamian, 2018; Mir-Hosseini, 2002; Kamrava, 2008). The basis of recognition of these two tendencies is their difference in interpretation of Islamic laws and that 'whether *Shari'a* injunctions should take into account the demands of time and place' (Mir-Hosseini, 2002b: 38). While the conservatives 'insist on keeping the ideological discourse of the revolution intact' the reformists 'want to reconcile it with notions of democracy and human rights' (Mir-Hosseini, 2003: 37). Conservatives perceive Islamic laws as eternal, unchangeable and non-negotiable (Islamic traditional jurisprudence) and their Islamic perspective is

close to the attitude of the current supreme leader of the IRI, Ayatollah Khamenei. On the other hand, reformists' Islamic approach is rooted in dynamic jurisprudence based on which *Shari'a* should be interpreted in harmony with the needs and characteristics of Muslims' life, specifically in current "time" and "place".

As Rostami-Povey and Povey (2012) explain, the views of conservatives in Iran are diverse in terms of economy, foreign policy, and the role of the state. However, conservatives in Iranian politics are in conformity in terms of 'application of a specific and in many cases ahistorical interpretation of Islamic law in legal, political and socio-cultural arenas that is patriarchal, anti-democratic and exclusivist' (Rostami-Povey and Povey, 2012: 3). Reformists are also diverse to some extent in terms of economy, the role of the state and foreign policy. Yet, what is substantial and common ground among reformists' ideas in Iran is embracing dynamic and more moderate interpretation of Islamic law in socio-political and cultural realms. It should be noted that both conservative and reformist figures in Iranian politics support the Islamic Revolution strongly, and it is a fact that the frontrunners and key figures of both factions were among Islamic revolutionary forces.

Islamic reformism in Iran is a strand of a broader Islamic perspective that aims to return to the teachings of the Prophet and perceive the truth of Islamic commands by considering the reasons behind an Islamic command in its context and taking into account probable distortions of Islamic texts that could have happened over time (Mernissi, 1991). As Browers (2004: 54) explains, Islamic reformism is 'substantial rethinking of the social content of Islam - a rethinking that causes disruptions with or displaces inherited notion of what constitutes not only Islamic law, but also the broader social values underlying the Islamic community'. The most influential representative of Islamic reformist thought in Iran is Abdolkarim Soroush, an Iranian intellectual who supported the revolution in 1979 but gradually became a critic of the dominant IRI's ideology and the political role played by the clergy (Jahanbakhsh, 2001). Soroush is the main theorist of the modernist/reformist Islamic idea in Iran whose followers are mostly referred as *roshanfekrane-dini*, or religious intellectuals (Jahanbakhsh, 2001). Iranian religious intellectuals mostly consist of 'some clerical figures and seminary

intellectuals who want to reconcile Islam with human rights, democracy and gender equality through what is called 'dynamic jurisprudence'' (Razavi, 2006: 1227). The reformists' political presence in the political scene of Iran was boosted when Khatami was elected in the 1997 presidential election. Although the perspective of reformist factions in Iranian politics originates from Islamic intellectuals' thought of thinkers such as Soroush, Mohammad Mojtahed-Shabestari and Mohsen Kadivar, the term 'reformists' mostly refers to followers of this thought who have political presence (or who are active in political domain), and 'religious intellectuals' is typically used to mention the thinkers of modern and dynamic Islam who theorise the idea of reformist or revisionist Islam.

It is worth noting here that reformism and conservatism cannot be identified as two distinct political parties in Iran; rather they are two political and ideological orientations based on which the political parties and people under the IRI identify their cultural and socio-political ideas. Those who advocate the dominant thoughts of conservatism in the IRI are grounded on the elements such as believing in fundamentalist jurisprudence, scepticism to the West and its modern political and cultural elements. On the other hand, those who support reconciliation of Islam and modern elements such as human rights and have more moderate approach towards the West and its cultural aspects are known as close to reformism. It is evident that this affiliation to the reformists and conservatives is also recognised through backing/being backed by respectively reformist figures such as Khatami or well-known conservatives such as Ayatollah Khamenei.

The reform era

The victory of Khatami in the 1997 presidential election was a turning point in political history of post-revolutionary Iran. For the first time after the revolution, under the Islamic state, a political group, which was underpinned by an intellectual Islamic ideology and meanwhile advocated the Islamic Revolution, a reformist group, came into the power with the intention of providing more democratic socio-political atmosphere such as press freedom and freedom of speech. The day Khatami was elected as Iran's president in 1997 is known as *Dovvome Khordad* (the epic of May 23) among Iranians (Mehran, 2003). His victory

was a significant shift in the political realm and an effort to 'bring about tolerance and moderation in the domestic arena while improving the image of Iran abroad and ending a long period of international isolation' (Mehran, 2003: 311).

The relation with other countries was a substantial part in Khatami's speeches, at the core of which was the relation with the West (Mehran, 2003). In this respect, Khatami introduced the idea of 'dialogue among civilisations' in response to Samuel P. Hungtinton's theory of 'clash of civilisations'. Khatami's idea emphasised the respect to diversity of different cultures in the world and prioritising cultural dialogue to bring about peace and reconciliation between countries (Khatami, 2000).

Accordingly, many Iranians described the government of President Khatami as 'an opposition inside the state' (Paidar, 2001: 17) because his ideas in domestic and foreign policies were different from the dominant viewpoints in Iranian Islamic state.

Khatami's presidency was a great achievement for the reformists, but major challenges still remained. The greatest obstacle for Khatami was the centres of power established in the constitution. In pursuing his policies and keeping his election promises, Khatami would always have to consider the effect they would have on each institution. During his early years in the office, the Iranian parliament was still dominated by conservatives, and posed considerable obstacles to Khatami's reformist plans. In 1998 and 1999 the parliament moved against several of Khatami's key cabinet members who were playing important roles for pursuing Khatami's reformist plans including Cabinet ministers Abdollah Nuri and Ata'ollah Mohajerani (Siddiqi, 2006).

The reformists had another significant victory over the conservatives in the reform era, which was the parliamentary election for Sixth Majlis (parliament) (27-May-2000 to 27-May-2004). Reformists gained 189 out of 290 seats of parliament in the election and 13 women entered the Majlis as MPs. The Sixth Majlis included a voting bloc of women MPs headed by Elahe Koolae that was called *feraksione zanan* "the women's faction". The women's faction's concentration was on amending discriminative laws in favour of women; the

faction was pursuing this aim more rigorously than previous periods of Majlis (Bahramitash, 2007). As Alam (2000: 2086) argues, 'the victory of the reformists over the conservatives in the sixth Majlis election was a continuation and confirmation of the May 1997 presidential election'.

The fact that the reformists gained the ground in both the legislative and governmental segments of the state enhanced the optimism among the reform advocates to accomplish the reformist plans proposed by Khatami. However, the Guardian Council (*Shoraye Negahban*) was perhaps the most uncompromising opponent. With final say over legislation passed by the Majlis, the Guardian Council rejected a great deal of legislation on the grounds of its Islamic or constitutional violations (Siddiqi, 2006). The bill of Iran joining CEDAW, as one of the bills relating to women's rights, was among those which were rejected by the conservative Guardian Council prior to implementation (*Shoraye Negahban*) despite being passed by the reformist sixth Majlis.

Press freedom in the reform era

"Freedom of speech" and "freedom of press" were amongst Khatami's electoral slogans that were in contrast with how the state's hardliners were treating the press; they were imposing strict control and censorship to prevent reflection of ideas that were considered being in contrast with the state's values. Khatami succeeded to engender a relative freedom of speech for the press at the beginning of his presidency. As the result, many reformist newspapers flourished, including *Jame'e, Toos, Khordad, Zan, Nowrooz, Jomhooriat, and Yase-Now*. While television and radio broadcasting were completely under the control of conservatives[2], the reformist newspapers published the subjects, which were seldom and implicitly addressed in the press before the reform era (Gheytanchi, 2001). This relative freedom of speech in Iranian press was gained because the reformist Ministry of Culture and Islamic Guidance (Vezarate-Farhang-Va-Ershade-Islami) supported press freedom as an iconic motto of Khatami's government (Khiabany and Sreberny, 2001). Minister of Culture and Islamic Guidance, Ataollah Mohajerani

[2] Private television and radio channels are not allowed to be established in the Islamic Republic of Iran, and National Television of Iran is under the control of the Islamic state and the supreme leader.

(1997-1999), officially announced and followed a policy of "leniency" (*Tasamoh-va-tasahol*) towards the domain of culture, press and arts and abolished many restrictions (Khiabany and Sreberny, 2001). Less restricted press in the reform era, 'allowed women's issues to be discussed in a wider scale' (Rostami-Povey, 2001: 57). The reflection of women issues in the press during the reform era is stated by Rostami-Povey (2001: 57):

> 'Newspapers and magazines in particular, which are widely distributed and read, played the role of political parties. They represent different political views, ranging from conservatives who are resisting the reforms, the reformists' tendency and the secularists.'

Although the press gained some freedom in early years of the reform era, reformists were strongly under pressure of hardliners; consequently, Mohajerani was forced to resign after two years of his ministerial (Arjomand, 2000).

It is worth noting that even in the reform era secular groups were not yet allowed to launch their own independent media. Therefore, secular observers reflected their ideas around socio-political and women issues mostly in the reformist press because secularists' ideas were closer to reformists' rather than conservatives' (Rivetti, 2013). Generally speaking, in the reform era, reformist newspapers gained the largest circulation of newspapers in the history of post-revolutionary Iran and the reformist press became the main site of production and publicising reformist attitudes (Tazmini, 2009). However, most reformist press could not survive for a long period of time because the state closed many of reformist newspapers due to conservatives' concerns about the reflection of reformists' policies and ideas in the press. The closed reformist publications were usually accused of being hostile to the Islamic Republic's regime, publishing false information and conflicting with Islam (Tazmini, 2009). However, some editorial staff of these closed newspapers could gain new licences from the Ministry of Culture[3] to start newspapers or magazines with new different titles (Arjomand, 2005).

[3] Ministry of Culture were directed by Ata-o-lah Mohajerani, a reformist minister who was chosen by Khatami.

In addition to this fact that the subject of Iran joining CEDAW was mainly raised in Iranian politics and press between 2000-2004, the relative freedom of press in the reform era was my other reason to choose 2000-2004 as the time frame of this research. In this period of time, the reformist press gained more freedom and space to publish the issues relating to women's human rights while these subjects were rarely reflected in the press before the reform era. Therefore, focusing on the published press in this era (specifically between 2000 and 2004) enables me to address reformists in comparison with conservatives around the matter of women's human rights in Iran.

The post-revolutionary state of Iran and women's rights

In accordance with Islamisation of the legislations in Islamic state of Iran, Women-related laws (in different areas such as women's rights in family, women's political roles, inheritance and criminal punishment) were also re-created based on *Shari'a* law. Although the post-revolutionary constitution apparently admires women as those who have principal role in protecting "Islamic" and "Revolutionary" values, having an accurate review of the laws shows women enjoy limited legal rights in comparison with men. A large number of researchers and authors have addressed the influence of the Islamic Revolution on women's socio-legal status and rights after the revolution (Afshar, 1985a, 1987, 1996; Keddie, 2000; Kian, 1997; Moaddel, 1998; Ramazani, 1993). The authors who have considered women's rights under the IRI focus on diverse aspects of gender inequality and discriminatory laws between men and women in Iran. Some of the most mentioned discriminatory laws that are reflected in the relevant literature are: compulsory hijab that deprives women of the right of choosing their clothes in public freely (Shirazi- Mahajan, 1993 and Zahedi, 2008); the low legal age of maturity for girls and boys (Higgins, 1985; Hoodfar, 1999; Khalajabadi Farahani, 2015); the low legal age at which girls become punishable as adults for criminal offenses (Kar and Hoodfar, 1996); prohibiting laws that ban women to study specific disciplines at universities (Afshar, 1982; Shaditalab, 2006); legal prohibition on women to become judges (Afshar, 1982; Kar, 2005); preventing women from undertaking some high level political positions such as presidency

(Afshar, 1996; Kar and Farshi, 2008); counting the restitution of a woman as half of a man according to the IRI's established penal code (Afshar, 1996; Kar, 2004); counting the testimony of two women in the courts equal to one man (Afshar, 1996; Kar, 2004); rescinding Family Protection Law 1967 (FPL) that was established under the Shah's regime that located men and women on more or less the same legal footing in terms of family-related issues such as their right to access to divorce and custody rights (Mir-Hosseini, 2006; Afshar, 1985a; Ebrahimi, 2005; Halper, 2005; Hoodfar, 1999; Mir-Hosseini, 2006, 2007; Yassari, 2002) and reintroducing polygamy (Bayat, 2007; Ramazani, 1993).

On the other hand, although Ayatollah Khomeini and his associates abolished a number of pre-revolutionary laws that granted equal rights to men and women, they had another side that was contrary to some fundamentalist clerics who even condemned women's presence in public. Ayatollah Khomeini 'insisted on the legitimacy and even necessity of women's political mobilisation in the public sphere, and encouraged girls' education' (Afshar, 2000: 87). As Afshar (2000: 87) claims, some women interpreted a contradiction between such encouragements, expressed in Ayatollah Khomeini's praise of women's activism in his several speeches and simultaneously deprivations of women of many legal rights equal with men. In spite of some flexibilities in Ayatollah Khomeini's gender ideas, one can claim that, overall, the dominant position of his state towards women's roles and rights was mostly rooted in a misogynist and subordinating perception of women under Islamic laws. Thus, the Islamic state's gender policies have been criticised and resisted mainly by women's rights activists and also by politicians who have had more women friendly ideas rather than the state.

Women's rights activists' attempts to amend the laws

The gender policies of the IRI instigated critical reactions of mostly educated women since the first months after the revolution. Soon after the revolution, on 8th -March-1979, thousands of women demonstrated in a protest rally against the imposition of undemocratic women's related codes, especially compulsory hijab by Ayatollah Khomeini (Hoodfar, 1999). Shortly after this protest, a number of women lawyers who were supported by secular as well as some Islamist

revolutionaries, held several protests at the Ministry of Justice against the code that barred women from becoming judges (Tabari and Yeganeh, 1982). The complaint and disagreement at the IRI's misogynist approach towards women's roles and rights has been continuing in the following years after the revolution until now. As Hoodfar and Sadeghi state (2009: 215), 'Iranian women of various ideological tendencies have challenged the state's vision and its legal manifestations'.

Collaboration between women's rights activists

Women's rights activists' groups who struggle for developing women's rights in Iran can be divided in two main categories of "Islamic" and "secular" activists. Basically, 'Islamic feminists/activists use religion as a framework to define gender roles, structure of the family and community, and ultimately its inclusion in the formation of the nation state in which the individual is subsumed' (Ahmed-Ghosh, 2010: 106). On the other hand, secular feminists/activists 'base their rationale for women's rights on a human rights discourse to enable and empower the individual in a secular democracy to create a civil society' (Ahmed-Ghosh, 2010: 106). Islamic woman activists identify themselves as a part of religious intellectualism in Iran. They believe that "authentic" Islam can simultaneously emancipate women from the oppressions of distorted reading of Islam and objectifying approach of capitalism against women (Ahmadi, 2006). On the other hand, secular woman activists assume that secularising the state is the primary solution to contest against the ideological political system, and dominant patronising culture which both originate from religious tradition (in perspective of secular activists) (Ahmadi, 2006). Under the repressive conditions after the revolution, 'it became extremely difficult for women activists with a secular orientation (like their male counterparts) to be openly engaged in politics inside the country' (Razavi, 2006: 1225), and 'many went into exile and those who remained were silenced' (Razavi, 2006: 1225) by the state. Nevertheless, secular woman activists pursue their claims mostly by connecting to and negotiating with Islamic woman activists who intend to alter the state's women-related laws and policies based on new readings of Islam. Islamic woman activists who have less limited space for women's rights

activities attempted 'to reconstruct gender and Islamic discourses' in Iran (Ahmadi, 2006: 34).

Islamic woman activists have used 'more woman-friendly sources from already existing set of authoritative exegetical texts' to rethink gender discriminative laws of the state (Ahmadi, 2006: 37). As Ahmadi (2006: 34) explains, 'in many cases, Islamic activists have challenged the clergy's monolithic power', and have suggested the reinterpretation of traditional Islamic theological and legal sources. One of the common concerns of secular feminists and Islamic activists were over women's fulfilment of legal rights as human beings and citizens with equal rights to men (Mir-Hosseini, 2006). The woman activists from both groups claimed that if 'justice and equality are intrinsic values and cardinal principles in Islam and the *Shari'a*' as Muslim jurists claim, 'why are justice and equality not reflected in the laws that regulate gender relations and the rights of men and women' in a state that claims to be guided by the *Shari'a*? (Mir-Hosseini, 2006: 629). Moreover, a common question by women activists was 'why do Islamic jurisprudential texts - which define the terms of the *Shari'a* - treat women as second-class citizens and place them under men's domination?' (Mir-Hosseini, 2006: 629). As these concerns and questions show, secular and Islamic woman activists challenge Islamic perspective of the state towards women's rights mutually.

Some Islamic woman activists who particularly showed their loyalty to Islam and simultaneously attempted to reformulate legal rights of women through reinterpreting Islamic laws could gain political positions in the IRI. These woman activists could therefore act as mediators between secular and Islamic women activists outside and inside the state. Such a consensus among Iranian woman activists to 'sit and discuss with the government' could be seen as a significant strategy for legal reforms (Hoodfar and Sadeghi, 2009: 219). The few Islamic activists who could be in direct dialogue with the state such as Azam Taleghani, Zahra Rahnavard and Faezeh Hashemi, represented the demands of other woman activists officially - as far as these demands remained compatible with their Islamic beliefs (Hoodfar and Sadeghi, 2009).

Despite woman activists' attempts for challenging women-related laws since the revolution until 1997 (the beginning of the reform era in Iran), women's rights

activists could not engender a serious reform in Iranian laws (Kar, 2007). As Mehrangiz Kar (2007), a well-known Iranian lawyer and woman activist, explains, the few legal changes that happened between the revolution and the beginning of the reform era relate to amendment of divorce law in 1992 (Kumar and Rehnamol, 2017). While before that amendment men could divorce whenever they decided to cease their marital relationship, the divorce law amendment, since 1992, obligated men to present their divorce suit to the court (Marandi, 2017). According to the 1992 divorce law, if disagreement between two spouses could not be resolved by a judge, the request of man for divorce becomes eligible (Marandi, 2017).

Reformism and Iranian women

The presidential election in 1997 brought a new set of faces in terms of woman issue into the government on a reform platform (Mir-Hosseini, 2002b). The candidacy of Mohammad Khatami (1997-2005), the reformist cleric who was the least favoured by the establishment, for the 1997 presidential election brought the woman question in focus for election campaigns (Kian, 1998; Kar, 2001). Khatami's victory in the 1997 presidential election, and the governmental power gained by the reformists brought about a new Islamic perception within Islamic regime of Iran based on reinterpretation of Islamic laws.

One of the most controversial issues between reformists and conservatives in Iran has been the socio-legal and political rights of women and their roles in the Islamic society (Hoodfar and Sadr, 2009; Mir-Hosseini, 2002a). According to the conservative jurists, Islam considers men and women as different entities with different abilities and rights (Mernissi, 1991). Conservatives, whose beliefs are founded on a literalist reading of Islam, interpret issues like women's equal rights in contrast with Islam because women's rights are not grasped from exactly what is revealed in Qur'an and hadith in their perspective (sayings of Prophet Muhammad and his successors, Imams). On the other hand, reformists, who advocate dynamic jurisprudence, are of the view that *Shari'a* should be understood and reinterpreted in conjunction with the contemporary characteristics of the Islamic society. As Ahmadi (2006: 37) explains, 'the method of reformist

interpretations on women's issues has been to use more woman-friendly sources from an already existing set of authoritative exegetical texts'. The reformists supported reinterpretation (*Ijtihad*) of Islamic traditions and religious laws to find 'Islamic solutions for a very modern problem that is the result of the changed status of women' (Ahmadi, 2006: 35).

During the 1997 presidential election, women's issues and the scope of their rights became the key concerns that were contested between the reformist cleric, Khatami, and conservative cleric, Nateghe-Nouri (Arjomand, 2005; Mir-Hosseini, 2002a). Khatami was the first presidential candidate who had explicit plans in his electoral campaign for women. In his electoral campaign, Khatami emphasised equal opportunities for men and women and also women's presence in the diverse social and political roles. Khatami believed that the Islamic government should confidently appoint women to sensitive political posts, and women's presence should not be limited to domestic space (Paidar, 2001). Moreover, Khatami intended to make amendments in laws and regulations in favour of women's rights although he did not clearly specify which legal codes were his concern. Khatami stated that 'women should try to put their full weight behind their demands, presenting and specifying their requests, finally moulding them as law' (UNICEF 1998 cited in Paidar, 2001: 11). Khatami's promises to provide more socio-political space for women's participation and legal reforms attracted women's votes vastly. Accordingly, 40% of Khatami's votes belonged to women (Mehran, 2003).

Some literature on the reform era points out the cases according which Khatami could accomplish some improvement in terms of women's status. These frequently indicated cases could be categorised in two areas of society and politics:

- From a social perspective, the government allocated a specific annual budget to support women directed NGOs. Therefore, the number of women's NGOs showed a growth of 320% between 1997-2000 (Shaditalab, 2006). For the first time after the revolution, some female reformist MPs

who refused to wear *chador*[4] were supported by the government and school girls were given the option of more colours for Islamic regime's dress code (Osanloo, 2009). The reform government's Ministry of Culture succeeded to create more space (freedom) for the press to reflect woman's rights activists' demands especially in terms of revisiting Islamic laws about women (Kian, 2002). Women's rights activists have always been suspected or accused of being in relation with 'feminism'; in conservatives' perspective, these activists are followers and also promoters of Western ideas that are in contradiction with Islamic ideas. Once Khatami became president, the space was widened for discussions around women's issues in the press; NGOs and women activists could work with more freedom and were helping the country to reach closer to international human rights for women.

- From a political perspective, for the first time in Iran's history, 297 women were elected in city councils' election. One woman was appointed as vice president and another as the deputy Minister of Guidance and Culture in the reformist government (Mohammadi, 2007; Shaditalab, 2006). Khatami created the Centre for Women's Participation (*Mosharekate-Zanan*), which was the main official institution to develop women's participation in social and political spheres. He selected a woman, Zahra Shojaee, as the government's women's affairs advisor who managed the *Mosharekate-Zanan* (Gheytanchi, 2001; Keddie, 2000).

The above examples show that reformists succeeded to make some progress in the reform era to create more space for socio-political presence of women in the areas that were nearly dominated by men. However, there were still many women's rights issues that remained unchanged, especially in legal area (Hoodfar and Sadr, 2009). From a legal perspective, only few amendments were made in favour of women in the reform era, including passing the law to change the minimum age of marriage for girls from 9 to 13 and for boys from 14 to 15. Moreover, divorce laws were amended to restrict men's divorce right and facilitate the compensation for

[4] Chador is traditional Islamic Hijab which covers body and hair thoroughly except face and hands.

women who were facing divorce. From the economic perspective, Khatami's government decided to equalise the minimum wage for male and female government employees (Mohammadi, 2007).

The reform government succeeded to provide women with more space and freedom to gain more political positions and to publicise their demands and ideas through holding meetings, producing films and expanding women's NGOs. Furthermore, under the reformist government, women's rights activists, particularly Islamic women's activists, had more opportunity to reveal their ideas and demands in reformist newspapers more explicitly compared to the past (Paidar, 2001). However, the study of the literature about the reform era shows that the scholars mostly agree that the reformists' achievements for women's rights were very limited, especially in amending the legislations to strengthen women's position (Arjomand, 2005; Bahramitash, 2007; Gheytanchi, 2001; Mehran, 2003; Mohammadi, 2007). Hoodfar and Sadr (2009: 26) argue that 'while the reformist period opened public space to women, little noticeable legal reform occurred'.

The reason for Khatami's government setback on law amendment for women's equal rights has been a matter of debate and critical analysis from different perspectives. Many scholars typically relate this failure to the barriers set by hardliners for the reformist government's policies and the laws passed by the Sixth Majlis (Arjomand, 2005; Mehran, 2003; Mir-Hosseini, 2002a; Mohammadi, 2007; Hoodfar and Sadghi, 2009). The dominance of conservatives in the majority of the state's organs, the disagreement of the supreme leader with reformist ideas, and the power of hardliner jurists in the Guardian Council (*Shoraye negahban*), an appointed body of six clerics and six jurists who should approve compliancy of the passed bills by Majlis with Islam, are indicated as some reasons for the fact that reformists could not materialise the theoretical willingness of legal reforms into a platform of action (Bahramitash, 2007; Koolaee, 2012). For instance, Hoodfar and Sadeghi (2009: 216) claim that:

> Unfortunately, the state structure and the veto power of the Council of Guardians (comprising some of the most conservative religious leaders) over any laws passed by parliament prevented president Khatami (1997-2005) from delivering on the legal reforms he had promised.

Mir-Hosseini (2002a: 39) also explains how conservatives hindered the reformists from progression in women's rights:

> 'Fearing that popular support for the new language of rights - as embodied in the slogans 'civil society', 'freedom of expression' and 'rule of law' - would further undermine their position, the conservatives tried to reassert their authority, counting on institutions still under their control to block and frustrate every move of the reformist government' (Mir-Hosseini, 2002a: 39).

Although the conservatives' influence in stopping the advancement of laws in favour of women by reformists is undeniable, the question still remains unanswered as to what extent gender equality was a real aim of reformists, and to what extent women's concerns remained as a central concern for reformists? This question can be clarified by what Hoodfar and Sadr (2009) suggest about subservience of woman issue in reformists' plans in comparison with their other democratic objectives. Criticising the reform government's achievements for women, Hoodfar and Sadr (2009: 17) argue that for reformists, women's rights issue was not a priority, and it can be evidenced through a comment claimed by some reformist officials saying that we 'have to wait until the dawn of democracy' to pursue women's rights issues seriously. Although the reasons that prevented reformists to fulfil their amendment plans about women's rights is not the question of this research, the extent to which women's rights issues have priority in arguments of Iranian reformists can be addressed by examining reformists' articles.

The emergence of demand for CEDAW

The demand for Iran joining CEDAW as a bill in 1999 was one of the results of woman activists' attempts in two decades after the revolution to influence the state's perspective towards women's rights. CEDAW engenders the rights for women in legal area, including equal civil, political, economic, as well as social rights, and above all women's rights in family matters (Fraser, 2002). This convention became quickly a battleground between the reformist government of Khatami and the conservatives over women's rights issues. In 1999, the reformist government proposed the bill of 'Iran joining CEDAW' during the last remaining months of the Fifth Majlis (parliament). However, this bill was considered more

seriously by the next parliament, the Sixth Majlis (2000-2004) with its reformist majority. The idea of Iran joining CEDAW was strongly opposed by conservatives by ascribing CEDAW to the "West". Conservatives who clearly dichotomised "Islam" and the "West" identified CEDAW aligned with "Western" culture and in contrast with Islamic teachings about women's rights.

On the other hand, the reformist government and MPs defended Iran joining CEDAW while they were informed about the criticisms of conservatives towards the conflicts between Islamic laws and CEDAW on women's rights. The Iranian reformists supported Iran joining CEDAW by comparing Iran with other Muslim-majority societies who had already joined CEDAW. They justified that Iran's avoidance of joining CEDAW can empower this typical idea in the "West" that Islamic state of Iran does not protect women against oppressive laws. The main solution that was suggested by reformists to reconcile Islamic law and CEDAW was using reservation[5] that was applied by some other Muslim-majority societies. As Mir-Hosseini et. al. (2013: 1) explain, since CEDAW came into force in 1981, it has been ratified by all Muslim states except Iran, Somalia, and Sudan; 'in most cases, however, ratification has been subject to 'Islamic reservations', which speak of unresolved tensions'. Reservation can be defined based on Article 2 paragraph 1 (d) of the Vienna Convention on the Law of Treaties as an 'unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State' (Vienna Convention on the law of treaties, 1969). Many states that joined CEDAW use reservations to modify or exclude some terms of the treaty. This particularly applies to states whose women-related legal codes are based on Islamic laws such as Algeria, Egypt, Bangladesh and Tunisia. On the other hand, Article 28 (2) of CEDAW clarifies that 'a reservation incompatible with the object and purpose of the present Convention shall not be permitted'. Based on this Article, CEDAW

[5] For example in the articles 'Zahra Shojaee: Joining to the convention of elimination discrimination will be beneficial for women in long term' published in *Aftabe Yazd* on 21/9/2003; 'Joining the convention of eliminating discrimination against women and answer to ambiguities and suspicions' published in *Mardom Salari* on 08/01/2002; 'Have we joined the convention of eliminating discrimination against women?' by Shiva Zar-Abadi Published in *Hambastegi* on 17/12/2002; 'Considered again: the bill of Iran joining the convention of eliminating discrimination against women' by Zahra Ebrahimi published in *Zanan* on Feb 2003).

opponents argue that reservation cannot be a proper solution for reconciliation between Islam and CEDAW[6]. To clarify their idea, CEDAW opponents mostly focus on Article 1 of CEDAW which should be applied for reservation in perspective of CEDAW opponents because it verifies elimination of 'any distinction, exclusion or restriction made on the basis of sex', while Islam approves exclusion and distinction of rights between men and women (based on what CEDAW opponents claim). CEDAW opponents argue that while Article 1 is incompatible with Islam (in their perspective), reservation cannot be applied for Article 1 because this Article is about the purpose of CEDAW. Accordingly, reservation on Article 1 can be identified as violation of Article 28 (2) which illuminates that reservations cannot be applied for the object and purpose of CEDAW. Therefore, while CEDAW supporters were hopeful that reservation solved the contrasts between Islam and CEDAW to legitimise Iran joining CEDAW, it was a failed strategy for CEDAW opponents.

Despite disagreements from the conservatives, the Sixth Majlis ratified CEDAW bill on 23-July-2003. This ratification triggered massive objections from the conservatives and famous fundamentalist clerics towards the content of CEDAW and the decision of the Sixth Majlis. According to Iranian law, the Majlis can pass no law without the Guardian Council's (*Shoraye Negahban*) verification. *Shoraye Negahban* is composed of twelve members, including six jurists elected by Majlis (from among the Muslim jurists who are nominated by the head of Judiciary) and six clerics who are selected by the Supreme leader of Iran. Any bill passed by Iranian parliament must be reviewed for not being in conflict with Islam and approved by the Guardian Council to become law. It is worth noting that *Shoraye Negahban* is typically a conservative council that opposes reformist ideas. It is because Shora's members are elected from among the figures who are in line with conservative political approach of the Supreme Leader. In addition to six clerics who are elected by the Supreme leader, the head of judiciary who elects the six

[6] For example the articles 'A critique on reservation in the convention of eliminating discrimination against women' by Zahra Ayatollahi published in *Ketabe Zanan* on 09/08/2003; 'The objection of American mother's community to the convention of women' published in *Keyhan* on 13/08/2003; 'Criticising the reasoning's of the pros for joining the convention of eliminating discrimination against women' by Zeinab Kasiri published in *Johuri Islami* on 10/06/2003

jurists is also appointed by the Supreme leader. Thus, *Shoraye Negahban* can be dominantly identified as a conservative council. As far as CEDAW bill is concerned, in spite of reformists' attempts, Iran's powerful Guardian Council vetoed the bill on 18-Aug-2003. The Guardian Council declared that the bill was in conflict with Islamic principles.

The reflection of the topic of Iran joining CEDAW in Iranian press

As explained in the first section of this chapter, Iranian press, especially the reformist press, gained more freedom in the reform era. Following the rise of CEDAW debates in Majlis, the discussions over the advantages and disadvantages of Iran joining CEDAW were vastly reflected in Iranian press. As the issue of Iran joining CEDAW was mainly battled between two political camps of conservatives and reformists, this issue was also reflected primarily on the publications that belonged to the two groups of reformists and conservatives. Accordingly, the reformist press represented the ideas of CEDAW supporters, and the press that was attributed to conservatives reflected and mostly backed the arguments of CEDAW opponents. In the reformist press, CEDAW supporters presented their ideas in favour of Iran joining CEDAW mainly by focusing on the assumed positive outcomes of joining the Convention for the international image of Iran and Islam. On the other hand, conservative publications criticised CEDAW's assumptions in terms of equal entitlement of men and women to enjoy equal rights primarily by referring to 'Islam' and some immutable biological differences between men and women.

Conclusion

This chapter was focused on the context of this research by firstly providing an overview of Iran's political atmosphere and also legal status of women's rights in Iran after the 1979 revolution. It was explained how the emergence of the reformist party since the beginning of the reform era which started with Khatami's presidency resulted in the presence of two main political parties of reformists and conservatives in Iran. The chapter then focused on reformism and conservatism

and their meaning in the political context of Iran and how these two political tendencies separated based on their interpretation of Islamic laws.

The reform era as the time frame of this research was the next point of focus. It was described that women's human rights and consequently Iran joining CEDAW became a heated subject as a result of a relative freedom for the press in this era. It was also explained how the reformist government failed to realise their promises in terms of women's human rights and also Iran joining CEDAW because of the majority presence of conservatives in powerful organs such as the Guardian Council that rejected the joining CEDAW bill despite being ratified by the majority reformist Majlis.

A historical review of the attempts of women's rights activists for constitutional developments on women's human rights in Iran was next subject that was covered in this chapter. It was explained that after the revolution women were admired by the state for their principal role in protecting "Islamic" and "Revolutionary" values, but they did not enjoy legal rights equal to men, for which the gender policies of the Islamic state have been criticised, specially by women's right activists. It was also explained how Women's rights activists in Iran were categorised as "Islamic" and "Secular" activists and it was described how they came to collaboration on the issue of treating women as second-class citizens and under men's domination and how Islamic activists could act as mediators between secular and Islamic women activists because of their loyalty to Islam that was the principle of the IRI's state.

In addition to illuminating the political context and women's rights situation in Iran, the emergence of the demand for CEDAW and principal positions towards this convention in the political domain and within Iranian press were also addressed in this chapter. It was explained how the bill of joining CEDAW finally got approval from the Sixth Majlis and how this bill was vetoed by the Guardian Council by ascribing CEDAW to the "West" regardless of the attempts of reformists for justifying joining CEDAW and their suggestion to reconcile Islamic law and CEDAW by using the reservation in this convention.

Chapter 3: Literature review and theoretical framework

Introduction

This chapter consists of two main sections, including "women's human rights in Iran" and "women's human rights: relevant theories and concepts". The primary purpose of the first section is to examine literature which addresses the issue of women's rights under Iran's post-revolutionary state's policies. The matter of joining CEDAW is inevitably entangled with governments' decisions and policies to accept or decline this convention. Thus, reviewing earlier scholarship about Iranian state' impacts on women's rights after the Islamic Revolution helps to comprehend Iranian women's rights status from different angles and the necessity of addressing influential ideas within the state on Iran joining CEDAW. Additionally, the reform era is highlighted as a turning point for emergence of body of literature around women's rights. These works that came out following new political situation and prevalence of women's rights issue in political and media domains under reformist government are examined to identify the gap that seems needed to be filled by this research. In the second section, I turn my focus on more theoretical aspects, examining literature around Islam and women's human rights, universalism and cultural relativism, Islamic feminism and anti-Orientalist feminism. Relying on these issues, I illuminate this research's theoretical position firstly, as a feminist study, and secondly, as a part of literature that focuses on dynamism of Islamic interpretations over women's rights. The last section in this chapter explains the theoretical contribution of this research according to which the necessity of conducting this thesis can be realised.

Women's human rights in Iran

As the Islamic Revolution of 1979 in Iran brought about legal and official changes in rights status of women, a broad literature about women's rights in post-revolutionary Iran in comparison with women's rights under Pahlavi dynasty has developed. Therefore, there is a wide literature that addresses the official and legal limitation of women's rights in social, political and familial arenas. These essays predominantly have critical view towards Iranian women's situation in post-revolutionary Iran and discuss how *Shari'a*-based regulations grant a superior position and more rights to men rather than women in both domestic and non-domestic arenas.

A large number of essays that include critical view towards women's right status under Iranian post-revolutionary state frequently exemplify a number of facts to demonstrate how the new state's laws and policies have been used for marginalising women, including: Family Protection Law (FPL) that had provided new family rights for women (1967) and had eliminated some *Shari'a* laws in favour of women was abolished in 1979 (Afshar 1985a; Mir-Hosseini 2007; Yeganeh 1993); access of women to a number of university departments was barred (Afshar, 1982; Shaditalab, 2006); compulsory Hijab deprived women of the right to choose their clothes in public (Koo 2014; Shirazi-Mahajan 1993; Zahedi 2007); women were not allowed to become judge (Afshar 1982; Kar 2005); women were deprived of undertaking high level political positions (Afshar 1996; Kar and Farshi 2008); and according to the Islamic Republic's established penal code, the restitution of a woman is half of a man and the age of criminal responsibility for girls (but not for boys) is at the age of only nine (Afshar 1996; Higgins 1985); based on Islamic retribution laws, two women's evidence in the courts equated to one man's (Afshar 1996; Higgins 1985).

It should be noted that within the works that have critical view towards women's rights status under the Islamic Republic state, some authors present an unrealistic and exaggerated picture of women's status and laws in Iran. For example, Graves (1996: 65) claims that 'married women do not have the right to an education above primary school. Educated women in Iran are seen as anti-Islamic and are highly criticized'. Graves clearly renders an unrealistic picture of women's rights for

education in post-revolutionary Iran since women do not need their husbands' permission to continue their education in the Islamic Republic in reality. Some evidence further suggests that in some cases, women's position has improved since the revolution. For example, not only female literacy rate significantly increased after the revolution but also women occupied about 60% of universities' seats in the recent decade among which religious women have had considerable presence (Taheri 2011). Therefore, some evidence and statistics show how Grave claims about Iranian women's education condition incorrectly.

In addition, despite the fact that men and women are not treated equally before Islamic laws and policies of Iran's state, the revolution nevertheless had some positive outcomes for religious Iranian women who wear hijab. Drawing on this view, few scholars such as Kar and Farshi (2008) and Paidar (2001) explain that although the Islamic Republic enacted some restrictions on women's socio-political rights, women with a religious background who had committed to wear hijab, acquired the opportunity for social participation in universities and public institutions. Before the revolution, most of these women did not have a chance to participate in higher education and work places due to the dominance of "Western" and "secular" culture, instead of Islamic values, in these spaces. Under the Shah's regime, there was no rule of compulsory hijab for women and no segregation of men and women in public spaces like university cafes as there was no compatibility between university curricula and Islamic teachings. Therefore, many religious families prevented their daughters from attending universities and public educational institutions. However, after the revolution, the Islamification of universities and official organisations led religious families and women to assume these spaces were safer and more harmonised with their beliefs around the preservation of Islamic values, such as modesty for women. Thus, some religious women, who were restricted to the domestic domain in Shah's era, gained the opportunity of becoming educated and active in the society after the revolution. Accordingly, the addressed literature shows that the relationship of the Islamic regime to the 'woman question' in Iran is more complicated than merely a pattern of oppression.

Although many studies emphasise the suppression of Iranian women under the Islamic regime (Afshar 1982; Afshar 1996; Keddie 2000; Kian 1997; Moaddel 1998; Ramazani 1993; Tizro 2013), other essays address the subjectivity of Iranian women in terms of their reaction to losing their rights in post-revolutionary Iran and their activities to improve their socio-legal situation. Hoodfar and Sadr (2009) mention the resistance of women activists and ordinary women to Ayatollah Khomeini's declaration for compulsory hijab, few months after the revolution. Afshar (1985a) describes Islamic women's endeavour to access political positions to gain the opportunity in order to negotiate with legislators to eliminate some legal restrictions for women in family law, work and education spheres. Shaditalab (2006) and Kian (2002) explain how the overwhelming presence of Iranian women in universities and higher education has made women more likely to have social roles and influence. These works do not deny discriminative laws and policies in Iran, but they present more realistic knowledge about women in Iranian context. The focus of my research is not evaluating Iranian women's subjectivity or their power to change the laws and make them more equal. However, considering these works, as sources that provide contextual knowledge about Iran, is significant in this thesis in order to avoid homogeneous representation of Islamic laws' and Islamic state's influence on Iranian women's lives, particularly, as preventing stereotyping women's rights status under Islamic laws is one of the issues that is emphasised in theoretical sections of this chapter.

The reform era and women's rights literature

Since the success of reformists in the presidential election of 1997, a considerable literature around woman issue in connection to reformism in Iran started to emerge. It might be because one of the main pillars of Khatami's electoral programs, distinguishing him from previous presidents and other presidential candidates, was his ideas around developing women's social and political participation and amending the laws in favour of women. Thus, broad scholarship that addresses the reform era and its achievements and failures in terms of women's rights has emerged (Bahramitash 2007; Hoodfar 1999; Hoodfar 2009; Koolaee 2012; Mir-Hosseini 2002b). In the literature that was produced before the

reform era around gender policies of the Islamic Republic, Islam was predominantly represented as an ideological framework according to which the Islamic Republic's discriminatory laws against women were established. Afshar's article (1996) is the only article that mentions the ideas of some political figures such as Azam Taleghani and Zahra Rahnavard who tried to amend women-related laws through a more woman-centred interpretation of Islam.

Since the mid-1990s, particularly following the reformists' governmental ascendancy in the political scene of Iran, the number of literature that identified Islam far from woman oppressive static body of laws increased (Ahmadi 2006; Kian 1997, 2002; Mir-Hosseini 2000, 2003, 2007; Paidar 2001; Rostami Povey 2001). Addressing the schools of thought regarding people's ideas and attempts on woman friendly interpretation of Islam, the new literature have given rise to a new vision to the relation of gender debate and Islamic laws in Iran. For example, in her essay, Kian (2002: 65) shows how both Islamic and secular Iranian women 'challenge the clergy's dominant readings of the Quranic verses, the *Shari'a*, the hadith, and the Islamic traditions interpretations that they consider distorted'. Furthermore, Paidar (2001: iii) discusses around the potential of the 'reformist views for the development of the gender debate' in Iran. Paidar (2001: iii) argues that despite limitations to the institutionalisation of reformist approach in the state, the 'reformist strands have made an important conceptual contribution by opening up the political space for Islamist gender theory in the way that had not been possible before'. In all of these works, the role of reformists in developing new Islamic view over women's rights is considered. However, there is a gap in this literature in terms of analytical comparison between the ideas of conservatives and reformists - respectively, the main representatives of traditional and revisionist Islamic views within Iranian state towards women's human rights. This analytical comparison is what my research covers by focusing on the reformists' and conservatives' press to examine and compare the approach of these two political camps towards women's human rights in general and CEDAW in particular. Even in Mir-Hosseini's book, *Islam and gender: the religious debate in contemporary Iran*, that compares the ideas of several clerics with different ideas about women's rights in Islam (some of whom are certainly political figures), there is no connection to reformism and conservatism as main

political division within Iranian politics. In her book, Mir-Hosseini investigates the ideas of some well-known Iranian clerics and theologians in terms of rights equality between men and women by interviewing them. Categorising the interviewed clerics to three groups of traditionalists, neo-traditionalists and modernists, Mir-Hosseini shows the diversity of Islamic interpretations on the subject of women's rights.

Generally speaking, all of these works, which emerged since the empowerment of reformists in Iran, mention the capability of the revisionist approach towards Islam for reinterpreting women's rights in Iran. Although the literature on the reinterpretation of Islamic laws does not focus on the matter of international women's human rights, the matter of compatibility between women's equal rights and Islamic laws of Iran that is suggested in this literature is related to my research. This literature shows that Iranian women and some reformist clerics not only challenge the claim that feminism and issues of rights equality 'are Western paradigms which aim to undermine the authenticity of Iranian society, but they also break the male monopoly on interpreting Islamic texts' (Hoodfar 1999: 4). Focusing on the ideas and attempts to decrease gender discrimination in Islamic laws by reformists and Islamic feminists, this kind of literature reiterates that Islam is far from static and unchanging religion; it is a dynamic and evolving ideological force that is being constructed and reconstructed (Hoodfar 1999). Thus, with the spread of the literature that pays attention to resolving women's issues through rereading Islamic laws, the stereotypical representation and grim image of Islam, as the non-negotiable source of prescription against women, is tackled (Hoodfar 1999). My research is also in line with this body of literature in terms of challenging static interpretations of Islam, specifically in the matter of compatibility between Islam and women's human rights that will be explained later in this thesis.

Women's human rights in Iran: contribution

What this research adds to the literature around women's rights in post-revolutionary Iran can be explained by its focus on the subject of 'women's human rights' from a sociological angle. The literature that I have reviewed so far shows

that they hardly consider the matter of Iranian women's rights as a part of "human rights" debate. Although the matter of Iran joining CEDAW was one of the main realms in which the question of compatibility of Islam and women's right equality were discussed at length among Iranian political groups and public press between 2000 and 2004, I could not find any sociological study with a focus on CEDAW. There are some publications, including works of Kar (1999) and Ravasian-Kashi (2007) that focus on the matter of Iran joining CEDAW, but these works predominantly have legal approach towards this subject. The focus of these studies is mainly on comparing CEDAW with internal laws in Iran, and the possibility of using reservation as a legal solution to legitimise Iran joining CEDAW.

Tiefenbrun's (2007) work is worth mentioning here as an article specifically relating to women's human rights in Iran. Tiefenbrun (2007) claims to address women's human rights situation in Iran through a semiotic analysis. However, her work is mainly an empirical study based on describing the examples of women's human rights violations in Iran rather than a theoretical and analytical study based on semiotic analysis. Moreover, reading her article, the examples given by Tiefenbrun are not precise enough regarding the legal and traditional situation of women in Iran. Therefore, this inaccuracy decreases the reliability of Tiefenbrun's article for me to regard it as a reference. For example, she identifies three elements for an Iranian marriage contract, including: '(1) the offer of marriage made by the woman or her guardian, (2) the acceptance by the man, and (3) the payment of a dower *(mahr)* called the "marriage gift,"' (Tiefenbrun 2007: 63). However, the first and second elements are absolutely incorrect as in Iran, it is an old and pervasive tradition that the offer of marriage is made by man and his family to the woman and her family. In relation to contradicted views between reformists and conservatives on women's human rights, Tiefenbrun (2007: 80) indicates 'the development of a new gender discourse and the rise of a popular reformist movement in Iran' as 'positive signs of the emergence of more equality for women within an Islamic framework'. However, her study does not include a comprehensive examination to show what differentiates reformists' ideas from the conservatives' perspective on women's rights, and how Islamic reformist ideas influenced women's human rights discussion in Iran. Thus, it seems needed to

have a reliable study to investigate reformists' and conservatives' opinions on the issue of women's human rights more specifically and elaborately than previous works.

Finally, my research adds to the knowledge of the literature about women's rights in post-revolutionary Iran by firstly, concentrating on the subject of women's human rights, and secondly, by comparing two approaches of reformism and conservatism (over women's rights) as two main strands in post-revolutionary Iranian politics since 1990s. Thus, by focusing on CEDAW in this research, I intend to observe how the reformist publications, as representatives of dynamic interpretation of Islam, deal with the matter of international women's human rights in comparison with the conservative publications that are known for their support of traditional reading of Islam.

Women's human rights: relevant theories and concepts

Theoretical framework of this research is formed based on theories and concepts that are in relation with two main subjects, namely Islam and feminism. The focal point of discussions in both advocacy and opposition of CEDAW in Iranian press to legitimise their opinions is over compatibility/incompatibility of CEDAW with Islam. While conservatives invoke strict reading of Islam to justify their objection to CEDAW, there are some attempts by reformists to characterise CEDAW in line with Islamic teachings. Thus, the association between Islam and women's human rights cannot be ignored as a theoretical focus to address the debates on women's human rights in Iran. As far as feminism is concerned, firstly, identification of this project as a feminist study makes it necessary to clarify my feminist position in addressing arguments on women's human rights in Iran. Secondly, as women's human rights is a subject that is mainly regarded in feminist literature, I need to describe my study's affiliation with and contribution among existing feminist theories over women's human rights.

Thus, the theories and concepts which are used in this study either explicitly or implicitly associate to two subject matters of Islam and feminism. The presented arguments in this section intertwiningly display Islamic and feminist theoretical

approach of this research towards women's human rights. Therefore, the sections are not divided distinguishably in accordance with "Islam" or "feminism". The main theoretical grounds over which I explain this research's theoretical positions to "Iran joining CEDAW" in connection with Islam and feminism consist of "women's human rights and Islam"; "cultural relativism/ universalism of human rights"; Islamic feminism" and "anti-Orientalist feminism".

Women's human rights and Islam

In many of current arguments about the difficulties that surround the implementation of women's human rights, matters related to culture, religion, custom or tradition emerge (Holtmaat and Naber 2011). Charlotte Bunch (1995), one of the prime activists to include women's rights in the human rights agenda, explains that one of the main reasons to stop defining women's rights as human rights was the fact that violation of women's human rights is recurrently legitimised by reference to culture, religion, or tradition. There are other scholars who have similar idea to Bunch's in terms of the importance of cultural and religious barriers for women's human rights such as Hernandez-Truyol (1995); Krivenko (2009); Stachursky (2013). This viewpoint of Bunch is significant in my research because the main reason which hardliners in the Iranian state use to justify their violation of women's human rights is 'Islam', and what is defined by conservatives as 'Islamic culture' and 'tradition', which they see as being in conflict with international women's human rights.

According to CEDAW, all states should strive to amend legal, cultural, and traditional patterns, which perpetuate gender-role stereotypes (Article 10C of CEDAW). Scholars such as Shah (2006), Holtmaat and Naber (2011) focus on Article 5 of CEDAW to claim that joining CEDAW requires inevitable manipulation of culture in order to remove cultural and traditional patterns that perpetuate discrimination against women. Article 5 of CEDAW clearly states the responsibility of the states to modify 'social and cultural patterns of conduct of men and women with a view to achieve the elimination of prejudice and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes' (United Nations General Assembly 1981). According to this Article, even

if women's 'legal equality is guaranteed and special measures are taken to promote their de facto equality, another level of change is necessary for women's true equality' (Shah 2006: 177). This new level of change is removing discriminating patterns in the culture and tradition 'to create an overall framework in society that promotes the realization of women's full rights' (Shah 2006: 177).

One of the most familiar instances of a conflict between women's human rights as identified by 'international law and internal peculiarities of States is that existing between the status of women according to Islam as commonly understood and the status granted to women by international human rights law' (Krivenko 2009: 4). While CEDAW identifies states as the responsible of amending discriminative social and legal patterns, Iranian state is principally dependent on "traditional" interpretations of Islam that clearly excludes women from enjoying rights equal with men in familial, social and legal scopes. Accordingly, Iranian state and CEDAW are assumed in an antagonistic relationship in this study, while the state is expected to take action for stopping inferiority of women in terms of rights. Reviewing the Islamic rules in dominant traditional readings of Islam that are followed by hardliners (traditional Islam treat men and women differently in terms of their rights), one can find that in several subjects about women's rights, Islamic rules conflict with several principal women's human rights (Krivenko 2009). These conflicts trigger some states and hardliners in Muslim majority societies like Iran to oppose women's human rights and resist to amend their domestic laws to provide women with rights compatible with international laws. Amending the laws according to international women's human rights in the societies under Islamic legislation necessitates changing parts of what is understood to be the particularities of Islamic culture, religion, custom and tradition by Muslim hardliners (Krivenko, 2009).

There are discriminating patterns that are defined as parts of Islamic culture in dominant readings of Islam. For example, while dominant Islamic view identifies mothering as the main and specific role of women and grants a sanctified meaning to it, Article 5 (b) of CEDAW calls on States Parties to ensure that education includes a proper understanding of maternity to define it as a 'social function' and common responsibility between men and women (Holtmaat and Naber 2011).

Therefore, joining CEDAW requires an acceptance of new definition of maternity, a role that is specifically defined for women in Islam and which entitles women to a place in Heaven (Oh 2010).

The efforts to make Islamic norms and beliefs compatible with women's human rights' requirements for women's full enjoyment of human rights is addressed by different scholars within a broader dialogue on human rights between universalism and cultural relativism.

Muslim women's human rights: cultural relativism or universalism?

Considering human rights on a large scale, there has been a wide discussion around the contradiction of universalism and cultural relativism in the scholarship around human rights. This discussion also pervades the critiques about implementation of international human rights laws for Muslim-majority societies (Afshari 1994, 2011; Chow: 2016. Halliday 1995; Mayer 2013). Cultural relativists believe that we cannot judge cultural elements and practices of other societies if we are not engaged with that society. Cultural relativists criticise universal criteria to define human rights and universal emancipatory solutions for all human beings in the world. As Brems (2006: 108) explains, typically, cultural relativism in the first instance shows 'how human rights historically and conceptually reflect Western values'. Then, 'in the next step, some particularities of a non-Western culture are highlighted and contrasted with those Western concepts' (Brems 2006: 108). What is concluded from these premises is rejecting human rights by cultural relativism and the states that approve cultural relativism to oppose universality of human rights and its applicability to all cultures.

Anne Elizabeth Mayer (1995: 176), a prominent figure in studies of Islam and human rights in general and women's human rights in particular, suggests that 'there are two basic positions that one can take on women's human rights: the universalist and the cultural relativist'. The dichotomy of universalism and cultural relativism is questionable and I address this in future by arguing about the stance of the Islamic Republic about human rights that cannot be completely fitted in relativism or universalism. Although Iranian CEDAW opponents cannot

be perfectly identified as cultural relativists, they have common viewpoints with cultural relativists in terms of considering universality of human rights as a threat for local cultures, and ineligibility of international human rights regimes to judge human rights status in all societies. Nevertheless, the dichotomy of cultural relativism and universalism is used in my thesis because it helps me to explain Iranian conservatives' critiques on international women's human rights in terms of their disagreement with universality of human rights and their emphasis on their "own culture" as a basis to define human rights.

With regard to women's human rights specifically, in the universalist position, all women have to enjoy the rights set for them by international covenants and conventions such as the 1966 International Covenant on Civil and Political rights and CEDAW (Renteln 2013). On the other hand, cultural relativists claim that members of one society cannot legitimately criticise the practices of other societies about women's rights and status with different traditions. Cultural relativists deny 'that there can be valid external critiques of culturally-based practices', and claim 'that no legitimate cross-cultural standards for evaluating the treatment of rights issues exist' (Mayer 1995: 176). Arguably, where the treatment of women in the Middle East is criticised by the West, universalist approaches are objected to by cultural relativists on the ground that Westerners use criteria that are apparently international but reflect the values of Western culture in relativists' view (Renteln 2013). Hence, cultural relativists conceive Western condemnations of other regions on discrimination against women as reflection of a callous, ethnocentric approach to rights issues and in relation with cultural imperialism.

As Mayer (1995) explains, 'one aspect of the implications of the cultural relativist argument appeals to what might be called 'Islamic particularism' to justify the denial of civil and political rights to Middle Eastern Muslim women'. Mayer also (1995) explains that 'regarding the status of Muslim women, cultural relativists might maintain that the reasons for tolerating deviations from international norms are particularly strong because many discriminatory features of Middle Eastern law are directly traceable to religious precepts' (Mayer 1995: 22). Thus, demanding respect for human rights could be equated with disrespect for local religious believes and norms that are assumed holy, unchangeable and eternal by

Islamic states or devout Muslims. This argument by Mayer can be understood more clearly by the example of Iranian hardliners who vigorously oppose CEDAW in their writings and speeches. Iranian CEDAW opponents compare approving women's human rights to marginalising what they consider as everlasting Islamic teachings i.e. conservative interpretation of Islam that influences Iranian legislation.

In order to enlighten this research's stance in favour of universalism of women's human rights, I have to consider feminist heritage of discussions over the duality of universalism and cultural relativism. Knowing the background of these ideas in feminist literature is important for me because I define my research as a feminist study in terms of the aim and intention of undertaking the study, namely, to make a social and legal change by upholding CEDAW to improve women's rights status. I distinguish the place of my research from feminist works that stand in advocacy or opposition of universalism/relativism of feminist ideas by elaborating the necessity of implementation of women's human rights in all societies, including Muslim societies.

Feminist literature: cultural relativism and anti-essentialism

The struggle between universalism and cultural relativism maps onto what feminist literature describes as a universal and essentialist approach versus a cultural relativist and anti-essentialist approach (Okin 1998). The rise of anti-universalist feminist ideas is ascribed by Okin (1998: 42) to 'Western academic feminism's hesitant or ambivalent approach to the issue of violations of women's rights in other cultural contexts'. The concern of universality and essentiality of feminism is mostly attributed to supremacy of West-centred feminism to present a unified definition of "woman" for all women throughout the world by centralising characteristics of the most privileged women in the West i.e. white heterosexual middle class women.

As Okin (1998) and Mullallay (2006) explain, during 1980s and the early 1990s, the concern of feminism with women's specificity was highly influenced by postmodern and postcolonial feminist scholarship (Ebbert 1991; Tong 1989; Wallin 1999 as postmodern feminism and Jayawardena 1986; Lorde 1984 as

examples of postcolonial feminism), and also black (such as Carby 1987; Davis 1981), lesbian (such as Calhoun 1994), and other critics of earlier feminism for ignoring their cultural specificities, needs and interests. On contrary with the universalist claims, feminists in opposition with "gender essentialism" (such as Spelman 1980; Kristeva 1981) emphasised that no generalisations could at all be made about gender, women's rights and roles across different cultures (Okin 1998). Furthermore, anti-essentialist feminists assert 'the role of local, contextual judgments, the social construction of the human self and the constitutive role of communities and inherited traditions' in definition of 'woman', her characteristics and her rights and roles (Mullally 2006: xxx). Challenging the unitary category of 'woman', well-known scholars such as Carol Gilligan (1982), Drucilla Cornell (1991), and Iris Young (1990) emphasised 'the specificity of women's bodies, life-patterns and modes of moral reasoning' in different cultures, and therefore these scholars 'reject the abstraction of human rights discourse' for women (Mullally 2006: xxx).

One of the main concerns of many Western feminists in 1980s and early 1990s was the matter of differences and divergence among women in the world (Okin 1998). Therefore, these feminists charged Second Wave feminism with 'being essentialist; making false generalizations; ignoring important differences among women, families, sexuality, and so on-differences associated with race or class, ethnicity or religion, sexual orientation, and other attributes' (Okin 1998: 42). Although anti-universalist feminists consider differences among women in relation to diverse attributes including sexual desire, race and class, my focus in this research is on their ideas about women's difference in relation to culture and religion. It is because conservatives mainly rely on instances that relate to religion (Islam) and culture (Islamic culture) to argue inapplicability of CEDAW for Iranian Muslim women. Focusing on CEDAW's clauses which seem different from Islamic rules in perception of conservatives (such as clauses in relation to children custody; child caring; women's freedom of choice for marriage and residency; men and women's equal rights for inheritance) the conservatives identify CEDAW as a "Western" treaty incongruous with 'Islamic culture'.

Although 'anti-universalising' and 'anti-essentialism' feminist debates were initially a hot topic during the 1980s and 1990s, these debates seem still alive and influential in feminist critique of the universality of international women's human rights. For example, scholars such as Otto (2013), Merry (2006) and Krivenko (2008) who explore the application of CEDAW within non-Western cultures raise the critique that CEDAW treats women as a homogeneous group and has an essentialist view towards women's rights. These critics of CEDAW are of the view that CEDAW's clauses are particularly connected to the concerns and interests of white middle-class women living in developed Western countries, while there are fundamental differences among the life patterns and moralities of women in different cultures. Seeing CEDAW's clauses and values as exclusively linked to Western pattern of women's lives is in line with the cultural relativist view towards women's human rights that was mentioned earlier. As discussed above, anti-essentialist and anti-universalising feminists, who emphasise the difference of women in different cultures and societies, challenge the applicability of universal women's human rights in general and CEDAW in particular in eliminating discrimination for non-Western women. An anti-universalising view precludes a universal body of laws as an effective tool to eliminate discrimination against women. Instead, this approach strengthens cultural relativist view according to which universal codes do not work to further women's human rights agenda, since women's human rights in different societies cannot be evaluated through universal criteria.

Cultural relativism: denial of cultures' fluidity

One of my main reasons to disagree with cultural relativist view towards human rights relates to static perception of culture that is tacitly understood in this view. Cultural relativism can induce an essentialist view towards cultures due to its stress on specificity and heterogeneity of different cultures. I can clarify this outcome of cultural relativism by what Narayan explains as "cultural essentialism". Narayan (1998) firstly, critiques gender essentialism that attributes intrinsic biological and psychological characteristics to "all" women and men besides universal generalisation of "women's problems". Then, she asserts that some attempts to prevent gender essentialism by stressing the differences of

women's issues based on race, class, region and sexual orientation can end in pictures of cultural differences among women that constitute what Narayan calls "cultural essentialism". Narayan (1998) explains that one important example in which the injunction to attend to differences among women can lead to complications is when this project is carried out in a manner that avoids essentialism about women by repeating essentialist notions of "cultural differences" between "Western" and "Non-western" cultures and the women who inhabit them. In effect, universal essentialist generalisations about "all women" are exchanged with culture-specific essentialist generalisations that develop based on totalising categories such as "Western culture", "Non-western cultures", "Western women", "Third World women", and so forth (Narayan 1998: 87). The useful strategy that is offered by Narayan to challenge cultural essentialism is increasing historical view towards cultures. Criticising prevalence of ahistorical images of culture, she argues that 'essentialist pictures of culture represent "cultures" as if they were natural givens, entities that existed neatly distinct and separate in the world, entirely independent of our projects of distinguishing between them' (Narayan 1998: 92). This picture inclines to conceal the reality that the "boundaries" between "cultures" are human constructs, established by different elements in worldviews and ways of life, representations that are rooted in and used for a variety of political ends (Narayan 1998). Essentialist representations of culture hide the reality that the labels or titles that are currently used to determine or characterise particular "cultures" themselves have a historical origin, and that what they identify as "one culture" often changes over time (Narayan 1998).

The belief on inapplicability of international women's human rights on societies with Islamic-based cultures, and invalidity of universal measures to assess women's rights conditions that is supported by Muslim conservatives is in fact a verification of cultural essentialism. This study is underpinned by the perception of cultures as fluid phenomena in constant interconnection and interaction with each other. While CEDAW opponents attempt to individuate CEDAW as a "Western" convention, and demonstrate innate hostility between Islamic teachings and international women's human rights (based on their strict reading of Islam), this research stands on the idea of flexibility of Muslim societies' cultures that are not isolated. Thus, they can have several mutual aspects with other Middle

Eastern and Western cultures that justify their mutual need for international human rights.

Consequences of Cultural relativism on women's human rights

Defending cultural relativist debates about women's human rights has been problematic for a number of reasons, including perpetuation of misogynist traditions, empowerment of fundamentalism and interruption in women's rights research.

Perpetuation of Misogynist traditions

One of the main concerns around cultural relativism in relation to women's human rights is its verification of "harmful cultural practices" such as child marriage, polygamy, seclusion and compulsory veiling, women's circumcision and widow burning (Sati - in India) (Mayer 1995; Brems 2006). According to Brems (2006: 113), this term relates to 'practices particular to certain (non-Western) cultures which, to the outsiders' eye, harm or disadvantage women, but which are meaningful to certain participants in those cultures'. In these circumstances, 'either the culture's insiders perceive no harm or disadvantage, or if the harm or disadvantage is recognized, it is justified or compensated for in the wider cultural context' (Brems 2006: 11). Thus, supporting anti-universalist ideas in relation to women's human rights paves the way to justify harmful ideas and practices against women in the name of respecting "culture". On the other hand, a universally defined criteria of women's human rights empowers women to oppose cultural practices that are in conflict with women's human rights through international legal channels, due to the governments' commitment to the international laws that prevent violation of women's human rights.

Empowerment of fundamentalism

The other consequence of cultural relativist and anti-universalising approach towards women's human rights is that religious fundamentalist states and groups may use cultural relativism to object to human rights law, including women's human rights (Okin 1998; Mayer 2013). Thus, a misguided application of cultural

relativism can end to unhesitating respect to Middle Eastern governments that insist that cultural particularism requires the international community to tolerate those governments' discrimination against women. As Afshari (2011) explains about Iranian state, Iran recurrently denies and refuses the charges made by UN human rights monitors, defending its acts as authentic cultural practices. Thus, this kind of objection to cultural relativism is worth being considered in this research because Iran's state can be identified as an Islamic fundamentalist state (Bruce, 2000; Riesebrodt, 1993; Ruthven, 2004; Yuval-Davis, 1997) whose reasoning has common grounds with cultural relativism to oppose CEDAW (the section "Cultural relativism: A theory at CEDAW opponents' disposal" presents instances to show commonality between conservatives' critiques of CEDAW and cultural relativism). A crystal-clear example to show how cultural reasons justify human rights violation by Iranian state based on cultural reasons is the statements of Ayatollah Khamenei, the supreme leader of Iran, about women's human rights. Ayatollah Khamenei argues that: according to human rights, how can one name it "human rights", while it ignores the rights of one and a half billion Muslims whose believes are disregarded in Western human rights? It should be called human rights in form of Western culture (translated from Farsi on the webpage http://farsi.khamenei.ir/speech-content?id=2645). Khamenei's account shows that how his critique of human rights rests on cultural segregation of Muslim and Western societies, and how he identifies human rights in compatibility with "Western culture", rather than "Islamic culture".

Yuval-Davis (1997) defines fundamentalism as a reaction to modernity - social orders based on the principles of enlightenment, rationalism and progress. Religious fundamentalism can be described as a religious way of being that manifests itself in a strategy by which religious believers attempt to preserve their distinctive identity as a group in response to the challenge presented by modernity and secularisation (Ruthven, 2004). Bruce's (2000) definition of religious fundamentalisms adds this point that they generally rest on the claim that some source of ideas, usually a text, is absolute and complete, and provides a perfect guide in the various areas such as politics, economics, morality, and familial issues. Protestant fundamentalists believe that the Bible is the revealed word of God, while Islamic fundamentalists like Iran's state see the Quran and other sacred texts

as eternal and immutable (Bruce, 2000). Yuval-Davis (1997) and Bruce (2000) mention that the fundamentalist projects often emerge when a minority or a majority collectivity feels threatened by an 'other'. Islamic fundamentalism, which has mainly risen in the Middle-Eastern societies is usually identified as in opposition with the West, and tries to protect the religion and traditional norms in front of the expansion and influence of "Western culture" (Bruce, 2000; Riesebrodt, 1993). It is important to note that 'the rise and the growth in political power of religious fundamentalism in many parts of the world are closely related to the rejection of the imposition of "Western" or "white" culture and ideas' (Okin 1998: 37). The freedom and equality of women are often viewed as symbolic of Western culture and values, which are contrasted to religious, and nationalist values, and opposed by states on that basis (see, for example, Afkhami 1995, Moghadam 1994 and Narayan 1998 cited in Okin 1998).

Okin's account about fundamentalism and rejection of the "West" is relevant to my research since many authors (such as Bruce, 2000; Osanloo, 2012; Ruthven, 2004) assert that the Islamic Revolution of Iran in 1979 was also a rejection of "Westernisation". This was because "Western" elements supported by Shah were perceived as a threat to national authenticity of Iranians by the Iranian nationalists and as a threat to maintenance and power of Islamic beliefs by Islamist groups. Moreover, the matter of fundamentalism and rejection of the "West" connects to my research because one of the main justifications of state conservatives in Iran to oppose CEDAW relates to identifying CEDAW as a Western convention that aims to replace 'Islamic values' with "Western culture". As Osanloo (2012: 55) explains about the position of the West as an "other" in revolutionary movements which can end the establishment of Islamic states, Iran's 1979 Revolution 'was a revolution in large part against the excesses of Western societies, aimed to turn the country back to some "indigenous" values'. One of the main issues that has been constantly presented as a value by Iranian post-revolutionary state is opposing to "Western imperialism" as a culturally threatening issue against Islam. As explained in previous chapters about political context of Iran, one of the main criticisms of revolutionaries in 1979 on Shah's regime was around his flexibility and obedience to the Western powers such as the Britain and the U.S. In addition to political aspect, post-revolutionary state focuses on cultural dimension of

Shah's submission by concentrating on and elaborating the concept of "cultural imperialism" as a consequence of the West's dominance. Criticising Shah's absorption in "Western culture", Iranian state claims the protection of indigenous culture of Iranians - that is 'Islamic culture' in their view - as an achievement of the Islamic Revolution. Dichotomising "Western culture" and "Islamic culture", the state hardliners in Iran constantly warn the cultural imperialism of the West as a threat to "Islamic culture" and subsequently political sovereignty of Iran. The influence of Western imperialism on Muslim societies is one of the main concerns of Islamic hardliners in agreement with cultural relativism ideas. Okin (1999) argues that religious fundamentalists justify misogynist customs and cultural practices by highlighting the threat of Western cultural imperialism. Cultural imperialism is the idea which is pervasively indicated by cultural relativists as one of the unpleasant results of universality of human rights. CEDAW opponents in Iranian state also consider equalising men and women's rights as acquiescing to Western imperialism, and warn CEDAW supporters that ratifying CEDAW is tantamount to the dominance of Western imperialism.

Here, Mayer's (1995) ideas in terms of Muslim states' fear of Western influence in Muslim society and the replacement of Islamic practices and laws with the West originated human rights laws can be considered. Mayer (1995: 30) discusses that 'associating any demands for enhancing the rights of Muslims with imperialism is odd because, in the main, the great powers in the age of imperialism took the position that it was only citizens of Western powers who deserved to have their rights protected according to Western standards, setting forth the precursors of today's international rights norms'. Thus, the direct association of imperialism and enforcing international human rights norms to judge the women's human rights status under Middle Eastern governments can be challenged. It seems that the main concern of 'imperialist powers' is protecting Western citizens' human rights rather than imposing human rights on non-Western societies. As O'Byme (2014) discusses, the United States may be the country that many cultural relativists and Middle Easterners are referring to when they talk about imperialism. However, the United States has rarely been in a position to persuade other governments to women's rights or to condemn other governments for declining CEDAW or for their reservations on CEDAW. The close alliance between the U.S and Saudi Arabia,

which has one of the worst human rights records in the world in its treatment of women, demonstrates how little the issues on women's rights have mattered to U.S politicians. Meanwhile Sweden, hardly conceivable to be cast in the role of an imperialist country, has the strongest voice in terms of calling for adherence to norms of equal rights of women in discussions over Muslim countries opting-out of CEDAW (Romani et al. 2017). Therefore, associating the imperialist intentions with the commitment of the countries to evaluate and amend women-related regulations based on women's human rights does not seem sufficiently well evidenced.

Interruption in women's rights research

Some theorists such as Mohanty (1988) and Okin (1998) believe that in perspective of some feminists who disagreed with gender universalism/essentialism during 1980s, any suggestion by Western feminists about non-Western women who are disadvantaged or oppressed by elements of their own cultures, regardless of the quality of presented evidence or the strengths of the argument, can be seen as an offensive cultural imperialism (such as Flax 1995; Moruzzi 1994). This concern about devaluing feminist works that are created by West-based scholars about non-Western women can restrict the scope of research and knowledge.

Although I have a non-Western background, the issue can be significant in relation to my research as this study is conducted as a PhD project in Western academia. I identify this research as a part of literature that is partially universalist because it considers women's human rights as a universal subject. While I consider women's human rights as a universal issue, I am in opposition with the cliché idea that non-Western women have to necessarily follow Western, or West-originated, solutions for women's emancipation. In other words, I assert ability, agency and independence of non-Western and Muslim women to understand their issues and find the solutions. Accordingly, I do not assume women's human rights, including CEDAW, as a "Western" subject similar to the view of Iranian conservatives and also cultural relativists, but I see the demands for women's human rights as a universal subject that is meaningful for non-Western women as much as it is for

Western women. In essence, international women's human rights can pave the way to resolve Iranian women's problems in different areas, including women's rights of equal job opportunities and wage; equal rights in family and inheritance; women's rights to have equal space for leisure and sports activities that all are the concerns of ordinary women not specifically those who are absorbed in "Western culture". Thus, I do not presume the content of CEDAW and presented issues in its clauses as alien subjects and far from Iranian everyday life concerns.

This study's position: challenging cultural relativism

With regard to cultural relativism, I verify the significance of considering various features of women, such as race, ethnicity, and class, in evaluating women's situation and emancipation strategies. However, my view towards women's human rights is in clear contrast with cultural relativism as I believe women's human rights is a universal necessity for women despite of their race, religion, class or culture. To criticise cultural relativist perspective to women's human rights as being a Western creature that is just appropriate for "Western culture", I employ Narayan's (1998) theory. Based on her theory, emphasis on difference of women's situations, needs and issues based on their cultures and defining women's human rights in relation to each culture can end to "cultural essentialism" that ignores dynamism, changeability and fluidity of cultures. Additionally, cultural relativism can be employed by fundamentalist states like Iranian state to accuse women's human rights of being "Western" and labelling non-Western people who support these rights as "Westernised" (*Gharbzadeh*). Iranian fundamentalism defines women's human rights as a luxury subject that is the concern of women of only high economic classes. Moreover, women who fight for human rights are always accused by the state as being influenced by the West and in contrast with Islam. However, I perceive CEDAW in relation to the issues of Iranian women from different classes, most relative to lower class women. For example, what CEDAW emphasises in terms of women's equal rights in terms of employment and wages directly relates to women suffering from gender discrimination of income, while they are typically single breadwinners who belong to low-income class of Iranian society (Rostami-Povey 2016). Thus, CEDAW can

primarily respond to the needs and issues of women who are categorised in none of Westernised or upper class of the society.

Rigid Islam and opposition to human rights universality

As mentioned earlier, concerns over universality of human rights has been mostly a central point in discussions on women's human rights in Muslim Middle Eastern societies. I will show in Chapter 4 that how Iranian CEDAW opponents represent CEDAW as a Western convention that is in conflict with Islam and how, in partial agreement with cultural relativism, they criticise universality of CEDAW. Moreover, pointing to the connection between CEDAW opponents' ideas and cultural relativism, I will critically analyse the assumption of CEDAW opponents towards Islam that is portrayed as a monolithic and rigid system. I take a critical position on the representation of Islam by having a vision close to cultural relativism. I argue that an unchangeable and solid picture of Islam is embedded in cultural relativist view. Asiimwe-Mwesige (2002: 80-81) explains 'the cultural-relativist approach regards different value systems as unique and incomparable units'. Moreover, 'cultural relativists deny that conflicts between values from different traditions can be settled in any reasonable way'. Thus, in the cultural relativist perspective, value systems, including the 'Islamic tradition', is understood as a static unit, and irreconcilable with international human rights provisions in cases of contradictions (Osanloo 2009).

However, as mentioned in Introduction chapter, there are different readings of Islamic teachings, including revisionist and reformist reading. Based on revisionist/reformist interpretations, Islamic jurisprudence must be revised to become more compatible with today's Muslims' lives and their concerns in current "time" and "place". Islamic thinking that emphasises the contextual and potentially diverse readings of Islam is named ''Islamic reformism" and "Islamic intellectualism" in Iran. As explained in Introduction chapter, the political strand of "reformism" in Iranian politics originates from reformist view towards Islam and is found on the belief that Islam can be interpreted in accordance with contextual and historical characteristics.

While revisionist reading paves the way to reconcile Islam and human rights (by emphasising diverse interpretations of Islam and the possibility of extracting common points between Islam and human rights), CEDAW opponents emphasise intrinsic conflict between CEDAW and Islam. Relying on inherent disagreement between CEDAW and Islam, CEDAW opponents assert that this convention is not applicable to Muslim-majority societies.

Revisionist Islam and women's human rights

According to the revisionist perspective to Islam, what makes Islam contrary to women's equal rights is Muslims' interpretations of Islam which are influenced by different cultural, social, regional and historical elements, but not Islam inherently (Hilsdon and Rozario 2006). While scholars such as Moghissi (2000 cited in Hilsdon and Rozario 2006: 332) suggest that 'no amount of twisting and bending can reconcile the Qur'anic injunctions and instructions about women's rights and obligations with the idea of gender equality', scholars such as Ahmed (1992), Barlas (2019), Duderija (2017), Najmabadi (1998), Joseph (1998), Mernissi (1991) and Sharify-Funk (2016) see gender discrimination in Muslim societies as social rather than divine and immutable. The scholars who see Islamic gender discrimination as being reversible suggest that 'social and cultural practices such as gender are the products of multiple, complex, and diverse local, regional, and global origins, of which Islam is only one' (contextual perspective) (Hilsdon and Rozario 2006: 333). Therefore, the scholars who perceive Islamic injunctions in accordance with the social, regional, and historical context admit that *Shari'a* codes are not necessarily incompatible with women being given an equal status in their social and private lives (Duderija 2017). With regard to Islamic revisionist readings, Islamic feminism is the main approach that shows a linkage between revisionist Islam and women's rights issue.

Islamic feminism and women's human rights

Islamic feminists share the same ideological base with Islamic reformists (Muslim intellectuals) in terms of diversity of Islamic interpretations, but their focus is specifically on gender issues (Ahmed 1992; Badran 2009; Barlas 2002; Mernissi

1991; Wadud 2008). Although Islamic feminism has been defined in many ways, scholars such as Ahmadi (2006) and Mir-Hosseini (2003) show a common understanding that Islam is not an anti-woman religion. Islamic feminists believe that the traditional interpretation of Islam, which includes gender discrimination and women's confinement, was developed based on men's experiences and patriarchal societies. Islamic feminists interpret Islamic texts by focusing on more woman-friendly Islamic contents that show Islam is reconcilable with gender egalitarian views (Mernissi 1991; Barlas 2002). Moreover, Islamic feminists emphasise the necessity of regarding two contextual factors of time and place to understand and apply Islamic laws (contextual interpretation). Considering that *Shari'a* interacted with historical and cultural background, Islamic feminists suggest that Qur'an and Islamic laws have been interpreted in the past, and is still being interpreted, by a male-dominated approach. Therefore, Islamic feminism created a foundation for women's engagement in 'rereading the Qur'an and challenging patriarchal interpretations' (Charrad 2011: 428). The very act of rereading Qur'an 'gives women an opportunity to deploy religious texts in defence of their rights' (Charrad 2011: 428). It allows them to derive agency and strength from within the Islamic tradition, and shows potentiality of Islamic *Shari'a* to be perceived differently from mainstream Islamic interpretations without disproving Islam. Thus, Islamic feminists' interpretations of Islamic rules show the potentiality of Islam to be understood in many ways.

Explaining the position of Islamic feminists, Majid (1998: 323 cited in Charrad 2011: 428) states that 'Islam evolved from an initial phase of tolerance to the gradual marginalization of women and their enclosure in the dark world of a theologically illegitimate patriarchy'. In effect, what Majid says is in line with what Islamic feminism claims in terms of the supremacy of male-dominated interpretation of Islam over time. In agreement with Islamic feminists, Majid believes that the religious clerics 'interpreted the Qur'an in a way that abandoned the egalitarian message of early Islam, disadvantaged women, excluded them from the public sphere, and inscribed prejudices against women into Islamic law' (Majid 1998 cited in Charrad 2011: 428).

Mernissi (1987, 1991) who is a prominent Islamic feminist figure states that Islam asserts a potential equality between men and women's rights. Mernissi (1991: ix) argues 'if women's rights are a problem for some modern Muslim men, it is neither because of Quran nor the prophet, nor the Islamic tradition, but simply because those rights conflict with interests of a male elite'. In accordance with this view, Ahmed (1992) argues that Islam's ethical vision is "stubbornly egalitarian" and it is only disrupted by men in power who supported and expanded Islamic readings in favour of subordinating women. Generally speaking, Islamic feminism is motivated to achieve two main purposes: first, to amend the Islamic legal norms that violate gender equality and second, to re-introduce and expand authentic Islam that reverences women (Mirza 2000). To achieve their purposes, Islamic feminists mostly apply contextual interpretation of Islam. According to Johnston (2015), using contextual interpretation in Islamic injunctions is to show how each text is related to a specific context. Referring to Abou El Fadl, Johnston states that specific laws about women and the family were limited to Arabian culture of the seventh-century, and they do not apply today although the moral values behind them certainly do (El Fadl 2001). According to contextual view towards Islam, sacred texts are influenced by contexts, and without considering those, we can lose our way and miss the higher ideals of justice and compassion that are main aims of these texts (El Fadl 2001).

Islamic feminism's place in this research

Islamic feminism's perspective in terms of suggesting contextualisation of Islamic laws and rereading the Islamic texts based on time and place is what I adopt in this research to explain reconciliation of Islam and international women's human rights. What makes Islamic feminists' attempt to present more egalitarian interpretation of Islamic injunctions important in my research is the way it is employed to challenge CEDAW opponents' interpretation of Islam and rejection of women's equal rights. In this thesis, I shall employ contextualisation of Islamic laws to challenge some assumptions of CEDAW opponents in terms of inherent and fundamental conflict of CEDAW's provisions and Islam. For example, CEDAW opponents' publications explicitly oppose the conceptualisation of maternity in CEDAW, and the common responsibility of parents and society. CEDAW opponents

claim that in Islam, maternity and child caring are the specific and praised role of women. In Chapter 5, I will consider an Islamic feminist's, Amina Wadud (2006 cited in Povey 2012: 192), idea of 'problematizing social constructions of the role of women as mothers and in marriage and the family'. Employing contextual approach towards women's role in different Islamic centuries, Wadud (2008) argues that as wet-nursing was very common, no particular concept of child caring was associated with motherhood in early centuries of Islam. Wadud (2008: 127), points out that 'all that was required for one to be a "mother" was actual biological reproduction', and Qur'an does not level the charge of 'un-motherliness' women whose children have been wet-nursed. Moreover, Wadud (2008: 128) explains that in Arabia by Prophet Muhammad's time, 'the father's clan or tribe was responsible for the child's upbringing' (Wadud 2008: 128). Therefore, Wadud (2008: 127) concludes that motherhood is socially constructed and 'the "role" of mother has been variously conceived and variously fulfilled'. Employing Wadud's viewpoint, CEDAW opponents' approach towards mothering in Islam can be questioned from within rereading Qur'an and Islamic history, not through the West-originated resources.

I follow Islamic feminists' approach in terms of reassessing Qur'an and other Islamic texts to challenge the conservatives' monolithic reading of *Shari'a*. I specify my viewpoint in agreement with Mehrangiz Kar, a well-known Iranian lawyer and activist in Iranian women's rights arena, who does not identify herself as an Islamic feminist, but supports Islamic feminists' readings of Islam in order to identify compatibility between Islamic women's law and international women's human rights. As Afary (2004: 124) indicates, the well-known Iranian woman activists and lawyers, Shirin Ebadi and Mehrangiz Kar, suggest that contextualisation of Islamic laws illustrate that 'not every misogynistic interpretation of religion is "authentic" and "indigenous," just as not every liberal and progressive reading is "Western" and "foreign" influenced and therefore "inauthentic."' According to Kar (1999), the new interpretations of *Shari'a* make it possible to find a solution from within Islamic debate to justify women's rights equality in an Islamic context like Iran. The following section explains why this feature of Islamic feminism can be influential to amend discriminative laws in Iran.

Islamic feminism's capacity in Iran

The significance of emerging moderate ideas about women's rights from within the readings of Islam can be explained based on Iranian context in two scopes, firstly, Iranian state as a religious sate, secondly, Iranians as religious people.

As Iranian state makes policy decisions based mainly on its conservative interpretation of Islam, it seems that if women frame their demands on women's rights policies using Qur'an, the state will accept revisions on its gender policies more readily. In other words, real amendment on women's rights does not seem possible in Iran outside of the religious framework because Islam is the primary informant of Iranian state's decisions, and it gives the state legitimacy. The state is more likely to consider an argument religiously valid if that argument is built out over Qur'an and the *Rivayat* (Prophet Mohammad and Imams' narratives). Iranian state has suspicious view towards women's rights activities and ideas, i.e. labelling them as being "Western" and in contrast with Islam. Thus, Islamic feminists' solutions that still preserve Islam with relying on readings that are more compatible with today's Muslim women's concerns can be more pragmatic (feasible) than ideas of secular feminists. This clarifies the difference between a resonant and radical frame, as identified by Mona Tajali (2015). According to Tajali (2015), women's rights activists' demands will resonate more successfully with ruling elites if the activists consider cultural and political contexts. However, secular feminists take a radical frame, not a resonant one. Thus, it can be asked that how secular feminists' ideas can motivate Iranian Islamic state to make radical changes in favour of women when Islam does not have central place in their views for change?

I shall say the radical changes that are mostly suggested by secular woman activists can be seen very difficult to be achieved and may not be feasible. On the other hand, the attempts of Islamic feminists for revising laws within the stable political frame embrace a resonant style that allows gradual changes. Although Islamic feminists' endeavours might be the end to limited changes, it seems more sensible towards change through bargaining and negotiating with Iranian theocracy based on the state's Islamic values rather than ignoring and invalidating its ideology to engender dramatic changes. In other words, the state undoubtedly

finds it more secure to agree with demands that are backed by Islam, and demands that are supported with common code of laws (Islamic code) that justifies its policies and legitimise its power.

In addition to the state, Iranian people are identified as "religious people" based on national statistics and cultural investigations by Iranian sociologists. The findings of three terms of national surveys in the name of "Iranian Values and Attitudes" that is conducted in 2000, 2003 and 2016 by Research Centre for Culture, Art and Communication show high acceptance and commitment of Iranians to Islamic concepts, practices and rituals. These surveys that address random population in all provinces of Iran illustrate that in 2000, about 80% of Iranians averagely believed in Islam. In 2003 and 2016, respectively about 76% and 79% Iranians were committed to Islamic practices and rituals (Anonymous 2016). Due to the high interest and commitment of Iranians to Islamic believes and practices, I argue that legal and policy decisions that are in a religious framework are more likely to be successfully verified and implemented by Iranian people rather than the ideas that are not informed by their religious assumptions. Thus, Islamic feminists' position on amending religion-based laws in Iran seems more feasible approach towards changing laws in Iran in comparison with secular opinions.

While Islamic feminism can be described as a solution to adapt Islamic commands with today needs and issues of Muslims' lives, conservatives' perception of Islam and Islamic life obstructs the growth of revisionist Islam and more realistic introduction of Muslim cultures and societies. In the next section, I explain that these conceptions of conservatives are somehow comparable with stereotypical images of Islam and Muslim societies that are broadly promoted in Western societies, while conservatives identify themselves in strong opposition with the "West".

Orientalist representation of Islam and Muslim societies

Although Iranian hardliners frequently identify the "West" as an Other that intends destructing Islamic basis of Iranians' culture, they represent Islam as a rigid and

static religion that intrinsically conflicts with international human rights in common with Western stereotypes about Islam. This stereotypical portrait of Islam is pervasively identified by body of literature as an outcome of Western view that is known as 'Orientalism'. This section concentrates on the emergence of literature around Orientalism. Moreover, it concentrates on Edwards Said's insights as the most prominent scholar in disagreement with Orientalism whose opinions influence the presumptions of this research on Islam and Muslim society.

Criticising the homogenised and unified notion of Islam in Middle Eastern societies was initially developed by Said in his famous work, *Orientalism* (1978). First, I present a short description of the concept of Orientalism in Said's view, and then I focus on his critique on homogenisation of Islam. In his book, Said (1978: 1) identifies "Orient" almost as an invention of Europeans that 'had been since antiquity a place of romance, exotic beings, haunting memories and landscapes, remarkable experiences'. However, the Orient is not merely imaginative. As Said (1978: 1) explains, 'the Orient is an integral part of European material civilization and culture. Orientalism expresses and represents that part culturally and even ideologically as a mode of discourse with supporting institutions, vocabulary, scholarship, imagery, doctrines, even colonial bureaucracies and colonial styles'. According to Said (1978), the Orient is not only geographically next to Europe; it is also the place of Europe's oldest and main colonies, the origin of its civilisations and languages, its cultural contestant, one of its most genuine and most recurring images of the Other.

Taking the late eighteenth century as the approximately defined starting point 'Orientalism can be discussed and analysed as the corporate institution for dealing with the Orient - dealing with it by making statements about it, authorizing views of it describing it, by teaching it, settling it, ruling over it: in short, Orientalism as a Western style for dominating, restructuring, and having authority over the Orient' (Said 1978: 3). The main characteristic of Orientalism is a persistent Eurocentric prejudgment against Middle-Eastern and Islamic world and its cultures (Said 1978). Such cultural representations dominate the communications of Western peoples with and about non-Western people. What Orientalism depicts of Non-Western societies, mostly Muslim majority societies, is the West's inferior.

Orientalism is the exaggeration of segregation, the idea of superiority of the West and its inhabitants, and the using clichéd and stereotypical representations for perceiving the 'Oriental' world. These cultural representations typically show the 'Orient' as primitive, illogical, fanatic, violent, dictatorial, and intrinsically inferior to the Westerners. In addition, Orient is depicted as an inferior Other of the West that helps 'to define Europe (or the West) as its contrasting image, idea, personality and experience' (Said 1978: 1). In the other words, "West" is what Orient should become. Thus, in Orientalist view, "enlightenment" can only occur in non-Western societies when "traditional" values are replaced by "contemporary" and "progressive" thoughts that are either Western or Western-influenced (Said 1978, 1979). Furthermore, the 'Orient' is not merely imaginative. It is a primary part of European material civilisation and culture. Orientalism expresses and represents that part culturally and even ideologically 'with supporting institutions, vocabulary, scholarship, imagery, doctrines, even colonial bureaucracies and colonial styles' (Said 1978: 1). Orientalism is an influential type of thinking that still affects public viewpoint by stereotyping Islam and Muslims, especially in political and public levels, in the West (Mirsepassi 2000). While dismantling Orientalism began in academia, a simultaneous and energetic resurgence of stereotyping and ridiculing of Muslims and Islamic societies in the media and popular culture occurred. Representations of Islam and Muslims on television, in newspapers, films, and other arenas of popular culture reinforced tacit Orientalist notions of Middle Eastern people as fanatically Islamic, portraying Islam itself as essentially irrational, antagonistic to change, and incompatible with the modern world (Mirsepassi 2000).

Said's *Orientalism* can be identified as a foundation text in the field of post-colonial cultural studies, which examines the meanings and stereotypes of Orientalism, and a history of a country's post-colonial period. In addition to *Orientalism,* the later works of Said (1997, 2000) also challenge common stereotypical representation of Islam in the West that gained favour during the colonial era. Said elaborates how overwhelming political and academic infrastructures support and perpetuate a distorted view of Islam in the West. Moreover, Said (1997) focuses on media coverage in the West that ignores the dynamics of Islamic world and its complexities - a world consists of the complexities of historical and political

experiences, different cultures and languages. After Said, many scholars explicitly or implicitly have criticised Orientalism and representation of Middle East and Islamic world as 'exotic, erotic, bound to tradition, and inferior to the West' (Charrad 2011: 418). Moreover, they have criticised Orientalist approach towards Islam that is presented as a monolithic entity constituting women's rights and condition in the same way in all places (Ahmed 1992; Mir-Hosseini 2007; Osanloo 2009).

Orientalism and women's rights studies

As Charrad (2011) explains, there is a voice of union on questioning stereotypes about Islam and Middle Eastern societies developed by Orientalist viewpoint in the West by scholars who focus on women's rights in the Middle East, especially after the September 11, 2001. Charrad (2011: 418) explains that 'the urgency of the tasks involved in this endeavour has been heightened by the fact that gender has come to demarcate battle lines in geopolitical struggles since 9/11, and to occupy a central place in the discourse of international relations in regard to the Middle East'. What Charrad claims can be clarified by mentioning this fact that women's rights issue became highlighted after the attacks of 9/11 to castigate Islam and Muslim people in the West (Abu-Lughod 2013). Accordingly, the picture of oppressed Muslim women who need being rescued, and portrayal of Islam as a gender discriminative religion became stronger. Furthermore, these representations became connected to a mission by the West to liberate Muslim women from their "cultures" and religious norms (Abu-Lughod 2013). In this circumstance, a voice to challenge gender stereotypes about Islam and Middle Eastern societies was raised by the scholars who believed in mutability of interpretation of Islamic teachings over women and diversity of Muslim women in terms of their rights status and freedom (Barlas 2002; Eisenstein, 2002; Hawthorne and Winter 2002; Peek 2005; Tickner 2002).

The impact of Said's ideas on feminist literature can be identified as providing a strong rationale for flourishing historical and anthropological research that claimed to be going beyond stereotypes of Islam and Muslim women (Abu-Lughod 2001). Such literature was created against what is named by Scholars as 'gendered

Orientalism' (Abu-Lughod 2013; Khalid 2011; Lewis 2013). Gendered Orientalism 'is a long tradition of representing Muslim women in the West' and portrays Muslim women 'as culturally distinct, the mirror opposites of Western women' (Abu-Lughod 2013: 88). Orientalism represents Middle Eastern women as being passive, silent and subjugated while it depicts Western women as being active, powerful, resourceful and agent. On the other hand, anti-Orientalist feminists focus on overturning the oppressed image of Muslim women which is emphasised by Orientalism. While Western Orientalism describes women oppression as an intrinsic characteristic of Islam, and attributes women's subordination in the Middle East to the legal and cultural hegemony of Islamic laws, anti-Orientalist literature shows diversity of Islamic interpretations and complexities of gender relations in the Middle East. The mentioned literature in this chapter, i.e. Islamic feminist scholarship that defines diverse gender relations within Islam and the feminist literature that developed after 9/11 to challenge stereotypical Western perspective towards Islam and Muslim women, all can be identified as anti-Orientalist feminist scholarship.

This research in relation to anti-Orientalist feminism

My research is also influenced by Said's *Orientalism*, particularly in terms of shaping my ontological perception of Islam and Muslim women. Contrary to Orientalist portrait of Islam as intrinsically irrational, unchangeable, and discriminative against women (Mirsepassi 2000), Islam is identified in my research in line with Said's idea as a dynamic body of laws that is capable to be interpreted variously in diverse contexts (Said 1997). In my view, Islamic gender relations are not limited to what Orientalist perspective defines of rigid and immutable reading of Islam. Emphasising possibility of reinterpreting Islamic teachings in this research by employing revisionist reading of Islam and invoking Islamic feminist ideas, I agree with anti-Orientalist feminist opposition to simplistic representation of Islam as an intrinsically women oppressive religion. Furthermore, relying on the revisionist readings of Islam, I defend reconcilability between international women's human rights and Islamic teachings.

In this research, I invoke a primary idea in Said's theory of *Orientalism* according to which he challenges the Orientalist view towards Muslim people as being distinct human beings from Western people. The common humanity between people in the West and East that is emphasised by Said (1978) is considered in my work as a principal ground to prove commonality of human rights needs and concerns between Muslim Middle Eastern women and Western women. In my opinion, although the differences among women from different cultures, religions, and ethnicities cannot be ignored, the patterns of gender-based discriminations against women are very common all over the world. The common grounds of discrimination against women in different societies urges me to support the idea of the scholars who agree with imposing a universal agenda to the governments to implement a legal commitment to protect women's human rights. The claim that international women's human rights can be only applied to the West is challenged by scholars such as Bunch (2018), Coomaraswamy (2017), Friedman (2018), Langlois (2001), Mayer (2013) and Okin (1998) through focusing on mutual demands and attempts between non-Western and Western women in terms of women's human rights. These scholars argue that non-Western women's engagement in international women's human rights debate, and the common concerns and needs on women's rights between Western and non-Western women prove that international women's human rights concepts are not exclusively applicable to Western societies.

Langlois (2001), in his essay, shows that how Third World feminists and grassroots activists had a lot in common with Western women in their concerns about discriminations against women. Additionally, Bunch (2018) and Friedman (2018) focus on common activities of women from the Asia-Pacific region, Latin America, Africa and also from more economically developed countries in international and regional campaigns, meetings, networking and organisations to be recognised by the international human rights community of women's rights as human rights. The authors such as Coomaraswamy (2017) found that throughout the world, women had a lot in common. She uncovers legal discrimination against women; patterns of gender-based bodily harms such as domestic violence; and the sexual and economic abuse of women are almost universal phenomena. According to the report of Women's Caucus of the NGO-Coordination Group, in preparing for

the 1993 Vienna conference, many women around the world 'are greatly affected by laws and customs having to do with sexuality, marriage, divorce, child custody, and family life as a whole-laws and customs that often contribute to women's lesser power within their families' (Okin 1998: 45). Furthermore, the report emphasises that it is a universal phenomenon that 'women and girls are much more likely to be rendered sexually vulnerable than men and boys', and 'far more directly and drastically affected by their fertility than men, unless given the means and the power to control it' (Okin 1998: 45). Third, this report clarifies that 'women and women's work tend to be valued considerably less highly than men and men's work-regardless of how productive or essential the actual work may be' (Okin 1998: 45). These examples show that there is a gap between what non-Western activist and campaigner women experienced and what academic feminists who disagree universality of women's human rights claimed. Ultimately, Coomaraswamy's (2017) and Langlois' (2001) essays show that there are large number of non-Western women who themselves see their concerns reflected in and resolvable through international women's human rights treaties and instruments. Overall, according to these commonalities of women's concerns my research admits a widespread need to define universal women's human rights to reduce women's discrimination, oppression and segregation all over the world.

Filling a gap

Although my research can be positioned within anti-Orientalist feminist literature, there is a difference between what is focused by this research and what is predominantly at the centre of anti-Orientalist feminists' debates in terms of the relationship between the West and women's rights issue in Muslim Middle Eastern societies. The focus of the anti-Orientalist feminist literature is mainly on combating the stereotypical "Western" view towards Muslim women and gender relations within Middle Eastern societies (Afshar 2008; Heath 2008; Hoodfar 1997; Mahmood 2006; Nouraie-Simone 2005; Tucker 2000; Zimmerman 2015). However, the concentration of my research is on comparing the ideas of reformism and conservatism that have risen from within the Iranian state and are known to be different in their views towards Islam and human rights. Therefore, while anti-Orientalist feminist literature is typically created in response to external

Orientalist view from the West towards Middle Eastern societies and Muslim women's rights, my research inclines to address the internal arguments that influence women's human rights in Iran.

Anti-Orientalist feminist literature is important for me in terms of changing a simplistic portrait of Middle Eastern gender relations in the West. It is also influential in presenting a more realistic image of Muslim women, i.e. reshaping stereotyped image of Muslim women as victims without voice and subjectivity who are suppressed by men and their patriarchal societies (Abu-Lughod 2001; Lewis 2013). However, it seems that there is an overstated focus in this literature on Western Orientalism and a kind of neglect of the discriminative activities of hardliners within the Middle East. Here, I invoke Deniz Kandioyoti's (1996) criticism towards the impact of Said's Orientalism in feminist literature to clarify my position. Kandioyoti (1996: 18) explains that the feminist scholarship being influenced by Orientalism diverts attention away from 'local institutions and cultural processes that are implicated in the production of gender hierarchies and in forms of subordination based on gender'. She explains that binary thinking about the East and the West has taught us to focus too much on the West and not enough on the internal elements of discrimination against women within Middle Eastern societies (Kandioyoti 1996). What Kandioyoti stresses on is the necessity of the internal critique of gendered and discriminative power in Middle Eastern societies besides keeping in mind the biased and monolithic representation of women's issues in Middle Eastern societies by the West.

In effect, in relation to anti-Orientalist feminism, I agree with it in terms of replacing real expression of gender relations and diverse circumstances of Muslim women with stereotypical representations of societies under Islamic laws and Muslim women's deprivation. On the other hand, I support the critique of Kandioyoti (1996) on anti-Orientalist feminism that says overemphasis and exclusive focus on Western (external) representation of Islam and non-Western women's rights situation might underestimate cultural and political authorities that cause discrimination against women locally (internally). Thus, the main focus of this research is addressing opposing and supporting arguments on CEDAW that are represented mainly by two political groups of conservatives and reformists

within Iranian state that is characterised as an Islamic fundamental regime. My intention in this research is to show how Orientalist representations of Islam and Muslim women are not limited to the Western eyes, but it is also reproduced by Middle Eastern hardliners who emphasise the inherent differences between 'Muslim' and "Western" societies. Moreover, this research illustrates how conservatives' rigid and restricted view towards Islam and Muslim women's obstacles redefining the laws in favour of women in Iran. In other words, the conservatives who justify the violation of CEDAW by attributing human rights to the "West" and considering CEDAW as being inapplicable for Muslim societies continue an Orientalist representation of Islam as a unified body of laws, of which the unequal rights between men and women is its intrinsic characteristic. Moreover, emphasising distinctions between Iranian Muslim women's concerns and Western women, hardliners reproduce Orientalism's ontological perception, i.e. fundamental differences between Muslim and Western women. Therefore, this research aims to fill the gap within the anti-Orientalist feminist literature in terms of disregarding the role of internal insights, i.e. conservative and reformist views that engage in gender policy making in Iran.

Conclusion

This chapter initially addressed the literature about women's rights in Iran in order to show a landscape of works that have been done in this area so far, and the impact of these writings on this research. The first section discussed that while the literature majorly focus on unfavourable influences of Post-Revolutionary state's policies over women's rights status, there are few articles that demonstrate positive social outcomes of the 1979 revolution for religious women. Thus, the section presented more realistic image of socio-legal situation of Iranian women in recent decades and scholars' ideas in this area. This chapter concentrated on the reform era since 1997 as an important time for growth of number of literature about women's rights in Iran. Examining the literature that emerged in the reform era, this chapter showed how frequently the need of re-reading Islamic laws on women's rights was emphasised, and revisionist interpretation of Islam was suggested by different scholars. Although the reviewed literature generally

admitted the capability of revisionist Islam to reinterpret women's rights in Islam, there was not sufficient attention to examples of discriminative laws against women, and the differences between reformist and conservative interpretations of each law specifically. Additionally, the lack of observing Iranian women's rights in connection with international human rights was mentioned in this chapter as a gap which this research fills. Regarding the significance of CEDAW as a subject over which lots of reactions by Iranian politicians emerged between 2000 and 2004, this chapter showed the limited number of literature that focused on Iran joining CEDAW. Accordingly, an analytical examination with a sociological perspective on contending ideas on the matter of Iran joining CEDAW was described as a part of this study's contribution to academic scholarship about Iranian women's rights based on Islamic laws and international women's human rights.

The second section of this chapter was allocated to explain theoretical framework and contribution of this research. Reviewing the relevant theories, I determined my perception of Islamic teachings as dynamic laws, and Muslim women in high commonality with Western women in terms of right concerns and discriminations. Additionally, I demonstrated the location of my research as a feminist study among other feminist scholarship, and specifically the relationship of this research with anti-Orientalist feminist literature. Invoking ideas around universalism and cultural relativism, I tried to theorise how Islamic hardliners justify their opposition to international women's human rights; although, there are differences between what Iranian conservatives claim and what cultural relativism says about culture. In order to prove the applicability of CEDAW in Muslim societies, Islamic feminism was considered. Relying on Islamic feminism, I argued the possibility of reinterpretation of Islamic laws to become more proportional for contemporary lives of Muslim women based on their contextual time and space characteristics.

Finally, I illustrated theoretical contribution of this thesis as a research that is in line with anti-Orientalist feminism in terms of contesting stereotyped representation of Islam and Muslim women's concerns by the West. The gap that was described to be covered by this research is focusing on contesting debates between internal influential camps within Iranian politics rather than external

(Western) insights on Muslim women's rights. In this research, my criticism is attributed to restricted and strict views of internal powers within Iran towards Islam and Muslim women's concerns, while anti-Orientalist feminism typically examines external attitudes that boost unrealistic pictures of Islam and Muslim society. Additionally, this study contributes in displaying closeness of Iranian conservatives' and Orientalists' view on Muslim women's description of Islam and Muslim women. This chapter theorised while conservatives identify themselves principally in contrast with the "West", and claim that "Westerners" are ignorant of Islam and Muslim society, there is strong comparability between representations of Islam (as a rigid body of laws) and Muslim women (as women with completely different lives and situations from Western women) by Iranian hardliners and Orientalists.

Chapter 4: Methodology

Introduction

This chapter explains epistemological approach of this study and the details of methodological decisions that were made throughout the research. Apart from Introduction, the chapter includes five main sections including Research approach and epistemological positioning, Choice of research method, Fieldwork process, Process of data analysis, and Researcher's role and reflexivity.

This chapter begins by identifying this study as a feminist research and introducing interpretivism as an approach that underpins epistemological position of this research. Then, I will move on to explain why qualitative documentary archival method is my choice to carry out this study by describing the characteristics of my research subject, the time frame on which this study focuses, and the advantages of the press as the site of data collection. Moreover, focusing on qualitative document-based method as the method of data collection in this study, the approach of this research towards document will be argued to show how reality is interpreted in relation to the text in this research. This will be followed by a discussion on fieldwork process in terms of accessing data, sampling and data saturation to stop data collection. The chapter will also address the process of data analysis to clarify how the collected data is coded and how thematic analysis as a data analysis technique is employed in this research. It will be also revealed that how themes were drawn out, categorised, analysed and presented in analytical chapters of this thesis. Finally, the chapter comes to an end by engaging with the issue of the reflexivity with regard to the researcher's role as insider and outsider and also the strategies that are used by the researcher to avoid biased interpretation of the data as much as possible.

Research approach and epistemological positioning

As Doucet and Mauthner (2006: 437) explain, feminist research is a term used for the work that feminists do when they take on 'research that is driven by, and aimed toward, a desire to challenge multiple hierarchies of inequalities within social life'. Regarding Doucet and Mauthner's explanations, what inspired me to do this research was the unequal status of men and women in Iran in terms of human rights, and a desire to know the opinions that stimulated or hindered engendering equal rights for men and women by Iran joining CEDAW. Moreover, according to Ussher (1999: 99), feminist research is focused on a 'critical analysis of gender relationships in research and theory … an appreciation of moral and political dimensions of research … and the recognition of the need for social change to improve the lives of women'. Based on what Ussher characterises as feminist research by referring to the research objective, namely improving women's status, my research can be defined as a feminist research. My main intention of conducting this research is improving Iranian women's human rights status by shedding light on the influential ideas that oppose and support the idea of Iran joining CEDAW. Accordingly, considering the aim and intention of this research I can certainly position it among feminist studies.

The orthodoxy of feminist research has been characterised by using qualitative research methods in order to open up more space to reflect women's voices. (Flick 2014: 78). Moreover, in relevant literature, the scholars mostly suggest interview and focus group as appropriate research techniques to make women's voices heard. In this research, I am not specifically looking for women's voice and experience, but my research focuses on the ideas of opponents and supporters of CEDAW, a convention whose Articles are directly related to women's human rights. It can be explained by Doucet and Mauthner (2006: 40) that 'feminist researchers have long advocated that feminist research should be not just on women, but *for* women' (DeVault 1990, 1996; Edwards 1990; Fonow and Cook 1991, 2005; Neilsen 1990; Ramazanoglu and Holland 2002 cited in Doucet and Mauthner 2006). In this research, although women are not research subjects, and the research is not *on* women, I shall say that research is *for* women. Therefore, this research is characterised as feminist research.

It is worth noting that there are feminist researchers who suggest that rather than specifying some research methods as the most suitable for feminist research, the main focus should be on the relationship between process and product. In other words, the researcher should think which method is more proper for the topic and is more relevant to research questions (Letherby, 2003). Gergan (2008 cited in Flick: 2014: 78) believes that it is not even necessary in feminist research to use qualitative methods: 'in psychology, for example, the majority of feminist research studies in the United Sates is quantitative'. There are other scholars such as Johnson (1997), Ramazanoglu and Holland (2002) and Doucet and Mauthner (2006) who assert that there is no research technique that is distinctively and specifically feminist. Drawing on this view, I employed qualitative document-based techniques instead of common data collection methods in feminist research such as interviews because focusing on the press documents was the most proper technique in this research to answer my questions. In the following section, I shall explain that the choice of research method was driven by the freer space for the press, compared to other media, in Iran. Furthermore, the better access to data in terms of collecting the ideas of CEDAW opponents and supporters in the past (2000-2004) directed me to find the press as the most appropriate way of data collection in this project.

Epistemological positioning

In this research, I intend to understand the perspective of CEDAW opponents and supporters from their viewpoints towards women's human rights by considering the socio-political context in which they discuss the convention. Therefore, I can suggest that 'interpretivism' underpins the epistemological perspective of this research. Interpretivism is a contrasting epistemology to positivism which emphasises the difference between the subject matters of social sciences and natural sciences, and also suggests distinct logic of research procedures to know social world rather than natural world. Weber's approach of verstehen which stresses an interpretive understanding of social actions is considered in this research (Bryman, 2012). Verstehen refers to understanding the meaning of actions from the actor's point of view. In Weber's view, individuals are seen to make the world by organising their own understanding of it and giving it meaning

(Flick, 2014). Thus, in interpretative study, the researcher attempts to understand the reality of a social action by putting herself in the shoes of those involved in that social action. This research explicitly is defined as an interpretive study because I differentiate between the objects of social sciences from the objects of the natural sciences, and focus on understanding how CEDAW opponents and supporters attribute meanings to women's human rights and the matter of Iran joining CEDAW.

Weber emphasises an interpretive understanding of social world from the eyes of social actors. At the same time, he claims 'that the personal and political values of the researcher affects the selection and conduct of research, but tried to find ways to minimize the possible biases that could creep in as a result' (Letherby 2003: 9). Following on from this, Mills (1959 cited in Letherby 2003: 9) states that 'the social scientist is not some autonomous being standing outside society. No-one is outside society; the question is where he [sic] stands within it'. This involves awareness that a research does not merely tell something about those who are studied, but it tells us things about researchers themselves. Furthermore, as Letherby (2003: 9) argues, 'there is recognition among social scientists that we need to consider how the researcher as author is positioned in relation to the research process: how the process affects the product in relation to the choice and design of the research, fieldwork and analysis, editorship and presentation' (Plummer 1983; Iles 1992; Sparkes 1998 cited in Letherby 2003). As Letherby (2003: 9) explains, 'there are resonances with these views in feminist work but feminists go further in terms of a much more explicit recognition of the researcher's self'. Stanley and Wise (1993) suggest that ignoring this personal involvement means downgrading the personal. According to Okely (1992 cited in Letherby 2003: 9), 'in the 1970s, the Women's Liberation Movement argued that the 'personal is political'. Further, Letherby (2003: 9) argues that 'in an academic context the personal is also theoretical'. This is in opposition to rooted tradition that refers the personal to the margin that is embedded in positivistic social research with generalisable truth (Letherby 2003).

As it relates to this research, my intention is defined as knowing CEDAW opponents and supporters' ideas through their published accounts in the reformist and conservative press. At the same time, my approach towards the

matter of Iran joining CEDAW, i.e. advocating Iran joining CEDAW, is not concealed in the process of collection and analysis of data because of feminist nature of this research. However, as Weber suggests, while the personal and political values of the researcher affects the selection and conduct of research, the researcher should 'try to find ways to minimize the possible biases that could creep in as a result' (Letherby 2003:9). In the section of 'the approach of research towards documents', I will discuss more about different levels of interpretations in my interpretative study and in 'researcher's role and reflexivity' section, I will argue over my attempts to minimise the possible preferences and biases in this research.

Choice of research method

This research employs qualitative documentary archival methods to investigate the opposing and supportive views towards 'Iran joining CEDAW' and women's human rights, which are reflected in Iranian press between 2000 and 2004. Choosing the press as a site of data collection can be explained in three directions, including: A) the importance of press as a mass media in terms of constructing, and influencing public opinions of social and political concepts, as well as policies and decision making processes in the Modern world (Negrine, 1994), B) the press as an easily accessed source of data in the studies that focus on a period of time in the past (historical studies), C) context-based significance of the press in Iran in terms of freer space of newspapers rather than other mass media in general and relative freedom of Iranian press in the reform era in particular. The three above-mentioned reasons to choose the press as the site of data collection in this research are explained more broadly in the next couple of paragraphs.

A) The media of mass communication can be identified as 'centrally important features of contemporary society' (Beardsworth 1980: 371). As Bakhshandeh (2012: 124) explains, 'a historical review of the past centuries indicates that the media played a great role in creating major political and social developments, such as the French Revolution, America's civil war and more recently Iran's constructional and Islamic revolutions'. These are only some instances of the important role of media in revolutions, but several 'forms of media throughout the history have served different purposes in social, political, economic and cultural

areas' (Bakhshandeh 2012: 124). One of the vital roles of mass media in contemporary world is mediating between the individual, with his short range personal knowledge of the social world, and those large scale macro-social processes that influence his life and constrain him, 'but which are by their very nature beyond his experience' (Beardsworth 1980: 371). Emphasising the distinction between two concepts of 'trouble' and 'issues', Mills (1970 cited in Beardsworth 1980) indicates the important role of mass media in shaping public debates and consciousness about socio-political issues in the society. Mills (1970 cited in Beardsworth 1980: 371) explains that troubles 'occur and are recognized within the personal milieu of the individual', and issues 'have to do with facts, movements and processes at the social level, and which provide the often little understood background to everyday life'. According to Beardsworth (1980: 371), 'the articulation of these two levels, the placing of troubles in the context of issues, is one of the key roles of the mass media'. The subject of women's human rights in Iran can be considered as a 'trouble' when it is assumed in everyday life context in relation to cases of women's rights violation. The reformist and conservative press in the reform era were the main realm in which women's human rights were converted from trouble to issue by the published articles that focused on CEDAW. The reflection of the opposite and supportive ideas towards CEDAW in the conservative and the reformist press raised women's human rights subject as a public issue over which broad discussions and dialogues emerged.

As Beardsworth (1980: 372) asserts, mass media are 'agenda setters' in modern society, and 'naturally enough the press as one of the oldest of the mass media has typically been regarded by social scientists as one of the most influential of such agenda setters'. Although 179-year old 'history of Iranian press indicates that the pendulum of the press has swung back and forth in two opposite direction of "freedom" and "restriction"', Iranian press has been one of the main grounds of confrontation between different socio-political ideologies (Bakhshandeh 2012: 125). Despite the rise of social media and various online publications in Iranian society in the reform era, the press and National broadcasting media (television and radio) were still the main information source for Iranians in the reform era. However, as the press had more freedom in the reform era, to reflect diverse

viewpoints of both groups of conservatives and reformists, than the broadcasting media, it is chosen as the site of data collection in this research.

B) As mentioned earlier, one of my reasons to study the press relates to the past-oriented characteristic of this research. As Razavi (2008: 31) explains, sources are usually limited when the focus of research is on a historical period of time in the past. Gidley (2012: 264) names research which uses a 'particular type of data - data generated in the past, stored in archives' as historical research. In historical research, documents are one of the most important means to access data in order to study social and cultural subjects (Gidley 2012). One reason why the press receives quite a high proportion of attention in past-oriented studies is because 'its output, in printed form, provides a very convenient and easily handled source of raw material' in comparison with output from sources such as television and radio (Beardsworth 1980: 372). Regarding this research that aims to address reformists and conservatives' reactions to CEDAW, the published articles in the press are the most easily handled source to compare these two groups' opposite and supportive ideas towards CEDAW. Inspired by Beardsworth's idea, the press is the most convenient and easily handled source of addressing reformist and conservative ideas over CEDAW, taking into consideration that my focus is on the years between 2000 and 2004 to understand CEDAW opponents and supporters' ideas. Thus, to grasp the ideas of people on CEDAW subject that was heated in the past (2000-2004), and perspectives of those, some of whom are currently in exile (reformist figures), the conservative and reformist press is the most proper vehicle that presents the dialogues between two sides of opposition and supporters in a wide scope.

C) In this research, the press is also regarded as the most appropriate means to access the viewpoints of both groups of conservatives and reformists towards women's human rights between 2000-2004 based on the fact that the press generally has more potential to reflect diverse socio-political voices rather than other Iranian media, and the press in particular could gain more space in the reform era. As far as freer space of the press rather than other mass media in Iran is concerned, it should be mentioned that in spite of serious control of the media's content, there is more freedom of expression in Iranian press than other mass

media. As Khiabany and Sreberny (2001: 206) explain, 'the press, a sector that has historically been under private ownership, albeit under tight state political surveillance and control', was nonetheless able to achieve more freedom in comparison with broadcasting media, another popular media in post-revolutionary Iran.

The broadcasting mass media (radio and television) that were broadly used in post-revolutionary Iran exclusively paid lip service to the pro-state (conservative) ideas and approaches. According to the IRI's regulation, all domestic audio and visual media in Iran are under the monopoly of the IRI state. Therefore, the Islamic Republic of Iran Broadcasting (IRIB) is the only media corporation allowed to air programs in Iran. The IRIB is officially under the control of the state, and the director of the IRIB is appointed directly by Iran's supreme leader, Ayatollah Khamenei. Thus, Iranian radio and television are mostly cast in the role of a disseminator of pro-state views and cultural motifs. As Barraclough (2001: 26) explains, the rulers of the Islamic Republic see the media, especially the IRIB as 'an instrument with which to advance their ideology and re-enforce their hegemonic position'. Ayatollah Khamenei, the current supreme leader of Iran, describes Iranian broadcasting as 'the mouthpiece of the Islamic system' (Barraclough 2001: 26). Thus, the national television and radio of Iran predominantly reflect cultural and political views in harmony with conservatives' opinions, and therefore the ideas that are deviated from official ideology of the state, including reformists' ideas are eradicated from the IRIB's programs.

As discussed in the Introduction chapter, Iranian press gained relatively more space in the reform era rather than before to reflect reformists' socio-political viewpoints. Under President Khatami, 'a more independent, privately owned press seemed to find new voices, under the ever watchful eye of the relevant ministries, including the Ministry of Islamic Culture and Guidance, the Ministry of Information and increasingly Judiciary Power' (Khiabany and Sreberny 2001: 206). As Razavi (2008: 37) explains, 'an increase in the number of print media with diverse opinions created a lively debate in two ways; firstly, within the factions and secondly, between the factions and the public. This made the Iranian print media more transparent and open, especially for a couple of years after 1997'. By

Khatami's presidency, newspapers and periodicals gained more freedom to push the envelope on topics such as political pluralism, relations with the West, and women's rights that were previously strongly filtered in the publications (Semati 2007). While reformists were usually marginalised in Iranian media before 1997, the reform era created an opportunity for reformists to publish independent newspapers and periodicals (*Matbooate eslah-talab* or reformist press) in considerable number. Although the hardliners had still limited the freedom of expression in Iranian media, the reformist press could provide relative free space to reflect views that deviated from dominant conservative ideas in the IRI. In the reform era (concentration on the period between 1997 and 2001), 'the press thus had become the open battleground on which conflicts between different sections of the government were played out' (Khiabany and Sreberny 2001: 221).

The freedom of expression in newspapers was increased in the first phase of the reform era (1997-2001) rather than its second phase (2001-2005). The hardliners accused the reformist press of undermining the foundational values of the Islamic Revolution, and the conservatives decided to shut down large proportion of the reformist press after 2001. Although the control and pressure on the reformist press were increased by conservatives in the second phase of the reform era, reformist publications were re-established with new names and it could be claimed that the reformist press in the second phase of the reform era still covered more diverse subjects than what it was like before the reform era. For example, woman's issues that emerged as a heated subject since the beginning of the reform era in the reformist press still remained broadly concentrated between 2000 and 2004, especially when the Sixth Majlis was debating the CEDAW bill. Considering the absence of reformists' voice from national broadcasting, prohibition of satellite dishes and the ban on establishing private radio and television in Iran, widely circulated press could be the best means in my research to access both conservatives and reformists' viewpoints during the reform era. Despite the presence of systematic censorship and control on the reformist press on behalf of hardliners, reformists have had the opportunity of establishing newspapers and periodicals that have been a lively forum to reflect reformists' ideas, especially since the beginning of Khatami's presidency (Khiabany and Sreberny, 2001).

These realities assured me that the press would be the best choice as the site of data collection in this research.

The approach of the research towards document

The scholars who concentrate on the subject of documentary studies do not necessarily assume "document" as identical in meaning across different research contexts. As Bryman (2012: 543) explains, 'the term "documents" covers a very wide range of different kinds of source'. There are scholars such as Jacobs (1967 cited in Bryman 2012) who take a specific notion of document just as a written text in their works. On the other hand, the scholars such as Prior (2003) and Bryman (2012) take a broad and inclusive meaning of document, including personal documents in both written and visual forms; official documents driving from the state and also private sources; mass media outputs and virtual outputs such as internet resources. Although I do not consider documents coterminous with text, in this research, document is used in the format of naturally occurring written text, mainstream newspapers and periodicals' articles, that are not deliberately produced for the purpose of this research.

To start using documents for a research, as Flick (2014) explains it is not sufficient to just ask the questions such as "what are the features of the documents?" and "what are the particular circumstances of their production?" Referring to Coffey (2014), Flick (2014: 355) indicates that 'important analytic questions are: what kind of reality is the document creating? How is the document accomplishing this task? '

The status of documents and reality are discussed by many scholars. Bryman (2012) distinguishes two main views towards the relationship of the document to reality. First, Bryman (2012: 554) explains the view in which 'documents are windows onto social and organizational realities'. It is obviously 'tempting to assume that documents reveal something about an underlying social reality', so that the newspaper articles written by authors who are close to a specific political camp are viewed as transparent representations of the reality of the supporters of that political camp. However, as Bryman (2012: 554) admits, there is another view that derives from 'scepticism about the extent to which documents can be viewed

in these terms'. Atkinson and Coffey (2011) are mentioned by Bryman (2012: 554) as the representative writers of the alternative view in which rather than assuming documents as ways of gaining access to an underlying reality, 'documents should be viewed as a distinct level of "reality" in their own right'. Atkinson and Coffey (2011) discuss that documents should be addressed in terms of, firstly, the context in which they were produced and, secondly, their implied relationship. In this view, 'documents are significant for what they were supposed to accomplish and who they are written for' (Bryman 2012: 554). Documents are produced in order to deliver an impression, one that will be approved by the authors and those whom they represent (Bryman 2012). Furthermore, Bryman (2012:555) explains that in this view, 'any document should be viewed as linked to other documents, because invariably they refer to and/or are a response to other documents. Other documents form part of the context or background to the writing of a document'. The interconnectedness of documents is described by Atkinson and Coffey (2011) as inter-textuality. The central message of Atkinson and Coffey is that documents have a distinctive ontological status since they form a separate reality, which is referred by Atkinson and Coffey (2011) as a 'documentary reality'. The documentary reality 'should not be taken to be 'transparent representations' of an underlying organizational or social reality' (Bryman 2012: 555). Instead, it is an independent reality in relation to documents, itself.

My approach in this research towards the matter of reality and documents can be explained through the latter view. In this research, my assumption is that documents (texts) are not a transparent representation of the view of their authors. Although it is significant in this research to understand the intention of those who wrote the articles about CEDAW and women's human rights, I do not understand the texts to represent 'reality' only. Therefore, in order to interpret the content of the articles, the texts are considered in connection with the socio-political context of Iran and in relation to other articles published in the newspapers and periodicals about CEDAW. The articles have been written in critical reaction to other articles or in agreement with the ideas reflected in the articles of other publications. Therefore, although grasping the authors' intention and interpretations (as far as possible) is important for me as a researcher, my

interpretation of CEDAW's representation in the text might not be necessarily compatible with the author's intention (or interpretation). As Atkinson and Coffey (2011 cited in Bryman 2012: 555) indicate, 'documents have a distinctive ontological status in that they form a separate reality' that can be understood through reading the text in light of their interconnectedness to other documents and in connection with the context. Thus, in this view, reality is not necessarily made by the authors of the text and through what is written within it, but the reader (in our case researcher) is also involved in the process of producing reality through perceiving the text in connection with context and other documents.

This dynamic process of making reality according to the texts can be clarified through what Flick (2014) explains about the relationship of reality and texts in qualitative research. Flick (2014: 100) argues that reading and understanding texts are active processes of producing reality that involve not only the author of the text, 'but also those for whom they are written and who read them'. Transferred to qualitative research, Flick (2014: 100) discusses that in the production of texts 'the person who reads and interprets the written text is as involved in the construction of reality as the person who writes the text'. Borrowing Schutzian term, I can say that there are 'multiple realities' that make the social world in different levels of interpretations by the producers of the text, readers and audiences, and the researcher (Schutz 1962 cited in Prior 2003). Correspondingly, my analysis of the texts does not investigate how the press representations were read by the Iranian public: my analysis identifies and critiques the preferred readings available to me as a researcher. What is crucial here is that rather than attempting to discover the 'reality' of CEDAW debate and its real outcomes, the focus of my analysis is on discovering the meaning attached to, and created through the debates around this convention.

It should be noted that this dynamic process of making reality could be fitted in, and perceived in correspondence with the qualitative nature of this research. This study that takes interpretivism strategy contrary to positivist orthodoxy presumes that the 'subject matter of the social sciences is fundamentally different from that of natural sciences' (Bryman 2012: 28). Interpretivism is predicated upon the view that 'requires the social scientist to grasp the subjective meaning of social action'

and social phenomena (Bryman 2012: 30). Adopting an interpretative stance by a social scientist does not mean 'simply laying bare how members of a social group interpret the world around them', but different levels of interpretations should occur in an interpretative social research to place the interpretations in a social scientific frame (Bryman 2012: 31). As Bryman (2012: 31) explains, an interpretative research contains first, understanding the interpretation of those who are studied, second, the interpretation of the researcher on the social actors' interpretations and third, a social scientific articulation of the findings. Thus, 'there is a double interpretation going on: the researcher is providing an interpretation of others' interpretations' (Bryman 2012: 31). Moreover, a third level of interpretation can be regarded in which the social scientist places the elicited interpretation into a social scientific frame through the concepts, theories and literature of a discipline (Bryman 2012). It is the third level of interpretation that differentiates between a non-scientific interpretation and a social scientific study.

Employing Bryman's theory of three levels of interpretation, the process of translation of reality to text and text to reality and finally social scientific framing of the interpretations in my research can be explained. The first level of interpretation is what authors perceive of CEDAW and women's human rights in the reformist and conservative press. The second level is what I perceive of the authors' ideas and representation of the fact and phenomena, and the third level is applying the theories and concepts relevant to the emerged themes of CEDAW opponents and supporters' ideas to articulate my interpretations in a legitimate social scientific frame.

Fieldwork Process

Access to the data

The process of fieldwork for this research was commenced in October 2013 and was finished by January 2014. With respect to my research aims, the sample of articles for this study includes the articles with content directly related to the matter of Iran joining CEDAW. To begin the process of data collection, it was necessary to access a rich archive to find the relevant articles that were published

from 2000 to 2004. Therefore, through online investigation and also consulting with my academic Iranian friends, I identified the National Archives and Library of Iran (NLI) located in Tehran as (if not the best) one of the best places where a vast number of textual and visual sources, including newspapers, journals and magazines are archived. The NLI contains over 1.7 million books, in addition to over one million dissertations, manuscripts, photographs, and other documents (Baghoolizadeh, 2014).

In order to access the documents in the NLI, it was required to register as a member. The NLI's membership is only possible for people with a post-graduate degree and to prove that, graduates from overseas universities must provide an introductory letter from the Ministry of University Student Affairs (*vezarate omure daneshjooyan*). Therefore, before I went to the NLI, I had to go to the Ministry of University Student Affairs (*vezarate omure daneshjooyan*) to obtain a stamped introductory letter addressed to the NLI. It had to provide the Ministry with university ID, and a letter from University of Nottingham to confirm my status as a PhD student to obtain this letter. Although I had prepared the required documents before traveling to Iran, I found the whole process of obtaining such and introductory letter lengthy and time consuming. While the ministry's staff promised me to prepare my introductory letter in 3-4 days after I submitted my application with the required documents, the introductory letter was only ready to collect after two weeks, and after many times of chasing for it.

As the collections at the National Archives were held in a computer catalogue called RASA (http://www.nlai.ir/), the list of articles could be electronically searched by using keywords related to the title, content, topic, and author of the publication. Access to the electronic version of articles, to read and save a copy of them, was only possible through the NLI's internal system that was accessible from the computers inside the NLI's building. However, there were a number of press articles with incomplete information (such as writer or publication's name, and date of publication) in the electronic version. Thus, it was needed to check the absent information within the hardcopy of the articles in non-electronic archived collections of the NLI. To access the hardcopy of the articles, I had to write down the title and catalogue numbers for a document and hand it to the staff to obtain

the original copy of that document. Finally, I saved the electronic versions of the collected articles (in pdf and image formats) in a flash memory drive, available for printing in the coding stage.

Sampling

As Flick (2014) says, one of the features that distinguishes documentary research from other qualitative research methods like interview is that in the former, data exists before the researcher begins the study, but in the latter, data emerges within the process of research according to the questions that are raised by the researcher. Therefore, it can make the process of data collection in documentary research more complicated and time consuming. To collect data for documentary research, it is needed to investigate among the documents whose content was already created. Thus, it is very likely that researcher finds the needed data within documents that are partially related to subject of the research, rather accessing documents wholly in connection to the research aims and questions. Accordingly, researcher have to raise some questions such as asking what the document talks about and which parts of each document are relevant to the research to choose appropriate documents as site of data collection (Flick 2014).

I used four criteria for selecting articles relevant to my research aims, including a) the content of articles: to be around the matter of Iran joining CEDAW, b) the publication date: to be between 2000 and 2004, c) the influence, reputation and the circulation figure of the press in which the selected articles were published, and d) the political approach of the publications in which the articles were published.

In order to select the relevant articles in terms of the content, I started to search the keywords relevant to the subject of CEDAW (in Farsi) in the publications archived electronically at the NLI (the collections were accessible both in electronic and hardcopy versions but I used electronic version). The keywords consisted of *Convansione rafe tabiz az zanan* (Convention on the Elimination of all forms of discrimination Against women), *ghavanine zanan* (women's laws), *hoghooghe zanan* (women's rights), *zanan, convansion va eslahat* (women, convention and reformism), *zanan va majlise sheshom* (women and Sixth Majlis).

As far as publication date is concerned, the NLI's electronic search system was capable of filtering articles based on their publication date. Therefore, filtering articles based on their publication date was not a time-consuming process. Some articles that were suggested based on the keywords by the NLI's electronic system did not have an exact publication date and I had to find their exact publication date (day, month and year) manually by accessing the hardcopy of the articles.

In terms of circulation figure, the chosen press for this research are among the well-known and highly circulated publications which were accessible to the public at almost all newsstands across the country. Even, those publications with a specific focus on a subject were selected from the ones that could easily be accessed by the public or even be purchased from public newsstands in Iran. Hence, the chosen publications are expected to have relatively high circulation in Iran. Although there are no official figures on circulation of the press in Iran (Zanconato 2016), some figures can be found in some scattered field studies. For example, according to a study by Didebane Iran (Anonymous 2019), above 88% of the total circulation of conservative newspapers is shared among four chosen conservative publications for this research, including *Jame-Jam*, *Hamshahri*, *Keyhan*, and *Jomhourie Eslami*. On the other hand, above 90% of the total circulation of reformist newspapers belongs to three chosen reformist publications, including *Iran*, *Etemad*, and *Aftabe Yazd.*

As far as the reputation and influence of the selected publications is concerned, many of the chosen press, including *Keyhan* and *Ettelaat*, are very well-known and have been publishing in Iran from many years ago and they have been the main site for Iranian people to access domestic and international information and news. Many of the chosen conservative publications have, as expected, survived the IRI' state censorship during the reform era and remained the main influential press resources for conservatives, among which there are well-known selected newspaper such as *Jomhourie Eslami*, *Keyhan*, *Resalat*, and *Jame Jam* and well-known magazines about women's issue such as *Zane Rooz* and *Payame Zan*. On reformists' ground, many of the selected reformist newspaper quickly gained a great reputation in the reform era when the reform in many areas became a heated topic and many of these newspapers have remained influential until now, if were

not shut by the state. Monthly periodical of *Zanan* is an example of the selected publications for this research. *Zanan* was one of the most influential periodicals on women's issues and it can be claimed that its activities resulted in great achievements for women's issues such as the establishment of research centres on women's issues at cultural and scientific organs and also the establishment of other magazines specialised on women's issues, such as *Ketabe Zanan* (Bagheri 2009).

The political approach of the publications was the last criterion in my research for choosing articles. Although political approach of the press was significant in my research in terms of comparing the ideas of both groups of opponents and supporters of CEDAW, I did not initially determine the number of articles I would gather from each group of conservative or reformist publications. Thus, I did not plan to collect certain or equal number of articles from reformist and conservative publications because it could be important itself in my analysis that which type of publications, i.e. reformist or conservative, have addressed the subject of CEDAW more. Therefore, in the process of collecting each article, I paid attention to the political approach of the publication in which the article was published to be sure that both conservative and reformist press were considered in my research. However, the quantity of the publications from two groups of conservatives and reformists was not a prior criterion in my investigations.

The newspapers and periodicals are labelled as reformist, conservative and neutral (not certainly reformist or conservative) firstly, based on how they are assigned by their press houses. The political approach of the publications is understood through what the publications' editors officially state in relation to their affiliation to the reformist and conservative camps or their political neutrality. The editors mostly classify their publications in the first issue of the publications to clarify cultural and political perspectives of their newspapers or periodicals. For example, the reformist newspapers, including *Yase nou; Etemad; Mardom Salari*; *Hambastegi and Azad* are politically characterised in their first issues as reformist. Apart from their identification by the editors, these newspapers are specifically called as *roozname-haye zanjireh-ie eslah-talab* (Chain Reformist newspapers) in Iran. Chain Reformist newspapers are the newspapers

that have been shut down repeatedly by hardliners in the reform era between 1999 and 2005. They were shut down frequently and continuously in the reform era because they were accused by hardliners of publishing articles in opposition to Islamic values and the principles of the Islamic revolution. Additionally, the publications such as *Khorasan*, *Ettelaat*, *Toseie* and *Karo kargar* are clearly defined in their first issues as politically impartial press. Moreover, since some of the addressed publications have official websites in which the digital editions of each issue are uploaded; these websites introduce the orientation of publication for online readers. For example, newspapers such as *Keyhan* and *Jame-Jam* that are among the most conservative press in Iran clearly describe themselves as conservative newspapers in their websites.

Besides classification of the press by their houses, the content of published articles and their orientations towards different socio-cultural and political subjects can show the political orientations of the press. Reviewing different numbers of each publication and considering how socio-political subjects are reflected, one can realise their closeness to reformists/conservatives' positions or locating them somewhere between these two sides. Additionally, political approaches of heads and directors of the press who are mostly well-known figures among reformists and conservatives also determine publications' identities as reformist or conservative. Accordingly, the table of Appendix 1 presents some information about editors and heads of the press at the end of this thesis. I also paid attention to some extra elements in this research to certify my understanding of the collected publications' political positioning, i.e. exploring how other scholars categorise the publications. For example, I invoke Ali-Asghar Soltani's book which is about power mechanism in reformist and conservative press as an assertion that *Resalat*, alongside *Keyhan*, is a newspaper that can be considered as one of the main forums of conservatives.

It was clear for me before beginning the field work that the articles of CEDAW opponents were predominantly published in the conservative press, while the reformist newspapers and periodicals mostly reflected CEDAW supporters' ideas. However, there were 6 articles that were published in neutral press. Focusing on the division between reformist and conservative to categorise publications did not

lead me to ignore the articles that were published in politically neutral press. Although there were just 6 articles in neutral publications, I found them being worth considering because I found them to be part of CEDAW opponents or supporters' accounts. Reviewing the published articles in neutral press, I recognised that what CEDAW opponents and supporters claimed in neutral publications were respectively in line with CEDAW opponents' arguments in the conservative press and CEDAW supporters' ideas in reformist publications. Thus, drawing the themes from the neutral press that matched with the discovered themes in reformist and conservative publications led me to consider the published articles in neutral press as a part of CEDAW opponents and supporters' viewpoints. Moreover, three of the articles that were published in neutral press were clearly written by well-known reformist and conservative figures. They consist of "The convention of eliminating discrimination against women and Iran's rights to reserve" published in *Khorasan* (13/12/2001) which reflects the ideas of Ashraf Broujerdi, one of the famous reformist figures; "Iran's joining to the convention of eliminating discrimination - How far it will go?" (24/01/2002) published in *Karo kargar* that is an interview with Shahindokht Molaverdi, the director of international relations in Centre for Women's participation in Khatami's government and "The outcomes of joining the convention of eliminating discrimination" (07/08/2003) published in *Kharosan* that is an interview with Ayatollah Zibaee Nejad, a conservative figure. As these articles reflected the ideas of persons who certainly belong to two groups of reformists and conservatives, I thus considered their published ideas as a part of conservatives and reformists' ideas although they were not published in a more iconic press of conservatives and reformists.

Among the publications that are investigated in this research, two newspapers of *Iran* and *Hamshahri* need more explanation in terms of their political orientations. *Iran* and *Hamshahri* belong to specific organisations in the Islamic Republic, respectively the government and Tehran's council. Thus, the socio-cultural and political approaches of these two newspapers change in different times based on what is advocated by the organisations that the newspapers relate to. For example, *Iran,* whose first issue was published on 21 January 1995, in each presidential era, presents the ideas that verify the position of the president and his

government. Additionally, *Hamshahri* is published by the municipality of Tehran. Thus, *Hamshahri*'s socio-political tendency changes based on the tendency of its director and executive team, who are appointed by the mayor of Tehran. Between 2003 and 2005, director of *Hamshahri* was Mahmoud Ahmadinejad, a conservative mayor of Tehran who later became the president of Iran from 2005 to 2013. Therefore, *Hamshahri* that at beginning was founded and directed by GholamHossein Karbaschi (1992), a reformist figure, became closer to conservatives' ideas in 2003-2005. Accordingly, *Iran* is considered a reformist newspaper in this research because between 2000 and 2004 (time frame of this research) *Iran* was under the control of the reformist government of Khatami. Moreover, as *Hamshahri's* articles that are collected for this research were all published in 2003, this newspaper is introduced in this thesis as a conservative one.

In total, among the collected newspapers and periodicals, 10 publications can be identified as reformist, including *Iran; Hambastegi; Yase Nou; Zanan; Etemad; Sedaye Edalat; Mardomsalari; Azad; Aftabe Yazd;* and *Nasime Saba*. On the other hand, 10 publications are characterised as conservative in this research, including *Jame Jam*; *Hamshahri*; *Jomhuri Islami*; *Keyhan*; *Resalat*; *Payame Zan*; *Ketabe Zanan*; *Zane Rooz*; *Siasate Rooz* and *Hemayat*. Furthermore, 4 publications including *Ettelaat; Toseie; Karo kargar* and *Khorasan* whose articles are addressed in this study, are identified as neutral. The information of collected articles, including their title, authors, name of their publications and the political orientation of their publications are listed in the table of Appendix 2.

In total, 59 articles were collected among which 28 articles were from reformist publications, and 25 articles were published in the conservative press and also 6 articles were categorised as being from neutral publications. The majority of 59 articles are papers that present the opinion of their authors; a number of these articles are reports in which the authors present the ideas and opinion of socio-political figures who were attending a conference, debate or an interview. The table in the Appendix 2 shows the articles that are the texts written by specific authors, and the ones that are in the form of the report of a debate or an interview.

As far as the authors of articles are concerned, some of them such as Fariba Alasvand, Zahra Ayatollahi, Asharf Broujrdi, and Shadi Sadr have more than one article around joining CEDAW, but there are a number of authors who have only one relevant article. The political orientation of some of the authors such as Elahe Koolai; Fatemeh Rakei; and Zahra Ayatollahi are obvious because of their political position and their apparent support towards one of the camps of reformism or conservatism. However, there are a number authors whose political orientations have not been clarified anywhere. As the focus of this research is not on the ideas of "individuals" who advocate or criticise CEDAW, but what is significant is "ideas" of CEDAW opponents and supporters that are mostly reflected in conservative and reformist press, I do not concentrate on the authors' political orientation in this study. Therefore, to collect the data, I did not basically search for people's name and their political orientations, but the content of the articles in terms of supporting or opposing CEDAW was my priority for choosing the articles. Nevertheless, I mention an author's political position if he/she is a well-known reformist or conservative figure presenting an idea that is needed to be analysed in respect to her/his reformist or conservative orientation. It is worth noting that 14 articles among the collected articles do not have authors' name as they are typically written by the editor of the press.

The process of data collection was stopped when data saturation occurred. Data saturation was applied as a tool for ensuring that adequate and quality data was collected to support the study. The saturation of data means that researchers reach a point in their analysis of data that sampling more data will not lead to more information related to their research questions (Seale, 1999). Data saturation, in effect, 'is the point at which no new insights are obtained, no new themes are identified, and no issues arise regarding a category of data' (Bowen 2008: 140). At saturation stage, 'the data categories are well established and validated' (Bowen 2008: 140). Glaser and Strauss (1967: 65) explain 'when one category is saturated, nothing remains but to go on to new groups for data on other categories, and attempt to saturate these categories also'. It stands to reason that, 'saturation of all categories signifies the point at which to end the research' (Bowen 2008: 140).

The procedure of coding and drawing themes is broadly elaborated in the next section, 'process of data analysis'; here, I briefly explain the coding process to clarify how I reached data saturation. After collecting a number of articles each time, I began to do an initial and rough coding of the articles to identify the key themes in those articles. I repeated the process of coding several times for each article separately and also in comparison with other articles. As Bowen (2008) mentions, while 'there are no definitive rules for determining saturation' (Bowen 2008: 140), the process of constant comparison of collected data and emerged codes is a key element to reach data saturation. Thus, derived categories of themes among the articles were constantly compared to find how repetitive or different they were. This initial coding shaped my perspective towards the main categories of themes that emerged from CEDAW opponents and supporters' accounts. Recognising the themes that duplicated in the articles of CEDAW opponents and supporters separately led me to identify the core themes in the accounts of CEDAW opponents and supporters. When no additional data were found to develop new properties of categories and the relationships between them, in my data, I noticed similar instances over and over that made me empirically confident that my categories were saturated. Therefore, I found 59 collected articles sufficient to represent the CEDAW opponents and supporters' ideas.

Process of data analysis

As I mentioned earlier, I started rough coding of the articles along with the data collection process to find the main themes in the articles that were against or in favour of CEDAW. Following the collection of all articles, I began to analyse the data more accurately. The method used for data analysis in this research isthematic analysis. Thematic analysis is a method to identify, analyse and report patterns (themes) within data (Braun and Clarke 2006). It minimally organises and describes the data set in rich details, but 'frequently it goes further than this, and interprets various aspects of the research topic' (Braun and Clarke 2006: 79). Thematic analysis 'serves as a useful tool to illuminate the process of social construction' (Joffe 2011: 211), and elucidates 'the specific nature of a given group's conceptualization of the phenomenon under study' (Joffe 2011: 212). In

particular, thematic analysis can be used for mass media material to show how a particular representation of a range of data develops in media. Joffe (2011: 211) explains that mass media material, including text and image can be thematically analysed 'to examine the circulation and transformation of representations in the process of communication'. I would suggest that thematic analysis is an appropriate method to analyse the CEDAW opponents and supporters' idea that are presented in conservative and reformist press.

The patterns of opposing and supporting ideas over CEDAW were listed and coded from the articles. Although there are different understandings of the term 'coding', I am referring to 'which have in common that they describe the relation of materials to categories used in the analysis' (Flick 2014: 373). Coding was done for each article individually by distinguishing patterns of different subjects that were reflected in an article. The collected articles had been entirely written in Farsi and were manually coded. I coded the data in Farsi initially, and then, I translated them to English. Then, all the coded data in each article was re-organised to find the main themes in each article. Themes can be defined as patterns in the text that 'at the minimum describe or organise the possible observation, and at the maximum interpret aspects of the phenomenon' (Boyatzis 1998: 4). Thus, each article included patterns of close and common subjects that could be recognised under a shared theme. For example, in article "Have we joined the convention of eliminating discrimination against women?" that is written by Shiva Zar-Abadi in Hambastegi newspaper (17/12/2002), CEDAW is advocated by indicating CEDAW's aim in different parts of the article. Zar-Abadi's explanations in different paragraphs in relation to CEDAW's aim followed a common pattern that was showing difference between CEDAW's aim and the Islamic Republic's view. Thus, her descriptions about CEDAW's aim were coded based on their content, including 'its aim on women's participation in all socio-political areas equal to men'; 'its aim on rejecting the assumption of child rearing as main role of women' and 'its aim on showing shared responsibility of men, women and society for childcare'. These themes were categorised as sub-themes under the common theme of 'disagreements between CEDAW's aim and Islamic Republic's idea'. Then the articles were reviewed again to link and find the overlaps of the relevant themes among them, and to derive and identify the common themes from the main themes

of the articles. The main themes that finally emerged from all the articles about CEDAW are: 'CEDAW: a universal convention'; 'humanism and women's individuality'; 'family'; 'equality versus similarity'; 'feminism' and 'motherhood'.

Applying thematic analysis, the themes were drawn out based on their frequency in CEDAW opponents and supporters' discussions and their relation to the overall research questions (Vaismoradi et al 2013). As Guest et al. (2012: 10) explain, 'thematic analyses move beyond counting explicit words or phrases and focus on identifying and describing both implicit and explicit ideas within the data'. Thus, I performed small initial interpretations of the more manifest content. Then I started a deeper interpretation through connecting the themes to the socio-political context of Iran and considering the underlying content, such as underlying meanings of the words used by CEDAW supporters and opponents. Farsi is my mother language because I have lived most of my life in Iran since I was born. Moreover, since I experienced the reform era when I was a teenager and then a young adult, that means I am well informed in relation to the socio-political context of the reform era. Having an Iranian background gave me untold advantages in the data analysis, primarily with knowing the socio-cultural and religious context of Iran and additionally being able to understand the terms and metaphors used by the observers. For instance, the words *sheitan* (evil) and *doshman* (enemy) in CEDAW opponents' statements seem referring to their patent meaning at the first sight. However, knowing the critical view of conservatives towards the West and being familiar with rhetoric of religious leaders within the state, I am able to recognise that *sheitan* and *doshman* imply "the West" in statements of hardliners within the collected articles.

As Vaismoradi et al. (2013) argue, thematic analysis allows the researcher to combine and see the themes in connection to each other to analyse them in relation to their particular context. In this research also, the six emerged themes are connected and overlapped in different aspects. Accordingly, the themes that are more interrelated and their understanding in accounts of CEDAW opponents depend on each other are presented in the same chapter in this thesis. For example, the themes 'equality versus similarity', and 'feminism' and 'motherhood' are all presented in Chapter 6 because they are strongly entangled in discussions

of CEDAW opponents. Although 'feminism' and 'motherhood' are independently characterised as main themes in arguments of CEDAW opponents, CEDAW opponents' ideas on opposing 'feminism' and their concern about marginalisation of 'motherhood' originate from their opinion about preference of 'equality' (or justice) rather than 'similarity' of rights between men and women. Thus, these themes are considered as complementary themes according to which the perspective of CEDAW opponents towards men and women's similar rights become revealed. Finally, I considered the relevant literature to understand the emerged themes of data further to link the findings to broader sociological concepts.

After coding the texts and deriving the main themes, I started interpretation of the emerged themes 'in a way that contributes to the development of knowledge' (Boyatzis 1998: 11). In the data analysis, I tried to provide examples from the addressed articles as evidence in support of the emerged themes. Although CEDAW opponents usually had more discussions over CEDAW, I tried to find CEDAW supporters' response in all arguments that were raised by CEDAW opponents. As the next chapters show, in some cases both CEDAW supporters and CEDAW opponents argue about the same theme, but in most cases, this is CEDAW opponents who address a theme about CEDAW. Such a silence of CEDAW supporters is addressed based on socio-political context of Iran later in data analysis chapters.

Translation process

The language of addressed articles in this research was Farsi. Thus, translation of collected data from Farsi to English was needed. As Crystal (1991) explains, translation can be defined as a process where the meaning and statement in one language (source) is adjusted with the meaning of another (target) whether the medium is spoken or written. In the qualitative research, the process of translation of texts, in any form of recorded interviews and discussions or documents and field notes, from one language to another is embedded within the socio-cultural context (Halai 2007). Coming from the same cultural background can be seen as an advantage for me in realising the whole context of the collected data. However, it

did not make me free from investigating and consulting to find the best English equivalences for Farsi words and concepts that were used in different press articles. Thus, besides using my contextual knowledge, I checked other references to see how other scholars translated same notions from Farsi to English. Moreover, I consulted my bilingual friends and academics who were familiar with the used terms and concepts in both languages in order to find the most appropriate equivalents.

I translated only the parts of articles' texts that were especially relevant to my discussion, and were used as extracts within my thesis to convey the meaning of key concepts. Regarding the used strategies in this research for translation, two models of interpretation can be distinguished, including "translation" and "transliteration". In essence, translation as described earlier is finding proper equivalence from a language to another to establish valid meaning or interpretation (Regmi 2010). Translation can be done by finding semantic equivalences, where the meanings are similar in two cultures or languages, after being translated, and finding content equivalences, which relates to the extent to which a construct holds comparable meanings and relevance in two different cultures or languages (Cauce et al., 1998; Chang et al., 1999). Both semantic and content equivalences are considered in my research. While I translate the documents word-by-word, in few cases those words cannot solely and transparently convey the meanings in English, and I invoke additional words (mostly grammatically) to maintain the content.

On the other hand, the term *transliteration* is defined as a process of replacing or adding the words or meanings of one language with meanings of another as the exact equivalence or exact meaning does not exist (Regmi 2010). The significant characteristic of transliteration is 'an unavoidable loss of meaning that occurs in everyday language, which helps to set the context in which cross-cultural translation can be better understood' (Regmi 2010: 18). Transliteration process is often demonstrated by the use of italics and brackets in a text (Regmi 2010). In this research also, transliteration is implemented in two arrangements: a) the words such as *Fiqh*; *Ulama*; *Shari'a* that do not have English equivalences are transliterated in Italic form, and they are comprehensively defined in Glossary of

my thesis; b) Farsi form of specific concepts are added in brackets within the extracts to show what concepts are exactly translated into English. For example, to clarify what original words are translated as "narrations" and "Judgement Day" in an extract, I respectively present (*rivayats*) and (*Akharozzaman*) after the mentioned words. Moreover, in some cases, contextual information is necessarily created following the extracts in order to make some concepts accessible and understandable for the English reader such as explaining derivations and functions of the words "*doshman*" (enemy) and "*Sheytan*" (evil) in Iranian politicians' statements.

Researcher's role and reflexivity

As the researcher's status and his/her identity plays a very important role in the research process and its outcomes, here, I briefly reflect on my own position in this research. Although the discussion on researcher's insider/outsider position is usually considered in the studies conducted by observation, field research, and ethnography, this discussion can expand to other qualitative methods (Corbin Dwyer and Buckle 2009). As Dwyer and Buckle (2009: 55) explain, the matter of 'researcher membership in the group or area being studied is relevant to all approaches of qualitative methodology as the researcher plays such a direct and intimate role in both data collection and analysis'. Therefore, I consider the issue of "membership roles" of the researcher in my research that is conducted by documentary research method.

I critically reflect on my role in this study, regarding that my own identity as an Iranian during the research process defines me as an insider. Yet, I also situate myself as an outsider because of being a woman; being a woman in Iran means experiencing different types of socio-legal discriminations which make you deprived of exclusive privileges compare to men. Furthermore, as I have never agreed with CEDAW opponents, I position myself outside of their group when I am reading and analysing their articles. I describe my situation as what Collins (1986) calls "outsider within" status. Collins (1986) uses this term to explain black women's position in academia in the United States. She explains that while black women have active participation in American educational positions, they have

long inhabited marginal situations in academic settings. Presenting a more comprehensive definition, “outsider within" status relates to positions for groups who are included in dominant cultural practices but are nonetheless, and for different reasons, unable to fully participate in them (Lenz 2004). Although I am an insider as an Iranian, different types of restrictions are imposed on me as a “woman” by hardliners. Thus, I can identify myself outside of dominant privileged groups firstly, because of being a woman, and secondly, because of being against gender policies of the powerful political group in Iran.

Collins argues that many black female intellectuals have made creative use of their marginality, their "outsider within" status, to produce black feminist thought which reflects a special standpoint on self, family, and society. Collins (1986: 14) suggests that ‘other sociologists would also benefit by placing greater trust in the creative potential of their own personal and cultural biographies’. This suggestion of Collins seems in harmony with feminist characteristic of this research in terms of acknowledging the position of the researcher (Whitson 2017). Experiencing the interwoven position, i.e. being an Iranian woman who is against the state’s gender orientations, I found it necessary to focus on the matter of Iran joining CEDAW as a research subject. Like many Iranian women, I have faced various forms of discriminations that are legitimised by Islamic justifications, and are defended by hardliners as parts of “our culture”. However, as an educated middle-class woman who has lived several years in Tehran, the capital city of Iran, I tangibly comprehend the considerable distance between what official authorities prescribe for women and what many Iranian women prefer in socio-legal domains. While Iranian woman activists compare Iranian laws with international human rights treaties, and see themselves as a component of universal movement to emancipate women from socio-legal inequalities and discriminations, the state hardliners emphasise inappropriateness of CEDAW for Iranian society. Realising these contrasts, I concluded that doing a PhD project that investigates the ideas of influential political groups on women’s human rights in Iranian political atmosphere is required in order to address what is at stake in Iranian politics about women’s human rights.

My position as an Iranian woman who has undergone lots of socio-legal inequalities and assumes herself in CEDAW supporters' side can have some effects in data analysis, as far as the bias in the research is concerned. One of the main issues during the process of interpreting data was mediating my own position in the research. The problem of researcher bias is mostly considered as a concern in qualitative study because qualitative research is 'less structured than quantitative research' (Johnson 1997: 283-4). However, the researcher must be careful about the risk of her research validity. Therefore, the researcher should be committed to adopt strategies to reduce the biases and promote qualitative research validity (Murphy and Dingwall 2003). The key strategy used to understand the researcher's bias is called "Reflexivity", 'which means that researcher actively engages in critical self-reflection about his or her potential biases and predisposition. Through reflexivity, researchers become more aware, and they monitor and attempt to control their own bias' (Johnson 1997: 284).

In relation to reflexivity in my research, I have been aware of gender discriminative and radical ideas of some conservative figures whose discussions about CEDAW had been reflected in the collected articles before beginning this research. As an Iranian woman, I always have found their ideas personally irritating. Therefore, I might tend to put myself in position of power as researcher and ignore the details of these famous CEDAW opponents' statements to reflect what I typically perceive about their ideas. However, I tried to maintain a distance to oversee and address the well-known CEDAW opponents' accounts, and position myself in a constant dialogue with myself to avoid judging CEDAW opponents' ideas before examining them in depth. It is worth noting that although exposing researcher's position and his/her involvement in the research subject are characteristics of feminist research, this fact that I position myself completely neither inside of reformists nor conservatives paved the way for me to be more impartial to analyse how Iran joining CEDAW subject was reflected in the reformist and conservative press. As I explained in the Introduction chapter, my position is closer to reformists rather than conservatives, but I do not advocate reformists entirely, and I have critical position to some of reformists' policies and slacks in their promised reformations. Thus, there was no personal feelings of

belonging to either reformist or conservative camp that challenged me to see their press less unbiased during the process of data interpretation.

Conclusion

The aim of this chapter was to show the methodological aspect of this research in theory and practice. It began by introducing this study as a feminist research and identifying interpretivism as epistemological underpinning of this research. Then, I argued why this research is located in the framework of feminist research while data collection method in this research is different from the most-used methods in feminist studies such as interview and focus group. In this respect, it was explained that this research can be defined as a feminist research because of its aim for challenging powerful ideas that advocate inequality of rights between men and women and presenting alternatives to Islamic readings that legitimise discriminative laws against women.

Further on, the chapter discussed the application of qualitative document-based method as the most appropriate method for studying the opinions of CEDAW opponents and supporters in the and reformist press between 2000 and 2004. In relation to the capacity of the press as a site of data collection in general and the freer space for the press to reflect diverse ideas in Iranian reform era in particular, this chapter justified using the press as the most suitable way of collecting data for this research. A section was allocated to the issues of access and sampling data in which the main characteristics that identify the press as reformist and conservative in this research were considered. The diversity of collected articles in terms of their political approach, type of the articles and authors was also addressed in this chapter. Then, the rationales to use thematic analysis as analysis method and how the process of coding and analysis were conducted in the current research were focused. It was explained how the main themes were drawn out from the data and how they were analysed in connection to each other through thematic analysis.

Finally, the chapter looked at the matter of reflexivity in connection to researcher's role and her/his position on CEDAW opponents and supporters' ideas in the

conservative and reformist press. Furthermore, it was demonstrated why I locate myself as the researcher in a dynamic insider-outsider position in this research, and the chapter also sheds light on the strategies that were employed during data analysis and presentation of the findings to preserve validation of this social research.

Chapter 5: CEDAW - A Universal Convention

Introduction

My investigation into the articles shows 'Iran joining CEDAW' is broadly conceptualised around the matter of 'universality' of CEDAW in both CEDAW opponents and supporters' discussions. The universality of CEDAW can be considered as a basis on which some discussions of the Convention supporters and opponents in terms of advantages and disadvantages of Iran joining CEDAW are developed. In connection to universality feature of CEDAW, this chapter shows that the supporters see Iran joining CEDAW as an opportunity for improving the international image of Iran and Islam that are represented by the mainstream thoughts of Western societies. Moreover, it will be demonstrated that CEDAW supporters consider Iran joining CEDAW as a way for Iran to enjoy the cultural benefits of the globalisation process. In this chapter, the ideas of CEDAW supporters will be presented in the section of 'Supporters' justifications to join CEDAW: improving international image of Iran and Islam, and Iranian involvement in globalisation process'.

On the other hand, the chapter focuses on CEDAW opponents' arguments about the disadvantages of Iran joining CEDAW with respect to the feature of universality of human rights. The opponents of CEDAW see the universality of human rights in connection with the cultural influence of the West on non-Western societies, including Iran. The section 'CEDAW's criticism by the opponents: Western centrism, globalisation and contradiction with Islam' addresses the criticism of the opponents towards CEDAW as a convention in contrast with Islam, and as a part of the Westernisation project of globalisation. In this section, cultural relativism theory is employed to analyse what CEDAW opponents state in terms of the Westernisation of the World by human rights, and inapplicability of CEDAW in Iran.

Furthermore, Edward Said's (1978; 1997) viewpoints in two aspects, i.e. common humanity between Western and non-Western people, and a dynamic conception of Islam, is employed in this chapter. Invoking Said's theories, the chapter will challenge the representation of CEDAW by its opponents as a universal convention that intends to Westernise the world through women-related codes which are in contrast with Islam. It is argued at the end of this chapter that opponents of CEDAW are unintentionally in agreement with the Orientalist approach towards Islam and Muslim societies. While CEDAW opponents strongly criticise the West and its cultural codes, their emphasis on the inapplicability of human rights in Iran as a Muslim society, and how they represent Islam (as an immutable religion) are comparable with Western Orientalists' perceptions of Muslim people and Islam.

With regard to the research questions, the chapter answers the first question by revealing some of the main concepts that emerge from CEDAW supporters and opponents' arguments. The concepts that form CEDAW supporters' debates consist of "image of Iran and Islam" and "globalisation". On the other hand, "West", "Islam" and "globalisation" underpin CEDAW opponents' understanding around the matter of universality of CEDAW. Regarding the second research question in terms of the relationship between Islam and international human rights, it is concluded from CEDAW supporters' discussions that improving international image of "Islam" and introducing true Islamic civilisation to the world have priority over developing women's rights for them. On the other side, for CEDAW opponents, what is at the core of their concerns is preserving of "Islamic culture", compatible with their 'traditional' interpretation of Islam rather than addressing Iranian women's human rights deficiencies and demands. In this respect, CEDAW opponents focus on CEDAW just as a means by which Western states intend to interfere Muslim societies' cultures to make them more similar to "Western culture". The third question of the research in terms of the influence of Iranian politics on the representation of the convention by CEDAW supporters is also considered in this chapter. The presented ideas of reformists clarify the authority of conservatives and traditional clerics in Iranian politics to the extent that CEDAW advocates, even those who have high-ranked governmental positions, use justifications that are mainly for convincing conservatives of the legitimacy of CEDAW. Overall, CEDAW supporters' reluctance to respond to CEDAW opponents'

view, i.e. human rights as a tool for the influence of the West over other cultures, demonstrates CEDAW supporters' willingness to reduce their clashes with the fundamental beliefs in Iranian state.

Supporters' justifications for joining CEDAW: improving the international image of Iran and Islam; Iranian involvement in globalisation process

The main focus of this chapter is on what CEDAW supporters think of as a valuable outcome of Iran joining CEDAW, i.e. engendering a positive image of Iran and Islam in the world. There are many CEDAW supporters who focus on the advantages of Iran joining CEDAW in terms of improving the global image of Iran and Islam in the world alongside the possibility of preserving Islamic values. I present the ideas of the CEDAW supporters who justify Iran joining CEDAW in order to modify the international image of Iran and Islam in the section of "Improving international image of Iran and Islam". The critical reactions of both CEDAW opponents and supporters towards this idea are addressed in this section under the title of 'critical reactions'. Although most of the critical reactions to this idea belong to CEDAW opponents, Shadi Sadr as a well-known CEDAW supporter also criticises the possibility of improving the international image of Iran and Islam by joining CEDAW. Therefore, the criticism of Sadr, as a CEDAW supporter, and those anti-CEDAW observers are presented in two distinct sub-sections, 'Shadi Sadr's criticism' and 'CEDAW opponents' criticism'.

Few CEDAW supporters talk specifically about the significance of Iran's involvement in 'global society' and adherence to the process of 'globalisation'. The ideas of these supporters are reflected in an independent sub-section of 'Iranian involvement in globalisation process'. The two aspects of the supporters' justifications, i.e. improving international image of Iran and Islam, and joining globalisation are strongly interlinked, and it is difficult to consider them separately. However, the difference between these two groups of articles is that the smaller group of supporters mention globalisation directly, and the necessity of Iran's accession to the globalisation process alongside emphasising the preservation of Islamic values at the same time. While the majority of CEDAW

supporters do not focus on globalisation, they see the advantage of joining the convention in modifying the international image of Iran and Islam to correct the distorted Iran's and Islam's representations by the mainstream media and powers in the West. The reluctance of CEDAW supporters to back globalisation might be because of the restrictions imposed by the state on publications' content. According to the press history in post-revolutionary Iran, the publications that propound the ideas in contrast with the state's policies were shut down (it happened frequently in the reform era), being accused of undermining the regime's principles. Therefore, it can be claimed that even if CEDAW supporters are in absolute conformity with globalisation they avoid expressing this directly in their articles to prevent the cancellation of the publications' license.

Improving international image of Iran and Islam

One of the themes based on which some proponents of CEDAW try to legitimise the idea of Iran joining CEDAW is improving and repairing the international image of Iran. The CEDAW supporters argue that adopting the convention can modify or undermine the negative image of Iran that is dominantly represented in the West as an anti-woman and anti-human rights country. It seems that what CEDAW supporters are talking about is the portrait that the mainstream media and political contemplations present from Iran in the West (Ameli, 2007; Said 1997). However, joining CEDAW is desired to facilitate better image of Iran as a woman-friendly country and in harmony with international human rights. For instance, the article 'the reflection of passing the bill of joining the convention' (12/08/2003), can be mentioned here to describe the reasoning of the two sides of opponents and supporters over the issue of Iran joining CEDAW. This article is published in newspaper *Hamshahri* (closer to the conservatives). It first mentions the idea of Hamideh Edalat, the head of women's fraction of Sixth Majlis, as one of the advocates of Iran joining CEDAW. Edalat expressed that the aim of Women's fraction in Majlis in supporting the bill of Iran joining CEDAW was to reduce international pressures on Iran. Then, the article directly cites the accounts of Fatemeh Rakei, one of the well-known reformist MPs (in the Sixth Majlis) and a supporter of CEDAW, to exemplify the justification of CEDAW supporters about

decreasing international pressures on Iran as the result of Iran joining CEDAW. Rakei states:

> I think this Convention is more helpful in terms of modifying the international image of Iran rather than resolving Iranian women's problems. As you know, even the countries in which women do not still have vote right and driving permit have joined the Convention, and no change has happened in these countries in terms of women's situation. By the refusal of joining CEDAW, Iran becomes an internationally suspicious country for its discrimination against women in Iran, giving this impression that this avoidance to join CEDAW even with reservation options is the result of very unacceptable level of such discriminations. However, we all know that women's situation in Iran is much better than the status of women in some other Islamic and non-Islamic countries.

After presenting Rakei's account, the article continues to explain what Rakei means by referring to the countries in which women do not have the right to vote and drive as follows:

> Mrs Rakei is pointing to Saudi Arabia, a country that joined the Convention, but violates women's right to vote and drive.

The example given by Rakei is Saudi Arabia, in which women are prohibited from driving and do not have the right of vote despite being one of CEDAW's state parties. Indicating Saudi Arabia in discussions over human rights in Iran is a rather regular scenario used by the IRI to invalidate international human rights regimes, and to prove that international human rights organisations are politically biased in evaluating human rights status. Dominant view in the Islamic Republic claims that Saudi Arabia, in which women are not permitted to drive and did not have the right to vote until 2015 (BBC News Middle East, 2015), is not rebuked by human rights regimes for violating obvious human rights principles. They describe that the human rights institutions' ignorance of human rights violation by Saudi Arabia is because Saudi Arabian regime is in alliance with the United States and Europe. Moreover, in raising Saudi Arabia's case, the IRI exonerates itself from what Iran is accused of in terms of violating human rights in different aspects, including women's rights issues. However, in this case, Rakei's main focus is neither the political partiality of human rights organisations nor exonerating Iran from human rights violation. Employing the IRI's familiar example of Saudi Arabia, Rakei is trying to reassure conservatives that CEDAW has not shown to have sufficient power to change women-related laws in practice, because it has not been able to

induce changes in Saudi Arabia's regulations. While Rakei is showing her agreement with dominant idea in the IRI in terms of human rights violation by Saudi Arabia, at the same time she argues that joining CEDAW is an opportunity for Iran simply to rebuild Iran's international image in terms of women's rights. Rakei's claim is based on the assumption that joining CEDAW, even with reservation, identifies the joined states as woman–friendly states.

Furthermore, the presented ideas of Rakei clarify the power and authority of traditional clerics and conservatives in Iranian politics to the extent that CEDAW advocates including MPs have to appeal to conservatives to legitimise their desire to join CEDAW. Although Rakei agrees with CEDAW as a human rights treaty, her focus is on convincing conservatives, who are concerned about changes in Iran's Islamic laws as the consequence of joining CEDAW, by ensuring them that CEDAW cannot change the laws. Therefore, Rakei only emphasises the consequence of Iran joining CEDAW in terms of improving Iran's international image. As I explained in Introduction chapter, although CEDAW supporters in Sixth Majlis attempted to convince conservative majority of *Shuraye Negahban*[7] (Guardian Council) to pass 'Iran joining CEDAW' bill that had been ratified by Sixth Majlis, *Shuraye Negahban* rejected it.

The above-mentioned account of Rakei represents a paradox in defining the purpose of joining CEDAW from the supporters' point of view. The emphasis of Rakei and those in agreement with her on employing 'joining CEDAW' as a tool to modify international view towards Iran does not fulfil CEDAW's true aim, which is the elimination of any discrimination against women. Although Rakei advocates joining CEDAW - which is a women's human rights treaty - it seems that her main aim of joining this convention is serving to modify Iran's international image rather than eliminating discriminations against women.

This article also quotes Elaheh Koolai, another reformist MP who sees the positive results of Iran joining CEDAW in accordance with both internal and international

[7] Twelve member Guardian Council is composed of six Faqih (expert in Islamic law) and six jurists. Guardian Council reviews all legislations passed by the Majlis for being in compliance with Islamic and constitutional principles (Ansari-Pour, 2000).

realms. Koolai gives more weight to the international consequences of CEDAW by arguing:

> Although this Convention can facilitate amending the internal legislations within Iran, its major function is in the international domain in terms of refining international image of Iran.

In her account, Koolai clearly sees the main advantageous influence of Iran joining CEDAW in relation to international domain rather than its outcomes in favour of women within Iran. In agreement with Rakei, Koolai justifies Iran joining CEDAW as an instrument to amend the negative image of Iran among other societies.

As another example, 'Eliminating discrimination against women - what is the basis', published in Resalat, a conservative newspaper, mentions the reasons and justifications of the CEDAW supporters in the government and Majlis (Iran's parliament) that are usually employed to legitimise the idea of 'Iran joining CEDAW'. Accordingly, the attitudes of Akram Mansouri-Manesh, the member of Women Fraction of Majlis, is reflected in the article as a supporter of CEDAW who justifies the attempts of Khatami's government and Majlis to support Iran joining CEDAW as follows:

> Our joining the Convention will have international consequences rather than national ones. Look, all the countries of the world have joined this Convention… in recent years, the human rights organisations exemplify women issue as one of the matters to show that Iran is violating human rights, and one of their reasons to prove violating women's human rights in Iran is that we have not yet joined this Convention. One of the benefits of joining CEDAW could be reducing international pressures on Iran in terms of accusing Iran of violating human rights.

As the extract shows, Mansouri-Manesh uses the common justification of Rakei and Koolai in terms of improving the international image of Iran as the advantage of Iran joining CEDAW. Mansouri-Manesh clearly gives priority to what she calls international consequences of Iran joining CEDAW over national consequences. According to her explanation, by international consequence, Mansouri-Manesh means reducing international pressures on Iran in terms of accusing Iran of violating human rights. One of the subjects according to which Iran is accused of violating human rights is discriminative laws and policies in Iran, and Iran's refusal to join CEDAW. Mansouri-Manesh claims that joining CEDAW can reduce pressures on Iran for violating women's human rights. Thus, her account shows

that instead of considering CEDAW's benefits that can be directly influential on women's lives by eliminating discriminations against women within Iran (inner country consequences), Mansouri-Manesh merely focuses on the benefit that this joining can have for the international prestige of Iran (international consequence).

Another example is the account of Shahindokht Molaverdi, head of international relations in *markaze omoore mosharekate zanan* (the Centre for Women's Participation)[8], who in her article, 'An absolute similarity or different but equal', published in a reformist newspaper, *Yase nou,* on 01/09/2003 warns CEDAW opponents about international consequence of refusing to join CEDAW:

> Why deliberately provide the documents and evidences that identify our country as anti-human rights?

It seems that Molaverdi wonderingly asks CEDAW opponents why they permit the reproduction of negative image of Iran as an anti-human rights country in the world by refusing the bill of Iran joining CEDAW. In her account, rejecting CEDAW is considered as evidence to approve anti-rights assumption about Iran. Therefore, she obviously considers Iran joining CEDAW as an opportunity to help Iran to be identified as a pro-human rights country. Thus, I can say she also prioritises international consequences of Iran joining CEDAW, i.e. amending Iran's human rights violating image in the world, rather than its internal consequences, including eliminating discrimination against women within Iran, as the main outcome of joining this convention.

In addition to improving international image of Iran, the matter of repairing international image of Islam is another common justification among CEDAW supporters in reformist publications. Examining CEDAW supporters' ideas, it seems that the matter of improving Iran's image and Islam's image are very interrelated and these two subjects can be found together in a number of CEDAW supporters' extracts. There is a quite large number of articles that present the idea of improving international image of Islam as an advantage of Iran joining CEDAW (such as 'Iran's joining to the convention of eliminating discrimination - what

[8] This centre was established by Khatami to 'promote women's rights as part of the President's office' (Vakil 2011, P.141).

should be and what should not?' By Nateghi (26/01/2002) in *Aftabe Yazd*; 'Efforts on passing a bill' by Ghasri (17/10/2002) in *Iran*; 'The government's condition is very nonspecific and vague' interview by *Zanan* (Feb 2003) in *Zanan* magazine; 'Joining the Convention of Eliminating Discrimination Against Women and answer to ambiguities and suspicions' (2002) in *Mardom Salari;* 'Iran joining the convention of eliminating discrimination - How far will it go?' (2002) by Molaverdi; 'The convention of eliminating discrimination against women' (2003) in *Etemad* by Zahiri). In this section, I focus on two of these articles that more broadly address the positive consequence of Iran joining CEDAW in terms of rectifying international discriminative image of Islam against women.

In the article 'Iran joining the Convention of Eliminating Discrimination - How far will it go?', published in newspaper *Kar-va-kargar* on 24/01/2002, written based on an interview, Molaverdi indicates that besides improving international image of Iran, joining CEDAW could productively reveal more positive perception of Islam:

> Joining CEDAW provides some opportunities for Iran to have international collaborations. In the case of Iran joining the convention, the Islamic Republic will be able to contribute actively to CEDAW committee. Thus, Iranians can demonstrate and introduce the achievements and developments of women in Iran, and the real view of Islam towards women's rights. Furthermore, presenting more accurate and better perception of Islam's orders and traditions about women leads to the decrease of international propagandistic pressures against Iran.

Molaverdi argues that the consequence of Iran refusing to join CEDAW confirms the collective West's accusation against Iran, that Iran is violating human rights. According to Molaverdi, this further affects the image of Islam in the world. She believes that joining CEDAW and communicating with other countries in the area of human rights promotes a better and more accurate image of Islam rather than what is presented by the West about Islam. In her account, Molaverdi mentions 'real view of Islam towards women's rights' representing this idea that Islam is not properly understood by Westerners. Molaverdi's perspective is in line with one of the pillars of revisionist Islam which emphasises that what is today known pervasively as Islam is not the true Islam, because this Islamic orthodoxy has been distorted over time (Soroush 2000). Such a perspective towards Islamic teachings and their distortion over time enables revisionist Muslims to present new readings

of some Islamic laws, those that are controversial today in terms of being in conflict with women's rights and human rights.

As another example, Nasrin Zahiri in her article, 'the convention of eliminating discrimination against women' (25/06/2003) published in a reformist newspaper, *Etemad*, explains that:

> Refusing CEDAW clauses can become one of the greatest tools for opponents of the Regime to portray a corrupt image of Islam and the Islamic Regime. However, in such an important situation in which the state of is under the international pressure, we can protect Islamic believes and ideas by introducing the true Islamic views towards women's issues. Accurate examination of woman-related subjects in Islam and introducing these subjects in international domain can eliminate the negative judgments about Islam as a women-oppressive thought school.

The above extract shows that Zahiri is also optimistic about the outcome of Iran joining CEDAW in terms of improving international image of Islam and Islamic state of Iran. She does not separate image of Iran from Islam. When Zahiri mentions Islamic regime, she means the IRI regime. Therefore, she assumes that the morality and prestige of Iranian Islamic regime that is represented by Iranian officials as representative of Islam (Muslim Shi'a state) is equal with the morality and prestige of Islam. Therefore, Iranian and Islamic aspects of Iran's state are interlinked because Iran's regime is introduced as an Islamic regime. This interwoven relation of Islam and Iranian identity that was strengthened by the IRI regime after the 1979 revolution will be considered in more details in the chapter of 'humanism, women's freedom of choice and family' when I discuss the necessity of preserving traditional family to preserve 'Islamic nation of Iran'. The focus of discussion here is on the importance of repairing worldwide perception of Islam as a religion in contrast with women's human rights by joining CEDAW in Zahiri's account. Zahiri also uses the phrase of 'true Islam' to assert Islamic revisionist belief according to which Islam can be dynamically reinterpreted based on the needs of changing conditions of new times, while what is dominantly presented by the West is static hardliner's reading of Islam. Thus, Zahiri in agreement with Molaverdi describes Iran joining CEDAW as an opportunity to introduce dynamic and woman-friendly readings of Islam to the world. If Iran as a Muslim majority country accepts CEDAW's clauses, it means that Islam as cornerstone of Iranian state's legal and political frameworks can be in line with women's human rights;

contrary to how Islam is identified in the West, as a women oppressive religion. Moreover, Zahiri and Molaverdi see Iran joining CEDAW as an opportunity for Muslims to present more influence in international domains (for example by entering CEDAW committee) to introduce new perceptions of Islamic laws about women. This optimistic consequence of Iran joining CEDAW in terms of greater international position of Iran to introduce 'true Islam' and influence on other countries is criticised by CEDAW opponents in the following section.

Critical reactions

Some CEDAW opponents presented critical reactions to this view of CEDAW advocates, i.e. revising international image of Iran as a Muslim country by joining CEDAW. However, Shadi Sadr, a well-known secular lawyer and women activist, is the only person among CEDAW advocates who criticises this approach. In this section, I first focus on Sadr's criticism and then, I will address the critique by CEDAW opponents towards the idea that joining CEDAW can improve Iran's international image.

Shadi Sadr's criticism

As the above-mentioned articles show, what is at the core of CEDAW supporters' reasoning in justifying Iran joining CEDAW is its possibility to send a cultural and political message, which can change the view of other countries towards Iran and Islam. Thus, Iran joining CEDAW enables a new international presentation and definition of Iran as a country under an Islamic regime, and Islam that is presented as a woman oppressive religion by the dominant viewpoint in the West.

In her article, 'in the wind direction', published in reformist newspaper, *Yase Nou* (28/07/2003), Sadr criticises the reasons that reformist MPs in the Majlis advocated the bill of Iran joining CEDAW. Sadr states that:

> The reasoning of advocates of CEDAW in the Majlis was developed around two pivots: Firstly, they reason that joining Convention can noticeably help to improve the regimes' image in international domain. Secondly, joining this Convention will prove that Islamic regime does not have any conflict with elimination of discrimination against women, and equality and women's rights are fulfilled in Islam more than any other religion. Therefore, it can be simply concluded that the woman's issue (women's rights) was not the priority for most of the MPs who advocated joining

> CEDAW, but their purpose of supporting was a political use of joining CEDAW in this particular moment.

In the extract, Sadr challenges reformists, particularly reformist MPs of the Sixth Majlis, for their concern about the woman's issue. It seems that while Sadr expected the reformists to advocate Iran joining CEDAW to improve Iranian women's status by the state's commitment to implement CEDAW's clauses, reformists' aim to join CEDAW was primarily and problematically to rectify oppressive images of Iran and Islam. Criticising the fact that the main reasoning of reformists for Iran joining CEDAW was focused on improving Iran's and Islam's image, Sadr brings the reformists' concern of Iranian women's rights into question. While one of the main electoral slogans of reformists who encouraged women to vote for Khatami was amending laws in favour of women, Sadr raises doubts about reformist MPs' real purpose to amend the laws to make women's status better. Sadr claims that reformist MPs intend to use Iran joining CEDAW as a political instrument to decrease the international pressures on Iran rather than using CEDAW clauses to eliminate discriminative laws inside Iran.

This criticism of Sadr can be regarded in line with the broader criticism towards the reformists' achievements for woman issues in Iran that has been argued by some scholars (Afkhami 2002; Hoodfar and Sadr 2009). Some scholars, such as Afkhami (2002), claim that reformists did not fulfil their electoral promises about women's rights because 'woman question' was not among their main concerns. Reformists are also criticised for not being determined enough to promote women-related ideas and for not adequately resisting conservatives' pressures to undermine realisation of their reformist slogans about women (Hoodfar and Sadr 2009). As I explained in Introduction chapter, this critique of reformists can be considered if not versus, but as another scenario about Khatami's government's failure for law amendment of women's equal rights. Many scholars relate reformists' lack of success in bringing changes in women-related laws to the barriers set by hardliners for the reformist government's policies and the laws passed by the Sixth Majlis (Arjomand 2005; Mehran 2003; Mir-Hosseini 2002a; Mohammadi 2007; Monshipouri, 2006; Hoodfar and Sadghi 2009).

I might not strongly agree with Sadr's claim that women's rights were not the main concern for reformists. However, the analysis of reformists' arguments drawn from the addressed articles verifies Sadr's claim that reformists have given more weight to political outcomes of 'Iran joining CEDAW' in international domain, i.e. improving international image of Iran and Islam, rather than CEDAW's practical outcomes to revise discriminative laws against women.

CEDAW opponents' criticism

There are a number of CEDAW opponents who object to the idea that human rights conventions have the functionality to replace negative international images of Iran and Islam with refined, real and positive images. CEDAW opponents are pessimistic about the effectiveness of joining CEDAW for presenting a new international image of Iran and Islam. They claim that the West has significant dominance on CEDAW; therefore, the West would not allow Iran to influence CEDAW's Articles and enable a new image of Islam and Iran in relation to human rights. CEDAW opponents' objection towards this CEDAW supporters' justification, i.e. improving Islam and Iran's international image by Iran joining CEDAW, is mainly articulated over the theme of the West's influence. The opponents consider human rights treaties, including CEDAW to be part of the West's project to accelerate their cultural and political domination all over the world. Therefore, CEDAW opponents claim that the dominant influence of the West on the human rights treaties does not allow Iran to have an opportunity to introduce new perceptions of Iran and Islam.

For example, Zeinab Kasiri in her article, 'Criticising the reasoning of the pros for joining the convention of eliminating discrimination against women', published in a conservative newspaper, *Jomhuri Islami* on 10/06/2003, objects to the view of supporters towards CEDAW, i.e. joining CEDAW and presenting in the CEDAW committee as a means to decrease international pressures on Iran and presenting a human-rights friendly definition of Islam, as follows:

> The spirit of this reasoning is an emphasis on joining CEDAW because of international pressures. The presence in the international conventions and dialoguing with the global movement implies approving the special conditions and principles without

> which any kind of interaction seems impossible. Gaining any voice in these treaties, including CEDAW implies approving the dominant ideology of these treaties.

In the above extract, Kasiri implicitly claims that having voice in international human rights implies being in line with Western powers. When Kasiri talks about 'dominant ideology of these treaties', she implicitly reproduces dominant perspective of CEDAW opponents in the IRI that emphasises difference between Islamic values and underpinnings of CEDAW, because of its Western origination. Kasiri argues:

> Ignoring the dominant ideology of these treaties is regarded as a kind of anomaly among the state parties to CEDAW. Other state parties will not support Iran; thus, it will induce the isolation and metamorphosis of Iran.

In second part of the extract, Kasiri discusses that not only Iran will not gain agency through joining CEDAW to inject new visions into international thought towards Iran and Islam, but also Iran will be compelled into further isolation because of the difference between the IRI's ideas and CEDAW's values.

The other article that clearly reflects the opposite view to CEDAW supporters' suggestion, i.e. joining CEDAW to improve international image of Iran and Islam, is 'Eliminating discrimination against women - what is the basis?' The author of this article which is published in a conservative newspaper, *Resalat,* who firstly mentioned justifications of CEDAW advocates about improving Iran's international image, objects to this viewpoint of advocates as follows:

> At first glance, it might seem that joining CEDAW can reduce the international pressures against the Islamic Republic of Iran, but we should not forget that these pressures on the Islamic Republic of Iran is just because of its Islamic, revolutionary and anti-tyrannical nature. There are many countries that just because of their political links to the Western powers, specifically United States, are not accused of violation of human rights.

It seems that the writer intends to argue that joining CEDAW alone cannot change the negative views in the international atmosphere against Iran in terms of human rights. The writer is of the view that one of the reasons according to which there is international pressure against Iran in terms of human rights is the Islamic identity of Iran's state and what the author calls revolutionary and anti-tyrannical (*enghelabi and zolm-setiz)* nature of the IRI. The word 'tyranny' is one of the typical

words that have been frequently used by the IRI officials since 1979 Revolution to explain Mohammad Reza Shah's regime and also Western powers. Although the word anti-tyrannical is used in different contexts by the IRI politicians, one of the most frequent uses of this term is when the IRI officials want to show the IRI's freedom of dependence to the West against servility of Shah's regime to the Western powers (Rahmani and Azghandi 2016). Based on the dominant idea in the IRI, Shah's regime was tyranny not only because of oppressing its opponents, but also because of its agreement with Western powers that in perspective of the IRI's dominant viewpoint are imperialist powers that impose their cultural and political standards to the whole world (Yeganeh 1993). Therefore, it seems that the author accuses international human rights organisations of politicisation of human rights. The article claims that the accusation against Iran for violating human rights is related to political confrontation between Iran and the West. The last sentence of the extract (i.e. there are many countries that, because of their political links to the Western powers, specifically United States, are not accused of violation of human rights) shows the author's viewpoint more clearly. In the last sentence, the author claims that the political dominance of the West on CEDAW does not ease international pressures against the IRI because of on-going political dispute between Iran and the West even if Iran joins the convention. The article elaborates on this by mentioning the situation of human rights in some other countries in which human rights are obviously violated. However, these countries are not accused of human rights violation by international human rights organisations only because of their alliance with Western states.

At the end of this section, I have to say that it is not predictable whether Iran joining CEDAW can/cannot change the negative image of Iran and Islam in the international domain. However, I can claim this point that although evaluating countries' human rights records by human rights organisations might be politically biased (such as choosing Saudi Arabia to head key UN human rights council's panel in 2015, while Saudi Arabia has very controversial record in the world on freedoms for women, minorities and dissidents (Brooks-Pollock 2015)), it does not devalue the essence of international human rights including women's human rights. It seems that CEDAW opponents tend to homogenise international human rights' content with the operation of regulatory institutions of human

rights. What I am intending to say is that the emancipating and influential outcome of international human rights, including CEDAW, in making a world less repressive and discriminatory cannot be totally rejected solely because of some political interventions.

Iranian involvement in globalisation process

In the addressed articles, there are three cases among CEDAW supporters' accounts, which focus specially on globalisation clearly and have relatively positive views towards globalisation. The first case belongs to Khatami's government spokesman, Ali-Asghar Ramezanzadeh, whose opinion is reflected in the article 'Contradictions between two views' by Azim Rajabzadeh, published in a reformist newspaper, *Etemad* on 05/08/2003. Rajabzadeh directly quotes from Ramezanzadeh as follows:

> The issue that all the determining groups and organizations should not forget and ignore is to know how fragile (sensitive) the situation of Iran is in public opinion in the world, and therefore, how decision over joining CEDAW will affect the process of (Iran) being globalized.

In this extract, Ramezanzadeh assumes a globalised Iran to be an outcome of Iran joining CEDAW. What he interprets here from the advantage of Iran joining CEDAW, i.e. improving fragile situation of Iran in international public opinion, is close to what CEDAW supporters suggested, explained in the previous section, in terms of improving the international image of Iran. However, Ramezanzadeh is clearly concerned about the process of globalisation in Iran being obstructed if CEDAW is rejected by the state. He does not explain more about globalisation and its connection with Iran joining CEDAW. However, what is obvious is that Ramezanzadeh advocates engagement of Iran in globalisation process because he is concerned that something like rejecting CEDAW by the Iranian state disrupts Iran from joining to globalisation process. As McCorquodale and Fairbrother (1999: 736) describe, 'globalisation is a contested term and there is no one accepted definition of it'. Brysk and Shafir (2004: 5) explain that:

> While some analysts treat globalization as a predominantly economic process of commodification or the spread of global capitalism (Greider 1997; Korten 1995 in Brysk and Shafir 2004), others focus on the growth of international institutions and

> organizations; that is, on cosmopolitanism (Ruggie 1998; Meyer et al. 1997 in in Brysk and Shafir 2004). Some scholars emphasize the impact of transnational demographic, environmental, and cultural connections (Sassen 1996 in Brysk and Shafir 2004), while others plot the emergence of cross-border networks and communication that may constitute a "global civil society" (Lipschutz 1996; Wapner 1996; Castells 1997 in Brysk and Shafir 2004) or a Western cultural hegemony (Latouche 1996 in Brysk and Shafir 2004: 5).

The approach of Ramezanzadeh and other CEDAW supporters towards globalisation can be understood by Brysk and Shafir's categorisation of meanings of globalisation which is presented based on the current literature on globalisation. Ramezanzadeh who is clearly a reformist figure seems to be in line with Khatami's government's approach towards 'globalisation' that was mainly focused on 'cultural connections' (in line with Sassen 1996 in Brysk and Shafir 2004) and constituting a 'global civil society' (in line with Lipschutz 1996; Wapner 1996; Castells 1997 in Brysk and Shafir 2004). Therefore, I shall claim that reformists' conception about globalisation in Khatami's era mainly revolved around cultural aspects of globalisation. As Herzig explains, during Khatami's presidency 'the emphasis on culture and civilisation in international relations increased. Khatami himself has repeatedly stressed that a 'dialogue of civilisations', tolerance and moderation are the basis for a developing global civil society' (Herzig 2004: 511). The idea of dialogue of civilisations is introduced by Khatami in response to Samuel P. Huntington's theory of clash of civilisations (Petito 2004). Khatami perceives 'the world as comprising distinct civilisations whose interactions hold the key to global peace and prosperity. These civilisations face a choice between 'clash' and 'dialogue'' (Herzig 2004: 511). What Khatami considers as globalisation is a process of intensifying interaction within and between civilisations that offers 'a way out of the historical pattern of confrontational and unequal relations among states and societies' (Herzig 2004: 511). Thus, in Khatami's and his reformist colleagues' opinion, peaceful cultural interaction is an important aim of globalisation, which is in contrast with how conservative's (dominant) viewpoint in the IRI represents globalisation. In the next section, 'CEDAW's criticism by the opponents: West centrism, globalisation and contradiction with Islam', the criticality of conservatives' view towards cultural outcomes of globalisation will be explained in more details.

While both reformists and conservatives primarily focus on the cultural aspects in their discussions over globalisation, these two groups have different approaches towards cultural outcome of globalisation. As I discussed in Context chapter, the hardliners in Iran have a critical view to the West, and they represent the West as antagonistic to the Islamic Revolution and Islamic state. Before Khatami's presidency, the negative mistrusting approach of conservative hardliners was the sole approach in the IRI towards the West. However, reformists whose voice was heard from within the state since the launch of Khatami's government in 1997 had more moderate view towards the West in comparison with the hardliners, and also desired to improve Iran's relations with the world, including the West. As Mehran explains, reformists' intention in 1997 presidency election was to 'bring about tolerance and moderation in the domestic arena while improving the image of Iran abroad and ending a long period of international isolation' (Mehran 2003: 311). However, this intention does not imply surrender to the West. Khatami's theory criticises the monolithic language of the West and presents the dialogue of civilisations as a means of listening to other cultures in a peaceful, rather than a clashing, manner.

Although the negative approach of hardliners towards globalisation and international cultural interactions with other societies (particularly the West) is still the most powerful and dominant approach within the IRI's politics since 1997, reformists could raise a new voice from within the IRI state. This new voice that emerged from Khatami's government 'generated some inconsistencies and contradictions in Iranian foreign policy' (Herzig 2004: 505). Herzig (2004: 505) explains that 'on the one hand there was a continuing distrust of the international system and its institutions, and of broader processes such as globalisation, in so far as they were seen as vehicles for American hegemony'. On the other hand, there was the reformists' dawning realisation of the need to focus on building trust and normally functioning relationships with the world to end the Islamic Republic's negative international image and its isolation (Herzig 2004).

Addressing the extracts of three individuals, who are well-known reformist figures with official positions in Khatami's government (Ramezanzadeh; Abtahi and Molaverdi) and argue the advantages of Iran involvement in globalisation process

by joining CEDAW, can clarify how CEDAW supporters' advocacy is influenced by reformists' conception of cultural globalisation. Here, I draw on Mohhamad-Ali Abtahi's account in his article 'Beyond the ruckus', published in a reformist newspaper, *Iran,* on 14/08/2003. In response to *shuraye negahban's* (Guardian Council) disagreement with the bill for joining CEDAW, Abtahi, who was former vice president in Khatami's presidency, advocates joining CEDAW although he emphasises the importance of preservation of *Shari'a* rules. Abtahi who himself is a cleric, does not see CEDAW as being in conflict with Islam, and believes that by the preservation of Islamic teachings Iran can join CEDAW and can benefit from the advantages of accession. The main outcome, as mentioned by Abtahi, is being involved with what he names as a global society:

> Being present in global domains per se, and joining the conventions and treaties - meanwhile preservation of religious and national values – which results Iran's presence in global society are commendable.

Abtahi assumes Iran's presence in global domain and joining CEDAW with the condition of preserving religious and national values. He does not explain in detail what he exactly means by religious and national values. However, he identifies that the outcome of global interactions and involvement in international treaties is the better presence of Iran in global domain. Abtahi's viewpoints in the above extract can be again understood to be compatible with what was argued in previous section, i.e. the priority of Islam and Iran's international image to resolving women's issues in CEDAW supporters' opinion.

The other person who talks clearly about globalisation is Shahindokht Molaverdi, the director of President's International Centre for Women's Participation in Khatami's government. The account of Molaverdi is quoted directly in the article 'Recognition of the harms of joining a western convention known as eliminating discrimination', published in a conservative newspaper, *Keyhan* (16/08/2003). This article of *Keyhan* is not in agreement with CEDAW; however, Molaversi's account is directly quoted in the article as an example by which the author explains and criticises the justification of CEDAW supporters who focus on the involvement in globalisation process as one of the advantageous outcomes of joining CEDAW. Molaverdi states:

> The world is gradually becoming smaller and smaller. The growth of the terms such as 'global village' and 'globalization' means that in the very near future, all the countries of the world will be united as a single country that will be governed under the common rules and a central state. Thus, the customs and traditions of each society will survive in future just if they are introduced in line with the united global culture. Therefore, commitment to international treaties makes it possible to preserve the local customs and traditions. Iran also as a country needs the relationship with other countries, and in future, every kind of interaction with the world will be possible just through involvement in global interactions. Therefore, joining the Convention in the current situation is an inevitable necessity. We have to think how to preserve our values and profits in this sphere and how we can benefit very much from the current circumstance.

In her accounts, Molaverdi presents a broader explanation about the importance of globalisation in the contemporary world than the two previous reformist commentators. What she explains about globalisation and global society is very close to what Khatami emphasises on the necessity of interaction between societies and the necessity of not being isolated from these international relations and dialogues.

Molaverdi's emphasis on the importance of joining global cultural interactions is along with her emphasis on preserving local customs and traditions when involving in these interactions and joining international treaties. She expresses her concerns about putting local customs and traditions, the ones in the world that she is very respectful of, aside. Molaverdi does not explain which kinds of local customs and traditions should be preserved. However, considering her accounts in other articles (for example, the article 'The convention is feministic and its contradiction with Islam is obvious', published in *Resalat* on 29/11/2003; the article 'Iran's joining to the convention of eliminating discrimination - How far it will go?' Published in *Karo Kargar* on 24/01/2002 and the article 'An absolute similarity or different but equal' published in *Yase Nou* on 01/09/2003) and perceiving Molaverdi's ideas under the broader reformist idea that is led by Khatami, preserving 'Islamic' values and traditions can be identified as the main concern of Molaverdi about Iran's involvement in global interactions. Khatami (2000: 3,4) expresses his concern about the 'self-confidence and self-belief of the Islamic world and Muslim nations' in his book. He identifies introducing Islamic civilisation to the world as one of the main aims of dialogue between civilisations. Khatami (2000: 4) explains that 'the world of Islam is endowed with a great

civilization. Most assuredly, however, there exists a great distance between our civilization and our present state'.

Briefly speaking, while reformists are in agreement on involvement of Iran in cultural globalisation process, they emphasise the requirement of preservation of Islamic tradition and introducing true Islamic civilisation to the world. The approach of these reformists can be best understood by what Robertson suggest as the definition of globalisation. Robertson (1992: 102) explains that 'we may best consider contemporary globalisation in its most general sense as a form of institutionalisation of the two-fold process involving the universalisation of particularism and the particularisation of universalism'. This two-fold process can be realised in perspective of the reformists like Khatami and Molaverdi towards global interactions and cultural dialogue among different cultures. Accordingly, the reformists consider involvement in global interactions, through accepting global frameworks such as joining international treaties, as an opportunity for the universal presentation of particular Islamic traditions and values.

While both CEDAW opponents and supporters focus on the matter of culture in their discussions over globalisation, these two groups have different approaches to the cultural outcomes of globalisation. The next section reflects criticising and condemning viewpoints of CEDAW opponents towards globalisation that is in agreement with the framework of the dominant idea in Iran's state (conservative approach). While these three reformists support globalisation and Iran's integration into global treaties such as CEDAW, the opponents of CEDAW perceive globalisation as possessing a strong connection with the dominance of the West and equate globalisation with Westernisation. The comparison of these two approaches towards globalisation and CEDAW as a tool to make Iran more globalised clarifies the conflict between two streams of thought (typically as reformist and conservative) within Islamic state over the relationship between Iran and the world specifically with the West.

The following section addresses the theme 'globalisation' as one of the main themes in discussions of CEDAW opponents over homogenisation and Westernisation of CEDAW. Moreover, the meaning of globalisation that is invoked by CEDAW opponents among diverse meanings of globalisation will be discussed.

CEDAW's criticism by the opponents: West centrism, globalisation and contradiction with Islam

A large number of anti-CEDAW articles describe CEDAW as a convention in agreement with Western culture and in opposition with Islamic values. CEDAW opponents clearly dichotomise Islamic culture and Western culture, and believe that CEDAW intends to westernise the entire World. Therefore, CEDAW opponents believe that this convention intends to harmonise the non-Western societies, specifically Muslim societies, with values that are accepted and prevalent in Western societies by affecting women-related rules and values. Moreover, CEDAW opponents consider CEDAW as a vehicle for the West to achieve its political intentions in the international domain, in terms of putting the pressure of human rights organisations on a country, or ignoring states' violation of human rights not based on their real records, but based on the states' policy, peaceful or aggressive, towards the West.

This section is divided into three main sub-sections. The first sub-section, "CEDAW intends to Westernise and homogenisation of non-Western cultures" explains the basis of objections to CEDAW. It focuses on the criticism of the opponents over the issue of the monopoly of the West to define human rights principles in international treaties, including CEDAW. Moreover, the matter of globalisation in connection with CEDAW will be also addressed in this section. The second sub-section, 'Implementing CEDAW's Articles means marginalizing *Shari'a* addresses CEDAW opponents' viewpoints towards the irreconcilability of CEDAW Articles and Islamic rules. Finally, the third sub-section, 'Response to critical view of CEDAW opponents' criticises CEDAW opponents' assumptions embedded in two previous sub-sections in terms of inapplicability of CEDAW's principles for Muslim societies and inherent conflict of Islam and CEDAW.

CEDAW intends to Westernise and homogenise non-Western cultures

One of the main concerns of CEDAW opponents is that CEDAW entails a worldwide expansion of Western culture. In some of their articles, the opponents generalise a common goal for all human rights treaties which they understand to be

promoting the dominance of the West in the world and the Westernisation of non-Western cultures. The critical viewpoints towards globalisation will be presented here to clarify the perspective of CEDAW opponents in terms of the connection between CEDAW and domination of Western culture. Here, I start with a quote that belongs to Naser Makarem-Shirazi, one of the most well-known and the most recognised *Ayatollahs* (high-ranking clerics) in the Islamic Republic. Makarem-Shirazi's quote is mentioned in the article 'Several clauses of the Convention are explicitly against Islamic *Shari'a*' (03/08/2003) published in conservative newspaper of *Hemayat*:

> The Westerners attempt to impose their culture at any price and through various means on Muslim societies.

As his account reveals, Makarem-Shirazi interprets CEDAW as a means by which Western states intend to interfere cultures in Muslim societies to make them more compatible with Western culture. Makarem-Shirazi does not explain what he means by Western culture and Muslim societies. In the geo-political perspective of Iranian politicians, those Muslim societies referred to are Muslim-majority societies. In this thesis also, Muslim societies is used to mean societies whose major population are Muslims and whose customs and traditions are considerably identified to be Islamic in spite of differences between the cultures of these Muslim societies. Western culture on the other hand is identified in the words of CEDAW opponents as a unified and homogenous entity. In practice, however, there are differences among Western cultures that make it impossible to unify them. This homogenising approach to define the "West" and "Western culture" can be explained by reverse Orientalism theory. In Chapter 6, I will explain the reverse Orientalist view of CEDAW opponents to the West by focusing on the themes of 'humanism', 'women's individuality' and 'family law'. What is obvious is that Makarem-Shirazi, in agreement with dominant conservative perspective in the IRI that was developed since the victory of the Islamic Revolution in 1979, dichotomises Western societies and Muslim societies. Therefore, he perceives 'Western culture' as a threat to the cultures of Muslim societies.

In this part of the section, my intention in bringing examples from CEDAW opponents' extracts is to generally show how CEDAW opponents represent the

aim of CEDAW and other human rights treaties as Westernising the world. In the following sections of this chapter, I will address how CEDAW opponents represent 'Western culture' as the Other of Islamic culture and how they justify that CEDAW clauses are suitable for Western societies rather than Muslim ones.

Behrooz Jandaghi in his article, 'An overview of the points of which the Convention may contradict the Islamic Republic's laws: elimination of discriminations by propagating secularism', published in a conservative newspaper, *Jame-Jam* (09/07/2003) explains that joining CEDAW means surrendering to the West. Discussing objections to join CEDAW, Jandaghi (2003) claims that:

> Not only does confirming this kind of treaties (human rights treaties like CEDAW) not decrease the political and cultural pressures of colonialist countries on third-world countries, but also conversely cause more influence and pressure on third-world countries to be surrendered to the Western culture.

In his extract, Jandaghi calls Western countries as colonialists. It seems that by using 'colonialist countries', Jandaghi intends to emphasise what the IRI represents of the West as a dominating and colonialist entity. Although Iran has never been colonialised by the West, but 'colonialist' (*estemargar*) is one of the common terms that are used by the IRI officials to warn about the threat of political and cultural dominance by the West.

Ayatollah Mazaheri's account reflected in Shabnam Kohanchi's article, 'The weary scream of women to join the convention of eliminating discrimination against women', published in a reformist newspaper, *Azad,* shows the concern of CEDAW opponents in terms of the universalising tendency of Western culture and its influence on Muslim societies:

> This Convention is actually a serious step by United Nations towards the World sovereignty of the West and the domination of Materialist culture of the Westerners on the world. The Convention that includes several clauses in contrast with (Iran's) legislation and *Fiqh* is sadly advocated by some of the office holders, specifically female ones.

Ayatollah Mazaheri is an example that shows an almost entirely negative view of CEDAW opponents and conservative officials in Iran towards international human rights organisations such as the UN. In conservatives' arguments, international human rights organisations are mostly represented as organisations under the

control of the Western states. Therefore, Mazaheri defines the goal of CEDAW, one of the international human rights treaties of the UN, as a tool for World sovereignty of the West, especially in cultural domain. In line with conservative dominant idea in the Islamic Republic, Mazaheri concerns about cultural domination of the West on the world, specifically on Iran. He identifies "Western culture" as influenced by materialism, a description of Western culture that is pervasively used in dominant thought of conservatives to describe Western culture being free of spiritual aspects. While the Islamic Republic attributes itself to "Islamic culture" and God-centred values, it criticises Western culture by ascribing it to non-spiritual and materialist values.

The accounts similar to Mazaheri's and Makarem-Shirazi's (mentioned above) demonstrate how CEDAW opponents dichotomise Western culture and Islamic culture. The potential marginalisation of Islamic teachings is the core of CEDAW opponents' concern about influence of Westerners' culture on non-Western societies. The perception of the intrinsic contradiction between Islam and international human rights will be developed further in the section 'implementing CEDAW's Articles means marginalizing Sharia'. Additionally, more detailed discussions over main themes which show contradictions between CEDAW clauses and what CEDAW opponents consider as Islamic values in Iran will be presented in Chapters 6 and 7.

Globalisation

In the arguments of CEDAW opponents over the influence of the Western culture on non-Western societies, *Jahani-Shodan* (globalisation) is one of the applied themes. There are CEDAW opponents who represent CEDAW as a part of globalisation project that attempts to homogenise the entire world through human rights treaties, such as CEDAW, by dictating Western culture and norms to all societies. Globalisation is important to be considered here in order to understand CEDAW opponents' criticism towards the proliferation of what they assume as "Western culture" through international instruments such as human rights treaties.

As an example, the article 'Recognition of the harms of joining a Western Convention known as eliminating the discrimination' can be analysed here to understand more about what CEDAW opponents perceive of globalisation as a Western homogenising phenomenon. This article is published in *Keyhan,* a conservative newspaper whose official position is representative of Iran's Supreme Leader, on 16/08/2003. The article represents globalisation as an unfair process that results in the domination of the Western culture on non-Western local cultures. The article assumes CEDAW to be a part of globalisation process. The following extract from the article highlights the cultural meaning of globalisation:

> Globalisation is one of the most important phenomena in the current century that unfortunately has not been addressed by intellectuals sufficiently. Globalisation means unifying the societies under a common civil framework for a common aim. Globalisation is the process of the authority and the total influence of Western culture and civilisation and it also means uncontested domination of capitalism. The outcome of globalisation is homogenisation in culture, food, clothes and social interactions of the all countries in the world. In the globalisation process, the other cultures and local powers are losers in the competition with the West's culture and power.

I explained in the previous section that the concept 'globalisation' is somewhat unclear because consensus concerning its exact meaning or definition does not exist. Analysts mostly 'treat globalisation as a predominantly economic process of commodification or the spread of global capitalism' (Brysk and Shafir 2004: 5). However, there are also other dimensions, which define 'globalisation in the cultural, primarily in the proliferation of Western (and, particularly, American) cultural modes – for example, in music, film, and dress – but also in greater access to diverse cultures worldwide, including non-Western ones' (Gould 2004: 160). *Keyhan*'s article reveals that the cultural meaning of globalisation is the focus of CEDAW opponents. The cultural view of CEDAW opponents towards globalisation has obvious criticising characteristic in comparison with CEDAW supporters' view that verifies globalisation as a peaceful way for cultural interactions between societies.

The cultural aspect of globalisation was briefly explained earlier when I was talking about globalisation in perspective of CEDAW supporters. However, I expand this discussion here because what the current literature argues in terms of the cultural dimensions of globalisation can be mostly perceived in connection to

a critical view of CEDAW opponents towards globalisation, i.e. as an international project to dominate the entire world with Western culture. Globalisation has become a generally popular term in academic literature to describe the movement of capital, goods, production, and people from a local geographical area to a global context that spreads beyond the borders of nation-states and to refer to the consequences of this rapid movement (Amin 2014; Bloom 2016; Desai 2013; Fernandez 2016; Gallagher 2011). While this term has been used by the majority to refer primarily to the global expansion of capitalism as a form of economic production, another group associates globalisation with cultural consciousness or the absorbency of societies and nations as they have become increasingly subject to interference and restrictions from outside with regard to economic organisation, consciousness of other societies, trade, migration, communications, and international treaties (Cleveland et al 2016; Haynes 2016; Pieterse 2019; Samiee 2019; Yúdice 2018).

The perspective of CEDAW opponents to the relationship of globalisation and CEDAW can be clarified through what Judith Blau (2012) calls the human rights consequences of globalised interrelations. Drawing on Blau (2012: 272), 'with increasing global interdependencies, the benchmarks for meeting human rights standards have become increasingly rigorous in various respects'. These benchmarks are comprehensively international and global through the organisations like the United Nations and its various agencies, and the coordination of local and international nongovernmental organisations (NGOs and INGOs), and also global networks and media (Blau, 2012). Blau (2012) also explains that these benchmarks refer not only to constitutions but also to international human rights doctrine and laws that show globalisation-created interdependencies of the actions among the societies at different levels (Blau, 2012). Thus, human rights treaties can be recognised as a part of globalisation. If we see the creation of the UN's international treaties like CEDAW as one of the most important socio-legal results of globalisation (Moghadam 2005), we can also see why CEDAW is considered as a part of 'globalisation' in the opinion of CEDAW opponents.

As another example, the account of Fariba Alasvand, a teacher in Qom's *Jameato alzahra* and the *Hawza,* seminaries where Shi'a clerics study, can be considered. In an interview in the article 'joining with what price?' (16/08/2003), published in *Zane-rooz*, a magazine in agreement with conservatives' cultural opinions, Alasvand explains the cultural threatening consequence of joining CEDAW for Muslims in connection with the theme 'globalisation'. Alasvand opposes CEDAW as she assumes it as a means to homogenise the cultures of the different societies in accordance with the globalisation project. In Alasvand's perspective, CEDAW is getting operated by powerful Western countries; thus, she concludes that the Western countries intend to expand their culture through CEDAW:

> Definitely, this Convention is a powerful tactic in accordance with the globalization phenomenon. The Convention can accelerate the globalisation project through interfering cultural affairs of each society, for example in terms of the matter of women and children. In the other words, if we try to have an optimistic view towards these kinds of conventions, we still recognize the thorough multilateral homogenization (unified culture, unified economy, unified politics etc.) as one of the inevitable outcomes of these kinds of conventions. This consequence is unavoidable specifically due to the massive power of those (Westerners) who are backstage conducting CEDAW and govern it in terms of their control and power to control and direct information and media.

In the above extract, Alasvand mentions different aspects of globalisation, but she focuses on the cultural matters such as the rules or cultural codes about children and women (as mother). The main criticism of Alasvand is on universalising the characteristics of CEDAW's human rights codes developed by Westerners who have substantial global power to force all societies to pursue them (in Alasvand's view). Therefore, Alasvand sees the West as the owner of massive power that possesses controlling instruments such as international human rights treaties versus non-Western countries whose cultures are threatened by the West (in her view).

Symonides' explanation can be used here to clarify the concern of Alasvand towards the potential of human rights as a part of globalisation for homogenising the cultures of the world. Symonides (1998) argues that the mixed blessings of globalisation can have negative results for the 'cultural rights of vulnerable groups such as people belonging to minorities, indigenous people or immigrant workers' (Symonides 1998: 30). Also, it can undermine existing cultural identities,

specifically in non-Western collectivities, and it weakens different ethical norms and social cohesions, as well as the feeling of belonging and, thus, increases cultural clashes (Symonides 1998). Accordingly, what Howard (1997) argues under Globalisation theory can be also useful in understanding the views that challenge universality of human rights. Howard (1997: 94) argues that 'Globalisation theory is posing a new challenge to the view that human rights are universal in principle and ought to be so in practice'. The challenge originates from an analysis of the changes brought by globalisation which view human rights as a key to the imposition of Western culture on non-Western societies and as an important part of the 'culture wars' (Howard 1997). Accordingly, Howard (1997: 94) states that 'Globalisation theory focuses on quantitative and qualitative changes in communications, technology, and the market that are creating a new, closer, global world in the twenty-first century'. One of these changes 'is purported to be the universalisation of (Western) culture and, within it, the universalisation of human rights' (Howard 1997: 94). Some commentators, such as Paul Kennedy (2011) and Benjamin Barber (1995) are concerned about globalisation's result in '*Jihad* vs McWorld' which can be explained as a 'fundamentalist cultural reaction against the spread of Western social norms, including the norms of human rights' (Howard 1997: 94). What Kennedy and Barber concern about is the rise of radicalism by non-Western fundamentalists who are known as *Jihadis*, one of the main representatives of opposition to "Western culture". Barber positions *Jihad* versus McWorld, a term that refers to the spread of McDonald restaurants throughout the world as a result of globalisation (Barber 1995). Accordingly, in their perspective, radical form of anti-globalisation view that identifies globalisation as being tantamount to cultural Westernisation of the world and marginalisation of 'Islamic culture' in Muslim majority societies can result in *Jihad,* to resist the replacement of "Islamic culture" with "Western culture"*. Jihad* as a potential result of anti-globalisation idea is not the concern of this study; this research focuses on perspective of CEDAW opponents in opposition of globalisation in which human rights is assumed as a part of globalisation process to Westernise all cultures in the world.

Here, Maryam Moein Al-Islam's article can be used to explain how globalisation, CEDAW and the West (as an antagonistic Other) are interlinked in perspective of

CEDAW opponents. In her article, 'A glance on some unrevealed realities of the Convention of Eliminating Discrimination Against Women', published in *Payame-Zan* journal in 2003, Moein Al-Islam argues that:

> As international treaties are strongly connected to the globalisation issue, it is necessary to understand the deep layers and serious aims of globalisation. Realising the underpinnings of globalisation, you can become aware about creation of international treaties such as CEDAW. Furthermore, by understanding globalisation, the enemy's intentions of emphasising cultural homogenisation and employing international treaties will be recognisable.

It is frequently observed that CEDAW opponents implicitly or explicitly try to warn people about the reality of CEDAW in their articles. CEDAW opponents mostly indicate that although the development of women's human rights is apparently the main objective of CEDAW, but it is not the whole reality about this convention. Accordingly, CEDAW opponents identify Westernising and homogenising all cultures in the world as one of the main aims of CEDAW. In agreement with this approach among CEDAW opponents, Moein Al-Islam claims that to understand CEDAW's aims properly it is needed to know that globalisation is the foundation of international treaties, including CEDAW. Thus, Moein Al-Islam claims that understanding realities behind CEDAW entails being more deeply aware of the different aspects and aims of globalisation. Moein Al-Islam uses the word 'enemy' that is typically used by the Islamic Republic's leaders to mention the Western political antagonists of Iran's state, the U.S. government in particular. Moreover, as Moein Al-Islam's account explains, cultural homogenisation and globalising the Western culture (culture of 'enemy' or 'Other') underpin the concern of CEDAW opponents.

What Symonides (1998), Howard (1997), Kennedy (2011) and Barber (1995) explain about cultural disadvantages of globalisation is close to what CEDAW opponents like Alasvand and Moein Al-Islam claim in terms of cultural threatening characteristic of globalisation in general and human rights treaties in particular. This kind of approach towards globalisation is grounded on the differences and Other-making between Western and non-Western cultures. Instead of considering the commonalities between cultures in the world, the commentators with this critical approach focus on clashes among cultures. In such a cultural contest, some

are likely to dominate others. Therefore, globalisation in this view is observed to be a set of processes by which non-Western cultures are Westernised.

Implementing CEDAW's Articles means marginalising Shari'a

As mentioned before, 'human rights' is recognised by Islamic conservatives within Iranian state as a serious threat to religious principles. Thus, the universality of human rights is objected to by fundamentalist religious groups in the state. This attitude is premised on the idea that there are fundamental differences between the values of human rights treaties and Islamic culture because as Mayer (1995: 177) explains, many features of Middle-Eastern law, which violate human rights 'are directly traceable to religious precepts. Thus, demanding respect for human rights could be equated with disrespect for indigenous religious norms set by Islamic law' (Mayer 1995: 177). This claim could be noticeably traced in the attitudes of CEDAW opponents such as Ayatollah Meshkini, head of *Khobregan-e-Rahbari* (Assembly of the Experts of the Leadership) who equates complying with CEDAW's Articles with being disrespectful of Islam. In the article, 'The bill of joining the Convention was suspended', written by Zahra Ebrahimi, published in *Zanan* magazine, Ayatollah Meshkini's statement is cited to present the ideas of the opponents about the threatening characteristic of CEDAW:

> Ayatollah Meshkini explains that the establishment of the Convention of elimination discrimination between men and women is an enemy's conspiracy. Ayatollah Meshkini clarifies that "the enemies intend to separate Islam from the (Iran's) people through different conspiracies; thus, just stay loyal to *Ulama* (grand Muslim clerics) and the Islamic revolution's leader".

CEDAW opponents believe that Muslim countries have to establish a distinct 'human rights convention for Muslim women' that is created in agreement with Islamic values. The idea of CEDAW opponents to create an Islamic convention specifically for Muslim women elucidates the link between CEDAW opponents' view and cultural relativism (explained in next section) more evidently. By suggesting the establishment of a distinct convention for Muslim women, CEDAW opponents affirm that human rights law is fundamentally in conflict with the values of Muslim societies. In CEDAW opponents' view, Muslim human beings need different human rights measures based on their own culture and religion,

different from international human rights law that is originated from Western societies.

This section is confined to general description about CEDAW opponents' view towards dichotomising view of CEDAW opponents towards Muslim culture and CEDAW as an international human rights treaty. The perception of CEDAW opponents towards "Western culture" in relation to women's rights issue will be broadly discussed in Chapters 6 and 7. Considering six main themes repeated in CEDAW opponents' articles, including 'humanism', 'women's individuality', 'family law', 'equality versus similarity', 'feminism', and 'motherhood', the fundamental differences between values of CEDAW and Islamic culture in perspective of CEDAW opponents will be clarified in more details. The next sub-section will address how Other-making between Western and non-Western cultures, and considering human rights as a means to marginalise Islam in discussions of CEDAW opponents can be understood in connection to cultural relativistic view.

Cultural relativism: A theory at CEDAW opponents' disposal

I use cultural relativism theory in this section to analyse CEDAW opponents' critique on the purpose of international human rights, including CEDAW to universalise cultural patterns of the West and homogenising all cultures in the world. Cultural relativism is presented as the main challenge to the universality of human rights in the debates around human rights in non-Western societies (Symonides, 1998). Drawing on Renteln (2013), culture is currently a dividing line in the debate over the issue of freedom and the matter of human rights. This cultural argument rejects the idea of unchallengeable human rights on the grounds that this concept merely reflects a very local and Western view. Here it is clear that the matter of 'culture' is used by some cultural groups and governments to legitimise their opposition to international human rights (Renteln 2013). Those who are concerned about cultural identity mostly define human rights as a container of Western culture, and in their view, what is known as 'inalienable human rights' comes from a Western perspective (Renteln 2013).

Cultural relativism is basically an anthropological and sociological concept (Shestak 2017). According to this notion, cultures display a wide and various range

of favourites, moralities, inspirations, and evaluations that no human rights principles can be considered to be self-evident and recognised in all times and all places (Shestak 2017). Cultural relativism is frequently used as an idea against the universality of human rights in relevant literature (Choudhury 2015; Johansson 2017; Le 2016). Cultural relativists, in their most radical theoretical stance, claim that human rights are not absolutes, that the values that one may use for judging behaviour relate to the society in which one is raised, that there is infinite cultural variability, and that all cultures are morally equal or valid (Shestak 2017). Viewing it from a philosophical angle, relativists believe that "truth is just for a time or place" identified by the principles of one's cultural peers (Shestak 2017). Relativism thus moves the standards by which the value of human rights practice can be measured. To suggest that fundamental rights may be adjusted in light of cultural practices is to challenge the underlying moral justification of a universal system of human rights, reflecting the independent individual nature of the human being (Shestak 2017).

At the core of arguments, that international human rights law is not an appropriate instrument to evaluate human rights status in non-Western societies, is the belief that cultural codes and their perceptions are different within Western and non-Western communities (Higgins, 1996). Thus, as Dalacoura (2003) discusses, relativists believe that examining human rights in each society needs an understanding of the cultural codes from the local people's viewpoint. Therefore, according to cultural relativists, determining a set of universal human rights measures through international human rights treaties cannot be appropriate for understanding and reforming human rights status in all societies.

In their articles, a number of CEDAW opponents criticise the universality of human rights treaties similarly to cultural relativism's approach towards human rights. Zahra Ayatollahi's account can be mentioned here because it reflects the view that is in agreement with cultural relativism much more than the other articles. In the following extract, Ayatollahi critiques universalism in defining women's human rights notions:

> Undoubtedly, no country in the world intends women's oppression when coding domestic laws. However, it is just the difference between the perspectives between

> countries' cultures that causes different women-related laws. Therefore, it has to be asked whether there is any superiority for the Convention's Articles rather than religious rules in the area of women's issues?

Ayatollahi's extract shows that she does not believe in a universal definition for women's oppression and discriminative laws. She relates the evaluation of the passed laws in each country to the cultural-religious meanings in that specific society. Ayatollahi justifies women oppressive laws in Iran when she argues that some laws might not be perceived as oppressive within a specific society, while those laws are perceived as oppressive from outside that society. Thus, in agreement with cultural relativism, she asserts that understanding the laws of each country depends on the society's culture and there is no universal criterion to evaluate the law of all countries. The justification of Ayatollahi is apparently in agreement with the Islamic Republic's dominant idea about human rights that has emerged since the foundation of the IRI's state and has been continually strengthened by conservatives in the state. Ayatollahi's account can be considered here as an example to understand the word 'culture' in the conservative approach of CEDAW opponents. As Ayatollahi focuses on 'religious rules' as the basis of women related laws in Iran, and considers these laws against CEDAW's Articles, I would like to say that what the IRI predominantly mentions as 'culture' in Iran returns to Islamic cultural codes. Therefore, what is usually described as being against human rights law by the IRI officials is so-called 'Islamic culture'. As mentioned in Methodology and Context chapter, CEDAW opponents whose articles are predominantly published in the conservative press reproduce the women-related ideas of the conservative camp of the IRI. In arguments of CEDAW opponents, in line with conservative approach within the IRI, Islamic culture is likely to be threatened by international human rights law.

The relationship between the approach of the IRI in general and CEDAW opponents in particular and cultural relativism can be understood in terms of what Afshari (2011) argues about post-revolutionary Iran's state towards human rights. He asserts that the Islamic Republic of Iran has employed cultural relativism to justify its disagreement with international human rights codes. Afshari (2011: 4) claims that 'the officials in Iran used the opportunity created by the debates over universality vs. relativism in human rights to challenge the universal normative

consensus that has been formed around the Universal Declaration of Human Rights (UDHR)'. He (2011: 4) adds that 'they challenged the Commission on Human Rights, which expects all states to adhere to international human rights laws. A self-serving fidelity to "Islamic cultural tradition" conveniently cast aside several of the universal human rights'.

Drawing on Afshari (2011: 4), the main criticism by the Islamic Republic on the universality of human rights 'lay in its assertion that religion, namely, Islam, is the supreme cultural principle, more important than any ethical construct that bases its claim to legitimacy on sources other than revelation'. The immediate political context was created by the assertion made by Ayatollah Khomeini that the Islamic cultural norms were corrupted by Western style freedom, causing immorality in young men and leading young women astray (Afshari 2011: 4). The perspective of CEDAW opponents towards what they regard as disadvantageous (unpleasant) consequences of importing Western culture to Iran through CEDAW will be broadly discussed in Chapters 6 and 7.

Mayer's (2013) view is also relevant here in terms of the relationship between the Islamic Republic's dominant view, as the origin of CEDAW opponents' view, towards human rights and cultural relativism. Mayer (2013) argues that the supporters of cultural relativism may arguably assimilate ideas voiced by many spokespersons of religious groups within the Middle East and fundamentalist institutions that reject the universality of human rights. This rejection is due to human rights opponents' concern about undermining their cultural identity through the adoption of obligatory norms of international human rights.

One of the main pillars over which the Islamic revolutionary state was established was resistance against cultural and political influence of the West in Iran. The Shah's regime (1941-1979) supported Western modernisation and secularisation in Iran. Hence, "Western" elements supported by Shah were perceived as a threat to national authenticity of Iranians by the Iranian nationalists and as a threat to maintenance and power of Islamic principles by Islamist revolutionary groups (Cottam 1979). Challenging the political alliance of the Pahlavi's monarchy with Western powers such as the United States and the United Kingdom has been one of the main aspects of the Islamic revolutionary state's political identity

(Boroujerdi 1996). In line with political approach of the IRI in terms of opposing the Western powers and the Shah's alliance with the West, the Islamic state predominantly dichotomises Islam and the West in terms of cultural domain. Therefore, since the victory of Islamic revolutionary groups in 1979, until now, the Islamic state has emphasised strengthening Islamic cultural codes in Iranian society, including making wearing hijab compulsory (Koo and Han 2018). As Marty and Appleby (1991 cited in Castells 2009: 13) explain, 'fundamentalists are selective. They may well consider that they are adopting the whole of the pure past, but their energies go into employing those features which will best reinforce their identity, keep their movement together, build defences around its boundaries, and keep others at a distance . . . Fundamentalists fight under God – in the case of theistic religion – or under the signs of some transcendent reference'. Marty and Appleby's idea can be applied on the emphasis of Islamic state of Iran on introducing "Western culture" as a main threat of "Islamic culture". Reviving "Islamic culture" in all aspects of life was one of the pillars under which Islamic revolutionaries separated themselves from Pahlavi regime and also their Nationalist revolutionary counterparts whose focus was on 'Iranian identity' rather than 'Islamic identity' (Osanloo 2009). By emphasising 'Islamic culture' and 'Islamic identity', Islamic revolutionaries have monopolised the political power, and built their cultural and political boundaries. Therefore, emphasising on Islamic identity and dichotomization between Islamic culture and Western culture has been a feature of the Islamic Republic through which the philosophy of its existence has been reinforced.

This view that international human rights law is an insufficient criterion to examine issues in non-Western societies can be employed by Islamic fundamentalist groups as a means to justify their objection towards joining human rights treaties and legal amendment in Islamic societies based on human rights law. Mayer (2013) mentions the statements of Iran's UN representative in 1984, Said Raja'i_Khorasani, as examples and explains that people with cultural relativist tendencies might agree with Raja'i_Khorasani's words:

> The new political order was … in full accordance and harmony with the deepest moral and religious convictions of the people and therefore most representative of the traditional, cultural, moral and religious beliefs of Iranian society. It recognized no

> authority … apart from Islamic law … conventions, declarations and resolutions or decisions of international organizations, which were contrary to Islam, had no validity in the Islamic Republic of Iran …The University Declaration of Human Rights, which represented secular understanding of the Judeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions (United Nations General Assembly. Thirty-Ninth session. Third committee. Sixty-fifth meeting in Mayer 2013: 9).

Mayer (2013: 9) observes 'how Rajai-Khorasani identified the Iranian regime's position of denying the authority of international human rights law with a policy of upholding Islamic law and Iran's traditional culture and values'. Similar statements are made by the articles of CEDAW opponents, such as Ayatollahi (mentioned earlier) that I addressed to justify human rights violation, to invoke cultural particularism. As another example, the article of 'Eliminating the discrimination against women - what are the basis?' published in a conservative newspaper, *Resalat,* on 28/02/2002 can be mentioned which claims:

> We have to accept this fact that there is a fundamental, undeniable and intrinsic contradiction between the Convention, Islamic principles and our culture. Thus, the cultural contradictions do not allow the Convention to be a criterion to change Iran's laws.

Resalat's article also reflects this relativist idea that because of differences between Islamic laws in Iran and CEDAW's Articles, this convention is not valid to be used as a benchmark to evaluate and change Iranian laws. In the other words, the article considers Islamic identity of laws in Iran in direct connection to Iranian culture; thus, verifying CEDAW means rejecting "our culture", i.e. Iranian culture which is influenced by Islam. It is in confirmation of the relativist idea that a universal pattern of human rights cannot be used for a society whose cultural codes are different from human rights law. The other example is the article 'The convention of eliminating discrimination from the perspective of international rights' (17/03/2002) whose author, Mohsen Ghadir, says:

> If the aim of Iran joining CEDAW is implementing the Convention's codes and changing Iran's laws, this aim does not seem likely to be accomplished because the religious and national culture of the country is not compatible with the culture which is dominant on international conventions.

This account shows that what is prior for CEDAW opponents is preserving 'national' and 'religious' culture, not implementing human rights. Although

CEDAW opponents mostly merge national and religious culture of Iranians by identifying Iranians' culture as Islamic culture, Ghadir recognises them separately. What makes this extract important here is its clarity to show the significance of Iranians' culture for CEDAW opponents as the major measure to endorse human rights conventions. In agreement with cultural relativism, Ghadir considers culture of the society as the main criterion to recognise the appropriateness of human rights for that society rather than regarding an innate legitimacy for universal human rights as such. Thus, believing that CEDAW and Iranians' culture are not agreeable, Ghadir challenges Iran joining CEDAW and represents it as an unfeasible scenario.

It is worth noting that there is a difference between CEDAW opponents, or Islamic conservatives' view in Iran, and cultural relativism towards international human rights that is not mentioned by Afshari and Mayer. I would agree that the hardliners in Iran are comparable to cultural relativists in terms of criticising the universality of international human rights' codes and in highlighting the threat of undermining cultures because of the influence of Western cultural codes. However, there is also an undeniable difference; cultural relativists 'assert that concepts are socially constructed and vary cross-culturally' (Scott and Marshall 2009: 149), while hardliners in the Muslim societies who object to international human rights believe in just one certain reference (criterion) that is 'Islam' to evaluate social and cultural issues. Cultural relativists do not believe in any specific criterion to understand cultural patterns, but an insider's view of the cultures. Cultural relativists claim that the reality is a social construction, based on prevailing approach of a society (Scott and Marshall 2009). However, Muslim hardliners (in line with Islamic fundamentalism) generally rest on the claim that the specific sources of Islamic ideology (usually Qur'an and *Ahadith*[9]) are absolute and complete, and provide perfect guidelines in such diverse areas such as politics, economics, morality, and familial issues (Bruce, 2000). Therefore, Muslim human rights opponents have more exclusive criteria, which is Islamic sources to evaluate

[9] Ahadith are the collections of the reports purporting to quote what the Islamic prophet Muhammad and *Imams*, Prophet Muhammad's successors in *Shi'a* branch, said verbatim on any matter.

cultural ideas and practice, unlike cultural relativists who assume that all cultures are both separate and equal, and that all value systems, although different, are equally valid.

Response to relativist view of CEDAW opponents

I shall argue that cultural relativist view of CEDAW opponents towards inapplicability of CEDAW in Iran because of its contradiction with Islam represent an Orientalist approach towards both Islam and Muslim people. Here, I draw on Edward Said, the most well-known theorist in criticism of orientalism. Said is a scholar whose seminal work, *Orientalism,* increased understanding of the linkage between critical assessments of Islamic institutions/cultures and imperialist projects. Said argued in his book that much of Western scholarship on Islamic Middle Eastern societies had not been produced in line with scientific research but had rested on a racist assumption of fundamental superiority of West and inferiority of Middle East (Said 1978).

Drawing on Judt (2004), Said was a greatly admired role model of a generation of cultural relativists in universities from Berkeley to Bombay, for whom 'Orientalism' guaranteed everything from career-building implementations in postcolonial' obscurantism (writing the other). However, Mayer (2013) explains that although Said never claimed that all critical examinations of Islamic institutions are influenced by Orientalist biases, his followers often seem persuaded to draw this inference from his book. Hence, they might rush into condemning and criticising comparative analysis of Islamic laws and international law, the latter is identified with the West, concluding that the Orientalist prejudices and biases guide such international laws (Mayer 2013).

Although Said's viewpoints are employed in the scholarship that criticises Western homogenisation and universality, I apply Said's theories to explain how conservative opponents of CEDAW in Iran are unintentionally in agreement with Orientalist approach towards Islam and Muslim societies. I would say that while CEDAW opponents emphasise their objection with the West and its cultural and political products, their assumptions towards Islam (as an immutable religion)

and Muslim women's issues (as issues different from Western women issue) are comparable with Western Orientalists' perceptions.

CEDAW opponents' critical approach towards the universality of international human rights can be criticised through two theories of Edward Said including: a) Said's view towards common humanity between people in the West and East can challenge CEDAW opponents' view towards inapplicability of human rights treaties, including CEDAW for Muslim societies, and b) Said's theory that criticises Orientalist conception of Islam as a static system can be applied to challenge CEDAW opponents' perspective about inherent conflict between Islam and CEDAW that defines Iran joining CEDAW as marginalising Islam. These two aspects of Said's theory to challenge CEDAW opponents' perspective towards women's human rights are explained in two following sections, 'Challenging inapplicability of CEDAW's principles for Muslim societies' and 'Challenging the inherent conflict of Islam and CEDAW'.

Challenging inapplicability of CEDAW's principles for Muslim societies

In order to prove that human right is a common necessity for Muslim societies similar to its necessity in Western societies, I employ Said's (1978) theory that focuses on common humanity between people in the West and Muslim societies. Said's view in his theory contradicts CEDAW opponents' suggestion of constituting a distinct convention for Muslim women's rights in Muslim societies, a brand-new convention that can be built on the assumption of CEDAW's inapplicability to Muslim societies and its incompatibility with their Islamic and cultural values. Being inspired by Said (1978), CEDAW opponents suggest a type of differentiation between people in the West and in Muslim societies that can be identified as an Orientalist perspective. He believes that by emphasising the difference of the 'West' and the 'East', Orientalist scholarship obscure the common humanity of people in the 'West' and non-Western societies (Said 1978). In Said's view, non-Westerners are dehumanised in a way that serves the goals of Western imperialism (Said 1978). As stated by Rostami-Povey and Povey (2012: 1), Said argues that 'the idea that the 'West' and the Islamic world can be said to form distinct and oppositional 'civilisations' is problematic and fundamentally

ahistorical. It ignores both the rich history of contact and exchange between cultures and the diversity present within them' (Rostami-Povey and Povey 2012: 1).

Drawing on Said's (1978) ontological perception around identical humanity of Western and non-Western people, one can claim that human rights treaties such as CEDAW are applicable in Muslim societies as much as they are needed in the West. Those who argue that assessing Islamic law based on international human rights law is in agreement with Western imperialism (centrality of Western criteria to evaluate the non-Western societies) implicitly approve the stance of cultural relativists who believe that international human rights are the sole prerogative of people in Western societies (Mayer, 2013). Therefore, they are distorting Said's message that categories such as "Islam" and "Oriental" should not be allowed to obscure the common humanity of people in the East and in the West (Said, 1978). In reality, treating international human rights as universal implies that individuals in the West and the East share a common humanity and that they are equally deserving of human rights. As an example, Mayer (2013) argues that as the sharp international criticism of the US practice of strange rendition and the US oppression of Muslims arrested for suspected participation in rebellious or terrorist activities has shown, international human rights law can be turned against Western powers that deny Muslims of their human rights. To believe that international human rights law is incompatible with the values of Muslim societies one should accept the typically Orientalist notion that the concepts and categories employed in the West to understand societies and cultures are inappropriate and inapplicable in the East.

There are several reasons based on which one can claim that international human rights are human issues rather than Western issues as there are a large number of human rights matters common between Western and non-Western societies (Hamd 2016). A central issue is that the regular references to international human rights concepts, even by Muslims who disagree with them, show that these concepts are already becoming part of the terminology that is employed within Muslim societies in debating laws and policies (An-Naim and Deng 2010). Prominent political figures in the Middle East routinely refer to human rights in

their speeches, treating them as principles in the modern international system (An-Naim and Deng 2010). Since 1980s, Muslims have produced a large literature comparing Islamic laws, including the Islamic law enforcement in their countries, and international human rights law (Mayer 2013: 5). Moreover, Mayer (2013) discusses that the years after, the atmosphere that used to prevent scholarship from regarding international human rights law as compatible with and applicable to Middle-Eastern societies has changed. As Muslims have demanded democratic freedoms in ever-larger numbers have denounced their government for violating international human rights law, including women's rights, it has become harder to argue that CEDAW is exclusively conducted based on the needs and characteristics of Western societies.

Challenging the inherent conflict of Islam and CEDAW

As mentioned before, CEDAW opponents describe Islam as a unified belief system whose unity and continuity should not be endangered by "Western culture" that is spread by international human rights treaties. CEDAW opponents' attitude towards Islam is in consonance with the Orientalist definition of Islam as a religion essentially in battle with the West and its cultural products (Said 1997). To believe that Islam prevents Middle Easterns from claiming the same rights and freedoms similar to people in the West is perpetuating what Edward Said identified as the Orientalist idea, according to which Islam is a static, uniform system that dominates Middle Eastern societies (Said 1978).

Said claims that Islam is known in the West mainly through the mainstream media and political powers that portray Islam being entangled with concepts such as fundamentalism (Said 1997). According to Said's perspective, 'a responsible representation of Islam would include three levels or concentric circles of importance. Of primary importance is the Qur'an, which is the "bedrock identity of Islamic faith." Second are the various schools of Qur'anic interpretation, including "Islamic sects, jurisprudential schools, hermeneutic styles, linguistic theories, and the like." Third are the various ideological contexts and practices that have influenced or inspired Islam, or to which it has otherwise been linked' (Hart 2000: 80). What I want to focus on here are Second and Third levels. Second level clarifies the fact that there are diverse schools of Islamic interpretation in which

their followers conceive Islamic sacred texts like Qur'an based on their own methods and principles. By third level, 'Said wants to make a basic point that Islam, like other great religions, is compatible with a wide range of mutually contradictory ideologies. How Islam looks has much to do with the culture of which it is a part. Islam in Iran is different from Islam in Bosnia, which is different from Islam in Singapore. While these cultural variations cannot be distinguished from true Islam, neither can true Islam be reduced to a single version. Islam is too diverse, culturally and geopolitically' (Hart 2000: 80).

Mayer (2013), who depicts the relationship between Islam and human rights as a fluid and dynamic relationship, explains that Muslims have espoused a wide range of opinions on human rights. Muslims' views towards human rights vary from the idea that international human rights law repeats values already inherent in Islamic teachings to claim that international human rights law, which logically embodies Western values, is a threat to Islam. In between these extremes, one finds a range of compromising positions that in effect maintain that Islam accepts many but not all aspects of international human rights law or that it supports human rights with significant qualifications that are apparently required by Islamic law. According to the last approach, there are a number of scholars who address the capability of diverse interpretations of Islamic jurisprudence in order to reconcile Islamic codes and international human rights law (such as An-Na'im and Deng 2010; Kar 1999; Afshar 1985a; Mir-Hosseini 2000; Ahmadi 2006; Monshipouri 2009; Mayer 2013).

For example, Mir-Hosseini (2000) worked on a dynamic range of ideas among Muslim clerics in Iran to show that by the Islamic Revolution in Iran, a new school of Islamic jurisprudence has been nurtured, which tries to respond to social realities based on historical necessities and the contemporary context. Mir-Hosseini (2000) who focuses on the relationship between Islam and women's rights in Iran claims that the dynamic school of Islamic jurisprudence caused a new gender consciousness in post-revolutionary Iran. Regarding the issue of Iran joining CEDAW specifically, Mehrangiz Kar (1999) in her book*, Eliminating discrimination against women: comparing CEDAW with internal laws in Iran,* argues that *Ijtihad* (autonomous reasoning) in the Shi'a branch of Islam, which is the

official state and the majority religion in Iran, is featured by the freedom of *Faqih* (grand Islamic cleric) to have different interpretation from his ancestors. Therefore, in order to resolve contradiction of CEDAW's Articles and Islam, Kar (1999) recommends that *Ijtihad* can be applied by Iranian clerics to reconcile CEDAW's codes with Islamic jurisprudence and also the legislation in Iran.

The various debates about Islam and human rights in Iran have exposed how strongly Iran's clerics have differing perspectives towards relationship between Islam and human rights. On one hand, there are clerics and the politicians who have explicitly critical viewpoint towards international human rights law and regard universal human rights as an expression of the ethical value of Western culture rather than an Islamic/Iranian culture (Afshari, 2011). For example, in his speech, Ayatollah Khomeini asserted that 'what they call human rights is nothing but a collection of corrupt rules worked out by Zionists to destroy all true religions' (Mayer 2013: 36). Furthermore, Ali Khamenei, when he was the president of Iran and not yet promoted to the role of supreme leader of Iran, stated in his speech that 'when we want to find out what is right and what is wrong, we do not go to the United Nations; we go to the Holy Koran. The Universal Declaration of Human Rights for us is nothing but a collection of mumbo-jumbo by disciples of Satan' (Mayer 2013: 36). These examples from Khomeini and Khamenei show a great extent of opposition towards human rights among some political clerics within the Islamic Republic.

On the other hand, there are a number of very popular and prestigious clerics in Iran who have spoken out to demand expanded rights and freedoms and have denounced the official practice of using Islam to object to and violate International human rights law (Kurzman 2001; Mir-Hosseini 2006). For example, Seyyed Mohammad Khatami who was elected as Iran's president in 1997 and 2001 – who presided over what is called in Iran the 'Reformist government' - is one of the well-known clerics who has had more moderate approach towards the matter of universal human rights rather than hardliners in the Islamic Republic of Iran (IRI). Khatami's victories in 1997 and 2001 presidential elections were achieved with promises to develop the grounds and causes of human rights, democracy, and the rule of law in Iran and to end the use of Islam to justify any oppression (Razavi

2006). Reformist government of Khatami supported the Islamic approach, which is identified by Islamic studies' scholars as modernist or reformist Islam, and is developed based on dynamic jurisprudence (Razavi 2006). It must be noted that advocates of reformism in Iran typically reject the argument that human rights thinking is a Western construct suited to Western lifestyles. Razavi (2006) explains that Muslim reformists mostly describe human rights thinking as a global phenomenon, which is respected because of the values that lie in it, including rationality, justice and fairness, and therefore argue that international human rights does not mean submitting to the West, but submitting to rationality and justice. Monshipouri (2009) also mentions that it should be noted that reformist Islam with its long tradition of original *Ijtihad* (autonomous investigation and reasoning of religious sources), which is deeply rooted in Islamic thought and history, is capable of striking this balance between Islamic teachings and international human rights law. Drawing on Monshipouri (2009: 261), 'in its current manifestation, as some scholars suggest, reformist Islam is part of a broader discourse of universal human rights'. Therefore, not only reformist Islam is reconcilable with human rights, but also in perspective of scholars such as Monshipouri (2009) this reading of Islam promotes human rights by focusing on pro-justice and equality parts of Islam.

CEDAW opponents and supporters' articles are significantly underpinned by viewpoints of advocates of traditional and dynamic jurisprudence respectively in terms of the relationship of CEDAW as an international human rights treaty and Islam. Both opponents and supporters of CEDAW are mostly concerned about the compatibility of Islam and CEDAW. However, the opponents believe that CEDAW and Islam are irreconcilable, while CEDAW supporters see Islam and CEDAW in agreement through their dynamic vision to Islam. Therefore, the diversity and conflict of the Muslims' viewpoints towards human rights and conceptions of Islam are tangibly perceivable through the presented ideas in the published articles around Iran joining CEDAW. Although most of the clerics whose ideas about CEDAW are reflected in the articles belong to the CEDAW opponent camp (such as Ayatollah Safi-Golpaygani, Meshkini, Mazaheri, Makarem Shirazi and Zibai-Nejad), an article written by a reformist cleric, Mohammad Ali Abtahi

('Beyond the ruckus', published in a reformist newspaper, *Iran,* on 14/08/2003) who supports Iran joining CEDAW, asserts that CEDAW and Islam are not essentially in contrast. Abtahi suggests that:

> The Islamic Republic of Iran should accept the Articles of the Convention that are in agreement with holy Islamic Shari'a.

Although Abtahi does not claim that CEDAW and Islam are completely compatible with each other, in his view, there are considerable number of CEDAW's Articles that are agreeable to Islam. Subsequently, this disagreement among Muslim clerics and their advocates proves the dynamism of Islamic interpretations in the attitudes of Muslims about human rights.

At the end of this section, the issue that remains is how CEDAW opponents identify the Western society and its culture as a threat to non-Western cultures. In the next two chapters, the elements by which the Western culture is explained by CEDAW opponents to justify their attitude in terms of refusing the idea of Iran joining CEDAW will be addressed.

Conclusion

This chapter addressed the fundamental perspective of CEDAW supporters and opponents towards Iran joining CEDAW with regards to the matter of universality of CEDAW as an international convention. CEDAW supporters represent Iran joining CEDAW as a vehicle for improving international image of Iran and Islam and Iran's involvement in globalisation process. On the other hand, CEDAW opponents criticise CEDAW by defining it as a convention to universalise "Western culture" and marginalising non-Western cultures. They also connect CEDAW to 'globalisation project'; however, they consider globalisation as a part of 'Westernisation project' to expand Western values and homogenise the entire world.

The criticism of the idea over the advantage of Iran joining CEDAW to repair negative international image of Iran and Islam is not confined to CEDAW opponents. A critique which is made by Shadi Sadr, a well-known lawyer and CEDAW supporter, was focused in this chapter. In agreement with some literature

on the reform era, her critique focuses on this idea that contrary to reformists' promises on election times, resolving women's rights issue in Iran is not a major concern for reformists. In this research, I do not assert whether women's rights issue has been their main concern or not. However, what reformists' discussions over CEDAW show is that the external influence of Iran joining CEDAW rather than its internal results to improve Iranian women's rights condition has had more importance for reformists. On the other hand, in line with dominant political view of Iranian state, CEDAW opponents claim that presenting new image of Islam and Iran through Iran's collaboration with international human rights regime is impossible because of the political conflict between Iran and powerful countries in the West.

Although both CEDAW supporters and opponents focus on the matter of culture in their discussions over globalisation, they have different approaches towards the aims and consequences of globalisation. CEDAW supporters represent globalisation as a way for cultural connections and constituting a global civil society. Therefore, they advocate Iran joining CEDAW which in their perspective paves the way for Iran to take part in globalisation process. On the other hand, CEDAW opponents represent globalisation as a "Western project" that aims imposing "Western culture" to all societies in the world. Regarding CEDAW as a part of globalisation project, CEDAW opponents argue that this convention intends to Westernise Non-Western societies by marginalising their local and religious cultural codes. This kind of approach towards globalisation is grounded on the differences and othering between Western and non-Western cultures. Instead of considering the commonalities between the cultures in the world, the commentators with this critical approach focus on clashes among cultures.

CEDAW opponents' critique on the purpose of CEDAW in terms of universalising cultural patterns of the West on non-Western societies was explained in this chapter by focusing on the theory of cultural relativism. Cultural relativism emphasises other-making between Western and non-Western cultures, and claims that there is no universal criterion that commonly applies across these cultural divisions (Higgins 1996). Furthermore, cultural relativists dismiss using universal

standards to examine the cultures and also deny the universality of human rights instruments to analyse, and reform human rights status in non-Western societies.

To challenge cultural relativist view of CEDAW opponents towards inapplicability of CEDAW in Iran because of disagreement between "Western culture" and "Islamic culture", Edward Said's viewpoints were used in this chapter. Invoking Said's theories, it was explained how CEDAW opponents are unintentionally in agreement with the Orientalist approach towards Islam and Muslim societies. Islam is identified both in CEDAW opponents' opinion and Orientalists' view as a unified body of laws that inequality of rights between men and women is its intrinsic characteristic. This perception of Islam was challenged in this research by suggesting revisionist and dynamic Islamic views that present Islam and human rights reconcilable. Additionally, the emphasis of CEDAW opponents on inapplicability of CEDAW in 'Muslim societies' is in agreement with the Orientalist thought that stands on ontological distinction between Western and non-Western people. This presumption was questioned in this chapter by presenting the examples which showed the commonality between Western and non-Western societies' human rights concerns.

While CEDAW opponents emphasise their objection to the West and its cultural and political domination, their assumptions towards Islam, Muslim women and their issues are comparable with Western Orientalist perceptions. Thus, this chapter challenged critical perspective of CEDAW opponents towards universality of CEDAW because of intrinsic contradiction between Islam and CEDAW, and inapplicability of CEDAW's Articles for Iranian women.

Chapter 6: Humanism, women's freedom of choice and family

Introduction

To answer the first question of this research, i.e. concepts and values that underpin CEDAW supporters and opponents' arguments, this chapter primarily focuses on CEDAW opponents' ideas over the theme "humanism". In CEDAW opponents' arguments, humanism is frequently attributed to CEDAW, and it is criticised for its consequences mentioned by them, including 1) prioritising human being over God, 2) strengthening individuality of women, and 3) giving freedom of choice to women. In addressing these three consequences of humanist approach within CEDAW, the second question of this research, in terms of the place of "Islam" in press' discussions, is simultaneously unearthed. Additionally, as far as the third question of this research is concerned, in this chapter, the emphasis of CEDAW opponents on interconnection of nationalism and family, disagreement of hardliners with the increase of women's freedom of choice, and also CEDAW supporter' reluctance to challenge CEDAW opponents' stance on women's freedom of choice and individualism are explained in connection with the influence of political authority.

Following the previous chapter, in which it was argued that CEDAW was attributed to the West by its opponents, this chapter concentrates on the theme of humanism which is one of the main issues that CEDAW opponents analyse the convention in accord with what they call 'Western culture' and in contrast with Islam. This chapter firstly challenges the homogenised anti-religious definition of humanism, that is presented by the opponents of the convention, to criticise their idea in terms of an intrinsic contrast between Islam and humanism. Secondly, the matter of individual freedom of choice that is introduced by CEDAW opponents as a main consequence of humanism, and identified as a feature of 'Western culture' that is

boosted in CEDAW is considered in this chapter. Thirdly, I focus on the matter of 'family' in post-revolutionary Iran since in perspective of CEDAW opponents, family is one of the main issues that is affected by the humanist idea of the centrality of human being's choice, particularly women's choice.

In this chapter, the theory of reverse Orientalism is used to explain CEDAW opponents' superior position and homogenising view towards 'Western culture'. The homogenising and depreciating of 'Western culture' are explained as features of the reverse orientalist view. CEDAW opponents present a homogenous definition of humanism in which human being's freedom of choice has priority over God's orders. Furthermore, they assume the inferior status of 'family' in Western societies which is because of the significance of women's freedom of choice, as an outcome of humanism, in 'Western culture'.

While CEDAW opponents criticise humanism, women's individuality and freedom of choice by connecting them exclusively to the Western world and therefore alienating them from Islam, this chapter aims to show that they can be compatible with Islam if a revisionist and historical perspective is taken towards Islam. Moreover, the entanglement between the family issue and humanism that is reflected in discussions of CEDAW opponents will be addressed to show why changing gender relations and roles within family is a challenging subject in Iran. In doing so, family is considered in relation to the two features of 'sanctity' and 'nation safeguarding', the features that are attributed to family in dominant thought framework in the Islamic Republic. Analysing these two characteristics of family, the significance of preserving Islamic model of family that is defined by the Islamic Republic as a marital heterosexual-based unit in CEDAW opponents' discussions is revealed.

The perception of humanism

Generally speaking, humanism can be defined as any philosophy concerned to prioritise human welfare and dignity, 'and either optimistic about the powers of human reason, or at least insistent that we have no alternative but to use it as best we can' (Blackburn 2008: 171). CEDAW opponents describe the 'inherent'

contradiction of CEDAW with Islamic values on two grounds, first, because this convention originates from the West, and second, because CEDAW is directed in agreement with what they call prevalent Western values rather than Islamic values. As I discussed in the previous chapter, CEDAW opponents focus on describing the West as the Other of Islam. They do this Other-making by focusing on intrinsic differences between Islam and cultural values in the West. It was discussed in the previous chapter that CEDAW opponents define CEDAW as a West originated convention that is inapplicable in Muslim majority societies. Therefore, CEDAW opponents conclude that this convention cannot be characterised as a "universal" treaty.

In the articles of CEDAW opponents, the theme of 'humanism' (*Umanism*) is frequently mentioned to present the otherness of the 'Western culture'. CEDAW opponents use humanism when criticising what they consider to be its Western-oriented aspects, mainly the strong connection between humanism and freedom of choice. Thus, humanism is considered by CEDAW opponents as a negative component of 'Western culture' that influences CEDAW, and is identified by them in contrast with Islam.

Before addressing how the theme of humanism is represented in CEDAW opponents' views, I focus on the theory of reverse Orientalism that is used as a key theory in this section to examine humanism as a main theme in discussions of CEDAW opponents against this convention. I contend that Reverse Orientalism theory can explain the critical approach of CEDAW opponents to the West in terms of Other-making of the West by Middle Easterners.

Reverse Orientalism

Theory of 'reverse Orientalism' or 'Orientalism in reverse' focuses on how the West is represented by non-Western people, especially Middle Easterners, to show inherent differences between Western and non-Western societies. The theory of reverse Orientalism that is attributed to the Syrian philosopher, Sadik Jalal Al-Azm, is inspired by Said's Orientalism theory (Al-Azm 1981). In Said's Orientalism theory, the orientalist view of those Westerners who study the "East" is criticised, while Al-Azm's theory criticises the superior perspective of Middle Eastern people

towards the West (Al-Azm 1981). Wild and Al-Azm (2010) explain that Orientalism in reverse has mutual ontological underpinning with Orientalism in terms of innate differences between the East and the West. However, these theories are different because Orientalism in reverse asserts the supremacy of the East over the West whereas Orientalism is the West's patronising attempt to affirm supremacy of the West over the East, specifically over Middle-Eastern and Muslim societies (Said, 1978).

Al-Azm (1981) explains that reverse Orientalism is an approach based on difference that is used by non-Western (Muslim Middle-Eastern) intellectuals and political elites to demand, regain, and finally redefine their "true" and "authentic" identities. Boroujerdi (1996: 12) argues that 'this self-appropriation is almost invariably presented as a counter-knowledge to Europe's oriental narrative. Far from rendering a post-mortem on orientalism, however, it has come to share much of its ontological and epistemological axioms as in all inversions'. Orientalism in reverse is uncritically in agreement with this assumption of Orientalism that an essential ontological difference separates the East and the West in terms of their natures, people, and cultures (Al-Azm 1981). Accordingly, the East and the West are assumed to be geographical, historical, and cultural entities essentially unequal to the other. Therefore, in both Orientalism and Orientalism in reverse, each of the East and the West contain their specific and identifiable history and tradition of thought, ethics and culture that should develop in its own specific way (Al-Azm 1981). However, the intention of reverse Orientalism is degrading contemptuous attitude of the East towards the West (Al-Azm 1981). Boroujerdi (1996: 12) explains that 'implicit in this abstractness that interprets the Orient and Occident as the unchangeable others of one another is an assumption about the homogeneous structures of the so-called East and West'. The advocates 'of each view talk and think about each other's inhabitants and territories as if they are all concrete, conscious, and undifferentiated totalities and terrains' (Boroujerdi 1996: 12).

Al-Azm (2010) explains that an example that clearly describes reverse Orientalism can be already found in Adonis's "Manifesto of Modernity (or Modernism)" of 1980, where, for instance, Ernest Renan's old doctrine that ascribes the creative

character to the Middle-Eastern mind versus the nature of the imitative Western mind is turned around to assert that the essence of the Western mind is technicism, while the Middle-Eastern mind is very creative by its nature (Al-Azm, 2010). Al-Azm (2010) explains that Adonis is of the view that 'technicism is no more than "application, reproduction, the transformation of an already present raw material, the imitation of a pre-given model or plan"' (Al-Azm 2010: 5), while the creativity (*Ibda* in Arabic language) of the Eastern mind is a kind of creation out of nothing, which can be realised as an emanation without pre-givens, and produced without pre-existing models (Al-Azm, 2010). Adonis (1980) then, turns to Edward Said's expressive phrase which, briefly speaking, says "the West Orientalised the Orient" and Adonis reverses it 'to conclude that whenever the West acts creatively, it Orientalises itself, i.e., when it succeeds in transcending its technicism by engaging in real Ibda' (creation), it Easternises (Al-Azm 2010: 5). What Adonis raises in terms of the difference of Eastern mind and Western mind is a good instance of reverse orientalist perspective. Al-Azm takes this example to show how Adonis's reverse orientalist view essentialises and homogenises Eastern and Western minds as creative and imitative minds respectively. Moreover, emphasising the advantage of creativity over technicism, Adonis' idea reflects the key feature of reverse orientalism that is introducing the West as the inferior of the East.

According to Al-Azm's viewpoint, the West plays the same role of "Other" for the advocates of reverse Orientalism that the Middle-Eastern/Muslim societies have traditionally performed for the orientalists (Boroujerdi, 1996). Stanley Diamond (1974 cited in Boroujerdi 1996: 12) explains that 'Western culture could only conceive of itself through reference to the invented primitive'. Orientalists define Western identity, civilisation and heroism through its comparison with the 'Orient, Middle East, or Islamic world as exotic, erotic, bound to tradition, and inferior to the West. There is a voice of unison on this' (Charrad 2011: 418). Al-Azm (1981) considers the same logic in the case of reverse Orientalism to persist because the 'us' of Middle Easterners is also always constructed relative to the 'not us', the West.

Boroujerdi (1996) explicates the practice of othering in reverse Orientalism in this way that the essentialising categories of the East and the West allowed for 'imaginative geography' to operate in reverse. Therefore, in reverse orientalism, the 'West' is considered symbolically, semantically, or substantively as 'the other', and even more specifically as the enemy (Boroujerdi, 1996). Briefly speaking, in the perspective of reverse orientalism, the 'West served as the imperial, cultural, and profane 'other' to a sacred and traditional' Middle Eastern societies (Corrado 2004: iii). Thus, reverse orientalism represents a philosophy of difference that self-validates, and emphasises the otherness of the West to describe the uniqueness and superiority of the East.

The perception of the West as an 'Other' in Iran returns to the first interconnections of Iranians and the West in 19th century under the Qajar dynasty. It was pictured when first Iranians travelled to the West and Western travellers and diplomats went to Iran (Ghanoonparvar, 1993), during which, portraying the West as an 'Other' happened by using some terms such as exotic, anti-Islam, the vehicle of modernity, and imperialism (Ghanoonparvar, 1993; Boroujerdi, 1996). These terms themselves can be perceived in reverse Orientalist view according to which West is an 'Other' that includes inferior and alien characteristics in the perspective of religious figures and nationalist intellectuals who were the main critics of the West (Bashiriyeh 2009). Representation of such otherness of the West was strengthened by the 1979 revolution in Iran that overthrew the Pahlavi dynasty under Mohammad-Reza Shah, and replaced Shah's regime with an Islamic republic under Ayatollah Khomeini. By the 1979 revolution, the othering of the West that was previously typical in arguments of non-governmental nationalism had been strengthened as an official part of the Islamic Republic's dialogues, and has been accompanied by Islamic ideas.

According to Yeganeh (1993: 7), the 1979 revolution was an attempt in 20th century to 'redefine and change the existing relation between the state and the West, with the aim of establishing independence and democracy in Iran'. As Yeganeh explains, the emphasis in the 1979 revolution was on criticising and othering the West by focusing on cultural differences between Islam and the West. Therefore, in the Islamic Republic, the West is an other that attempts to replace

Islamic culture with Western culture in Iran. Moreover, the dominant approach in the Islamic Republic attempts to show the West as a unified society with big social and cultural problems to prove the West's inferiority in comparison with Islamic society of Iran.

Humanism is a theme through which CEDAW opponents reflect their reverse Orientalist view towards what they homogeneously call 'Western culture'. There are two commonalities among CEDAW opponents' discussions over humanism that show more clearly how CEDAW opponents' view connects to reverse Orientalism. As explained in the earlier section, there are two main characteristics in reverse Orientalist view: the first is homogenising and essentialising different features of the West and the Middle East, and second is describing the West as inferior to the Middle Eastern societies (Al-Azm 1981). These features of reverse Orientalism are respectively recognisable in CEDAW opponents' discussions in two aspects. Firstly, CEDAW opponents present a homogenous definition of humanism in which human being's freedom of choice has priority over God's orders; secondly, they assume the inferior status of 'family' in Western societies because of the significance of women's freedom of choice in 'Western culture'. The relation of these two aspects of CEDAW opponents' view and reverse Orientalism are discussed in the next sections with more details.

Essentialising and homogenising humanism

As mentioned before, assuming an essential and homogeneous meaning of humanism is one of the features of CEDAW opponents' discussions over humanism that links it to reverse Orientalism. Despite the existence of various definitions for humanism, CEDAW opponents typically and specifically use an anti-religious meaning of humanism to claim the influence of anti-religious values present in Western culture on CEDAW. Employing a homogenising and essentialising feature of reverse Orientalism, they attribute humanism to 'Western society', and represent the West as a homogeneous composition that is distinguished from Middle Eastern/Muslim societies based on its particular inherent characteristics. CEDAW opponents do not consider the diversity of Western societies and Muslim societies in terms of cultural traditions and history.

The approach of CEDAW opponents to define humanism as an underpinning philosophy of Western culture is a homogenising approach because CEDAW opponents do not consider different possible definitions of the concept of humanism. Those CEDAW opponents who criticise CEDAW due to the influence of Western cultural values on human rights treaties specifically use an anti-religious meaning of humanism. In perspective of CEDAW opponents that is influenced by dominant ideology of the Islamic Republic's state, religion is the central concept according to which everything is evaluated. In the dominant perspective, those phenomena, people and concepts are dignified that are associated with 'religion' in general and with 'Islam' in particular. Therefore, the IRI's state dominantly uses the label of nonreligious (*gheire-mazhabi*) to criticise people and issues when the Islamic Republic does not agree with them. By attributing the Western societies' culture to an anti-religion meaning of humanism, CEDAW opponents accuse the 'West' homogeneously to be a society that is ignorant of religious and God-centred values.

Yet, there are various definitions for humanism that break unifying CEDAW opponents' definition of humanism. As Radest (2013) argues, the question "What is humanism?" is problematic as it is not easy to find a clear and definite answer to this question. Humanism is 'variously defined as religious and secular and sometimes both, is modern and classical and sometimes both, Renaissance and Enlightenment and sometimes both, existential and Marxist and sometimes both, modern and post-modern and sometimes both, Buddhist and Confucian and sometimes both, and so on' (Radest 2013: 7). Radest (2013) mentions that humanism, by its atheist advocates, is presented as an enemy of traditional religions, but it can also be traced within those same traditions, amongst those, Christian, Jewish and Islamic humanism for example, with theistic views. Kraemer (1984) explains humanism among Muslim thinkers by focusing on an expression of humanism that places human being as the centre of being. According to Kraemer (1984: 145), this expression

> 'is best portrayed by Ibn al-Arabl, Abd al-Karim al-Jili, al-Hallaj and Suhrawardl. The humanistic expression that glorifies reason is found, for instance, in traditions from the Prophet, viz. "Who- ever knows himself knows God" and "The first thing created by God is the intellect." It is also represented by the rationalist, Muhammad b.

> Zakariyya' al-Razi. Al- Razi even rejected revelation, advocating the autonomy of reason in a manner reminiscent of the eighteenth-century European Enlightenment.

Kraemer's explanations reveal that how humanism connects to Islamic traditions in the perspective of Muslim thinkers. Therefore, what is mentioned above about the entanglement of Islam and humanist ideas challenges CEDAW opponents' contention over intrinsic opposition of humanism and Islam.

More particularly, humanism appeared in the movement characteristics of the Renaissance and it was allied to the renewed study of Greek and Roman literature: a rediscovery of the unity of human beings and nature, and a renewed celebration of the pleasures of life, all supposed lost in the medieval world (Blackburn 2008). Contrary to how CEDAW opponents describe humanism as an anti-religious philosophy, humanism in its Renaissance sense was quite compatible with religious belief, supposing that God has sent us here purely in order to promote those things that the humanists found important (Blackburn 2008). However, 'later the term tended to become appropriated for anti-religious social and political movements' (Blackburn 2008: 171). Finally, since the late 20th century, humanism has sometimes been used as a critical term by writers in the area of postmodernism, and feminism in particular, 'applied to philosophies such as that of Sartre, that rely upon the possibility of the autonomous, self-conscious, rational, single self, and that are supposedly insensitive to the inevitable fragmentary, splintered, historically and socially conditioned nature of personality and motivation' (Blackburn 2008: 171). Particularly, about humanism in feminist context, while CEDAW opponents entangle feminism and humanism, and believe that they are certainly favourable, there are feminist approaches that question this association. These feminist struggles demonstrate that generalisations about "human" in humanism do not pay much attention for women or for gender differences (Shibles 1989; Johnson 2018; Parker 2004). This omission is considered by scholars such as Anne-Phillips (2015) who claims that human rights is based on humanist presumption of common humanity. Phillips (2015) challenges what she calls 'abstract' or 'content-less' understanding of human. The human, in this perspective, is perceived based on the idea of commonality and some shared essentially human characteristics, which is a powerful ethical idea applied by the universal human rights (Phillips 2015). This discussion by Phillips

is an example to show how unified the understanding of CEDAW opponents of humanism is in terms of the connection of feminism and humanism, and how different it is from the ways feminists treat with humanism in practice. It is beyond the scope of this research to broadly address the concept of humanism, however, what is significant here is that the diversity of humanist definitions is suppressed by CEDAW opponents.

Moein Al-Islam's extract from her article in opposition of CEDAW which addresses humanism more extensively than other opponents' articles reveals the anti-religious perception of CEDAW opponents about humanism. In her article, 'A glance on some unrevealed realities of the convention on eliminating discrimination against women' (2003) published in the journal of *Payame Zan,* Maryam Moein Al-Islam discusses that:

> As the dominant idea that underpins CEDAW is humanism, this Convention intends to homogenise all the cultures around the idea of humanism. As we know, in humanist philosophy, the human being is the main criterion to determine the values and social norms, and it is the human being that characterizes the good and bad. In this philosophy, the human being is the basis to define the bad and good, in the other words there are no norms and rules to live by, but those that human beings define. In this philosophy, human being considers his/her demands as the destination of individual and social life.

As the extract shows, Moein Al-Islam initially explains CEDAW's aim in terms of homogenising all the cultures around the world based on its humanism-based ideas. She then defines humanism as a philosophy in which a human being's reasoning is the sole measure to determine the moral and social values and norms, and as a philosophy that identifies fulfilling human being's demands as the destination of individual and social life. Moein Al-Islam's criticism on humanism as the basis of Western thought relates to her concern about agency and priority of mankind, instead of God, to measure the appropriacy of ethics and legal laws.

Moein Al-Islam continues with a clearer representation of humanism by situating it in opposition to spiritual attitudes in which obeying God is prioritised over human being's demand:

> However, the opposite of humanism is the attitude in which people find the criteria of good and bad outside themselves to be defined by God rather than human beings. Therefore, in this approach the human being worships the God, while in humanism, human being praises his/her desire; it is the clashing point of materialist and divine

> civilizations. In the divine civilizations, God worshipping is the pivotal value in all social mechanisms and affairs for spiritual growth of human beings. However, humanism prioritizes human being's desires rather than God'.

Focusing on the contradiction between humanism and God-centred philosophies, Moein Al-Islam intends to show opposition to Islam, as a God-centred religion whose emphasis is on commitment and submission to God, by CEDAW as a convention developed from humanist philosophy that prioritises human being's wills and demands.

Humanism and women's freedom of choice

One of the characteristics of humanism according to which the convention is criticised by its opponents is priority of authority and freedom of human being to choose and to be responsible of her/his choice (Ali and Rehman 2003). CEDAW also underlines the importance of this freedom of choice and legitimacy of reason (in comparison with other measures such as religion) to make decision for women (Ahmad et al 2019). The contradiction between human beings' demand and God's order in the perspective of CEDAW opponents emerges from a reading of Islam in which 'right' exclusively belongs to God, and not to human beings. In this view, human beings are in service of God's orders, and they are attached to the concept of 'duty' to fulfil God. Dalacoura explains that in this Islamic view, 'the idea that human beings have rights qua human beings is absent, in explicit form, from the Koran (Qur'an) and the *Shari'a*. Only God has rights, not people. Only God has absolute freedom, human freedom consisting in the complete surrender to divine will' (Dalacoura 2003: 43). Dalacoura (2003) proceeds to explain that in Qur'an, submission to God is frequently emphasised as a cardinal value. He asserts that in Qur'an, people's duties are not universally the same, and they depend on a person's acts and on his/her relationship with God, on his/her faith and commitment to God's orders, not on his/her mere being. According to this view, Islam stresses the notion of individuals' 'responsibility' towards God rather than people's 'rights'. In this Islamic view that is named by Dalacoura as "traditional Islam", 'rights, so far as they exist, are ensured through networks of social obligation and duty, not right, is at the centre of traditional Islamic justice' (Dalacoura 2003: 44). Having a traditional view towards the subject of human

being's right and duty in Islam, CEDAW opponents criticise the approach of international human rights in general and CEDAW in particular in terms of individuals' freedom of choice. Believing in traditional Islamic view, CEDAW opponents counter and criticise humanist basis of CEDAW because of the difference between traditional Islam and humanism in terms of human being's right of choice. While in traditional view of CEDAW opponents, God's order is prior to human beings' demands and human being is identified according to his/her obedience of God, what has centrality in humanism is individual choice of human beings in the perspective of CEDAW opponents. Therefore, attributing CEDAW to humanism, CEDAW opponents legitimise their opposition to CEDAW by describing it as a convention in compatibility with humanist ideas and in contradiction with Islam. While CEDAW opponents present a unified and monopolised reading of human being's rights and duties before God in Islam, there are other Islamic approaches that introduce Islam as being reconcilable with the right of individual choice. The next section in this chapter focuses on the ideas of scholars who render perceptions of the matter of individual choice of human beings in Islam differently to the traditional view of CEDAW opponents.

New perceptions of Islam and individual right of choice

Reviewing the literature about Islam and human rights, the polarity between centrality of human being's right to have individual choices and God's orders has been one of the main themes developed by the scholars who believe in the innate contradiction between Islam and human rights (Gellner 1995; Mardin 1995). Another issue about relation of Islam and human being's right of choice relates to the supposed contradiction between 'individualism and the more collective and social orientation of Islamic societies' (Hilsdon and Rozario 2006: 334). International human rights approach in documents of United Nations that are compatible with the values of liberal individualism prioritises the individual over society or community (Joseph 1998). However, in traditional Islam, 'the notion of the "individual" is inextricably tied to the spiritual and socio-economic welfare of the community' (Hilsdon and Rozario 2006: 334). It 'means that the self cannot be abstracted from the social and political context of her surroundings' (Hilsdon and Rozario 2006: 334). Abou El Fadl (2005 cited in Johnston 2015: 131) writes that

for the last 50 years at least, 'a considerable number of Muslims have made the unfounded assumption that Islamic law is concerned primarily with duties and not rights, and that the Islamic conception of rights is collectivist, not individualistic'. As Abou El Fadl (2005 cited in Johnston 2015) elucidates, in the relevant literature, Islam was represented just in compatibility with collective rights not individualistic ones. Accordingly, it is pervasively asserted in the literature around Islam and human rights that the individualistic aspect of human rights is usually associated with the centrality of the concept of right, while the communitarian feature of right in Islam is connected with the centrality of duty to God and the Islamic society. Based on this polarity between right and duty, some scholars claim the innate contradiction between Islam and human rights (Gellner 1995; Mardin 1995).

In order to clarify the conception of humanism and individual right in connection with international human rights, Baderin (2001) and Umozurike's (1997) description can be used. Baderin's explanation is presented in response to the question of "what are the human rights?" He describes that human rights are the rights of all human beings to full equality. People are entitled to enjoy them simply because they are human beings. Human rights come from the inherent dignity of human person and 'have been defined as those claims made by men for themselves, or on behalf of other men, supported by some theory, which concentrate on the humanity of man, on man as a human being, a member of mankind' (Baderin 2001: 8). Moreover, in the words of Umozurike (1997: 5): 'Human rights are thus claims, which are invariably supported by ethics and which should be supported by law, made on society, especially on its official managers, by individuals or groups on the basis of their humanity. They apply regardless of race, colour, sex or other distinction and may not be withdrawn or denied by governments, people or individuals'. As Baderin and Umozurike state, in human rights, people are equal based on their common humanity although they have different religions and other distinctive qualities. Women's human rights, as set out in CEDAW, are founded on a predominantly liberal feminist perspective that insists on individual rights of woman to the exclusion of the multiplicity of her identities (Ali 2002). Therefore, the individuality of people to choose or reject a religion and its orders about people's social and individual life are respected, and

people's religious approach does not make them more meritorious or undeserving of enjoying those rights (Ali 2002).

As mentioned above, the question of "individual" is presented in the literature related to Islam and human rights mostly to identify the contradiction between Islam and human rights. Yet, many scholars (such as An-Na'im 2010; Soroush 2000; Kadivar 2008) challenge the contradiction between Islam and human rights over the subject of individuality by rereading and reinterpreting Islam. Looking at the overlooked aspects of Islamic jurisprudence, these scholars show the need to explore Islam more carefully to find out how Islam and human rights, including the right of freedom of action for individuals, are reconcilable. They also consider the original context of Muslim society in the time of prophet Muhammad, and emphasise *Ijtihad* (independent reasoning) to evidence the importance of "individual rights" and "reason" in Islam. I refer to Barlow and Akbarzadeh (2008: 26) who argue that '*Ijtihad* allows for intellectual (re)interpretation and innovation of Islam's holy sources'. As Barlow and Akbarzadeh (2008: 26) explain, 'specifically, *ijtihad* involves the application of human reason to the *Shari'a* legal code, in order to ascertain whether or not certain injunctions are applicable or suitable to modern situations'. Regarding the importance of reason and human agency in Islam, Abdullahi An-Na'im (2010: 144), a well-known Muslim professor who has a revisionist view in terms of reinterpreting the current *Shari'a* code of law to achieve compromise between human rights and Islam, explains that 'Islamic identity and *Shari'a* must remain open to renegotiation and reconstruction by each community in its own particular circumstances'. He believes that human agency and reason are 'unavoidable in the interpretation and implementation of religious texts, every formulation of Islamic identity and articulation of *Shari'a* is necessarily a product of human reason and action' (An-Na'im 2010: 144). As such, An-Na'im (2010: 144) argues that 'no formulation or articulation should be allowed to monopolize religious authenticity and authority to the exclusion of others'. The works of Muslim revisionists such as An-Naim reveal the neglected aspects of Islam that can break traditional Islamic approach in terms of intrinsic contradiction of Islam and human rights principles. These works assert that individual reason and choice are not in conflict with Islam, but also they have to be considered as principles to interpret and understand Islam.

Mayer also focuses on the history of Islam to reveal the ignored heritage of Islam in terms of the significance of 'individual' in this religion. Mayer (2013: 43) approves that 'prioritising the individual was not a characteristic feature of Muslim societies or of Islamic culture'. However, she claims that it is not right 'to say that individualism was totally absent, because Sufism, or mysticism, which is a major component of the Islamic tradition, does comprise elements of individualism' (Mayer 2013: 43). Furthermore, looking into the historical background of Muslim societies, Mayer (2013: 43) describes that 'Islamic doctrines were historically produced in traditional societies, where one would not expect the elaboration of individualistic tenets'. Mayer (2013: 43) then comments that 'non individualistic and even anti-individualistic attitudes are common in traditional societies, where individuals are situated in a given position in a social context and are seen as a component of family or community structures rather than as autonomous, separate beings entitled to chart their own courses'. The historical approach of Mayer explains that the absence of individualism in societies in which Islam has developed can be traced back to anti-individuality in the traditional roots of those societies rather than Islam itself. Additionally, in terms of the question of individuality and Islam, what Mayer (2013) discusses about Islamic streams that centralise "reason" in characterising right and wrong can also be considered here (Walbridge 2010).

Considering reason as 'a dynamic faculty for thinking and seeking the truth', reason can be identified as a principal instrument for human beings to have freedom of choice in the domain of religion (Soroush 2000:89). Dichotomising reason (*aghl*) and obedience (*ta'abod)*, Islamic traditionalism which is followed by the Islamic Republic attributes absolute obedience of sacred Islamic texts to religion and using reason to rebellion against the religion (Soroush 2000). In the traditional Islamic view, freedom to use reason for individual choice 'is contrasted to submission to the divine will' (Soroush 2000: 89). However, Mayer argues that some well-known Islamic philosophers such as Al-Farabi (d. 950) and Ibn Rushd (d. 1198), and the Islamic stream of Mu'tazila in Islamic thought 'came close to saying that reason determines what is right and true and that religion must conform to reason's dictate' (Mayer 2013: 44). Yet, this was exceptional, orthodox theologians in Sunni Islam were generally sceptical of human reason, fearing that

it would lead Muslims to deviate from the truth of Islam (Mayer 2013). Although rationalist thinkers have generally been marginalised in Muslim milieus since the crushing of the Mu'tazila, the other rationalist currents were never entirely extirpated also in Twelver Shi'a Islam (the dominant religion of Iranians) and these ideas have remained influential (Soroush 2000). As Razavi (2006) explains, the Islamic reason-based perspective in Iran includes a group of lay intellectuals widely referred to as religious intellectuals (*roshanfekrane-dini*). The religious intellectuals, including clerical figures and seminary intellectuals intend to reconcile Islam with international human rights, democracy and gender equality by what is called dynamic jurisprudence (*Fiq'h-Pouya*) (Razavi, 2006). In dynamic jurisprudence, rules of *Shari'a* are interpreted with respect to the time, place and social context, rather than traditional jurisprudence (*Fiq'h-sonnati*) in which Islamic rules are considered concrete and eternal. It seems being worth noting that the core Islamic idea based on which the reformist group within the state has developed is Islamic ideas of the religious intellectuals. As I explained in Introduction chapter, the revisionist thoughts of Abdolkarim Soroush, the most influential and popular figure among religious intellectuals in Iran, can be identified as the foundational roots of reformist thought within the Islamic Republic.

Abdolkarim Soroush (2000) endorses a rationalist philosophy that has had long roots in Shi'a tradition. According to this rationalist philosophy, Muslims are right to reject deferring 'unquestioningly to what they were instructed was required by Islamic doctrine and to employ reason to determine whether doctrines entailed injustice' (Mayer 2013: 45). Soroush (2000) sees reason and freedom in connection to each other. As mentioned earlier, he takes 'the kind of reason that serves as a dynamic faculty for thinking and seeking the truth' (Soroush 2000:89). Moreover, by freedom he means 'the kind of freedom that is required by reason qua reason' (Soroush 2000:89). Soroush (2000:89) suggests that 'we are sympathetic to freedom and demand it because we are rational. Freedom and unfreedom are a matter of indifference to creatures deprived of reason'. What can be understood from Soroush's words is that he believes in reason and freedom of choice while he speaks from an inside Islamic religious position (Soroush 2000). In opposition with Islamic traditionalism that confines using reason in religious

domain, Soroush is compassionate to reason and freedom of choice as necessary features of humanity and also as crucial element to understand and interpret Shari'a. According to his reason-based perspective towards religion, Soroush (2000: 133) considers Islam compatible with the issues such as human rights and democracy that 'have, primarily and logically, a rational- not a religious- origin'. Razavi (2006) explains that Soroush endorses both human rights and democracy as part of the necessities of the modern age. Focusing on the importance of rationality and individual choice in Islam, Soroush asserts that 'democracy is seen as the most legitimate form of governance and also one that is most likely to produce rational and just policies' (Razavi 2006: 1227). Soroush prioritises democracy over other forms of governing systems because in democracy, 'right' is prior to 'responsibility'. In his support for democracy, Soroush in an interview that was published on his website claims that democracy cannot emerge from religious foundations, but it is not in conflict with religious (Islamic) principles (Soroush 2010). This claim shows the viewpoints of Soroush in terms of the dynamism and flexibility of religious rules and showing how these rules that are practised and used by Muslims can be updated in accordance with contemporary issues of a Muslim society. Soroush (2010) with his dynamic approach towards jurisprudence asserts that Muslims are committed to follow Islamic jurisprudence insofar as the jurisprudence does not violate human rights. Soroush (2010) suggests employing *Ijtihad* when there is a contradiction between Islamic jurisprudence and human rights in order to make them compatible. More specifically on human rights, Soroush (2010) claims that human rights are embedded in modernist understandings of justice, and 'if they are sacrificed for ideology, the religious government will not be seen as just' (Razavi 2006: 1227). These viewpoints and statements of Soroush open the doors for *Ijtihad* and allow a reassessment of the relationship between Islamic laws and characteristics of contemporary world in which Muslim people live. There are other eminent figures such as Kadivar (2009), Yousefi-Eshkevari (2017), and Mojtahed-Shabestari (1996) among Iranian religious intellectuals who engage in a serious rethinking of Islamic rules with a vision to reconcile Islam and international human rights. They discuss the need to shift the focus of debate from traditional or historical Islam on

duty and obedience to the modernist and universal notion of rights and reason (Razavi 2006).

What I explained in this section about Islamic views that are different from traditional readings of Islam is a disapproval of what CEDAW opponents claim in terms of innate conflict between Islam and CEDAW because of freedom of choice that is embedded in CEDAW's Articles. As mentioned before, CEDAW opponents challenge freedom of choice that is granted to women in CEDAW by attributing CEDAW's underpinning to humanism philosophy. Reposing humanism and Islam against each other, CEDAW opponents justify the opposition of CEDAW (that is underpinned by humanism in perspective of CEDAW opponents) and Islam. However, what I explained about Mu'tazila and other currents and scholars such as Soroush who prioritise human being's reason and present a new reading of freedom of choice in Islam show that Islam and freedom of individual choice are reconcilable (or even freedom of choice has an important place in Islam). Considering the capability of revisionist perspective to reread freedom of individual choice in Islam, it seems necessary to evaluate how reformist publications treat revisionist view to reconcile Islam and freedom of individual choice. This evaluation is important for me because one of the main factors based on which Iranian reformists are distinguished from conservatives is their revisionist perspective towards Islam.

Reformist publications and women's freedom of choice

As reformists are representative of Islamic revisionist views in Iran, I expected to find some discussions that show how Islam and women's freedom of choice can be reconcilable. However, my analysis shows revisionist and reformist ideas have been underemployed to resolve the contradiction between Islam and women's individuality in discussions over CEDAW in reformist publications. I argue that this gap may have emerged from the importance of restricting women's individuality as a principle in the Islamic Republic's anti-West doctrine. Accordingly, reformists avoid challenging this principle of the Islamic Republic to prove their loyalty to the Islamic Republic's values and to be acquitted of being in line with 'Western' culture.

Revolution and individualism

CEDAW opponents clearly represent an increase in women's freedom of choice, particularly in terms of their independence from family and freedom of choice for sexual relationships as an issue in opposition to Islam. However, reformist publications - that are normally representative of Islamic revisionist ideas in Iran - seem to remain silent in terms of employing Islamic reformist strategies to re-read the relation between Islam and women's freedom of choice. In order to understand this lack in reformist narratives, I can refer to what Osanloo (2012: 56) calls the 'politicisation' of women's 'rights talk' in Iran since the 1979 revolution. Osanloo (2012: 55) explains that there was a grand agreement among different revolutionary actors, including religious and secular nationalist groups to identify the 1979 revolution as being 'against the excesses of Western societies' and having the aim of turning 'the country back to some 'indigenous' values'. The indigenous values for the Islamic Republic meant Islamic values that are accepted in a traditional reading of Islam. Osanloo (2012: 56) refers 'to the deployment of the language of rights by numerous revolutionary factions, which was seen at that time (1979) as redolent of the ills of Western individualism'. Prioritising social responsibility over individual rights, the revolutionists depicted the Western individualism as overlooking that 'the basis of a healthy society was the family and that individuals' needs had to yield to greater social and familial concerns' (Osanloo 2012: 56). Accordingly, Osanloo (2012: 56) explains that 'rights talk in this context became a verbal index for a sense of entitlement without responsibility, thought to be the source of many ills of Western societies, which were characterised by excess and anomie'. It 'was a grand compromise whose effects continue to until today' (Osanloo 2012: 56). Among its effects was the obvious 'politicisation of 'rights talk' and the mobilisation, by both state and non-state revolutionary actors, of the Iranian woman as a symbolic counter to the Western woman' (Osanloo 2012: 56). For example, Ayatollah Motahhari, one of the main ideologues of the Islamic revolutionary movement in Iran in the 1970s, clearly rejected 'the concept of 'individual rights' as a Western irrelevance' (Yeganeh 1993: 14). Motahhari stated that 'Islam prioritized the right of the Muslim community over the right of the individual' (Yeganeh 1993: 14). According to Motahhari (1978 cited in Yeganeh 1993: 15), the interest of Muslim community

in describing women's role, sexuality and appearance 'takes precedence over women's individual choice'. As Yeganeh (1993) argues, such a priority of the community interest over women's individual choice became the official policy in the Islamic Republic. Thus, the matter of controlling women's individuality in Iran became one of the main symbolic elements to encounter the influence of the West and to define an authentic Islamic society in Iran.

To understand why women's individuality was seized by anti-monarchical revolutionists and then Islamic state, I refer to Yuval-Davis' comment about the 'burden of representation' that is carried often by women. Yuval-Davis (1997: 45) explains that women 'are constructed as the symbolic bearers of the collectivity's identity and honour, both personally and collectively'. Thus, in their 'proper' behaviour, their 'proper' clothing, and their 'proper' roles in family and society, women 'embody the line which signifies the collectivity's boundaries' (Yuval-Davis 1997: 46).

Discussing the cultural embodiment of women in demonstrating the collectivity's boundaries, Yuval-Davis argues that in situations in which collectivities feel threatened by 'others', restricting women's individuality may intensify (Yuval-Davis 1997). According to Yuval-Davis (1997:47), 'international and intranational encounters with the 'other' are when management and control of cultural difference are called upon'. This is exactly what happened in the 1979 revolution and thereafter by the Islamic Republic state that was established in opposition to West, as an "other", that was perceived as alliance of Shah. The Islamic Republic's ideologues such as Ayatollah Motahhari (1978) and politicians such as Ayatollah Khomeini (1989) explicitly and officially linked preserving the revolution to women's presence, behaviour and roles in the society. In addition to the officials' words, the restriction of women's individuality appears in post-revolutionary legislation. Therefore, after the revolution, the IRI's officials announced the need to change laws relating to women in accordance with traditional Islamic laws that legitimise fewer individual choices and activities for women to standardise women's social and familial presence in accord with what they consider as Islamic ideals. The prohibition of some universities' subjects for women; imposing the rule of compulsory *hijab* for women; banning women from some social roles such as

judiciary occupations and presidency and setting the law on necessity of husband's agreement for women to be eligible to have a passport are all examples that show how the Islamic Republic's legislation limits women's right to have their individual choice in different domains of their lives.

As far as reformists' silence about women's individuality is concerned, it seems that they are very conservative in challenging the traditional Islamic assumptions of the contradiction between Islam and women's individuality, although these reformists have challenged some other political and ideological viewpoints of dominant idea of the state in Iran. The reformist's unwillingness to present any idea about women's individuality can be understood by reasoning that opposition to the assumption of conflict between Islam and women's individuality means undermining a cultural value and basis on which the Islamic state is grounded by reformists. Reformists were originally from active members of antimonarchical groups in the revolution who identify themselves as loyal to the revolution and the Islamic Republic's values. Therefore, there is no wonder they should safeguard the revolution and its values and they should not support the ideas that might weaken credibility of signifying values of revolution and the Islamic Republic state.

Fragile status of reformists

On the other hand, reformists' reluctance to challenge the anti-humanism and anti-individuality of CEDAW opponents can be understood by reasoning that their marginal status in the Islamic Republic prevents them from contradicting the dominant conservative view in the state about women's individuality. As Koolaee (2012) comments, based on her experience as a reformist MP and a member of Women's Fraction in Sixth Majlis, reformists have been always accused by hardliners of being inclined to capitulate to the West. One of the main areas according to which this accusation against reformists has been intensified has been the women's issue. The reformists have been frequently accused of being close to 'Western' patterns in terms of allocating more freedom to women rather than what Islamic traditional *Fiqh* (jurisprudence) defines for women in terms of rights and freedom of choice (Koolaee 2012). Therefore, the silence of reformists in their publications about the matter of women's individuality might relate to their fragile status in Islamic state. Presenting the cultural ideas in conflict with

the dominant viewpoint in the IRI, and in support of the Western Other might challenge reformists' political legitimacy in the Islamic Republic state and their loyalty to the Islamic Revolution.

Humanism and family

As explained earlier, CEDAW opponents criticise humanism because of the priority of human being's freedom of choice in this philosophy. In the perspective of CEDAW opponents, family is one of the main areas that is affected by the humanist idea of the centrality of human being's choice, particularly women's choice. I begin this section with a descriptive explanation by drawing some extracts from CEDAW opponents' discussions that show how CEDAW opponents interlink humanism and women's freedom of choice in family. It will be argued at the end of this section that why CEDAW opponents oppose rigorously and specifically to women's freedom of choice (as the consequence of humanism) in family domain.

In her article, 'A glance on some unrevealed realities of the conventions on eliminating discrimination against women', that was published in the conservative journal of *Payame Zan,* Moein Al-Islam (2003) expresses her concern about pervasive influence of 'Western culture' on other cultures in the world due to the universalising of 'Western values' through human rights conventions. Then, she focuses on humanism as one of the characteristics of 'Western culture' that can have negative influence on other cultures. Finally, Moein Al-Islam's discussion is focused on the prevalence of the practices that she views as sexual deviation as a consequence of joining international human rights conventions:

> Obviously, they (Westerners) use the means such as human rights conventions to legalise the ideology of humanism throughout the world. The main aim is universalising the Western values, such as humanism and liberalism, through human rights documents and agreements that are created by the United Nations to make women and girls aware about their human rights. Some of these documents clearly assume all the religions as the source of injustice against women, and support partnering before marriage for teenagers. These documents and conventions support homosexual relationships between girls and extra-marital partnering.

In the above extract from Moein Al-Islam's article, CEDAW opponents consider human rights to be influenced by the humanistic quality of the Western culture.

Furthermore, in her perspective, this humanistic basis of the Western culture is contrary to the religion, and causes disorder (in perception of Moein Al-Islam) in the partnership and sexual relations. What Moein Al-Islam depicts as disorder in sexual relations is the relationships outside the heterosexual marital framework (extramarital and homosexual relationships). Extramarital and homosexual relationships are considered as forms of perversion in Islam (El Azayem and Hedayat-Diba 1994). Therefore, it is obvious that Moein Al-Islam is not representing the increase of freedom of choice in sexual relationships as an advantage, but rather considers it as an inferior outcome of humanist Western culture, in turn inducing the growth of sexual perversions. Moein Al-Islam and other CEDAW opponents do not exactly indicate that which Articles of CEDAW affirm sexual relationships outside the heterosexual marital framework. Although no Article in CEDAW explicitly talks about the diversity of sexual relationships, it seems that CEDAW opponents refer to Article 16 (b) that emphasises the same right for men and women 'freely to choose a spouse and to enter into marriage only with their free and full consent' (Convention on the Elimination of All Forms of Discrimination Against Women, 1979). Although matters relating to marriage and family relations are at the centre of Article 16, this Article can also relate to out of marriage and homosexual relationships. Article 16 specifies women's full freedom and consent as necessary conditions for a marriage. Therefore, this freedom of choice can appear as choosing homosexual relationship in marriage by women; and also having the freedom of choosing partnerships outside marriage. Moreover, Moein Al-Islam does not explain how humanism can cause what she considers as perversion. However, putting humanism besides liberalism and criticising women's awareness of their rights by the U.N's conventions and documents, it seems that she also considers the characteristic of humanism in terms of granting individual liberty and rights to women as the origin of legitimising sexual deviation by CEDAW.

CEDAW opponents criticise the Convention's definition of family because this definition is broader than the exclusive traditional Islamic definition of family, i.e. the heterosexual and marital couple-based households (Morgan, 1996). CEDAW opponents present the idea that the alternative forms of marriage and family that are contrary to the Islamic/traditional definition of family are prevalent in the

West. Thus, they consider any alternatives to the traditional family forms as problematic and complex in the West, because in Islam, family is defined with a marriage contract between a man and a woman and any sexual relationship outside marital framework is illegitimate (Tabatabaie 2015). As an example, Abbas Fathi, in his article, 'A glance on the contradiction of the Convention of Eliminating Discrimination Against Women with Islam and human rights', published in conservative newspaper *Jomhuri Islami* (08/11/2003 & 11/11/2003), shows the concern of CEDAW opponents about family destruction in the following explicit and brief expression:

> This convention has fundamental problems. One of them is that the Convention ruins the family, which is the foundation of society.

In the rest of his article, Fathi indicates that family in Islam is defined based on heterosexual relationships between men and women, and this relationship is sanctified in Islam:

> Islam has announced the importance of family and sanctified the value of relationship between man and woman within marriage framework since 1400 years ago (since the advent of Islam).

As another example, Hojjatol-Islam Zibaee-Nejad in an article with the title of 'The outcomes of joining the convention of eliminating discrimination', published in *Khorasan* newspaper (07/08/2003 and 09/08/2003), a politically neutral newspaper, focuses on the prevalence of extra-marital relationships as a characteristic of the Western society. Zibaee-Nejad's narrative is used here because his explanation is clearer than the other articles about the opponents' concern in terms of the effects of CEDAW's Articles on the prevalence of extra-marital relationships of women, specifically married ones, as a consequence of joining CEDAW. Initially, in the article, Zibaee-Nejad claims that:

> CEDAW is a form of leverage to put pressure on Iran to follow the Western life style that is in contrast with Islamic values.

He then continues by warning about the fragility of family by presenting his interpretation of CEDAW's Articles about the right of choice that it gives to women. In his opinion, the emphasis of CEDAW on the freedom of women to decide about

their personal issues without being restricted because of their marital status can even legitimise married women to have extra-marital casual relationships:

> The Convention states that women have to have freedom to decide about all matters relating to them without getting restricted because of their marital constraints. According to CEDAW, matrimony and the spousal relationship should not cause any restriction for women even in terms of sexual relationships. A married woman can also have casual sex relationships in CEDAW's perspective.

As mentioned above, Zibaee-Nejad is concerned about women's freedom to decide about their relationships without being restricted because of their marital constraints. He criticises the prevalence and legitimacy of extra-marital relationships that, according to their perspective, is a characteristic of the Western society, while women's relationships outside the marriage framework, especially extramarital sex (*zina*), can result in heavy punishment for women in Islam. In Islamic *Fiqh, 'Zina* is one of the crimes referenced in the Qur'an' (Quraishi 2008: 167), and its punishment is at least 100 lashes.

Among the narratives of CEDAW opponents about the prevalence of extra-marital relationships in the West, some of them are presented through the use of a language that demonstrates more precisely what Al-Azm regards as superior approach of reverse Orientalism towards the West. The notions that are employed in these narratives around the family in the West are mostly regarded as unpleasant, negative and sexually offensive in Iranian culture. The notions that are used by CEDAW opponents to show their critical approach towards the family crisis in the West are *haramzade* and *bacheye namashroo* (born out of the wedlock) (in the article 'A glance on the contradiction of the Convention of Eliminating Discrimination Against Women with Islam and human rights' by Abbas Fathi that is published in *Jomhuri Islami* newspaper on 08/11/2003 & 11/11/2003); *roospigari* (prostitution) (in the article 'An international deadlock: a political essential or a choice' written by Esmail Alikhani and published in *Sedaye Edalat* on 17/11/2002); *ravabete aloode* (nasty relationships) (in the article, 'different Articles of the convention are clearly contradictory to Islam religion' that is published in *Hemayat* newspaper on 03/08/2003); *ravabete namashroo* (illegitimate sexual relationships) (in the articles of Ali Motahari 'Critics on passing

the bill of Convention of Eliminating Discrimination Against Women' that is published in *Siasate Rooz* on 23/08/2003, and the article 'A glance on some unrevealed realities of the Convention of Eliminating Discrimination Against Women' written by Maryam Moein Al-Islam published in *Payame Zan* on 11/2001); and *ham-jens bazi* (homosexuality) (in the article 'A glance on some unrevealed realities of the Convention of Eliminating Discrimination Against Women' written by Maryam Moein Al-Islam published in *Payame Zan* on 11/2001). As these notions are typically used in Iran as the examples of sexual deviance, CEDAW opponents try to refer to sexual and marital relationships in the West (and as what will happen in future in Iran in case of Iran joining CEDAW) as inferior by using these words when portraying Western culture as against Islamic culture. As Yip (2009 cited in Tabatabaie 2015: 277) explains, the dominant Islamic perspective on sexuality 'accords hegemonic status to marital heterosexuality and is often perceived as intolerant of any expression of sexuality outside this framework, including premarital sex'. The negative and sexually offensive notions that are used by CEDAW opponents to criticise family status in the West relate to two significant Islamic principles that legitimise a sexual relationship, marital-based and heterosexual relationship. Among the mentioned notions, *haramzade*; *bacheye namashroo; roospigari; ravabete aloode; ravabete namashroo* break the marital framework of relationships and *ham-jens bazi* violates the heterosexual quality of relationships. In CEDAW opponents' articles, these notions are used to show the troubles that the West is engaged with, and therefore, Iran should avoid joining CEDAW to prevent these negative outcomes. These negative notions reveal the reverse orientalist and criticising perspective of CEDAW opponents towards family in the West, and they show how restrictive the view of CEDAW opponents towards permissible sexual relationships is.

The other article that connects the matter of humanism to family issue is Roya Rahbar's. In her article, 'The bill which is intrinsically a contradiction to Islamic laws' (15/05/2003) published in the conservative newspaper Resalat, she criticises the consequences of humanist thought on the institution of 'family'. She equalises humanism with hedonism as she emphasises that prioritising the 'individual' in the Western culture means centralising human being's pleasure and desire. Rahbar (2003) explains that:

> This Convention is in intrinsic opposition with holy Islam because intellectual pillars of this Convention are grounded on the Western idea that verifies humanism and hedonism as the basis of a human being's life. Moreover, the humanistic attitude denies any kind of difference between men and women; thus, in this perspective, women are the individuals distinct from family. However, in the Islamic culture, the foundation of human beings' life is sincere obedience to God.

While Rahbar identifies Islam as a holy religion, she devalues the West by attributing it to the "…isms" that are not verified in dominant conservative approach in the IRI, including humanism and hedonism. Hedonism (*lezzat-garayi*) is frequently used in accounts of the conservatives in the state to describe Western society and culture. Conservatives attribute hedonism to 'Western society' homogeneously to portray 'Western culture' as a shallow culture in which pleasure is prior to everything. As discussed before, one of the main subjects that shaped the line of thought of revolutionaries during the Islamic Revolution and after establishment of the Islamic Republic was criticising 'Western culture'. The revolutionaries who described Shah's regime in service of Western powers and being influenced by 'Western culture' have portrayed 'Western culture' as a culture being far from religious and spiritual values. The dominant insight in the Islamic Republic, on one hand attribute the cherished values such as martyrdom and being revolutionary and warrior to Islam, and on the other hand identifies the 'Western culture' as a shallow culture in which the mundane pleasures are pivotal (Haghayeghi 1993; Amuzegar 1995). As Rahbar juxtaposes humanism and hedonism, these two concepts are both characterised as being in opposition to 'holy Islam', and in favour of human being's enjoyment.

Focusing on humanism, Rahbar claims some consequences of prevalence of the humanistic attitude in relation to family. Immediately after mentioning intrinsic contradiction of Islam and the concept of humanism, Rahbar shows her concern about independence of women from family. This concern about homosexual and extramarital relationships of women and women's independence from family makes the main concern of CEDAW opponents in relation to humanism. By women's independence from family, CEDAW opponents mean the increase of women's individuality and freedom of choice in terms of their sexual and familial relationships and roles. In their articles published in conservative publications, CEDAW opponents like Moein Al-Islam, Rahbar and Ayatollahi (2003) who see

humanism as the philosophical basis of Western culture represent the Western society as experiencing serious difficulties in terms of marital relationships and family. It is clear that CEDAW opponents have a critical approach towards the decrease of women's dependence on family and marital relationship in the West. Correspondingly, CEDAW opponents dichotomise the 'Western' model of family with the 'Islamic' model, describing the superiority of Islamic model of family and sexual relations over the Western model. For example, Zahra Ayatollahi in her article, 'A critique on reservation in the Convention of Eliminating Discrimination Against Women', published in the conservative journal, *ketabe zanan*, on 09/08/2003 explains the consequences of humanistic approach of CEDAW on 'family':

> The dominant humanistic approach of the Convention brings a strong emphasis on individual independence of the "woman" in the centre of family. However, in Islam, although individual rights of family members are very important, at the same time there are many religious orders for strengthening the connection and interdependence between family members.

What Ayatollahi explains about the influence of humanistic approach on the status of women in family is same as Rahbar's viewpoint in terms of women independence in family.

According to above mentioned extracts in this section, there is a common concern in the ideas of CEDAW opponents who discuss over relation of humanism and family issue, i.e. changing family structure by dominance of 'Western values' in family instead of Islamic values. The subject of family construction's change is seen both in the extract of Moein Al-Islam who criticises humanism for homosexual and out of marriage relationships of women, and the accounts of Ayatollahi and Rahbar whose concern about prevalence of humanist ideas is women's independence of family. In both cases, what makes CEDAW opponents concerned about family is the change of family's construction due to women's freedom of choice. Considering freedom of choice as a consequence of humanism by CEDAW opponents, women gain freedom of choosing their sexual and partnership relationships, and also, they can choose whether they prefer the roles of being dependent to family, such as being a mother and wife, or the roles of beyond family in the social domain. This freedom of choice for women in terms of their sexual relationships and roles in

family can cause deviation from traditional and standard structure of family that the dominant Islamic approach within Iran defines. The ideal structure of family in the doctrine of the Islamic Republic is defined based on the priority of family roles for women rather any other roles, and women's dependence and obedience to their husbands. CEDAW opponents explicitly believe that the main consequence of humanism is the vulnerability and fragility of 'family'. They are worried that CEDAW brings about family structures which deviate from what dominant voices in the IRI define as the Islamic model of family, i.e. a family that is formed based on heterosexual marital relationships in which its members have strong connection with and dependency on each other.

To understand why perpetuating the Islamic model of family (based on dominant definition of Islamic model) and women's roles and relationships within family are very important for CEDAW opponents, I focus on the matter of family in Iran in two theoretical dimensions. These two dimensions, including 'sanctity of family' and 'nation safeguarding role of family' make CEDAW opponents feel threatened by any change in the construction of family that changes women's roles and connections within family. Moreover, these characteristics of family in post-revolutionary Iran can reveal why CEDAW supporters in the reformist press avoid to clearly suggest the amendment of family law and construction in Iran. Their avoidance can be because of reformists' carefulness to not violate what is sanctified by the Islamic Republic, and what is principal in protecting Islamic nation of Iran, the main collectivity that should be preserved in the Islamic Republic's viewpoint.

Sanctity of family

The significant status of 'family' in Iran as a Middle Eastern Muslim society can be understood through the theories that explain the substantial and specific position of family in the Muslim Middle Eastern societies. The importance of family in the Middle East can be perceived from what some scholars describe as the influence of state and religion, the two most powerful institutions regarding the family (Hajjar 2004; Joseph 2000; Moghadam 2004). As Moghadam (2004: 140) argues, 'nowhere is family free of state regulations'. However, in the Middle Eastern

societies, the family is known to have a nearly sacred space (Joseph, 2000; Charrad 2000); the family is legally privileged over the individual by Muslim Middle Eastern states, that is in line with the arguments that represent the family as a 'pre-political' priori, and as a domain beyond current time and situations that is best defined in domain of the divine (Joseph, 2000; Charrad 2000).

The connection of family moralities with religious moralities is more observable in the widespread intervention of religion in the legal domain of family, and delegation of family laws to the religious courts throughout the Middle East. Such a connection makes amending family codes very challenging in Middle-Eastern societies (Joseph, 2000). As Hajjar (2004: 4) argues, 'the use of *Shari'a* as the legal framework for administering Muslims' family relations (marriage, divorce, custody and inheritance) constitutes an important consideration'. *Shari'a* operates 'both as specific legal rules and as a general religio-cultural framework for Islamic norms and values' (Hajjar 2004: 4). Thus, as Hajjar (2004: 4) explains, 'efforts to implement law reforms to enhance the rights and protection of women within the family are bound up in contestations over the role and the jurisprudence of religious law, and social acceptance of reforms is contingent on their perceived compatibility with religious beliefs'. Hajjar's explanation clearly shows that, because of the strong connection between *Shari'a* and family law, how challenging the matter of amending family law in Muslim societies is.

The matter of contradiction between CEDAW's Articles and family laws in Iran can be found in numerous articles of CEDAW opponents. In these articles, CEDAW opponents endeavour to present Islamic family laws as the ideal model of gender relations that results in the preservation of the traditional family in society. Some of the articles that address the contradiction between CEDAW's family-related Articles and Islam specifically focus on the conflicts between CEDAW and the Islamic family laws in Iran. In order to show the incompatibility of Islam and CEDAW, the opponents indicate various Islamic family legal codes and the contents of the IRI constitution that are different from CEDAW's Articles on the equality of rights between women and men in the family domain. CEDAW opponents refer to the following themes, extracted from Iran's constitution and

family law, more frequently to show differences between CEDAW and Islamic laws in Iran:

- There is a Monopolised right of the father for the custody of children (for boys above the age of two and girls above the age of seven) after divorce in Islamic family law of Iran, while CEDAW's Article 16 (c) and (d) state that States Parties shall take all appropriate measures to ensure, on a basis of equality of men and women, 'the same rights and responsibilities during marriage and at its dissolution' (CEDAW 16 (c)); and 'the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount' (CEDAW 16 (d)). This subject is mentioned in the article 'Islamisation of convention - why?' that is written by Friba Alasvand in *Jomhuri Islami* newspaper on 27/08/2003, and the article 'Rushed reaction' published in Resalat newspaper written by Mohammad Kazem Anbarlouee on 09/06/2002.

- In Iranian family law, women require their fathers' (or other male guardians') permission for their marriage while men have freedom to choose their spouse (Clause 1043 of Iranian Civil Code). However, Article 16 (b) of CEDAW clearly necessitates the same right for women 'freely to choose a spouse and to enter into marriage only with their free and full consent'. This difference between Iranian law and CEDAW is mentioned in the article 'the convention of eliminating discrimination against women and the sensitivities' published in *Zane Rooz* on 02/08/2003. This incompatibility between CEDAW and Iranian law is indicated by Zahra Ayatollahi in her article, 'a critique on reservation in the convention of eliminating discrimination against women', published in Ketabe Zanan on 09/08/2003

- The clause 18 of Article 3 in Iranian Passport Law is about Woman's requirement to have spousal consent to travel outside the country; however, CEDAW's Article 15 (4) asserts that 'States Parties shall accord to men and women the same rights with regard to the law relating to the

movement of persons and the freedom to choose their residence and domicile'. This contradiction is indicated by Roya Rahbar in the article 'the bill which is intrinsically a contradiction to Islamic laws' that is published in *Resalat* newspaper on 15/05/2003; moreover, it is addressed in *Keyhan*'s article, 'Recognition of the harms of joining to a western convention known as eliminating the discrimination' published on 16/08/2003, and in *Jame Jam's* article, 'an overview of the points on which the convention may contradict the Islamic Republic Laws: eliminations of discriminations by propagating secularism' by Behrouz Jandaghi on 09/07/2003 .

- The Article 1133 of Iranian Civil Code grants the right of divorce exclusively to men whenever they decide, but Article 16 (c) of CEDAW requires State Parties to grant 'the same rights and responsibilities during marriage and at its dissolution'. This disagreement between CEDAW and Iranian law is mentioned by Maryam Moein Al-Islam in her article, 'a glance on some unrevealed realities of the convention of eliminating discrimination against women' that is published in the monthly journal of *Payame Zan* in October 2003, and by Zahra Ayatollahi in the article of 'A critique on reservation in the convention of elimination discrimination against women' on 09/08/2003.

- The clause 1103 of Iranian Civil Law allocates the right to monopolise choosing the place of residence to husband in the marital relationship, while Article 16 (h) of CEDAW considers 'the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration'. The article 'the convention of eliminating discrimination against women and the sensitivities' published in *Zane Rooz* on 02/08/2003, and the article 'A glance on the contradiction of the convention of eliminating discrimination against women with Islam and human rights' by Abbas Fathi on 08/11/2003 published in *Jomhuri Islami* newspaper indicate this conflict.

- The clause 976 in Article 5 in Iranian Civil Code specifies the exclusive right of transferring the nationality to the children from the father, while Article 9 (2) of CEDAW asserts that 'States Parties shall grant women equal rights with men with respect to the nationality of their children'. This difference is mentioned in the article 'Have we joined the convention of eliminating discrimination against women?' published in *Hambastegi* newspaper on 17/12/2002 by Shiva Zar-Abadi. Moreover, it is considered in the article 'the convention of eliminating discrimination against women and the sensitivities' published on 02/08/2003 in *Zane-Rooz* magazine.

While most CEDAW opponents' articles are limited to brief indications towards the contradictions between CEDAW's Articles and family legal codes in Iran, the article 'The Convention of Eliminating Discrimination Against Women and the sensitivities', (Anonymous, 2003) published in Zane-Rooz magazine (02/08/2003), a women's magazine in line with the state's hardliner ideas in the realm of gender, reveals the contradictions between Islamic family clauses in Iran and CEDAW's Articles in more details. This article also reveals the reverse orientalist approach of CEDAW opponents in terms of the superiority of traditional Islamic family laws (to which Iranian family law is ascribed) rather than what the opponents consider to be family-related norms in the West (to which CEDAW's Articles are attributed by CEDAW opponents). The article attempts to show how the troubles that opponents relate to the Western family are derived from dismissing Islamic family-related rules.

Initially, the article challenges the perception of CEDAW towards 'family' as follows:

> By looking at the clauses of this Convention, one can understand how drafters of this Convention look at family. In the Convention's view, family is not considered a unified entity in need of management (Article 16 c and d).

Referring to Article 16 (c) and (d) of CEDAW that focus on states' responsibility about taking appropriate measures to 'the same rights and responsibilities during marriage and at its dissolution' (CEDAW Article 16 c) and 'the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount'

(CEDAW Article 16 d), the above extract claims that 'family' is not considered as a unified and solid unit in CEDAW. Although it is not clear that how *Zane-Rooz* article interprets Article 16 as CEDAW's intention for disunity and non-solidarity in management of family, it seems that *Zane-Rooz* article actually criticises the equality of men and women as parents in terms of rights and responsibilities that is mentioned in Article 16. It seems that while the author of article believes that management role within the family is for men (fathers) in the family, in agreement with what dominant Islamic view in the IRI recommends, CEDAW disrupts this hierarchy and considers equal status for men and women in terms of responsibilities and rights.

The following sentences clarify that the article assumes the independence of women from family, and having freedom to choose their residence, nationality and spouse as examples of the threat facing the family's consistency and solidarity in CEDAW:

> In CEDAW's perspective, each couple is free to choose where to live and; therefore, a man and his wife can live in different cities, separately, in complete freedom (part 15, Article 4). The Convention goes even further and declares the couple's independence in choosing nationality. The fact that the couple's consent will be the only requirement of marriage (part 16) means the consent of bride's father will be omitted (while it is necessary in Islamic laws of marriage). It means that individual independence of girls to make decision on marriage will have priority over father's consent for their daughters' marriage. If so, the father-daughter relationship will change in a way that daughter will lose her father's support. Thus, based on this Article, a Muslim girl will be allowed to marry a non-Muslim man.

The article mentions CEDAW's approach in terms of women's freedom to choose and decide about their residence, nationality and marriage as three examples from CEDAW clauses to show contradiction between CEDAW and Islamic family law that is implemented in Iran. In Iran's Islamic family law, woman has to obey her husband in terms of residence; therefore, woman's intention to live apart from her husband in order to obtain a new nationality without her husband's permission is illegal. However, part 15, Article 4 of CEDAW says 'States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile'. Moreover, the *Zane-Rooz*'s article focuses on freedom of woman to marry without father's permission and their freedom to marry with a non-Muslim man. However, in Iran's

law a virgin woman needs her father's permission for marriage, and woman cannot marry a non-Muslim man, while a Muslim man can marry non-Muslim women without any legal issue. The article intends to show the conflict of the IRI's family law and Article 16 (a) and (b) of CEDAW saying that States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women a) the same right to enter into marriage and b) the same right to freely choose a spouse and to enter into marriage only with their free and full consent.

Zane-rooz's article continues by explaining the disadvantages (negative consequences) of girls' freedom in choosing their spouse who can be a non-Muslim person without the need of father's permission:

> This will not only threaten the girl's future religious beliefs, but it will also deprive their children of proper religious education.

As the above extract reveals, the author is concerned about religious (Islamic) commitment of a woman who marries a non-Muslim person as this kind of marriage is forbidden in Islam. It seems that the main concern of this article is that CEDAW gives rights to women for marriage that are in opposition with Islam in perspective of the author. Thus, respecting Islam is the sole criterion of the author to challenge CEDAW's Article in terms of women's freedom in marriage. Furthermore, the failure of the woman to pass religious teachings to her children is considered in this article as disadvantage of the marriage of a Muslim woman with a non-Muslim person. The emphasis of this article on preserving Islam and transferring Islamic values and teachings from women to their children can be considered as an example of what I explained in the previous section based on Yuval-Davis' (1997) comment about women's role as the main bearers and transferors of traditions symbolically and biologically. According to Yuval-Davis, cultural traditions, including religious traditions are transferred and preserved by women. Thus, the above-mentioned article relates the violation of Islamic *fiqh* and the failure of transferring Islamic teachings to the next generation as the heart of disadvantages of giving this freedom to women. Although *Zane-Rooz* article claims the change of father-daughter relationship and sacrificing the father's support in

case of eliminating father's permission as a legal condition for women's marriage, its concern is primarily about marginalisation of Islam because of women's freedom to marry non-Muslim men. Clearly speaking, the article's justification to object to CEDAW's Article 16 about eliminating father's permission for women's marriage is not its outcome on women's lives, but its reasoning is concentrated on the matter of respecting Islam. The article focuses on the consequences of this elimination on the disregard of Islam, i.e. marriage of Muslim women with non-Muslim men and reducing women's Islamic commitment and deprivation of women's children of a proper religious education. Thus, it seems that revision of family law to provide more individual rights to women in creating more individual freedom in the family realm is strongly interrelated in the arguments of CEDAW opponents to women's role in preserving and transferring Islamic values. Moreover, in accord with what was explained at the beginning of this section about the strong connection between family law and *Shari'a* in Muslim Middle Eastern societies, *Zane Rooz's* article shows how CEDAW opponents believe that Islam is threatened by changing family laws and the structure of family by joining CEDAW. Attaching family law directly to preserving Islam in discussions of CEDAW opponents can support the ideas of scholars such as Hajjar (2004) and Joseph (2000) who believe that interrelation of family law and *Shari'a* makes the amendment of family law complicated in Muslim Middle Eastern societies. The next section addresses the influence of Islamic laws on Iranian family law not only in post-revolutionary Iran, but also before the establishment of an Islamic state in Iran.

The influence of religious laws in Iranian family law

The influence of religious laws on family law in Iran has a long history, even from before the revolution in 1979. Prior to the codification of family law (1931-1935) in Iran in the context of Reza Shah's modernisation project, *Ulama* (high grade Muslim clerics) had a traditionally important role in judging family-related matters (such as marriage, divorce, child custody, and widows' inheritance) based on Shii *Fiqh* (jurisprudence) (Afshar, 1985b). However, in Reza Shah's era (1925-1944), by establishing new courts and procedural rules for registering marriage and divorce, the influence of *Ulama* was partially lowered. Reza Shah announced

that all marriages and divorces had to be registered by civil courts, under lawyers' direction instead of the clerics (Afshar, 1985b; Mir-Hosseini, 2007). Although Reza Shah's decision broke the monopoly of the clergy on defining family regulations, classical *Shari'a* laws remained almost intact as part of the new Civil Code (Mir-Hosseini, 2007). This historical fact shows the strong and pervasive influence of *Shari'a* laws on family law in the history of Iran. *Shari'a* law's importance in defining family law was undeniable; even when Reza Shah reduced the importance of clerics' role for registering marriage and divorce of clergies, he could not instantly eliminate Islamic *Fiqh* from the laws related to family domain.

Mohammad Reza Shah's 'Family Protection Law' (FPL), established in 1967, was seen as a focal point in terms of family law reform in Iran by many scholars (Ebrahimi, 2005; Halper, 2005; Hoodfar, 1999; Mir- Hosseini, 2006; Yassari, 2002). FPL explicitly abolished some *Shari'a* laws that were regarded discriminatory against women. For example, men and women were for the first time put on the same footing in terms of access to divorce and child custody rights (Ebrahimi, 2005).

FPL only lasted for a short time; in February 1979, two weeks after the establishment of the Islamic regime in Iran, Ayatollah Khomeini declared the FPL to be non-Islamic and ordered the return of family law to *Shari'a*. Thus, 172 Civil Code articles relating to family issues were transformed into *Shari'a* based ones, in line with the Islamisation of the new established constitution and the courts (Mir-Hosseini, 2007). In the 1979 constitution, Islamic rules became the main foundation of family law in Iran, and only a *Mojtahed,* an expert in *Shari'a* laws, could be Chief of the Supreme Court. Thus, the Prosecutor-General and also the Iranian Parliament became very vigilant on passing bills; the bills had to be in accordance with Islamic principles and norms (Ebrahimi, 2005).

The view of Joseph towards the link between citizenship and family law can be regarded here to explain that family law as 'a critical feature of citizenship laws and practices, has been anchored in religious law in most Middle Eastern countries' (Joseph 2000: 20). Joseph describes family in Middle Eastern societies as 'a site of contestation in the making of state and nation'. Family law may rightfully be said to be the most critical site in which membership in religious

communities has been a vehicle for constituting the Middle Eastern legal subject. In most Middle Eastern states, family law is either directly deferred to different legally recognised religious sects without offering any civil alternatives or states 'have incorporated the family codes of the dominant religious sect into the civil code' (Joseph 2000: 20). Regarding Joseph's (2000) contention, the sanctification of the family domain via locating family moralities and laws in religious law makes the amendment of the family construction in terms of women's gender roles and even women's right to choose their partnership relationships very difficult in these societies. As explained above, the matter of changing family construction in Iran as a Middle Eastern country has been challenging because of the strong influence of Islamic laws on family moralities.

CEDAW supporters and changing family law

As mentioned earlier, the impact of sanctification of family is not restricted to CEDAW opponents' disagreement with changing family construction, but it also affects CEDAW supporters' viewpoint in terms of their reluctance to engage with subject of changing family laws and construction. The influence of *Shari'a* law and *Ulama* on family moralities and laws in Iran can be also teased out by focusing on CEDAW supporters' approach towards changing family laws and construction in Iran by joining CEDAW. As a matter of fact, the reluctance of CEDAW supporters to visibly support the changes that CEDAW might bring about in the family domain can relate to the strong connection between family and religion. My analysis of CEDAW supporters' articles shows that they do not specifically and profoundly address the contradictions between CEDAW's clauses and women's rights in family. Two main solutions that are generally suggested by CEDAW supporters in case of conflict between Islamic laws and CEDAW are: a) employing the right of reservation which is used by the other Muslim countries which joined CEDAW (such as Algeria, Bngladesh, Brunei, Egypt, Iraq, Jordan, Kuwait, Libya, Malaysia, Maldives, and Mauritania); b) employing *Ijtihad* (independent investigation and reasoning of religious sources) that allows *Mojtahed* (high-ranking cleric) to re-interpret *Shari'a* law with regard to the contemporary circumstances and issues of Muslims' life. Although reservations and *Ijtihad* are frequently suggested in CEDAW opponents' general discussions to legitimise CEDAW ratification, they

were seldom proposed according to the 'family' subject in particular. There are almost no articles that directly suggest *Ijtihad* to redefine women's rights in family, and there are two articles that focus on reservation to respond to the conflicts between CEDAW clauses and family law in Iran. This reluctance to use reservation and *Ijtihad* about family subject can be explained based on the strong connection between the matter of family and religion as argued earlier in one hand, and on the other hand how family relates to the subject of nation safeguarding in Iran that will be discussed in next section.

As an example of suggesting reservation to reconcile Islamic family law and CEDAW, Leila Nateghi in her article, 'Iran joining to the convention of eliminating discrimination - what should be and what should not?', published in reformist newspaper *Aftabe Yazd* (26/01/2002), refers to other Muslim countries that joined CEDAW through a reservation to resolve the perceived contradiction between two Articles of CEDAW and traditional *Fiqh* (Islamic jurisprudence) about men and women's equality in family law. She explains that:

> The Muslim societies like Saudi Arabia, Malaysia, Maldives, Libya have joined CEDAW through putting reservation to Article 2 that is around abolition and amendment of current discriminatory laws and enacting new regulations to guarantee men and women's equality, and Article 16 focusing on family relations and men and women's responsibilities in the family that includes granting equal right to women for transferring nationality to children.

Although Nateghi claims that Muslim countries mostly use reservation in the Articles 2 and 16, the literature relevant to CEDAW and Islam mostly mention CEDAW's Article 16 as an Article that holds reservation. Article 16 of CEDAW focuses on marriage and family, while Article 2 presents some principles of CEDAW that does not seem possible to be held by reservation (Banda 2006; Sonbol 2010). Article 2 requires State Parties 'to condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women'. Article 16 of CEDAW includes two main parts, and its first part contains eight clauses in terms of men and women's equal rights in family relations. The main message of Article 16 can be grasped from the first part of the Article. This part requires States Parties to 'take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis

of equality of men and women'. The broad use of reservation on Article 16 by Muslim majority countries whose family laws are based on *Shari'a* shows the high rigidity and sensitivity of policy makers in these countries to replace Islamic family laws with the laws compatible with CEDAW. In their attempt to remove incompatibility between Islam and CEDAW, the focus of Muslim majority countries' governments on the matter of family law shows the strong connection of family law to Islamic teachings in these countries as mentioned earlier based on Hajjar (2004) and Joseph's (2000) views. Holding reservation on family-related Articles of CEDAW also proves the sensitivity on family law in Muslim countries, and the effort to prevent amending family law which is sanctified due to its entanglement with religion in these societies.

Although there is no article that certainly considers *Ijtihad* as a solution to reconcile Islamic traditional *Fiqh* with CEDAW in terms of women's rights in family, there is an article whose final paragraph is related to *Ijtihad*. The article 'Clerics' some disapproval - why and how?', published in the reformist newspaper of Mardom-Salari (25/05/2002), respectfully refer to four well-known high ranked Muslim clerics in Iran (*Ulama*), Ayatollah Tabrizi, Ayatollah Makarem-Shirazi, Ayatollah Fazel-Lankarani and Ayatollah Meshkini, who presented critical comments towards CEDAW's content, including the matter of family in CEDAW. As suggested by its title, this article shows how important clerics' ideas and approval for amending family law and women's rights in the family are in Iran. Although the article is in agreement with CEDAW, it initially reports the critical comments of the four mentioned high ranked clerics who are opponents of CEDAW because of its West-centrism and contradiction with Islamic orders. Using *Ulamas*' ideas about CEDAW as an initial discussion over women's rights and role in family, the article shows the importance of considering *Ulama*'s viewpoints about CEDAW, and even convincing them about the probable amendments on women's rights in family law. Here, I focus on how the Mardom-Salari's article finally responds to the *Ulamas*' opposition. Considering the fact that in today's Iran, women's participation in earning family income has increased, the article suggests the employment of new criteria to redefine women's rights in conformity with today's circumstances. However, the author allocates only a short paragraph at the end of the article to

present his/her idea in response to *Ulama*'s opposition to CEDAW. This paragraph says:

> In contemporary situation of women in which we can see women's presence in the society and their participation in earning family income alongside men, it seems needed to change women's rights based on the new criteria. Is it possible to apply previous male-centric measures to define women's rights when women are also breadwinner of the family?

Although the article is initially framed in terms of *Ulama*'s opposite ideas and concerns about CEDAW, it seems that *Ulama* are the main audience of the author in the final paragraph of the article by being asked the question of 'is it possible to apply previous male-centric measures to define women's rights when they are breadwinner of the family?' However, as the above-mentioned paragraph illustrates, the article does not expand the idea of changing rights based on new criteria in relation with *Ulama*s' opinions. While the article could clearly link the opposite ideas of *Ulama* to *Ijtihad* as an Islamic tool to redefine women's rights in connection with family, there is no direct indication to *Ijtihad* and that how traditional Islamic laws can be updated based on contemporary issues of women's lives.

Ultimately, what I intend to say is that Islamic *Fiqh* (jurisprudence) and high ranked clerics' position in terms of women's rights in family are very important for CEDAW supporters as well as CEDAW opponents. Accordingly, it seems that sanctified status of the family issue and the influence of *Ulama* on family moralities in Iran prevent even CEDAW supporters of emphasis on changing family construction in favour of women. In addition to sanctified status of family in Iran, the connection of the family issue to nation, especially the connection between women's role in family and protecting the nation is regarded in the following section to clarify the complexity of changing family construction in Iran.

Otherness and nationalism in association with the concept of family

As Bonjour and Hart (2013: 61) explain, 'gender and family norms play a crucial role in the production of collective identities, i.e. in defining who 'we' are and what distinguishes 'us' from 'the others''. They also assert that gender relations are

regularly deemed as the "essence" of cultures, 'as ways of life to be passed on from generation to generation' (Bonjour and Hart 2013: 63). Here, my focus is on the significant and determining position of family in nation safeguarding in Iran that makes reforming the family laws and introducing conceptions alternative to traditional family challenging (Hoodfar, 2000). This characteristic of family is defined around the concepts of Otherness and nationalism in association with the concept of family.

The concept of 'Other', a key concept in theory of reverse Orientalism, can be applied in this section to explain how conceptualising the West as an Other in post-revolutionary Iran has affected the definition of nation in Constitution. As argued before, for reverse Orientalists, the West plays the same role of "Other" that the Middle-Eastern/Muslim societies have traditionally performed for the orientalists (Boroujerdi, 1996). Both advocates of Orientalism and reverse Orientalism perceive and identify themselves through Other-making and distinguishing themselves from the 'Other'. In the idea of reverse Orientalism, the "West" is considered symbolically or substantively as the "Other" (Boroujerdi, 1996). In other words, reverse Orientalism focuses on validating the East (mainly Muslim Middle Eastern societies) by differentiating the East from the West and emphasising the otherness of the West to describe the uniqueness and superiority of the East.

To understand the Otherness of the West in the doctrine of post-revolutionary state of Iran, the Constitution will be regarded here as a reliable text to present the socio-political and cultural ideas of leadership of the Islamic Republic state. Paidar (1995: 256) explains that the IRI's Constitution is the 'formalised expression of the revolutionary transformation from modernization to Islamisation'. A part of the opening chapter of the Constitution (Constitution of the Islamic Republic, 1980, Article 3: e, f, g, h, i, n) explains the principles on which the Islamic Republic is based. One of these principles is defined as the 'complete expulsion of imperialism and the prevention of foreign influence' (Paidar 1995: 257). Resistance against the influence of imperialism and foreign forces that are mostly interpreted as the Western powers is a principle for the Islamic Republic state. Therefore, the Constitution shows that how foundational the otherness of the West in post-

revolutionary Iran is according to which the Islamic regime is developed based on resistance against the influence of the West. As explained earlier, one of the main pillars on which the Islamic Republic stands is antagonism towards the West. The emergence of the West as an Other in Iran pre-dates the establishment of the Islamic Republic. However, the antagonistic and Other-making language towards the West, and against the alliance between Pahlavi regime and the West, was intensified and became an official rhetoric since the beginning of the Islamic Republic.

The emphasis of Islamic state of Iran on otherness of the West can be understood in relation to the devotional approach of Mohammad-Reza Shah's regime (1941-1979) towards the West. In the post-revolutionary era, the West has been represented by conservatives in the Islamic Republic as an anti-Islam alien. The regime of Shah supported Western modernisation and secularisation in Iran, while the revolution's advocates considered Shah's adherence to the West as a threat to their both national and religious collective identities. Majority of the scholars (Bruce, 2000; Osanloo, 2012; Ruthven, 2004) have claimed that the 1979 Islamic Revolution occurred against 'Westernisation' because 'Western' elements supported by the Shah were perceived as threats to the national authenticity of Iranians mostly by nationalist revolutionaries and also to maintenance and power of Islamic beliefs by Islamist groups of Revolution's advocates (Tamadonfar, 2001).

In the IRI's Constitution, the nation is defined as the 'Islamic nation' that is defined as a collective unity whose general policies are formulated by the IRI's government. The Constitution depicts the Islamic nation as being oriented to conjoin all Muslims in the world, and it must consistently work how to do bringing about the political, economic and cultural unity of the Muslim world (Paidar 1995). The 1979 revolution created a new alliance between Islam and nationalism, which became the cornerstone of the IRI's gender policies, including the definition of family and legislation in the province of family (Yeganeh, 1993). Thus, the contemporary arguments about women's rights in family in Iran can only be understood by analysing the family issue in conjunction with the idea of the

Islamic nation - that is defined alongside Other-making of the West in post-revolutionary Iran.

The Constitution specifies two main characteristics for the 'Islamic nation'. First, the Islamic nation is founded on the family. The Constitution asserts in Article 21 that 'the family is the fundamental unit of society and the major centre for the growth and advancement of man [human-being]' (Paidar 1995: 260). Article 11 emphasises that since the family is the fundamental unit of the Islamic society, all relevant regulations and policies must facilitate 'the foundation of a family and to protect the sanctity and stability of family relations on the basis of the law and the ethics of Islam' (ibid. Article 11 in Paidar 1995: 258). Second, this constitution grants a prominent place to women, defining them as both mothers and citizens, and regards 'the establishment of an Islamic nation as dependent on the Islamization of women's position' (Yeganeh 1993: 8). The Constitution identifies the ideal Islamic woman against what is described as objectified Western women (the dominant thought describes Western women as being objectified sexually and in service of capitalism) by giving women the right to meet their natural and biological instincts and also the right to participate in social life (Yeganeh 1993). The Constitution portrays women in post-revolutionary era to be dignified and freed of oppressed and objectified status that the Constitution claims they suffered under the regime of Shah. (*ibid., pp. 21-2* in Paidar 1995: 258).

Correspondingly, Najmabadi (1987) states that the emergence of Shiism as a popular political force in the 1979 Revolution involved a demand for women to reject 'Westernisation'. The sexual objectification of women was recognised as a product of cultural and economic dependence of Iran on the West. Moreover, women were encouraged to 'embrace the new Shii model of womanhood which represented 'authenticity' and 'independence' and emphasized women's double role as mothers and revolutionaries' (Najmabadi 1987 cited in Yeganeh 1993: 7).

The constitution of the IRI is 'full of images of women, as political actors, Islamic warriors, agents of construction of Islamic society, mothers, and creators' (Hoodfar 2000: 295-296). However, it assumes women to primarily be mothers, because of the importance of motherhood for 'true women' in Islam. Moreover, it claims that all laws and plans must facilitate the foundation and strengthening of

families according to Islamic principles, in the service of the Islamic Revolution. It is worth noting that although the Constitution claims that Islamic society value women as the upholders of the family and nation, it advocates a set of laws that strengthen male control over women in the family (Yeganeh, 1993).

In the IRI's politics, family is regarded as the principal element in the identity of the Islamic nation and women are regarded as central to the future of the nation because of their role as 'biological reproducers, educators of children, transmitters of culture, and participants in national life' (Yeganeh 1993: 4). Women are introduced as the link between family and Islamic society in twelve chapters and 174 articles of the constitution (Paidar 1995: 258). Therefore, it can be concluded that the matters of changing family construction and women's role within family are not confined to women's rights issues. The matters of family and traditional roles of women in family should be considered in a broader scope being related to safeguarding the Islamic nation against the influence of West as the other of Islamic state and nation in post-revolutionary Iran.

The nation-safeguarding characteristic of family and women's familial roles are also echoed in discussions of CEDAW opponents and supporters. This interconnection is more understandable in the article of 'a critique on reservation in the convention of eliminating discrimination against women' published in conservative journal of Ketabe Zanan on 09/08/2003 in which Zahra Ayatollahi connects the matter of changing women's familial roles based on CEDAW to the subject of national sovereignty. Focusing on the 'fundamental role of women' in the family based on 'divine laws', Ayatollahi claims that replacing Islamic laws that are compatible with 'beliefs' and 'culture' of people in a society with CEDAW means disrespecting the right of national sovereignty:

> Why should we reject the proper pattern which based on divine laws suggests the fundamental role of women in family and fostering children, and emphasises men's role as the family head in economic affairs in the family? Why should we replace this pattern with the pattern that equalises men and women's roles in all aspects? Is there any reliable reason that proves the advantage of CEDAW over divine laws?

Ayatollahi's explanations show how the pattern of family based on unequal roles of men and women is exclusively identified as an Islamic and divine model of family in the view of CEDAW opponents who follow the dominant ideology in the

Islamic Republic. Following her explanations around divine and proper model of family, Ayatollahi relates adhering the 'divine' pattern of family to respecting the right of national sovereignty in her next paragraph:

> The preamble of CEDAW emphasises respecting the right of national sovereignty. A necessary condition for respecting the national sovereignty is legislation based on the beliefs of people in a society. It cannot be acceptable that others define laws for a society and force the governments to change their constitutions based on these laws. While social rules and family roles are identified based on successful cultural experiences in a society, why should we obey the laws that are different from our beliefs and values?

As Ayatollahi's account shows, the matter of national sovereignty is considered in relationship with changing legislation in a society in one hand and changing family roles in the other hand. Ayatollahi's explanation approves what Yeganeh (1993) argues in terms of association between women's roles, Islam and nationalism in post-revolutionary Iran. Ayatollahi, in agreement with the dominant belief in the Islamic Republic, identifies CEDAW in connection to the West, and identifies the West as an Other that influences legislation in different societies in the subjects related to men and women's roles, including their family roles. Ayatollahi interprets this influence as interference of the West in the national sovereignty of non-Western societies. Thus, Ayatollahi's account can be considered as approving of what the scholars such as Najmabadi (1987) and Yeganeh (1993) suggest about the necessity of addressing the matter of family and women's familial roles in Iran in connection to a broader scope of Islamic nation that is one of the principal concepts in discussions of the Islamic Republic against the cultural and political influence of the West in post-revolutionary Iran. Moreover, what I want to suggest finally is that the sanctified concept of family and strong connection between perpetuating traditional family roles (especially women's familial roles) and preserving the Islamic nation in Iran make CEDAW opponents concerned and the supporters of the Convention reluctant to redefine family law based on the Convention.

Conclusion

This chapter highlighted humanism as one of the main themes over which CEDAW opponents attribute CEDAW to the West and identify it in contrast with Islam. It

was argued that how in their reverse Orientalist perspective, CEDAW opponents homogenise the concept of humanism as being a 'Western' concept which essentially contrasts with religion and is in opposition with Islam. One of the central themes in this chapter was the matter of prioritising the individual and rational human being's choice, considered by CEDAW opponents to be a feature of humanist thought, and contrasting with God's obedience in Islam. Accordingly, the ideas of Islamic streams such as Mu'tazila and Islamic philosophers, including Soroush who endorse a rationalist and revisionist philosophy in Islamic tradition were presented to emphasise the significance of human reason and individual choice in Islam. Focusing on this literature that admits reconcilability of Islam, reason and individual choice, CEDAW opponents' 'traditional' reading of Islam and their rigid perspective towards contradiction between CEDAW and Islam were challenged. While reformists are representatives of Islamic revisionist view in Iran, this chapter revealed the lack of using revisionist view in the reformist press in subject of women's freedom of choice. It was discussed that this lack emerges from politicisation of women's individual right and freedom of choice as principles of the Islamic Republic against 'West'. Thus, it was discussed that reformists avoid violating these values to not be identified in contrast with the Islamic Republic's principles, and to be acquitted of being in line with 'Western' culture, i.e. what they have been accused of several times by the conservatives.

It was argued in this chapter that changing gender relations and women's roles in family so that women have more independence from men and have more freedom of choice in their sexual relationships was presented by CEDAW opponents as the main practical consequence of humanist thought. According to their reverse orientalist view, it was revealed in this chapter that CEDAW opponents ascribe the model of family in which women have more independence and individual right to choose their sexual relationships to the West and criticise it as a deviation from the 'Islamic' pattern of family. Analysis on the articles show that not only for CEDAW opponents, but also in CEDAW supporters' view, family is a complicated area to be amended in terms of the gender relations and women's roles within it. This chapter explained this complexity based on two characteristics of family in post-revolutionary Iran that relate to sanctification and nation safe-guarding role of family.

Chapter 7: Equality versus similarity, feminism and motherhood

Introduction

This chapter consists of three main sections, including ‘equality versus similarity’, ‘feminism’, and ‘motherhood’. A comparison between the concepts of 'equality' and 'similarity' is used by CEDAW opponents to criticise the approach of CEDAW towards similar rights for men and women. It is argued in this chapter that the focus of CEDAW opponents to consider men and women's rights is on different natural and innate characteristics of men and women. The theory of the ‘paradox of equality’ by Emon (2011) is used to explain CEDAW opponents' perspective in terms of necessity of accepting differences between men and women's rights to provide justice. Additionally, Based on Emon's (2011) view, the chapter emphasises considering the social dynamics to read the Islamic rules that legitimise differentiation of rights between men and women.

‘Feminism’ is considered by CEDAW opponents as the origin of CEDAW’s definition of equality as similar rights for men and women. Therefore, one section of this chapter addresses CEDAW opponents' perspective towards feminism and the response of Molaverdi, a scholar who supports CEDAW, to challenge opponents' claims about the type of feminist approach that is followed by CEDAW. This chapter reveals a homogenising view adopted by CEDAW opponents that describes feminism as an individual Western school of thought in contrast with Islam that rejects natural differences between men and women, and therefore defines similar rights for men and women. Focusing on divisions of ‘similarity’ and ‘difference’ in feminist theories, this chapter challenges CEDAW opponents' opinion about feminism in general and their claims about feminist approach of CEDAW in particular.

The matter of motherhood is frequently mentioned by CEDAW opponents as an example over which CEDAW opponents criticise similarity of rights between men and women. This chapter argues about CEDAW opponents' concern in terms of marginalisation of motherhood and its replacement with other social roles for women. Invoking the ideas of the scholars such as Rich (1995), Hays (1996) and O'reilly (2004) who show dynamic definitions of 'good mother' in different historical periods, this chapter argues that motherhood is basically a cultural practice that is constantly redesigned in response to changing economic and societal factors. Moreover, as motherhood is considered in strong connection with Islamic teachings in discussions of CEDAW opponents, the idea of Muslim scholars such as Wadud (2006) is presented in this chapter to show various definitions of 'good mother' in Islam. At the end, emphasising the necessity of regarding contemporary circumstance of Iranian women to define good mothering, the silence of reformists to reread motherhood in Islam is analysed in connection to politicisation of the role of mothering for women by the Islamic Republic.

Finally, this chapter can answer the main questions of this research as follows: According to the first question in terms of underpinning values and concepts in arguments of observers, this chapter shows body of themes that shape the arguments in support of and against CEDAW. The comparison between equality and similarity of rights is used in accounts of CEDAW opponents to question CEDAW's approach towards allocating rights to women. Additionally, the theme feminism is mainly seen in discussions of CEDAW opponents to criticise what they assume as 'feminist idea' of CEDAW. However, few CEDAW supporters react to homogenisation of feminism by CEDAW opponents. The other value which forms CEDAW opponents' discussions is motherhood. This theme is also employed by CEDAW opponents pervasively to challenge CEDAW's approach towards equality of rights and responsibilities, including child rearing.

In terms of second question of the research around the relationship of Islam and international standards of women's human right, the ideas of CEDAW opponents over motherhood reveals how CEDAW opponents prioritise 'Islamic definition' of motherhood over what CEDAW suggests. On the other hand, CEDAW supporters are silent about conflicts which are characterised by CEDAW opponents between

Islam and CEDAW's definitions of mothering. However, referring to other scholars, the chapter expresses reinterpretations of mothering in Islam by other Muslim scholars. Thus, it shows while CEDAW opponents clearly defend their restricted Islamic interpretation on motherhood and conquer international standards of CEDAW to define it, CEDAW supporters have no argument in terms of making Islamic definitions compatible with international standards.

The third question of the research can be grasped from the content of this chapter in terms of the influence of Iranian political atmosphere on how CEDAW opponents represent the concepts of feminism and motherhood. The chapter demonstrates the influence of fundamental values that are constantly reproduced by Iranian state around women's role in Islamic society on CEDAW opponents' arguments over feminism and motherhood.

Equality versus similarity

The focus of this section is on the theme of 'equality versus similarity' in the articles of CEDAW opponents that explicitly or implicitly discuss this subject to criticise the main objective of CEDAW, i.e. equality of rights between men and women. Claiming that there are many conflicts between CEDAW's Articles and Islamic teachings, CEDAW opponents focus on the difference of two concepts of *barabari* (equality) and *tashaboh* (similarity). The basic critique of CEDAW's intention by CEDAW opponents is that the convention's Articles cannot provide 'equality', but CEDAW's purpose is aiming towards 'similarity' of rights between men and women. Generally speaking, CEDAW opponents assume that this convention is in opposition to Islam and Iran joining the convention is not acceptable because in their perspective, Islam asserts equality of rights, while CEDAW emphasises similarity of rights between men and women. The opponents claim that men and women are considered in Islam as two different entities with specific instinctive qualities and abilities that capacitate them for particular duties and also entitle them to enjoy specific rights according to their inherent characteristics and capabilities. However, according to CEDAW opponents, CEDAW does not respect physical and psychological differences between men and women, and insists similar rights for men and women. Thus, CEDAW opponents

believe that CEDAW obliges the States Parties to establish legal protection of economic, political, and social rights of women on a similar basis with men, while men and women are steered to do the duties that are not appropriate to their instinctive physical and psychic characteristics. It is worth noting that the focus of CEDAW opponents in terms of inappropriate duties is mostly on women's roles in the social arena to earn income. CEDAW opponents identify this conflict between women's physical and psychic characteristics and social and commercial jobs as *bi-edalati* (injustice) to women, and in contrast with equality.

Article 1 in CEDAW is referred to by a number of CEDAW opponents and also supporters in their articles to explain CEDAW's definition of discrimination against women, and also the notion of equality between men and women. Article 1 of CEDAW says: 'for the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field' (United Nations Entity for Gender Equality and the Empowerment of Women 1981). Before addressing the details of CEDAW opponents' opinions on equality or similarity of rights between men and women, I discuss how equality is represented in feminist literature, and CEDAW's equality approach belongs to which one of these perspectives.

CEDAW and the notion of rights equality

The main aim of CEDAW is realised by different scholars as "equality" of rights between men and women (Cusack and Pusey 2013; Htun and Weldon 2010; Wilson 2004). Considering feminism in a very general sense as 'a social movement whose basic goal is equality between women and men' (Lorber 2010: 1), the subject of women's equal rights has been extensively discussed in feminist literature. As Friedman (1995:18) states in her essay, 'it is not possible fully to separate the struggle for women's human rights from the struggle for women's equal rights'. However, there are various definitions for rights equality in the

feminist literature. Furthermore, the approach of CEDAW towards equality between men's and women's rights is also controversial among different scholars. Here, I start with Raday's comments that clearly explain her reasons to critique CEDAW's approach towards gender equality. Raday (2012: 513) believes that CEDAW is 'assimilationist and shackles women to the male model as the dominant norm'. Raday (2012: 513) points out that CEDAW 'requires women to claim equality with a male comparator, which thus precludes the kind of transformative change which would allow women to participate in social and political institutions on their own terms and in accordance with their own realities'. The core of this critique is around equalising women's rights with the rights of men in public and private domains by granting the new rights and opportunities to women that previously had exclusively belonged to men. The supporters of this critique towards CEDAW believe that what men enjoy as rights should not be the measure of determining women's rights. By doing so, it means that women are not allowed to define their role and participation in society based on their own definition and perception. Considering the division of 'equality' and 'difference', as two main approaches within feminist literature in terms of responding to sexual difference and rights inequality, Raday's can be considered a 'difference' approach. The 'difference' approach focuses on the differences between men and women. Followers of this perspective do not intend to make women equal to men by integrating them into a 'man's world', but they aim to produce more space for women (Midden, 2010). Therefore, their struggle for equality is not centred on sameness, but on difference.

In feminist literature, difference approach is positioned in opposition to the 'equality' perspective. The 'equality' perspective aims to end all social and cultural inequalities between men and women and aims to create identical rights for men and women in all aspects (Midden 2010). The division of 'difference' and 'equality' is explained by Lorber (2010: 316) by applying the two terms of 'equality' and 'equity': gender equality means 'treating women and men as legally and socially the same', while gender equity means 'treating women and men differently but as legally and socially equivalent' (Lorber 2010: 316). Piela (2013: 397) believes that 'equity usually refers to fairness which may require different treatment or special measures, for some persons or groups, while equality refers to the same treatment

in dealings, quantities or values'. Such divisions on the subject of equal rights can help me to analyse the arguments of Iranian CEDAW opponents and supporters on the notion of rights equality between men and women in CEDAW as reflected in the publications.

The core concern of CEDAW opponents in relation to equality of rights between men and women is the difference between what CEDAW defines as 'equality' and how Islam defines equality of rights between men and women. CEDAW opponents claim that CEDAW and Islam are in contrast because CEDAW intends implementing complete similarity between men and women's rights, while Islam grants the rights to men and women differently based on their intrinsic abilities and needs. It is worth noting that although CEDAW supporters claim generally Islam and CEDAW can be reconcilable, they do not exactly concentrate on the themes of equality and similarity to respond to CEDAW opponents' criticism over contradiction of Islam and CEDAW. The only subject in connection to equality and similarity that is considered by one of the CEDAW supporters, Molaverdi, relates to the disagreement of feminist theories with similarity that is addressed in the second section of this chapter – 'feminism'. As the derived themes are mainly from CEDAW opponents' discussions over the matters of equal rights between Islam and CEDAW, the following sub-sections are presented based on the themes of CEDAW opponents' discussions. The discussions of CEDAW opponents over equality or similarity of rights between women and men are articulated through two themes including a) innate and natural characteristics of men and women, b) equal rights and justice.

Innate and natural characteristics of men and women

The opponents of CEDAW focus on the theme of intrinsic gender qualities of men and women to define men and women's rights in Islam to assert that CEDAW ignores the instinctive natural differences between men and women. The opponents explain that CEDAW regards men and women as similar in terms of characteristics and abilities, while in Islam, men and women are distinguished based on their innate differences. Hence, in the opponents' perspective, Islam regards specific roles, duties and rights for men and women in the society based

on their innate differences. CEDAW opponents claim that division of rights and duties between men and women based on their inherent characteristics in Islam is fairer than considering similar rights and duties for men and women in all aspects. For example, Abbas Fathi's article published in conservative *jomhouri Islami* newspaper on 11/11/2003 refers to Qur'an's verses directly to show the contradiction between the conception of equality of men and women's rights between Islam and CEDAW. In this article, 'A glance on the contradiction of the convention of eliminating discrimination against women with Islam and human rights', Fathi discusses that:

> Article 5 (a) of CEDAW is clearly against the verse 34 in Nisa Surah in Qur'an because this Article (a) explains that 'states Parties should take all appropriate measures to amend the social and cultural patterns of conduct of men and women, with the aim of achieving the elimination of prejudices and customary and all other practices which are based on the idea of the subordination or the advantage of either of the sexes or on stereotyped roles for men and women' (United Nations Entity for Gender Equality and the Empowerment of Women: http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article1 [10]). However, the surah *Nisa* says Men are superior over women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth.

Then, Fathi argues that:

> It can be seen that in this verse, men are identified as superior to women in terms of guardianship in the life. Not only grand Qur'an confirms the superiority of someone to someone else, but also it is a general rule in the social life, some people are superior to some other in different respects. Men have superiority to women in some aspects and women to men in some other arenas. But, entirely, neither men nor women are superior.

As mentioned above, Fathi applies verse 34 in Surah Nisa. Hassan (1991: 74) explains that this verse is in 'group of verses that are cited to prove man's ontological priority and superiority to woman' because this verse contains the term '*Ghavvamoon*', which is interpreted by many Muslim commentators as innate advantage of men over women. However, Fathi emphasises that there is no complete superiority of men over women, and women are superior to men in some respects. Generally speaking, in his extract, Fathi argues that superiority and inferiority of men and women are the features that are placed by God (Allah)

[10]As Fathi translated Article 5 (a) from English to Farsi, I quoted to the original English version of this Article.

essentially; therefore, they are inevitably out of human being's ability to decide. My understanding of Fathi's idea is that as CEDAW opponents suggest that women are intrinsically more qualified than men for maternal roles and responsibilities, Fathi's emphasis on superiority of women over men can also relate to CEDAW opponents' dominant belief in terms of women's priority in maternal responsibilities. Islamic orthodoxy in Iran describes motherhood as the main role of women because of specific qualities that are embedded in female nature by God (Moghadam 2004). According to this view, pregnancy and motherhood are sanctified conditions particularly granted to women, and increase women's spiritual status. In line with dominant Islamic view in Iran, Fathi's indication to superiority of women over men based on Surah Nisa seems related to motherhood according to which Islam holds women in high esteem.

There is another article, 'The suppressed voices of women joined the convention of eliminating discrimination against women' that was published in reformist newspaper of Azad on 06/02/2002 which shows CEDAW opponents' justification in terms of different rights for men and women based on their innate differences. The author of the article, Shabnam Kohanchi, directly quotes the speech of Ayatollah Fazel-Lankarani, one of the most influential conservative clerics within the Islamic Republic, to demonstrate the ideas of CEDAW opponents. Fazel-Lankarani emphasises God-given attributes to men and women to justify allocating different rights to men and women in contrast with CEDAW's clauses which are mostly grounded in defining rights and opportunities for women equivalent with men. Fazel-Lankarani argues the contradiction of Islam and CEDAW in terms of equal rights for men and women saying that:

> Dear clerics and religion influencers, as you are in clerical discipline, do not think that intellectualism means violating some Islamic rules and confirming equality of men and women. Bear in mind that you are revolutionaries (1979 Islamic revolution). Who told you that there is no difference between men and women? There is absolutely difference. We do not want to say that they (women) are defective in terms of common sense and social respects, but God grants some advantages just to men and not women, and vice versa.

As the extract shows, Lankarani who addresses clerics and those influential in religion clearly believes in inequality of men and women's rights because of their God-given differences. Identifying his audiences as revolutionaries, Lankarani

emphasises the strong connection between the woman question and respecting the Islamic Revolution in line with conservatives' view in the Islamic Republic. As explained in the previous chapter, Islamisation of women's role in family and society has been one of the main aims of the Islamic Republic since its inception. With regards to conservative reading of Islam, segregation of men and women's roles and rights is one of the pillars on which the Islamic Republic's cultural paradigm stands in opposition to the 'Western culture'. Thus, Lankarani warns his audiences about ignoring God-given features of men and women to have equal rights as a perspective in contrast with the Islamic Revolution's ideology. Although politicisation of the women's rights issue is pervasively seen in arguments of CEDAW opponent, this politicisation is not the focus of my discussion here. What is at the core of my discussion in this section is the commonality of CEDAW opponents in emphasising innate differences between men and women to legitimise unequal rights between men and women.

Lankarani takes same position with Fathi in terms of criticising same rights for men and women due to innate and God-given differences between two sexes. Moreover, he presents same view with Fathi in terms of partial superiority of men and women. In Lankarani's view also, none of men and women has complete superiority over another. But in his view, there are specific advantages of men over women, and in some cases, women over men (in specific subjects). Although CEDAW opponents such as Fathi and Lankarani claim that the superiority of men over women is not absolute, they do not talk transparently about the areas according to which women have advantages over men. However, they more clearly explain about advantages of men over women. For instance, Fathi takes example of Surah *Nisa* to assert men are superior over women, saying that they have God granted rights over women because men spend from their wealth for women's maintenance. This lack of transparency about women's superiority over men could be because of inaccuracy or restriction of the areas in which women are superior in CEDAW opponents' thoughts. As explained earlier, it seems that the sole subject that clearly relates to women's priority is motherhood in the dominant view of the IRI that is followed by CEDAW opponents. Although in Fathi and Lankarani's accounts motherhood is not mentioned as an area of women's superiority, the overall content of CEDAW opponents' articles presents the

importance of motherhood as a specific area for women's dignity and superiority. In their articles, CEDAW opponents frequently discuss about the dignity of mother and motherhood that are exclusively granted by God to women. Sanctifying motherhood, CEDAW opponents, in line with dominant ideas of Iranian conservatives within the state, try to show that women have been already granted advantages by God's creation, and women should not investigate their dignity in gaining similar roles with men. The frequent theme of 'motherhood' in CEDAW opponents' articles will be addressed in a separate section of this chapter.

Another example that argues about the contradiction between Islam and CEDAW in terms of the equality of men and women's rights by focusing on natural characteristics of men and women is Mahboobeh Farahani's article, 'Imperialism's objectives in a framework of a bargain', published in a conservative newspaper, *Resalat* (22/05/2003). This article explains the contradiction of CEDAW's Articles and Islam around their definitions of the rights and responsibilities of men and women. Farahani believes in nature-based and creation-based differences of men and women that results in different rights and responsibilities for men and women. Similar to most of CEDAW opponents, Farahani invokes 'Islam' to validate her argument around innate differences of men and women. Farahani claims that Islam, contrary to CEDAW, regards men and women intrinsically different and therefore with dissimilar rights and responsibilities:

> According to Islam, men and women are different in many rights, responsibilities, and punishments just because men and women are different. Men and women are not similar because their creation and nature do not want them similar, but the Western world tries to compose similar rights and responsibilities through legislation that means ignoring innate and natural differences between men and women.

Farahani's account shows her emphasis on innate differences between men and women to justify Islamic law that treats men and women differently in terms of rights, responsibilities and also criminal punishments. As argued before, CEDAW opponents' ideas can be analysed based on reverse Oreintalism in terms of Other-making of the West, and devaluing 'Western culture'. Accordingly, while Farahani promotes treating men and women differently based on their natural characteristics and attributes it to Islamic teachings, she criticises Western societies by describing them as societies in which the innate and natural

differences between men and women are ignored. Thus, in Farahani's perspective, Western societies undergo the disadvantage of treating men and women similarly in terms of rights and responsibilities, while the societies who have Islamic legislation like Iran rightly define rights and responsibilities of men and women based on their natural and innate features.

As mentioned earlier, CEDAW opponents emphasise women's and men's innate and natural qualities to have specific responsibilities and rights. It is worth noting that CEDAW opponents mostly refer to *Allah* (God); Islamic texts (such as Qur'an) and Islamic teachings alongside referring to biological causes to criticise the idea of complete equality between men and women. This matter can be understood by what Kimmel (2000) describes about the origins of discussions over biological sources of difference between men and women. He explains that before the nineteenth century, most explanations of gender difference had been the province of theologians. According to theologians, God had man and woman for different purposes, and those reproductive differences were decisive. Thus, for example, Rev. John Todd warns against woman suffrage that would "reverse the very laws of God" and its supporters who tried to convince women that she would 'find independence, wealth and renown in man's sphere, when you only safety and happiness is patiently, lovingly, and faithfully performing the duties and enacting the relations of your own sphere' (Rev. John Todd 1867: 22 cited in Kimmel and Holler 2000). What is common in Todd's expression and CEDAW opponents' accounts is the connection between implementing same rights for men and women and contravening God's laws. In essence, in theological perspective of the opponents of rights equality for men and women, this view is common that men and women's equality is interpreted as manipulating God's creation and laws.

Equal rights and justice

'Justice' is a theme that is embedded in CEDAW opponents' discussions to explain fair approach of Islam to men and women as human beings despite this fact that Islam defines different rights and roles for men and women. Equality between men and women in Islam can be defined in a strong connection with previous theme, innate and natural gender qualities. Accordingly, CEDAW opponents mostly

present their belief in terms of innate differences of men and women in terms of their qualities. Consequently, they argue that there is a balance between rights and responsibilities and men and women's natural and inherent qualities in Islam. CEDAW opponents present the idea that justice and balance in the gender relations between men and women are provided only through accepting that women and men have to be treated differently based on their biological qualities. The opponents argue that justice does not necessarily mean the similarity of rights and responsibilities between men and women, but it is provided when every person has the rights and responsibilities in conformity with his/her features and abilities. Therefore, in CEDAW opponents' perspective, due to different natural qualifications of men and women, a just situation is a situation in which men and women are defined with dissimilar rights and duties in compatibility with their innate qualifications.

There are some extracts that more clearly show how the theme of justice is represented in the accounts of CEDAW opponents to prove the contradiction of Islam and CEDAW in terms of the matter of right equality between men and women. For instance, as a CEDAW opponent, Mahboubeh Farahani (2003) in her article, 'Imperialism objectives in a framework of a bargain', that is published in Resalat, a conservative newspaper, on 22/05/2003 explains her opinion about dissimilarity of right for men and women as an idea in agreement with Islam. In this extract, Farahani clearly claims that justice in gender relations is gained through determining different rights for men and women based on their different innate qualities:

> My belief is that defining different rights for men and women is more desirable if these rights are in conformity with their intrinsic features as men and women. Therefore, it can provide the justice, and also it brings about the felicity of family and the society. It seems that prerequisite of bringing about justice and fulfilment of human's rights is specifying dissimilar rights for men and women, i.e. the rights that are suitable for men and women based on their different characteristics.

As the mentioned extract shows, Farahani claims that rights should be defined for men and women based on their intrinsic features to provide 'justice'. Moreover, Farahani mentions felicity of family and society in case of granting different rights to men and women. The word 'felicity' (*sa'adat*) is usually used in Islamic texts by Muslim theologians when they discuss about human afterlife's happiness (Ezzati

2002). In Frahani's discussion also, it seems that felicity is used in connection to its Islamic purpose because one of the main concerns of Farahani in her entire article is the matter of compatibility of CEDAW with Islam. Therefore, in line with conservative viewpoint which is dominant in the Iranian state, Farahani frequently refers to Islamic terms to attribute her comments to Islam, and to assert that CEDAW is in contrast with Islam.

Another example related to the theme justice is Abbas Fathi's article (2003) in which he argues that:

> Equality of rights and responsibilities between men and women is a good idea per se, but there is a point about the issue of equality that if is not considered, the discrimination will increase instead of being eliminated. The main problem of the Convention is its wrong purpose of the concept equality in rights. In the Convention, equality means similarity. For example, if the man has to work and earn money and earn living cost (expenditures), the woman also has to work and earn money like the man. This point is the contradiction between Islam and the Convention. Although Islam strongly opposes discrimination between men and women, Islam does not consider equality as similarity in all areas. According to Islam, not only similarity does not cause eliminating discrimination, but also it itself induces discrimination. Therefore, Islam regards different, but fair laws for men and women based on their natural differences. As far as equal rights are concerned, justice means providing specific rights for men and women based on their natural qualities.

What Fathi presents in above extract about difference of equality and similarity in Islam, and his idea about justice in the meaning of providing specific rights for men and women based on their natural qualities are restatement of what were mentioned before about CEDAW opponents' ideas in terms of justice. A subject that is worth considering in Fathi's account is his claim in terms of CEDAW's obligation on women to work and earn money like men. Fathi claims that CEDAW follows this idea that women have to have paid jobs. As CEDAW opponents are of the view that women's qualities are suitable for domestic sphere to do works such as child rearing; outside home jobs are described incompatible with women's abilities and natural features in CEDAW opponents' perspective. Therefore, CEDAW opponents present it as an injustice that women become obliged to work outside home to earn money. However, as a matter of fact, none of CEDAW's Articles forces women to necessarily take paid jobs, but CEDAW requires State Parties to 'take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights for men and women' (Article 11(1) of CEDAW).

As a dominant gender approach, the IRI officials and the organisations that are in opposition with women's rights movements frequently argue that there is a contradiction between Islam and the West (as origin of women movements) on the matter of women's obligation to work outside. There is a law under Islamic *Shari'a* that is named *nafaqah* (alimony). According to *nafaqah* law, men are obliged to support their wives and children in terms of shelter, food and clothing. Many Islamic clerics and the IRI officials interpret *nafaqah* as a law that shows Islam's respect to women. Moreover, they attribute *nafaqah* law to the matter of justice, and claim that *nafaqah* law exempts women to earn money, concerning women's nature and their physical characteristics. This Islamic approach considers mothering as women's main job, and defines it unjust that women have responsibility of both money making and rearing children.

In agreement with the dominant gender ideas in the IRI, CEDAW opponents compare the Islamic laws with CEDAW (that is identified by them as the representative of 'non-Islamic' gender policies of Western Societies), by highlighting that in Islam, maintaining women's living cost is men's responsibility while CEDAW requires women to work outside home, 'like men', to earn their cost of living. In agreement with the IRI's dominant Islamic view, CEDAW opponents describe women's employment in contrast with women's nature and biology, while *nafaqah* is described as a law that dignifies and values women. CEDAW opponents recurrently present their concern about women's exploitation under equal rights because they represent equal rights with the same meaning that are necessarily similar to responsibilities. In their discussions, CEDAW opponents present their concern about women's oppression under the burden of the costs of earning for living. On the other hand, CEDAW opponents represent Islam as a fair religion that does not require women to work for maintaining themselves, and represent it as an advantage for women that Islam assigns men to maintain women.

Although CEDAW opponents consider men's responsibility of maintaining women as a fair law that prevents imposing breadwinning task on women, it seems that women's economic dependency on men can be an important reason for women's subordination and their lower power in household and society. As Sorensen and

McLanahan (1987) explain, 'feminist theorists concerned with the development and perpetuation of gender inequality see dependency as one of the central mechanisms by which women's subordinate position in society is maintained' (Barrett 1980; Brenner and Ramas 1984; Hartman 1976; Smith 1984 cited in Sorensen and McLanahan 1987: 659).

Focusing on the relationship between bringing money into the household and having power within the household, there are a number of studies (including, Blood and Wolfe 1960; Rodman 1972 and Bird 1979) showing that across a wide range of cultures the greater the proportion and share of family income contributed by the woman, the greater her power in making decisions (Pahl 1995). Therefore, I shall say that while CEDAW opponents claim that Islamic law of women's economic dependency on men (*nafaqah*) preserves women's dignity and makes them free of breadwinning pressure, the studies show that men dominate women where women do not have a paid work. As mentioned before, the verse *Ghavvamoon* in Surah Nisa in Qur'an is indicated by the opponents of right equality between men and women such as Fathi to justify their ideas based on Islamic holy text of Qur'an. In Surah Nisa, men are defined as *Ghavvamoon* (advantage of men over women). As discussed before, this verse is created based on *nafaqah* law, and it is mentioned in Surah Nisa that what makes men superior over women is their responsibility of maintaining women's living costs. Thus, it is also clearly admitted in Qur'an that men's role of breadwinning gives them advantage over women. Therefore, CEDAW opponents' claim does not seem acceptable in terms of describing women's economic dependency on men as a mechanism of preserving women's dignity.

The other example which shows the focus of the opponents over the theme justice to articulate the concept equality between men and women is the article, 'Eliminating the discrimination against women - what are the basis?' that was published in conservative newspaper, *Resalat* (2002). This article with anonymous writer argues:

> This Convention was established with the aim of full similarity of women and men's legal rights. However, in Islam, one of the main pillars in terms of rights is justice. In some cases, similarity between men and women's rights is necessary to realise the justice such as facilities for literacy. However, sometimes justice is provided by

> difference between men and women. If women become employed like men and do similar jobs, can we say that justice is provided?

Resalat's article also polarises two concepts of 'justice' and 'similarity'. In agreement with other CEDAW opponents, the article claims that similarity of rights does not necessarily provide justice in relations of men and women. The article does not completely reject similarity of rights between men and women. It says that similarity of rights in specific subjects such as providing same facilities for men and women's literacy is not in contrast with justice. It is not clear in the article that which similar rights (more than literacy) exactly and based on what criteria similarity means justice or injustice. What makes the article's viewpoint towards women's literacy subject notable for me is its relation to dynamism of Islamic interpretations in agreement with what Said (1997) describes about the influence of contextual circumstances on conceptualisation of Islam. In this case, the comparison of the opinions of Iranian *Ulama* (high-ranked Islamic clerics) in less than a century ago about women's education and the ideas of today's Iranian *Ulama* (even those who belong to traditional clergy and are supported by the state's conservatives) show that how Islamic approach to women's education has been influenced by cultural norms rather than unchanging religion rules. The article of *Resalat*, a conservative newspaper which is typically representative of dominant traditional Islamic perspective in the IRI, claims that similar rights for men and women's literacy is not conflicted with Islamic justice. *Ulama's* congruous approach towards women's literacy is in line with post-revolutionary regimes' policies to increase literacy rate in Iran after the revolution. However, in 1930s under Reza Shah Pahlavi, most religious leaders in Iran considered women's literacy and modern schooling to be in conflict with Islam and 'a source of corruption for girls' (Hoodfar 1999: 15). Different reasons for *Ulama*'s early opposition to women's education in Iran are raised by different scholars. For example, Hoodfar (1999) explains that main opposition of *Ulama* to women's education relates to modern schooling in which girls' schools were not mixed in Iran and the employed teachers were female. She clarifies that *Ulama*'s opposition to women's education were stronger when modern schooling for women emerged in Iran (formally began in 1907). Hoodfar (1999: 11) states that there seemed to be no strong opposition to women going to *maktabs* (traditional schools) where

generally male *mullahs* (Muslim clerics) 'thought the Qur'an and other major Persian texts'. Thus, Hoodfar (1999: 11) claims that 'it is hard not to conclude that the religious leaders were opposing female education because they disapproved of modern education where their influence would be at best marginal'. Regardless of correctness of Hoodfar's explanation about the reason of religious leaders to oppose women's education, what is obvious is that the interpretation of clerics on the opposition or agreement of Islam and women's education has changed during the time. Thus, it shows that even for traditional clerics, Islamic interpretations are influenced by the circumstances in which they live. In connection to this article of *Resalat* and more generally in relation to CEDAW opponents' discussions about similarity and justice, I invoke Emon's idea (2011), paradox of equality, based on which CEDAW opponents' view towards justice between men and women can be analysed.

Paradox of equality

The focus of Emon's (2011) article is on the matter of justice in men and women's rights in connection to a focal idea in his work, "paradox of equality". As far as the matter of justice is concerned in arguments of CEDAW opponents, Emon's (2011) explanations about the idea of 'paradox of equality' can be regarded firstly to understand and secondly to challenge CEDAW opponents' perspective towards equality of rights between men and women. Paradox of equality is based on the presumption that 'equality requires the same treatment of those who are similarly situated' (Emon 2011: 238). It is also based on this idea that in order to provide equality one 'cannot treat similarly those who are *not* similarly situated' (Emon 2011: 238). Paradox of equality illuminates the critique of CEDAW opponents over the matter of justice in gender relations which based on the opponents' view is not provided by CEDAW's Articles. Paradox of equality emphasises the balance between qualifications and rights to acquire justice in gender relations instead of full equality of rights for men and women that itself can induce injustice inadvertently.

Emon (2011) differentiates between differentiation and discrimination, and emphasises that not every differentiation in rights is discrimination. Differentiating between the two terms of differentiation and discrimination, Emon

(2011) states the ‘fact of difference’ and 'prompt us to inquire into whether and why a particular factual difference can or must imply legitimized forms of differentiation, and the conditions under which such differentiation may actually be discriminatory'. In order to make it clearer, Emon (2011) takes a familiar example about segregation between men and women that do not bring about discrimination. Emon (2011: 238) discusses that men and women’s bathroom are usually separated. Moreover, ‘in the interest of accommodating the needs of those who are disabled, we may create yet a third bathroom that is specially designated for them and equipped with certain devices designed to aid those who might require assistance’. Emon (2011: 238) argues that in these cases, one may even say (and convincingly so) that differentiation is ‘right, good and just’ because of the fact of difference between men and women, and also between disabled individuals and other people. However, ‘in all these cases, we cannot deny that men and women are treated differently, and that the disabled are treated differently’ (Emon 2011: 238). Emon (2011) explains these cases to justify paradox of equality - treating people differently in order to provide justice - particularly in terms of legal rights between men and women.

Focusing on law, Emon (2011: 238) advocates the idea of paradox of equality and explains that ‘there are times when justice demands that we legally differentiate between people because of their differences. Legal differentiation is a common feature of the law, a sine qua non of justice’. Thus, not only Emon (2011) does not criticise the different rights for men and women in legal sphere, but also he describes it as a condition that must exist for justice. In order to make the idea of paradox of equality clearer, Emon (2011) refers to the view of Morteza Motahhari, one of the most influential figures in terms of ideologies of the Islamic Republic. Motahari’s perspective towards justice is worth considering because Motahhari’s ideas are used in the Islamic Republic as a major resource to legitimise cultural and gender policies of the post-revolutionary state. Motahhari, whose works about Muslim women's rights and roles in society are frequently referred by the Islamic Republic, emphasises the distinct rights of men and women as the conception of justice.

Motahhari ‘took aim at critics who held that gender differentiation in matters of divorce and inheritance law is “contemptuous of, and insulting to, the female sex” or in other words, discriminatory’ (Emon 2011: 249). Alternatively, Motahhari (2001 cited in Emon: 248) in his book, *maghamezan* (the human status of woman), implicitly justifies gender differentiation ‘for the considerations that lie at the heart of the paradox of equality’ (Emon 2011: 248):

> Woman and man, on the basis of the very fact that one is a woman and the other is a man, are not identical with each other in many respects. The world is not exactly alike for both of them, and their natures and dispositions were not intended to be the same. Eventually, this requires that in very many rights, duties, and punishments they should have not have an identical placing.

As Emon (2011: 248) explains, for Motahhari, ‘the fact of biological difference is suitably significant to justify gender differentiation under the law'. This account of Motahhari shows the entanglement between Motahhari’s idea and CEDAW opponents' idea in terms of the role of nature to define men and women's qualities and consequently rights and roles in society. Accordingly, one can recognise the roots of CEDAW opponents' viewpoints in Motahhari's ideas that are mainly used in the Islamic Republic to justify the rights differentiation between men and women. Based on paradox of equality, Emon (2011) considers natural and biological characteristics of men and women as "fact of gender difference" to legitimise different rights for men and women. Moreover, Emon (2011) discusses that the socio-economic conditions can also create fact of gender difference based on which rights differentiation between men and women is justified. For example, he discusses about the inheritance rule in Islam based on which a son inherits twice the amount of what his sisters do (verse 12 of *Surah Nissa* in Qur’an). Emon (2011: 249) identifies the gender difference as a fact, and explains that the inheritance verse 'itself does not explain the rationale behind the discriminatory distribution'. However, 'premodern Muslim jurists identified this verse as representing a departure from pre-Islamic practices, which often denied daughters any inheritance share' (Emon 2011: 249). Furthermore, 'contemporary writers explain and justify the verse’s distribution by reading the fact of gender difference as an efficient way to capture the heart of the matter – socio-economic factors concerning the distribution of economic responsibility for the family' (Emon 2011: 249). They recognise that inheritance rule was formulated 'to meet

a woman's needs in a society where her largely domestic, childbearing roles rendered her sheltered and dependent upon her father, her husband, and her close male relations' (Esposito and Delong-Bas 2001 cited in Emon 2011: 249). On the other hand, as men had more independence, wider social contacts, and higher status as breadwinners in early years after the birth of Islam when the inheritance rule was defined based on Qur'an, it is justified by contemporary scholars such as Motahhari to allocate larger share of inheritance to men rather than women. This reasoning in terms of priority of men as breadwinners to justify more share of inheritance for them rather than women is still used by Muslim scholars to describe a fact of gender difference in current Muslim societies, and to justify the harmony of this rule with roles and conditions of today's men and women. Although Emon believes in the paradox of equality to legitimise the Islamic laws, he mentions the necessity of considering social dynamics in implementing Islamic rules. Emon indicates the necessity of attention to the 'poverty of the after-the-fact justification to account for changed historical contexts. Despite changes in lived economic realities, and calls to reform Islamic family law, such as the laws of inheritance, little change has been forthcoming' (Emon 2011: 250).

Emon (2011) mentions the need to consider social dynamics and read the Islamic rules based on the current socio-economic conditions. In other words, Emon (2011) has an attention to a new aspect of the idea of paradox of equality in terms of the social and historical factors based on which the legitimacy of differentiation of rights is defined. Therefore, he raises some questions, including 'when and under what conditions should a certain factual difference between two people lead to and justify legal differentiation that entails different distributions of resources and different sets of rights claims? And under what circumstances does that legal differentiation become discriminatory?' (Emon 2011: 242).

Although Emon (2011) only mentions these questions as the subjects that need to be inquired, his questions are employed in this section to challenge the idea of paradox of equality, the idea that is used by CEDAW opponents to rationalise rights differentiation between men and women and to justify their opposition to the concept of equality in CEDAW. Accordingly, I argue that what Motahhari, CEDAW opponents and other scholars who believe in paradox of equality define about the

innate differences between men and women as a fact of gender difference are not necessarily immutable and permanent. Although CEDAW opponents mostly refer to natural differences between men and women to attribute different characteristics and distinct rights to them, the social facts require one to look again at the subject. Diverse socio-economic conditions in different historical moments show men and women's roles have changed considerably from time to time. For example, Iranian women's presence in academia increased noticeably in three recent decades (Majbouri 2016). Consequently, development of women's education has caused growth of urban women's demands to participate in paid work in Iran (Jandaghi 2017). Thus, these social changes in terms of women's roles and their participation in social areas that exclusively belonged to men before in Iranian society challenge CEDAW opponents' idea in terms of innate differences between men and women and consequently attributing specific roles to men and women. Turning back to the example of inheritance, while the advocates of paradox of equality justify inheritance of men twice women based on men's economic responsibilities in society, this fact that men and women's social roles and responsibilities are getting closer to each other because of increase of women's participation in universities and the labour force show the necessity of thinking about social dynamism and change of facts of gender difference. The other example which is frequently mentioned by CEDAW opponents to suggest that innate differences between men and women do not allow equal rights for men and women is the matter of motherhood. According to CEDAW opponents, intrinsic characteristics of women make motherhood as specific and main role of women, while breadwinning is majorly identified as men's responsibility because of their natural and biologic qualifications. Therefore, in their perspectives, one cannot expect rights and opportunities in social domains of employment and education for women equal to men. However, it will be discussed in section 'motherhood' that the concept of motherhood is dynamic in different times and societies. Moreover, it will be argued in this section that how changing social roles of women in Muslim majority society, including Iran necessitates redefinition of the child caring role from a task specifically related to women to a responsibility that should be shared between both parents and society. I will explain more about CEDAW opponents' idea in terms of the subject of motherhood in 'motherhood'

section to show how innate characteristics of men and women are identified in perspective of CEDAW opponents as facts of gender differences to justify child bearing as natural and exclusive role of women.

Feminism

Regarding the critical discussions of CEDAW opponents around what they identify as the meaning of equality between men and women in CEDAW, i.e. the sameness of men and women in all aspects of rights and responsibilities, “feminism” is considered in numbers of the opponents’ articles as origin of CEDAW’s definition of women’s rights equality. CEDAW opponents generalise the meaning of "feminism", while in fact feminism contains diverse divisions that are contradictory in some aspects. CEDAW opponents identify feminism as an influencing element in defining complete equality between men and women’s rights and responsibilities. On the other hand, Shahindokht Molaverdi among CEDAW supporters criticises CEDAW opponents’ perception of feminism and their perception of the meaning of equality in CEDAW. In two following sub-sections, I will address CEDAW opponents’ homogenising definition of feminism and their ideas around how CEDAW is influenced by feminism. Moreover, I will focus on Molaverdi’s response, as a CEDAW supporter, towards CEDAW opponents’ claims over the meaning of feminism and the specific feminism perspective of CEDAW.

CEDAW opponents' perception of feminism

The theme “feminism” is mostly considered in CEDAW opponents’ articles rather CEDAW supporters’ article. Thus, most of the drawn extracts from the articles in this section inevitably belong to CEDAW opponents. Feminism is represented in a number of CEDAW opponents’ articles mostly as the origin of the idea based on which men and women should be treated equally in all aspects of public and private life. Therefore, I shall say that first common characteristic that is seen in CEDAW opponents’ representation of feminism is identifying feminism as a theory in which the difference between men and women’s physical and psychic traits is underestimated, and therefore men and women are assumed equal in rights and responsibilities. In effect, the main focus of these CEDAW opponents’ criticism

towards ‘feminism’ is around the underestimation of men and women’s natural differences and treating them identically in terms of rights and responsibilities. Accordingly, CEDAW opponents represent feminism as a school of thought that denies motherhood as an important role of women in the society, while in CEDAW opponents’ view mothering is the main role of women.

The second characteristic by which feminism is represented in CEDAW opponents’ articles is identification of ‘feminism’ as a unified approach that has been developed in the West and is in a strong disagreement with Islam’s teachings. In perspective of CEDAW opponents, feminism is a homogenous thought school that is in service of Westernisation of all cultures. Therefore, CEDAW opponents justify their pessimistic view towards CEDAW as a Western convention in conflict with Islam based on the reason that CEDAW is originated from feminist ideas. For example, in an article published in a conservative newspaper, *Jomhuri Islami* (27-08-2003) with the title of ‘Islamisation of the Convention-why?’, Fariba Alasvand associates ‘feminism’ with the meaning of maternity in CEDAW. In her article, she criticises the marginalisation of motherhood, as the main specific role of women, in CEDAW. Alasvand argues that:

> The Convention is influenced by feminist culture. Although, the Convention does not deny the important role of women in reproduction; pregnancy; childbirth and breastfeeding, the Convention by no means identifies maternity as the specific role of women.

As the quote reveals, Alasvand mentions ‘feminist culture’ as what influences CEDAW to define maternity not as a specific responsibility for women, but as a ‘social function’. In Article 5, CEDAW advocates ‘a proper understanding of maternity as a "social function", demanding fully shared responsibility for child-rearing by both sexes’ (CEDAW’s Introduction 1981). Moreover, CEDAW defines a society’s obligation to offer ‘social services, especially child-care facilities, that allow individuals to combine family responsibilities with work and participation in public life’ (CEDAW’s Introduction 1981).

Although Alasvand uses the phrase ‘feminist culture’, she does not clarify it by defining what kind of culture it is. What is clear is that Alasvand assumes feminism as a homogeneous thought school that brings about a culture in which child

rearing and maternity are not identified as main and specific responsibility of women.

The other article that shows homogenising view of CEDAW opponents towards feminism is Roya Rahbar's article, 'The bill which is intrinsically a contradiction to Islamic laws', that is published on 15/05/2003 in conservative newspaper of Resalat. In her article, Rahbar justifies her opposition to CEDAW by attributing CEDAW to 'feminism' that is a Western idea in contradiction with Islam in her perspective. Moreover, Rahbar claims that the basis of "feminism" that influences CEDAW's Articles is equating women to men:

> The main reason of my opposition to the Convention is the intrinsic contradiction between thought foundations of Islam and the Convention. As the intellectual basis of this international Convention originates in feminist thought (that is dominant in the West), the Convention focuses on individualism and hedonism as the foundations of human being's life. Relying on its foundational ideas, the Convention denies any difference between man and woman.

Rahbar's quote explains that how she considers feminism as a homogeneous concept in strong connection with the idea of 'similarity' rather than 'equality' between women and men. Rahbar interlinks the concept of 'feminism' with two themes of 'similarity between men and women' and the 'homogenising feminism as a Western phenomenon' to bring CEDAW into question. This interconnection is also clearly seen in Mahboubeh Farahani's article, 'Imperialism objectives in a framework of a bargain' published on 22/05/2003 in the conservative newspaper of Resalat. In her article, Farahani connects the issue of similar rights between men and women to the matter of emergence of feminism, as a homogenous movement in the West. Farahani explains that:

> In the Europe before twentieth century, women had neither similar nor equal rights with men de jure and de facto. Through the hasty women's movement (feminism) that emerged less than a century ago in the West, women gained the rights almost similar to men. However, in reality, the rights' status of women has never been equal to men in the West. The only way to bring about women's felicity is abolishing women's similar rights with men, and defining the rights for women that are compatible with women's characteristics.

The extract shows that Farahani, like some other CEDAW opponents, differentiates between similarity and equality of men and women's rights. Moreover, he presents the similarity of men and women's rights as the idea that

was developed by 'feminism' which is introduced by her as an individual women's movement emerged in the West in early twentieth century. However, as I explain in the following section about diversity of feminism thought schools, feminism cannot be confined to the early waves of feminism (in the nineteenth and early twentieth centuries). Moreover, feminism cannot be restricted to its Western models, while there are feminisms that emerged initially in Islamic/Middle Eastern societies.

The reason that Farahani represents 'feminism' as a hasty movement can be understood based on what she claims in terms of inefficiency of 'feminism' to bring about equal rights for women in the West. Farahani explains that although 'feminism' achieved its goal in terms of women gaining similar rights with men, feminism could not provide equality. As the mentioned paragraph reveals, not only Farahni does not appreciate the achievements of feminists in terms of women's rights, but she also criticises what feminist movements caused mostly in Western societies in terms of similarity between men and women's rights. In assertion with other CEDAW opponents, Farahani believes that equality is not provided through similar rights between men and women, but in her view, equality is brought about when the rights of men and women are compatible with their gender characteristics. Farahani suggests that women will feel felicity only if their rights are compatible with their characteristics instead of being similar to men's rights.

The critical view of CEDAW opponents towards feminism in connection with the matter of similar and equal rights for men and women can be considered in two respects: firstly, the connection between CEDAW opponents' idea towards feminism and reverse Orientalism; secondly, the closeness of CEDAW opponents' ideas to 'difference' feminism, while CEDAW opponents oppose 'feminism' entirely.

Reverse Orientalist approach of CEDAW opponents towards feminism

The homogenising approach of CEDAW opponents towards the West and feminism is in line with reverse Orientalist view of CEDAW opponents that was discussed in Chapter 5. The homogenous representation of the West as a unified

entity which is influenced by feminism ideas by CEDAW opponents, including identical rights for men and women asserts the relation of CEDAW opponents' ideas with reverse Orientalism. As explained in Chapter 5, in addition to unifying the Western societies, representing the West inferior to Muslim societies is the other characteristic of reverse Orientalist view. Stressing inefficiency of identical rights for men and women that was explained in previous section (undermining justice and balance in gender relations), CEDAW opponents claim that there is inefficiency in Western societies because in CEDAW opponents' perspective, Western societies follow the 'feminist' pattern of similar rights. This homogenising and inferior approach of CEDAW opponents towards the West can be criticised as mentioned earlier based on plurality of Western societies in terms of women's rights history, and their cultural and legal achievements (de Sousa Santos 2009).

Homogenising feminism can be considered as a part of stereotyping project of reverse Orientalism against the West. As mentioned above, the emphasis of CEDAW opponents to standardise feminism as a thought school that advocates "similarity" rather than "equality" (based on CEDAW opponents' claim) is in line with stereotyping and homogenising characteristic of reverse Orientalism. The homogeneous definition of feminism by CEDAW opponents can be criticised through this fact that feminist theory is not one theory, but there are several theories or perspectives that can be identified as feminist theories. However, as Tong (1989: 1) argues, mutually, 'each feminist theory or perspective attempts to describe women's oppression, to explain its causes and consequences, and to prescribe strategies for women's liberation'.

Feminist theories and consequently practices are presented in various ways by different scholars. The feminist struggles and consequently the focus of literature have been on different aspects of gender equality, varying according to different times and places since the rise of first feminist ideas in 19th century. Although there are different categorisations to describe the various types of feminist ideas, these categorisations are obviously overlapped in many aspects. As an example, Rosemarie Tong (1989) divides feminist approaches to liberal, Marxist, radical, psychoanalytic, socialist, existentialist, or postmodern. However, before presenting this categorisation, Tong (1989) explains that no short list could be

complete, but many feminist theories are able to identify their approach to the above categories.

There is another common categorisation that is mostly used to categorise Western feminist movement into three stages of first, second and third waves. The first wave of feminism, nineteenth to early twentieth century movements, is signified by the struggles for election rights (vote), education rights, reforms to property rights, and marriage and divorce laws among many (Littlewood, 2004). With the right to vote won for all British women over 21 in 1928, the feminist movement gradually turned its attention to women's inequality in more diverse society. Typically, the second wave feminism refers to the reappearance of a widespread movement in the late 1960s and early 1970s. Second-wave feminists created the phrase 'the personal is political' as a way to emphasise the influence of sexism and patriarchy on every aspect of women's private lives (Schuster 2017). Well-known feminists such as Betty Friedan also asserts that second wave feminism was about challenging gender stereotypes, thus highlighting that feminism was of importance to men as well as to women (Schuster 2017). Second-wave feminism relates to various demands such as equal pay, 24 hour nursery care, access to contraception and abortion, and ending discrimination against lesbians (Littlewood, 2004). Nevertheless, second-wave feminism assumed women as a homogenous group, without paying attention to the many types of difference that cut break the singular category of 'women' (Maxwell and Shields 2018). The critiques of women of colour within the feminist movement such as Bell Hooks about racism and classism within feminist movement were central in the development of the third wave of feminism, as it drew attention to the need for multiple feminisms (Hemmings 2005).

The third-wave feminism, which emerged in 1990s, is a movement of younger feminists who were grown with feminism. They were feminist descendants with women's studies curricula in school and a much less gender segregated social, economic, and political world (Lorber, 2010). They reject the idea that men oppress women. Rather, these feminists contain men as feminist activists. They assume that gender equality is the norm and women's agency, female agency, and female sexuality are forms of power (Lorber, 2010). Third-wave feminism has

been greatly influenced by academic inquiries of queer theory. Queer theory suggests that gender and sexuality are fluid and dynamic categories, and not simply divided to 'male' and 'female' (Cocca 2014). Pervasiveness of knowledge about bisexual and trans identities characterise the third-wave feminism's outcome (Cocca 2014). Generally speaking, third-wave feminism has been critiqued for its emphasis on individual freedom, rather than the 'personal is political' discussions of the second wave (Schuster 2017). While the focus of the third-wave feminism is on micropolitics that is in line with individualism at the end of 20th century, it is argued that this ends to de-politicisation and shifting the responsibility for change onto the individual that makes broad changes more difficult to influence (Schuster 2017).

In addition to the wider categorisations of feminism that were mentioned above, there are other versions of feminism such as post-colonial feminism and Islamic feminism that are developed in close connection with non-Western/Muslim women's concerns. These models of feminism disapprove the claim of CEDAW opponents in terms of attributing 'feminism' exclusively to the West. The post-colonial feminism emerged as a response to feminism seemingly focusing exclusively on women's experiences in Western cultures (Mishra 2013). While CEDAW opponents homogenously accuse feminism of West-centrism, post-colonial feminism is a counter-example that shows feminism is not confined to the concerns of Western developed countries' women. Furthermore, as CEDAW opponents represent 'feminism' as being intrinsically contrasted with Islam, it seems that CEDAW opponents ignore the Islamic feminism whose arguments are particularly grounded in Islam and its teachings. Islamic feminism is a feminist idea that is articulated in an Islamic paradigm (Badran: 2009). The focus of Islamic feminism is opposing the way Islam has been manipulated by a man-centric view that has oppressed women for centuries (Hoodfar, 2000). Islamic feminists believe that the traditional interpretation of Islam which includes gender discrimination and women's confinement was developed based on men's experiences and patriarchal societies, not the true Islam. According to Islamic feminism, there are other kinds of Islamic interpretations based on more women-friendly Islamic texts which show Islam can be reconciled with gender egalitarian views (Mernissi, 1991). As Paidar (2001: 34) explains, Islamic feminism's 'emphasis is on stretching

the gender boundaries of Islam, changing it to accommodate what women need for a modern life as opposed to changing women's position to bring it in line with Islam, as it exists today'. Thus, as I explained earlier, Islamic feminism as a feminism model that focuses on equality within Islamic framework is an example that disapproves CEDAW opponents' assumption in terms of intrinsic conflict between feminism and Islam.

Closeness of CEDAW opponents' ideas to 'difference' feminism

The other pervasive categorisation of feminist theories that is in the clear connection with the discussion of this chapter (over the duality of similarity and equality of rights between men and women) identifies two main paradigms of "sameness" and "difference" among feminist theories. As Evans (1995: 3) explains, 'in its most basic form, the argument concerns women's similarity to or dissimilarity from men'. The starting point in sameness/difference argument is not to recognise 'what sex differences, beyond the most basically biological, there are, and how they are caused' (Evans 1995: 3). However, it originally concerns the pursuit of 'equality of the sexes - equality of rights and of opportunities, and more radically, of condition' (Evans 1995: 3).

Sameness feminists seek equality with men; thus, they 'ask to be treated as men, and justify this on the grounds of sameness, though 'likeness' might be a better term' (Evans 1995: 3). For example, sameness feminists ask for equal rights for being considered for jobs. As Evans (1995: 3) explains, 'to a suggestion of sex differences which ruled that out, they would reply that there are none, or rather that they are small in number and size, trivial in type, and irrelevant to the equality of women and men'. Williams (1990: 347) expresses the focus of sameness feminism as 'the conviction that, since men and women are basically the same, women will do just as well as men if only they are given the chance'. Generally speaking, what sameness feminism focuses on is same quality of men and women in most of their abilities and qualities, and therefore, their same entitlement to enjoy equal rights in personal and public domains.

On the other hand, the 'difference' approach of feminism focuses on the differences between men and women. Followers of this perspective do not want to make

women equal to men by integrating them into a 'man's world', but they aim to produce more space for women (Midden, 2010). The feminists who advocate the paradigm of difference believe that to treat men and women equally, it is not necessary to treat them in exactly the same way. To treat women as equals with men may require that they not be treated the same way (Evans, 1995). While the focus of sameness feminism is on the similarities between men and women, followers of difference feminism focus on differences between men and women's characteristics and roles in society. For example, Gilligan (1982 cited in Williams 1990: 348) as a difference feminist argues that 'women resolve moral conflicts differently from men and that women's different voice is characterized by caring, connection and contextualized thinking'. Williams (1990: 348) explains that 'Gilligan contrasts women's voice with mainstream morality, which she represents as a hierarchical ladder of abstract rights and responsibilities'. Thus, the focus of difference feminism idea is emphasizing on differences between men and women - mostly based on the nature. The emphasis on difference of men and women leads to conflict with sameness feminists' idea in terms of equal (same) rights between men and women in all public and private areas.

In addition to difference feminism, there are other feminist approaches that challenge sameness feminism. As Philips (2019) explains, talk of equality of rights between men and women obviously leaves untouched all the important things men have not bothered to campaign for, including new ways of organising the care work that is so central to women's experience and has been so weakly tackled by governments of virtually all political complexion. It also leaves untouched concept of gender, since it seems to take it for granted that there are two pre-constituted groups ("the female sex" and "the male sex"; or "the feminine gender" and "the masculine gender") whose relative position now needs to be equalised (Phillips 2019). According to Zerilli (2005), if one assumes gender equality in this way, one seems to miss the key thing that is challenged by lots of activists about the gender order: those seemingly endless attempts to restrict people into two distinct groups of either male or female, masculine or feminine, and define persons by practices of gender. Although the critiques of Phillips (2019) and Zerilli (2005) have to be considered in terms of diversity of feminist approaches towards the subject of

equality of rights, this thesis inevitably discusses over the rights of 'women' in comparison with 'men' because CEDAW is founded on the base of this duality.

As I mentioned earlier, in addition to reverse Orientalist and homogenizing view of CEDAW opponents to feminism, CEDAW opponents' view towards feminism can be considered in another respect, i.e. the closeness of CEDAW opponents' ideas to 'difference' feminism. While CEDAW opponents oppose 'feminism' entirely, their ideas towards 'difference' between men and women are interestingly comparable with difference feminism. As difference feminism focuses on the different abilities and qualities of men and women, CEDAW opponents also emphasize natural and intrinsic characteristics that differentiate men and women. Moreover, as advocates of difference feminism believe that treating men and women equally does not mean treating them exactly the same way, CEDAW opponents emphasize that what CEDAW aims in terms of providing same rights for men and women in different aspects contradicts the equality, and it is more moral and just if men and women be treated differently. Thus, this commonality between the views of CEDAW opponents and difference feminists disapproves CEDAW opponents' view to feminism more evidently: feminism has diversity so that it is not necessarily in contrast with Islam.

CEDAW supporters' response

The diversity of feminist approaches is emphasised by one of CEDAW supporters, Shahindokht Molaverdi, who argues about the relation of CEDAW's Articles and feminist ideas. Molaverdi mentions distinction between 'difference' and 'sameness' feminist theories in her articles; however, she does not present the exact categorisation of feminist ideas as 'difference' and 'sameness'. In her articles, Molaverdi argues that feminist theories do not necessarily verify the complete similarity between men and women's characteristics, but there are some paradigms of feminism that admit biological differences between men and women.

While CEDAW opponents believe that CEDAW does not consider men and women's biological differences and intends full sameness between men and women's rights and responsibilities, Molaverdi claims that CEDAW does not equalise men and women's abilities and natural characteristics. What Molaverdi

attributes to CEDAW in terms of verifying natural differences between men and women is in agreement with difference paradigm of feminism. However, while difference feminists reject ideal situation for women as the condition in which women enjoy rights same as men, CEDAW explicitly emphasises women's rights in full similarity with men. Using phrases such as 'State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men' (Article 3 of CEDAW) shows the importance of men's rights as criteria and main basis to define women's ideal rights. Regarding Article 3 of CEDAW as an example, the last part of the phrase that focuses on 'equality with men' more explicitly shows the emphasis of CEDAW on similar rights between men and women. It is worth noting that in Article 4, CEDAW describes that 'adoption by State Parties of special measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory'. It means that although CEDAW emphasises equal rights between men and women, it legitimises special measures to protect maternity for women who suffer discrimination in areas such as employment because of maternity. Thus, CEDAW is in line with 'difference' feminism in terms of considering duality of man and woman and their specific natural characteristics. However, CEDAW's approach is distinct from 'difference' feminism in terms of defining women's rights predominantly on the basis of men's rights.

In a debate that was held in Tarbiat Modares University on the subject of CEDAW on 24/04/2003, Molaverdi and Alasvand were invited as representatives of two sides of the debate, Molaverdi as a CEDAW supporter and Alasvand as an opponent of CEDAW. The article ‘Joining and the critics of experts’ that is published on 08/05/2003 in conservative magazine of Zane Rooz reflects the words of Molaverdi and Alasvand in this debate. One of the subjects which Molaverdi discusses in this debate is relationship of CEDAW and feminism. In response to the chair of the debate who asked whether feminism ideas form the basis of CEDAW, Molaverdi explains that:

> To answer this question, one has to ask which feminism idea? Currently, feminism is presented through different and even contradictory approaches that originate from various schools of thought. In the time of CEDAW establishment that was at the end of seventieth decade, feminism focused on equal rights for men and women. Considering three waves of feminism, the first wave focused on same humanity between men and women, and equal potential of men and women to enjoy human rights. The second wave according to which the Convention was established focused on equal rights for men and women. After this period, in third wave feminism, the radical feminism approaches emerged that were in opposition to men.

In her explanation, Molaverdi clarifies that feminism has diverse waves with different aims and achievements. Moreover, she attributes CEDAW to the second wave of feminism that focused on equal rights for men and women.

Molaverdi in her article, 'absolutely similar or different but equal' published in reformist newspaper of Yase nou on 01/09/2003 responds the critiques of CEDAW opponents towards the feminist approach of CEDAW. To answer the criticisms of CEDAW opponents in terms of CEDAW's feminist approach, Molaverdi implicitly criticises the homogenising approach of CEDAW opponents towards feminism as follows:

> Even modern (liberal) feminists do not ignore differences between men and women, and do not accept absolute similarity between men and women, let alone postmodern feminists whose ideas are reflected in this Convention. The feminist ideas that are grounded on making women similar to men are seriously criticised in contemporary feminist views because these ideas indeed benchmark and prefer androcentric models to improve women's position. What CEDAW focuses on is preventing violating human rights and freedom based on the race; religion; age and gender.

In the above extract, Molaverdi attributes CEDAW's feminism approach to postmodern feminism. Although Molaverdi does not present a clear definition of postmodern feminism, she identifies postmodern feminism as a kind of feminism that does not make women same as men. Molaverdi again brings the homogenising perception of CEDAW opponents of feminism into question. While CEDAW opponents identify feminism as a homogenised thought school that ignores men and women's differences, Molaverdi argues that current feminist approaches do not mostly accept absolute similarity between men and women. Although her focus is on postmodern feminism that is identified by her as underpinning feminist view of CEDAW that acknowledges biological differences between men and women, Molaverdi exonerates almost all the current forms of feminisms (including liberal feminisms) of ignoring differences between men and women.

This approach of Molaverdi towards feminism is very different from dominant idea of the Islamic Republic towards feminism. The Islamic Republic has been in a continuous contestation with feminism. Moreover, the dominant view of the IRI represents feminism as a Western phenomenon that marginalises Islamic values from Iranian women's lifestyle. The Islamic Republic does not distinguish the different models of feminism. Thus, feminism is totally represented as an unsuitable concept in contrast with Islam by official view of the IRI.

This pessimism towards feminism still continues to exist among Iranian conservative officials in 2017. For example, Culture and Islamic guidance minister of Rouhani's government, Reza Salehi Amiri, boasted about eliminating ten films from entering the Tehran Fajr International Film Festival on 19th - Jan-2017. Fajr Festival is the most important annual film festival that is held in Iran. During a meeting with Ayatollah Makarem Shirazi, a high-ranked conservative cleric, Salehi Amiri explained that his reason for cutting down these films from Fajr festival was because of their 'feminist and inappropriate' themes (Anonymous 2017).

The conflating 'feminism' with the word 'inappropriate' by Salehi Amiri, is in line with conservative view of the IRI that identifies feminism as an inappropriate phenomenon that does not fit in Iranian Muslim society. Salehi Amiri is an example of officials who identify feminism as 'inappropriate', 'non-Islamic', and 'Western' phenomenon. Moreover, as Salehi Amiri tried to satisfy Makarem Shirazi, a high ranked cleric who has clout in the IRI about his commitment to eliminating 'inappropriate' and 'feminist' themes from Iranian movies, it is very probable that those officials who have more moderate views to feminism do not express their ideas to prevent contradiction with high-ranked conservatives in power.

As mentioned in Introduction chapter, this criticism is prevailingly presented by Iranian observers to reformist politicians' avoidance of clearly rendering their reformist ideas. These observers claim that the reformists avoid presenting their ideas transparently due to preserving their status as political figures in agreement with the IRI's principles. The restricted number of articles of CEDAW supporters that consider the matter of feminism can be a consequence of this discreet approach. Molaverdi had an official position within the Islamic Republic government (the head of international relationships of Centre for Women's

Participation in Khatami's government) that could prevent her to state her ideas transparently as many reformist figures did so. However, Molaverdi takes a clearly different position from her reformist fellows, and shows her support to the feminist approach of CEDAW, while feminism is entirely denied by the IRI's dominant conservatives.

Molaverdi proceeds to argue more around postmodern feminism in the rest of her article as follows:

> Being influenced by postmodern feminism, a reasonable feminist approach, this Convention emphasises equality between men and women despite of their biological differences. In other words, eliminating discrimination against women in this approach does not mean ignoring natural and biological differences between men and women, but it means eliminating the barriers ahead of fulfilling women's basic and fundamental rights.

As the extract reveals, Molaverdi supports CEDAW's position in terms of men and women's equality that is claimed by her to be influenced by postmodern feminism. Molaverdi approves the biological and nature-based differences between men and women, and she claims that CEDAW also subscribes to their biological differences. However, in Molaverdi's view, CEDAW's purpose is to eliminate the barriers which stop women to enjoy the equal rights with men because of their gender. Thus, it seems that main message of Molaverdi here is assuring CEDAW opponents of the importance of the difference between men and women in terms of natural and biological characteristics in CEDAW. Assuring CEDAW opponents means assuring the senior conservative officials in power who resist Iran joining CEDAW whose agreement is necessary to make Iran joining CEDAW possible. Therefore, although Molaverdi clearly defends feminism, in contrast with dominant view in the IRI, it seems that conservatives' influence is not completely eliminated in Molaverdi's accounts.

Does CEDAW really follow postmodern feminism?

As explained, Molaverdi attempts to justify CEDAW's approach to the matter of equality by emphasising postmodern feminism as the feminist model that is followed by CEDAW. What is focused by Molaverdi in terms of affiliating CEDAW to postmodern feminism is acknowledging natural and biological differences

between men and women in spite of granting equal rights to them. In effect, Molaverdi's idea is that postmodern feminism underpins CEDAW, and as postmodern feminism acknowledges biological and intrinsic differences between men and women, CEDAW also credits these differences.

However, it seems that Molaverdi has a partial understanding of postmodern feminism. Postmodern feminism has different aspects that make it difficult to present a unified definition of it. The core idea in postmodern feminism can be defined as accepting high diversity (Nicholson 2013). Postmodern feminism rejects essential nature of women and men. Therefore, what is part of postmodern feminism's focus is emphasising multiple truths, multiple realities and multiple roles for so-called men and women (Nicholson 2013). Postmodern feminism is a mixture of two different perspectives. This strand of feminism combines postmodernist with feminist standpoints, although in diverse shapes. Postmodern feminists reject enlightenment notions, especially universalism, human nature, and socio-political progress (Assiter 2005). Postmodern feminists aim to get away from any absolute claims of what a feminist should be, as they try to avoid thoughts that centre around an absolute word (Ebert 1991). Three of the chief postmodern feminists, Luce Irigaray, Julia Kristeva and Judith Butler base their ideas on Simone de Beauvoir's existentialism, Jacques Derrida's deconstructionism, and Jacques Lacan's interpretation of psychoanalysis (Assiter 2005; Barrat 2015).

Luce Irigaray is a psychoanalyst who believes that the feminine is defined by the patriarchy (Irigaray 1985). Irigaray pursuits ways to find the "feminine feminine" or woman the way women see her. She believes that women should use more active voice to create a female sexuality, and to remove the effects of men's assessments on women by overstating those images (Irigaray 1985). As the other postmodern feminist, Julie Kristeva seeks to break down identity, especially sexual identity, to make it indefinite, rather than specifically masculine and feminine (McAfee 2004). Her rejection of the Oedipus complex lets for a freed person to shift between different stages of development as well as masculine, feminine, and many other concepts (Jones 1984). Kristeva believed in sexual differences, but contrasting the idea of binary sexes (Jones 1984). The famous postmodern feminist, Judith Butler (1995), grounds her theory on recognising that sex and

gender, both, are socially constructed, and there is no essential biological and social definition of masculinity and femininity.

Based on above-mentioned explanations on postmodern feminism, it seems that what Molaverdi claims about postmodern feminism in terms of recognising biologic differences between men and women is in clear contrast with what postmodern feminism suggests. As mentioned earlier, postmodern feminism emphasises diverse meanings of men and women's social and biological identities (Frug 2014), while Molaverdi believes that CEDAW considers certain natural and biological differences between men and women, and she describes it as a result of postmodern feminism in CEDAW. It seems that the connection of CEDAW and postmodern feminism on which Molaverdi insists can just be defined in relation to this subject that, contrary to CEDAW opponents' claim, CEDAW does not oblige women to take some social roles and gainful occupations. In fact, while CEDAW opponents accuse CEDAW of forcing women to marginalise motherhood, and participating in social and commercial roles, I shall say that CEDAW confines women to neither public roles nor private roles. Accordingly, one can say CEDAW requires State Parties to grant women equal rights and opportunities with men to participate in economic and social life. Therefore, as postmodern feminism emphasises diversity of men and women's roles and identities, CEDAW emphasises women's right to choose diverse social and private roles. However, this emphasis on social and private roles and practices of women (gender identity) is not limited to postmodern feminism, and it can be seen in different strands of liberal feminism (Nicholson 2017). What distinguishes postmodern feminism from other models of feminism in terms of diverse identity is its focus not only on diversity of gender identity, but also on diverse sexual identities (Nicholson 2017).

On the other hand, this claim of Molaverdi that CEDAW does not reject biological differences between men and women, despite granting men and women similar rights, seems to be accurate. Molaverdi's claim is true because CEDAW underlines the matter of pregnancy, specific situation that is experienced by women, as a situation during which women should be provided with special protection in terms of job security and job harmlessness. For example, Article 11 (2b) of CEDAW explains that States Parties should take appropriate measures 'to introduce

maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances'. Moreover, as another example, CEDAW's Article 11 (2d) emphasises that States Parties should take appropriate measures 'to provide special protection to women during pregnancy in types of work proved to be harmful to them'. Regarding these two Articles, it seems that CEDAW recognises different biological condition of women from men, while asserts that these differences should not cause different rights for men and women.

Motherhood

According to the examined articles, one of the themes over which the duality (binary) of equality and similarity is underscored is 'motherhood'. Generally speaking, motherhood is a theme that is considered in CEDAW opponents' articles to exemplify the preference of equality (that is used in same meaning with justice in perspective of CEDAW opponents) over similarity in gender relations. The theme motherhood is used in a number of opponents' articles (16 out of 59) to demonstrate how CEDAW, through the paradigm of 'similarity', is marginalising motherhood by requiring women to take similar jobs with men outside home while 'mothering' role is the main role, and child fostering is the main task of women in Islam (in perspective of CEDAW opponents).

The following extract from the article 'Recognition of the harms of joining to a western convention known as Eliminating the Discrimination' published in the conservative newspaper, Keyhan (2003), is an example which clearly shows the view of CEDAW opponents on priority, specificity, and benefits of motherhood for women.

> In this Convention, motherhood as the specific dignity of 'woman' that is the symbol of her exclusive power and effectiveness, and as the most important and complicated type of women's social participation is ignored and underrated. What CEDAW considers as gender programming in employment and the education system, that is aimed to eliminate gender clichés, is developed based on the paradigm of similarity between men and women, and does not regard any specific education for girls to exercise the roles of 'mother' and 'wife' (Article 10. C).

It seems that this article equalises women's participation in public arena and women's commitment to other jobs outside home with women's failure to perfectly perform mothering and wife duties. This kind of view among CEDAW opponents shows that they take a specific notion of motherhood in which motherhood in terms of child caring and nurturing is essentially the duty of mother. Therefore, these CEDAW opponents assume outside home jobs for women as wasting their time that should be spent on rearing their children.

Keyhan's article criticises Article 10 (c) of CEDAW that requires State Parties to take all appropriate measures in order to 'eliminate any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods'. The author of the article clearly opposes CEDAW's approach to eliminate stereotyped concepts and clichés of the roles of men and women. In effect, not only the author does not verify CEDAW's education programming, but also expect that CEDAW has specific education programming to exercise the roles of 'mother' and 'wife'.

Similarly, Zahra Ayatollahi, in the article 'A critique on reservation in the convention of eliminating discrimination against women' (2003), criticises the view of CEDAW towards abolishing exclusiveness of child rearing responsibility for women and definition of maternity as the common responsibility of men, women and even the society:

> In the introduction of the Convention, motherhood role of women is considered in giving birth of baby, and children upbringing is defined as a common responsibility of woman, man and the society. Although Islamic traditions do not ignore the responsibility of men and the society in child upbringing, mother's role is regarded as highly important. Hence, specific rights are considered for mothers in Islam, and motherhood makes women honoured in a way that paradise is said lying under their feet.

Although Ayatollahi defines child rearing as mainly women's responsibility, she does not deny men and society's role in children fostering in Islam. Ayatollahi does not explain how men and society's responsibility to child rearing is defined in Islam. However, according to prevailing views in *Fiqh* (Islamic jurisprudence) that

is pervasively referred in dominant viewpoint of Islamic Iranian state, children's custody and maintenance are defined as men's responsibilities. Thus, it is probable that Ayatollahi's idea about men's role in children upbringing alongside women in Islam relates to economic responsibilities of men to their children. The phrase that is mentioned by Ayatollahi, i.e. paradise lies at the feet of the mother, is an oft-quoted *hadith* that is pervasively used in the Islamic Republic, even in the form of big banners in Iranian cities, to recall the importance of mothering role for women in Islam. However, as I will explain in the rest of this section, there are critical reactions from the scholars such as Wadud and Schleifer to this Islamic adage which sanctify motherhood. These scholars focus on this matter that while Islamic sayings sanctify motherhood, women are granted less rights as parent in comparison with men in the societies under Islamic laws. Thus, these scholars remind us to pay a serious attention to the ways that women as mothers are subordinated in their family and different circumstances in societies in which these adages are announcing.

In the perspective of Ayatollahi and like-minded CEDAW opponents, being mother is described as an essential and natural role that is emotionally and physically associated with women's nature. Moreover, in CEDAW opponents' view, in order to render mothering role properly, motherhood has to be regarded by women as their priority rather than other roles they might take in the society. Regarding this perspective, Roya Rahbar in the article, 'The bill which is intrinsically a contradiction to Islamic laws' published in the conservative newspaper of Resalat on 15/05/2003 explains that:

> In Islam, women can live without economic concerns for their maintenance, while they can also have active presence in the society to do educational and academic activities. However, CEDAW has a completely different approach. In CEDAW, women's independency of family, and women's separation of their roles as wives and mothers are emphasised.

As the above extract reveals, Rahbar describes it as an advantage that in Islam, women are not obliged to make money because men are responsible of women's maintenance. However, as explained in the previous chapter, economic dependency of women is one of the main elements of women's oppression in the societies. On the other hand, Rahbar explains that women's presence in academic

and educational activities is not in contradiction with Islam. Although Rahbar mentions that women's presence in the society is not in contrast with Islam, it seems that she considers women's activities to earn money of secondary importance. Although she apparently verifies women's presence in the society, she does not relate women's social activities to money making as a priority. On the other hand, in next sentence, Rahbar immediately claims that CEDAW has a completely different approach in terms of women's economic dependency to men. Accordingly, Rahbar accuses CEDAW of advocating women's independency of family, and women's separation of their roles as wives and mothers. In other words, it seems that Rahbar corresponds women's exemption of economic responsibilities with women's commitment to their marital and mothering duties. Article 11 of CEDAW focuses on equal rights for men and women to have same employment opportunities. Thus, the equal opportunities can ease women's employment alongside men. It seems that Rahbar recognises this equal approach of CEDAW to men and women's employment influential to persuade women to work instead of focusing on mothering.

As far as motherhood as the prior role of women is concerned in perspective of CEDAW opponents, Fariba Alasvand in her article, 'Islamisation of the Convention - why?' that is published in the conservative newspaper of Jomhuri Islami on 27/08/2003, argues that:

> The Convention's attitude emphasises economic independence of women as a principle, and it leads women to escape from their motherhood responsibility and it develops the culture of ridiculing any kinds of feminine and maternal emotions.

In agreement with Rahbar and Ayatollahi, Alasvand also criticises CEDAW's approach towards women's economic independence. Although CEDAW does not force women to be economically independent, it enquires State Parties to 'take all appropriate measures to eliminate discrimination against women in the field of employment' (Article 11. 1). Equal rights between men and women in the field of employment results in same employment opportunities and security for women that can pave the way for women's economic independency. CEDAW opponents such as Alasvand interpret women's economic independency as women's refusal of motherhood responsibilities. It seems what makes CEDAW opponents

concerned about women's employment is that in their view, women's employment relegates motherhood which is considered by CEDAW opponents as the prior role of women. As women's employment does not allow women to be full time mums, employment is deemed by CEDAW opponents as an issue that prevents women from perfect mothering.

The dominant conservative view of the IRI in general, and CEDAW opponents, in particular identify a good mother as a biological and selfless mother who dedicates her time and energy to raise her children. For instance, Abbas Fathi's article, 'A glance on the contradiction of the Convention of Eliminating Discrimination Against Women with Islam and human rights' (October 2003), published in the conservative newspaper, Jomhuri Islami, shows how the separation of motherhood and employment is a principal factor to constitute the notion of good mother in the opinion of CEDAW opponents:

> In this Convention, woman is the labour and worker of Capitalism, not valuable and effective in the family. In the CEDAW's definition, woman means fertile worker; woman is a person who works out of home as a capitalist labourer. Therefore, she deserves a painful life. In this Convention, there is no respect for a woman who wants to perform her motherhood responsibility perfectly and agrees with her husband to divide their responsibilities. Based on their agreement, woman works at home and performs her true role as a caring mother instead of earning money and sending them to nurseries, while the man works outside of house; now, what is the position of this woman in this Convention? There is no respectful position in CEDAW for woman.

Fathi's explanations represent CEDAW opponents' ideas about duality of women's employment and their motherhood role. Alongside Rahbar, Ayatollahi and Alasvand whose accounts were mentioned earlier, Fathi prioritises motherhood for women to other jobs. Moreover, not only Fathi does not consider any advantage for women's employment, but he also diminishes women's presence in labour market as consequences of Capitalism. In his article, Fathi clearly shows that for CEDAW opponents, good mothering is defined based on the length of time that a mother spends with her child. Even when women can afford nurseries' cost, Fathi claims women's employment is not a priority and considers full-time mothering as a necessity.

In their articles, CEDAW opponents present a motherhood pattern based on which a good mother is a mother who devotes herself to the job of child caring and

fostering (her motherhood duties), and she prefers the domestic arena rather than taking other jobs in social domain (outside home, specially to earn money). Although Rahbar (15/05/2003) among CEDAW opponents legitimises social, educational and academic activities of mothers, she still prioritises children fostering in domestic arena as the main duty of a mother, and she considers mother's employment against good mothering.

CEDAW opponents' view towards mothering can be explained by what Rich (1986 in O'Reilly, 2004) describes as dominant definition of good mothering. This dominant view of good mothering can be characterised by three main themes. The first defines mothering as natural and essential to women's being. It is transferred in the belief, as Pamela Courtenay Hall (1998) describes it as the myth of the natural mother. Hall (1998: 59) explains that in this mythical view, 'women are naturally mothers, they are born with a built-in set of capacities, dispositions, and desires to nurture children'. Hence, in this perspective, mothering comes naturally and that this 'engagement of love and instinct is utterly distant from the world of paid work' (O'Reilly 2004: 6) (among CEDAW opponents' articles, Keyhan and Ayatollahi's articles are more representative of this view). Secondly, the mother is to be the main caregiver of her children; and thirdly, children need full-time mothering, or in the case that the mother must work outside home, the children must be always prior to the job (Rich 1986 cited in O'Reilly 2004). According to the mentioned articles of CEDAW opponents, second and third themes that are recognised by Rich are seen more clearly in Articles of Rahbar, Alasvand and Fathi.

The other scholar who addresses the matter of good motherhood is Sharon Hays (1996). She calls the dominant style of motherhood that emerged by the end of Second World War as 'intensive mothering'. Hays (1996) underlines that intensive mothering is a historically constructed cultural model for good and proper child caring. This dominant model of mothering focuses on three main themes which are very close to Rich's, including centrality of the mother as caregiver, priority of mothering on women's employment, and mothering requirement to spend long periods of time, energy, and material resources on the child (Hay, 1996).

Although Rich and Hay's definitions of good mothering emerges from a Western context, it seems that there are undeniable commonalities between what Rich and

Hay's definitions and what CEDAW opponents identify as good mothering. These common points in defining good mothering in Western and Iranian context can confirm what I discussed in Chapter 4 about the commonality of women's human rights concerns in different areas between Western world and Muslim Middle Eastern societies. I will expand this discussion at the end of this section after presenting more related theories about the concepts of ideal and dominant mothering.

Based on the outcome of numerous works, O'Reilly (2004) states that sacrificial and stay-at-home motherhood model emerged as the dominant view of good mothering since the end of World War Two. 'Full-time stay-at-home mother' who is isolated in the private sphere and is economically dependent on her husband emerged as the result of industrialisation. Industrialisation separated two domains of work and home and relocated the domestic space as an exclusively non-productive and private realm. The view based on that stay-at-home motherhood is what creates good and natural motherhood emerged only in the post-war period 'to effect the social reorganization and, more particularly, to redesign feminine gender behaviour and roles' (O'Reilly 2004: 6). During World War Two women were encouraged to work; consequently, there was an extraordinary rise in women's employment, which contained white middle-class mothers who had previously not worked as full-time employees (O'Reilly, 2004). However, with the end of the war and the return of the soldiers, women were enforced to quit their wartime employment. This was organised and facilitated by an ideological redesign of what identified good motherhood, including psychological teachings that perceived that full-time stay-at-home mothering is essential for mental and physical health of children.

Drawing on these historical facts, O'Reilly agrees with feminist historians who believe that motherhood is principally not a natural or biological function, but it is basically a cultural practice that is constantly redesigned in response to changing economic and societal factors in the societies (O'Reilly 2004). As a cultural construction, motherhood meaning changes with time and place, and 'there is no essential or universal experience of motherhood' (O'Reilly 2004: 5).

Adrienne Rich (1995) in her book, *Of woman born*, explains that how exclusive definition of good mother is institutionalised in the societies through drawing distinction between motherhood and mothering. According to O'Reilly (2004), what is central in 'Of women born', and was developed by Rich's following motherhood scholars, is the key division that is made by Rich between two meanings of motherhood, which one of them superimposed on the other: 'the "potential relationship of any woman to her power of reproduction and to children", and "the institution" that aims at ensuring that that potential-and all women- shall remain under male control' (O'Reilly 2004: 2). According to Rich's view (1986 cited in O'Reilly 2004), the term motherhood as the patriarchal institution of motherhood is male-defined and controlled, and is also deeply oppressive and confining to women, whereas the term mothering refers to female experiences of mothering that are female-defined and centred, and can be potentially empowering to women. Therefore, in a specific culture, a good mother is a woman who mothers in the institution of motherhood, and bad mothers are those who mother outside or against the institution of motherhood (O'Reilly, 2004). In agreement with Rich, Sara Ruddick (1989) applies the metaphor "gaze of others" to explain how mothers' authority and agency are denied when others, namely the values and expectations of the dominant culture, control and define the quality of good motherhood. Consequently, O'Reilly (2004) argues that this distinction between motherhood and mothering (patriarchal motherhood, and empowering motherhood) allowed feminists to admit that motherhood is not necessarily and inevitably oppressive, a view held by many early second wave feminists, but motherhood can be an instrument for empowerment for women.

As women's lifestyle has changed over time it seems necessary to present new definitions of motherhood in today's world. As O'Reilly (2004) explains, the main characteristics that are required for being a good mother in present days is more than mere physical proximity of mother-child and stay-at-home mothering unlike the intensive motherhood era, post World War Two period. While large numbers of middle-class women in both Western and Middle-Eastern countries are paid-employed mothers, contemporary mothers are expected 'to use the discourse of the experts, "quality" time with their children' (O'Reilly 2004: 8). They are required to be attuned with psychological, cognitive and material needs of their

children, and promote their children's talent and interests instead of mere spending time with them. Regarding today's ideal mothering in which psychological, cognitive and intellectual health of children have become more important than before, I refer to O'Reilly (2004: 13) who argues 'what children need are mothers who want their own freedom and ours. In other words: only an empowered mother can empower children, and children can only be empowered by an empowered mother'. Thus, I conclude that, the idea of considering motherhood as a shared responsibility between parents and society (for example, in form of other caring institutions) rather regarding 24/7 mothering by biological mother as necessary for children can be applied also in Muslim societies in present day. As Pateman (1992) claims, once the maternal idea is brought into 'the public realm' the childcare can become a responsibility of public conscience and legislation. Therefore, childcare can be constructed as collaboration between parents and other caring institutions (Cowdery and Knudson-Martin, 2005). This idea empowers women through affording mother's agency, enabling mothers to attach their meanings to "motherhood", and valuing mother's work (Rich, 1986).

Focusing on CEDAW opponents' articles, Islam is a main theme that is entangled with CEDAW opponents' definition of motherhood. CEDAW opponents predominantly justify their opposition to CEDAW's definition of maternity through recognising differences between what CEDAW and Islam define of maternity. Therefore, what has to be considered here is whether Islamic definition of motherhood can be dynamic, while CEDAW opponents present their own understanding of Islamic description of motherhood as the sole Islamic definition of motherhood? Thus, the next sub-section focuses on the relationship between Islam and motherhood, and the possibility of presenting dynamic definitions of motherhood in an Islamic opinion.

CEDAW opponents' definition of good mother and Islam

As indicated before, the themes that are presented to define good motherhood by scholars in previous sub-section are very close to the elements that construct the meaning of good motherhood in Western societies. However, it seems that the motherhood scholars who are mostly arisen from Western countries focus on the

economic and social situation emerged at the end of the World War Two in the West to clarify that motherhood is a cultural practice that is constantly redefined in response to changing economic and societal factors. Therefore, they explain that the social reorganisations that plan to balance gender roles and jobs (by specific focus on socio-economic changes that World War Two brought about) are the main reason and origin of exclusive definition of good mother in the West (pushing mothers to stay at home to fulfil their mothering tasks). However, according to CEDAW opponents' extracts, they refer to Islam as one, if not as the only, of the main means by which CEDAW opponents define good mother's practices and priorities. In order to make the entanglement of Islam and motherhood in CEDAW opponents' view clearer, I can mention Mahboubeh Farahani's article, 'Imperialism objectives in a framework of a bargain'. In her article published in the conservative newspaper, *Resalat*, Farahani refers to Ayatollah Khomeini's following utterance at the beginning of her article to empower her reasoning to oppose CEDAW's definition of motherhood. Farahani quotes Ayatollah Khomeini's words about the importance of motherhood in Islamic thought as follows:

> Woman is the sole creature who is blessed by God to rear human being children on her lap and send them to the community from which a society and even societies achieve the strength and the highest levels of human values.

Despite his role as the political leader of the Islamic Revolution, Ayatollah Khomeini was initially a prominent clerical religious figure who could mobilise religious people to participate in the revolution against Shah's regime. Thus, Ayatollah Khomeini's leadership has not been confined to political issues. Ayatollah Khomeini's religious ideas were strongly followed and referred by religious people in Iran particularly since he took the leadership of the revolution. As a usual matter for a clerical figure, Ayatollah Khomeini mostly used religious language even in his political and social speeches. As the above extract shows, Ayatollah Khomeini defines motherhood as a God-granted specific advantage for women, and identifies woman as sole creature of God who can rear human beings. The above-mentioned extract shows that how motherhood is represented in strong connection with religious concepts such as God's creation. Moreover, CEDAW opponents use the quotes of religious figures to justify their ideas about motherhood.

As another example, Hojjatolislam Zibaee Nejad in an interview with the politically neutral newspaper of Khorasan in the article 'The outcomes of joining the convention of eliminating discrimination' (07/08/2003) explains that:

> One of our unchangeable assumptions in Islam is that God has certain expectations from men and women. Although we accept that some Islamic orders can be understood based on the elements of time and place, but motherhood is a fundamental and fixed principle that cannot be interpreted based on time and place. There are some Islamic narrations (rivayats) saying that one of the signs among repulsive and complex signs of the Judgment Day (Akharozzaman) is that women participate in economic activities of the family.

This extract is worth mentioning here for two reasons. Firstly, Zibaee Nejad, a clergyman who is questioned in this interview as representative of CEDAW opponents reveals how motherhood concept is entangled with the matter of religion for CEDAW opponents. This extract clearly shows Shi'a religious concepts such as *rivayats* and *Akharozzaman* that are applied in CEDAW opponents' accounts to justify their ideas about motherhood. Referring to *rivayats*, Zibaee Nejad describes women's contribution in earning money as a sign of *Judgment Day* i.e. a common concept in literature of Shi'a believers who are waiting for *Imam Mahdi,* to show the distance and incompatibility of what Islam and CEDAW define as the relationship of motherhood and women's career. In Shi'a branch of Islam, Imam Mahdi is the prophesied redeemer of Islam who will rule for seven, nine, or nineteen years (according to differing interpretations) before Doomsday and will empty the world of evil. In Shi'a resources, several events are foretold to occur before the advent of Imam Mahdi. These events are predominantly identified in Shi'a culture as unpleasant events that show the intensified complexity of the world in the period of time near to Imam Mahdi's arrival. In effect, Shi'a scholars claim that Imam Mahdi, as the redeemer of human beings, will arrive in a complex world in which Muslims are oppressed, and will cleanse the world of evil.

Secondly, Zibaee Nejad's quote very transparently reveals the approach of CEDAW opponents in terms of immutability of most of Islamic teachings. Zibaee Nejad clearly claims that motherhood is a fundamental and fixed principle that cannot be interpreted based on time and place. Although Zibaee Nejad asserts that some Islamic orders can be understood based on time and place, he mentions that priority of motherhood for women is not among changeable teachings of Islam. As

mentioned in Introduction chapter, generally speaking there are two main approaches towards *Shari'a* among Shi'a jurists of Iran, namely dynamic perspective and traditional view. The dynamic jurisprudence is grounded on interpreting *Shari'a* through *Ijtihad* (independent reasoning of Islamic sources) to define Islamic laws in compatibility with historical and social circumstances in which Muslims live. As Mir-Hosseini (2007: 1501) explains, '*Ijtihad* literally means "exertion"; in a jurisprudential sense, it is the exertion of mental energy by a Muslim jurist to deduce legal rulings from Islam's sacred texts'. On the other hand, traditional jurists who have more conservative approach to *Shari'a* emphasise an Islamic classic belief on commonality of human nature since the beginning of Islam. According to this belief, traditional jurists conclude that Islamic teachings are mostly immutable, and a call to modernise the religion is essentially one to abolish all Islamic laws and regulations. As *Ijtihad* is one of the principles of Shii *Fiqh*, *Ijtihad* is not completely denied, but it is rhetorically praised by traditional jurists to identify Shi'a as a more up-to-date religion school than Sunni. Although traditional view that is represented by conservatives within Islamic state of Iran claims that the gate of *Ijtihad* is open in Shi'a law, traditional Shi'a jurists in practice do not attach great weight to reinterpretation of Islamic teachings (Mir-Hosseini 2007). Motherhood is represented by CEDAW opponents as a fundamental and fixed principle that cannot be interpreted based on time and place. Thus, as Zibaee Nejad clarifies women's participation in economic activities to maintain the family is identified as one of the complicated and unacceptable issues that are predicted to happen in *Akharozzaman.* The strict definition of motherhood as the main and specific role of women that is promoted by dominant Islamic voice in the IRI is the basis of lots of women-related *Fiqh* and legal codifications in Iran. Thus, revising the definition of motherhood in Islamic ideas can directly affect the quality of Iranian women's lives in social and private domains.

According to Ruddick who argues that 'dominant culture' is determining in definition of good mother, the prevalence of the specific notion of good mother in CEDAW opponents' articles can be explained based on this fact that powerful and dominant voice in political scene of Iran belongs to Muslim conservatives. Drawing on Rostami-Povey (2012), there is a common view among a large number of

literature and scholarly writings on the debate over women's rights in Islam and in Iran (Abou-Bakr 2011; Ahmed 1999; Haeri 2009; Hoodfar 2000; Kian 2002; Mernissi 1997; Mir-Hosseini 2002a and 2002b; Moghadam 2000; Moghissi 1998; Najmabadi 1998; Osanloo 2009; Paidar 1995; Rostami-Povey 2001, 2012; Sadeghi 2011; Tohidi 2002), that 'considers Islamic culture and religion to be the primary agent determining the identities of women in Muslim-majority societies' (Rostami-Povey 2012: 4).

The dominant Islamic culture in Iran belongs to Islamic conservatives. The Islamic conservatives who have dominant voice within Islamic state of Iran have traditional perspectives towards Islamic beliefs, including their interpretation of the matter of gender relations in Islam. They believe in inherent differences of men and women's qualities and abilities based on which child caring is the essential and gender-specific role of women. It seems that 'religion' that is not considered in the discussions of Western scholars as an influential factor to identify 'good mother' is a key element in the arguments of conservatives, in general, and CEDAW opponents, in particular, to portray the ideal mother. In the accounts of conservatives in Iran, Fatima, the daughter of prophet Muhammad, is praised as the symbol of 'mother' of all Shi'a people. Moreover, the characteristics such as selflessness and commitment to child rearing as the main responsibility of women are defined as the characteristics of good mother in the Islamic perspective.

In their articles, CEDAW opponents mention the priority of stay-at-home mothering in Islam rather than women's participation in public domain. Therefore, CEDAW opponents dichotomise women's employment and good mothering. Moreover, CEDAW opponents justify their definition of good mothering and its conflict with women's employment through attaching their ideas to Islam. CEDAW opponents present a unified image of what Islam expects from a 'good mother', a stay-at-home mother whose priority is rearing her children and is awarded by Allah (God) because of sacrificing herself. Consequently, the opponents see CEDAW in contrast with Islam in terms of priority and dignity of the mothering role in comparison with other roles for women, while CEDAW does not consider motherhood necessarily as the main role of women and regards child caring as a shared responsibility between women, men and the society.

However, as mentioned earlier, there are different perceptions of Islamic conjunctions in the Muslim world, including dynamic approach and traditional view. As this difference between traditionalism and dynamism of Islamic teachings is embodied as two major political groups of conservatives and reformists in Iran who have respectively absolutist and tolerant perspective towards Islamic concepts and laws (Mir-Hosseini, 2002b), the notion of good mother can be also understood differently in different readings of Islam.

Rereading motherhood in Islam

Regarding the possibility of various definitions of good mother, I refer to Amina Wadud's book, *Inside the gender jihad (2006)*, in which she questions the ideal and mythical portraits of good mother in Islam. The main concern of Wadud in her book (2006: 4) is gender justice in Islam. Wadud as a 'pro-faith, pro-feminist Muslim woman' intends to show how to transform Islam through its own egalitarian tendencies, values, articulations, and outcomes into a 'dynamic system with practices that fulfil its goals of justice, by first admitting that concepts of Islam and concepts of justice have always been relative to actual historical and cultural situations' (Wadud 2006: 2). Wadud (2006) as a Muslim scholar has inside perspective to the Islamic orders and their implementation in contemporary world. Hence, she takes the elements of time and place into account and employs historical reading of Islam in order to interpret Islam in accordance with current issues and concerns of present-day Muslim societies.

Wadud assumes motherhood, marriage and family as the birthplace of gender equalities. Moreover, she is of the view that motherhood, like family, is socially constructed and the role of mother has been variously perceived and differently fulfilled during the time. Therefore, as Atkinson (1991 cited in Wadud 2006: 127) states, the history of motherhood 'requires careful examination of the status and image of women in particular cultures'. Drawing on Wadud (2006: 127), 'many forces, including religion, influenced the conceptions of ideal mother'. All religious systems establish norms and rules for behaviours and relationships, including familial relationships, with ideas and orders concerning sexuality and parenthood, mothers and children relationships that are presented explicitly and implicitly

(Wadud, 2006). For example, Wadud (2006) refers to different times and places in history of motherhood in which all that was required for a woman to be a mother, in contrast with dominant definition of motherhood in most of today cultures, was actual biological reproduction. No notion of caring for children was connected with it, including the first feature of surviving infant, i.e. nursing. In Islamic history, this is born out by Qur'anic references to wet-nursing, and by the literature about the prophet's life that describe the prophet's own wet-nurse, Halimah. The biological mother of Prophet Muhammad, Amine, was never charged of un-maternal or a bad mother 'because nursing one's own infant was not part of the understanding of motherhood. The mother was the one who gave birth. Even in Arabia by that time, the father's clan or tribe was responsible for the child's upbringing' (Wadud 2006: 128). This example shows how the understanding of Muslims regarding motherhood in Prophet age was different from what todays Muslim societies predominantly represent as a good Muslim mother. Wadud emphasises the historicity of motherhood to say that motherhood was never purely natural, but it has always been shaped by religious systems, power relations, and material structures. Thus, it seems important to harmonise the definitions and features of "good mother" with actual life experience of today Muslim women.

Irena Oh's idea (2010) is also worth regarding here. Oh (2010) focuses on common experiences of mothering in both Christianity and Islam to offer profound critiques of maternal ethical norms in these religions. She argues that 'the familiar responsibilities of child fostering, assumed by the majority of Christian and Muslim women, provide the basis for reassessing sacrificial and selfless love, protesting unjust religious and political systems, and dismantling romanticized notions of childcare' (Oh 2010: 638). She asserts that the key figures who are symbolised as good mothers in Christianity and Islam, including Mary and Khadija[11] (and also Fatima[12] in Shi'a branch of Islam) are promoted without sincere and practical reflection upon the actual experiences of mothers, and just little insight into the mundane but ethically important daily work of their

[11] Khadija was the first wife of prophet Muhammad.
[12] Fatima was the daughter of Prophet Muhammad, born c. 605 or 615- died 28 August 632.

mothering is provided (Oh, 2010). She argues that the danger of these vague depictions of motherhood lies in their idealised extremity and the applications of that extremity in creating ethical norms for today mothers (Oh, 2010). However, as a matter of fact, some of these ethical norms are restricting and incompatible with today circumstances of women's lives, including increase of women's individuality and social roles in both Western and Muslim majority societies.

Regarding the necessity of historical and dynamic perspective towards motherhood concept in today Muslim societies, Aliah Schleifer's (1996) ideas can be useful here. Schleifer focuses on recasting the ideal characteristics of a good mother, specifically selflessness, that are promoted in Abrahamic religions that encourage their female believers to acquire them as mothers. Schleifer argues that when "selflessness" as a specific advantage of mother is praised, a standard of motherhood is set up that is exceptional to other human functions. Schleifer (1996) explains that special consideration is needed to prevent falling into trap of praising the sanctity of motherhood as "natural", thereby ignoring the burdens of care-work for mothers. Schleifer's criticism is mainly focused on the situation of mothers whom the multiple levels of work are expected from. Schleifer discusses that in contemporary world, it is common that women have different responsibilities apart from mothering. It can be particularly understandable in the lives of single mothers. As Wadud (2006) states, single parent women are likely to experience complicated status in balancing between motherhood and their jobs, but are still expected to be perfect in the virtues of selflessness and sacrifice. Wadud (2006: 129) proceeds to explain that these women must uphold the virtues of the family while contesting 'in a public sector that disregards their familial roles because they are not the standard used to measure the predominant male participant whose essential status is determined by their exclusion from maternal take-caring'.

Iranian women's lifestyle like many other Muslim societies has changed over the time. Women's participation in higher education increased since mid-1980s so that women occupied more than 50% of universities' seats in recent 15 years in Iran (Kamyab 2015). Moreover, women's employment rate has started to increase in urban areas since 1990s under Rafsanjani's (the president of Iran between 1989

and 1997) economic recovery policies of the country (Bahramitash and Salehi Esfahani 2011). The number of female employees has increased mainly in health care, education, and service sectors (Bahramitash and Salehi Esfahani 2011). I shall say Iranian women nowadays, likewise women in many parts of the world, 'participate in the employment market more than they did. Yet, most women still become mothers, and motherhood continues to occupy a large proportion of their lives' (Phoenix and woollett 1991: 1). This fact that the breadwinning responsibilities alongside motherhood in the lives of many Iranian women necessitates a new look to the roles and rights of women as breadwinners of the household is indicated by Azam Rezayiani's article in reformist newspaper of *Azad* (07/03/2002). In this article, 'The convention of eliminating discrimination against women and its effects on derelict women', Rezayiani does not take clear position to the matter of Iran joining CEDAW. The focus of her discussion is on presenting the statistics about women as breadwinners of the family, and raising this question that whether Iran joining CEDAW would have positive outcomes for women who are main breadwinners of the households.

Thus, regarding diversity of Iranian women's roles as mothers and employees, the mere emphasis on the restricted and exclusive definitions of good mother which are perpetuated by the dominant culture cannot resolve the complexities of today's Iranian women's lives. Moreover, certain Islamic sayings like "Paradise lies under the feet of mother" should not be used to shield Muslim society from taking a serious look at the ways women are treated unequally in family and society. The sanctity of motherhood is not sufficient to protect today Muslim women who are both mothers and breadwinners.

What Wadud (2006) represents of fluidity of motherhood concept in Islam can be understood more clearly within the revisionist ideas that reformists within the Islamic state of Iran are expected to represent. As Muslim revisionists assert that Islamic laws and concepts can be reinterpreted based on today's circumstances of Muslim people's lives, it is expected that Iranian Muslim revisionists could revise the dominant Islamic definition of motherhood. Exploring CEDAW supporters' articles which are published in reformist publications, I found out that motherhood is not considered by CEDAW supporters as a main theme. It seems

that even to respond CEDAW opponents' criticism in terms of contradiction between CEDAW and Islam over the definition of maternity, CEDAW supporters do not focus on the matter of motherhood.

As mentioned before, the main reason of CEDAW opponents to object CEDAW's view towards the matter of motherhood is the contradiction of what CEDAW considers in the definition of motherhood, as a social responsibility by co-operation of women, men and the society, and what their Islamic interpretation defines as good motherhood, the female-specific and the most important responsibility of women. The dynamic approach to Islam could be applied here to harmonise CEDAW's definition of maternity i.e. a shared responsibility between women, men and the society, with today's Iranian women's lifestyle and activities. Dynamic Islam's strategy allows Muslim people of different eras to see "good mother" as a dynamic concept, which is described based on women's life style and concerns in their specific time and place.

Before and at the early years of the reformist era, this hope was developed by Muslim woman activists and even secular feminists in Iran that dynamic/revisionist Islam is the best solution to reconcile women's human right and Islam in Iran (Rostami-Povey 2012). The basis of this hope was this idea that Iran is a Muslim Shi'a society in which a large number of people still strongly believe in Islamic conjunctions. Accordingly, it was hoped that dynamic approach to Islam could develop female-centred interpretations of Islam, and could revise Islamic traditional laws and concepts that cause women's oppression (Hoodfar 1999). While the dominant voice in the IRI constantly attributes reforming women's rights issues to Westernisation purposes and present it in contrast with Islam, reinterpretation of women's rights issue in revisionist view to Islam can break the taint of opposition to Islam. Political victory of reformists in 1997's presidential election and the relative increase of reformist publications strengthened this optimism that the revisionist Islamic perspective towards women's issues would be developed in public domain. Accordingly, as mentioned before, in 1997's election, a high proportion of Khatami's votes belonged to women. As Mir-Hosseini (2002b: 39) explains, 'during his campaign, Khatami frequently spoke of youth and women as two groups whose aspirations and

demands must be acknowledged and validated by the government'. The matter of motherhood is one of the main issues that affect diverse groups of women's lives in their private, economic and social spheres. Thus, it was expected that motherhood be focused on reformist discussions as a subject that is used by Islamic traditionalists to justify the rights inequality and preventing women of participation in socio-political and economic domains.

What I can explain about why the subject of motherhood is not considered by CEDAW supporters in reformist publications relates to my understanding of reformists' status in political domain of Iran, and also it relates to my scepticism about the woman issue as a central concern of reformists. As I mentioned in previous chapters, reformists always have had a fragile status in political scene of post-revolutionary Iran, even in the reform era. Reformists have been accused by the conservatives within the state of being influenced by Western ideas and deviating from the religious principles and the values of the Islamic Revolution. Therefore, one of the strategies of reformists to show their loyalty to Islam and the values of the revolution has been staying silent about the cultural subjects that are strongly emphasised by the revolution's leaders. Motherhood is a subject that is frequently emphasised by revolution's leaders as the main role of women in the Islamic Republic. As Afshar (2003: 183) explains Ayatollah Khomeini 'felt that mothers should be the cornerstone of the nation's future by raising 'brave men in the laps''. Since the establishment of the Islamic post-revolutionary state until today, the importance of traditional and exclusive definitions of motherhood as women's essential role have been frequently stressed by the revolution's leaders and conservative figures. Therefore, generally speaking, it seems that the Islamic stereotypical definitions of motherhood are not challenged in discussions of CEDAW supporters in reformists' publications.

Conclusion

This chapter focused on the comparison between two concepts of 'equality' and 'similarity', as principal themes in discussions of CEDAW opponents to oppose the view of CEDAW in terms of considering similar rights for men and women. Additionally, themes of 'feminism' and 'motherhood' were considered in this

chapter as the subjects according to which CEDAW opponents' reasoning over rejecting similarity of rights between men and women was articulated. This chapter challenged the fixed approach of CEDAW opponents towards the matter of equality of rights between men and women in Islam. While CEDAW allocates similar rights to men and women in social and familial realms, CEDAW opponents describe similarity of rights as being in contrast with Islam. In perspective of CEDAW opponents, Islam gives different rights to men and women in conformity with their different natural and innate characteristics. In order to analyse CEDAW opponents' view, the theory of 'paradox of equality' by Emon was used and it was revealed that how the factor of dynamism was ignored about "fact of gender difference" in CEDAW opponents' opinion. Thus, in line with Chapter 5, I emphasised the need to see Islamic rules about women's rights and roles as being dynamic based on socio-cultural factors in current circumstance of today's women.

In discussions of CEDAW opponents, "feminism" is a theme that is frequently mentioned as the main thought school that has developed the idea of similarity of rights between men and women. In line with criticising reverse Orientalism of CEDAW opponents' approach, this chapter challenged homogenising view of CEDAW opponents towards feminism by presenting diverse divisions of feminism, including 'difference' and 'similarity', and indicating other classifications such as Islamic and post-colonial feminisms that are created in strong connection with Islamic concepts and cultural background of Middle-Eastern societies.

In discussions of CEDAW opponents over similarity versus equality, the subject of motherhood is frequently mentioned. Thus, this chapter focused on CEDAW opponents' claim according to which full equality between men and women's rights causes prioritising social roles outside home alongside men and prevents women of being 'good mother'. Comparing the ideas of Western critics such as O'reilly (2004) and Muslim scholars, including Wadud (2006) and Schleifer (1996), this chapter explained that motherhood is a dynamic concept both in Western and 'Muslim' societies. Thus, the historicity of motherhood and the influence of religious systems, power relations, and material structures on definition of motherhood in different societies were argued in this chapter.

Therefore, while CEDAW opponents represent good mother in Islam restrictedly as a self-scarified full-time mother, this chapter demonstrated disproportion of CEDAW opponents' definition of good mother with social, educational and economic circumstances of today's Iranian women. What was finally addressed in this chapter was the avoidance of reformists of defending alternative definitions of the good mother in Islam. While reformists are representatives of dynamic reading of Islamic teachings in Iran, this chapter showed their silence about challenging the matter of motherhood in Islam. This silence was analysed in connection to the importance of motherhood in the Islamic Republic to preserve Islamic and 'Revolutionary' identity of post-revolutionary collection in Iran. Moreover, reformists' reaction to redefinition of motherhood in Islam was considered in this chapter in connection to fragile status of reformists in the political realm of Iran. Therefore, as politicisation of humanism and family in arguments of reformists was argued in previous chapters, this chapter also showed the influence of politics on representation of motherhood subject in reformists' discussions.

Chapter 8: Conclusions

This study has examined the supporting and opposing ideas on the subject of Iran joining CEDAW, that were reflected in the reformist and conservative press between 2000 to 2004. As explained in Introduction chapter, the important factor in differentiating between reformists and conservatives in this research is their different approaches towards Islamic teachings for which they are respectively representatives of conservative/traditional and reformist/revisionist Islamic thought in Iranian politics. I have presented the concepts and themes based on which the arguments of CEDAW opponents and supporters have developed concerning CEDAW and women's human rights, by addressing 59 articles and analysing the themes from the collected articles. The analysis chapters were shaped mainly based on themes from CEDAW opponents' articles. This is because the major part of discussions over CEDAW are often articulated in relation to the critiques of CEDAW opponents; however, these themes were utilised to show the viewpoints of CEDAW supporters and their responses to criticisms of CEDAW opponents in relation to them (the themes).

The Introduction chapter presented the three main aims of this research and outlined the questions that are developed to fulfil these aims, including: A) What values and concepts underpin supportive and opposing understandings of reformists and conservatives towards CEDAW? B) How is the relationship between Islam and the international criteria of women's human rights articulated in discussions of CEDAW opponents and supporters? C) How does the political authority of the state persuade CEDAW opponents and supporters to highlight or omit specific aspects of CEDAW? D) According to reformists in particular, to what extent are the reformist press, which reflect the ideas of CEDAW supporters, influenced by their political restrictions and media censorship by hardliners?

The dominance of the traditional Islamic thought of conservatives in Iran's post-revolutionary state in all socio-cultural and legal aspects, including gender politics

was explained in Chapter 2. The formation of the reformist debates in Iranian politics was described, and also how the victory of the reformists in the 1997 presidential election opened up a relatively short-term free space in publications for both reformists and conservatives to reflect their ideas, including in relation to women's human rights. Subsequently, I explained why a specific time period (2000-2004) in the reform era was chosen for consideration in this research. The Reform era was important in my research because a relatively free space for publications in this era allowed me to compare the reflected ideas over CEDAW in the conservatives and reformists press, who respectively represent traditional and revisionist Islamic views. In this research, the specific period of 2000-2004 was focused because in this period, not only the government was being run by reformists, but also the majority of parliament's seats, in the Sixth Majlis, were occupied by them. The supremacy of reformists simultaneously in both government and parliament paved the way for the issue of Iran joining CEDAW to be raised as a bill. Such a bill had been previously discussed in Majlis and in the Iranian press; however, it was not prioritised for consideration to the same extent in the former and even the following governments and parliaments as it was in the reform era.

Anne Elizabeth Mayer's idea (1995: 176) suggests 'there are two basic positions that one can take on women's human rights: the universalist and the cultural relativist'; I focused on these two approaches to clarify my position towards universal applicability of women's human rights in Literature Review. Criticising the cultural relativist view towards women's human rights that is mostly supported by anti-essentialist and anti-universalist feminists, in this research, I argued that the Iranian conservatives' ideas about the inapplicability of CEDAW in Iran have a common base with cultural relativism. Following Okin (1998) and Mayer (2013), who previously asserted that religious fundamentalists use cultural relativism to justify the violation of universal human rights, this thesis demonstrated how conservative view, as a dominant account in the IRI, employs what they consider as intrinsic characteristics of Islamic teachings, as vehicles, to legitimate their opposition to CEDAW. In doing so they mainly focus on subjects such as women's individuality, family construction, family relationships, similarity of rights between men and women, and motherhood. Believing in intrinsic

contradictions between CEDAW and Islam, the conservatives, for whom respecting 'Islam' and preserving 'Islamic culture' is the main priority, oppose joining CEDAW. This is because in their perspective, adhering to CEDAW is equal to objecting to 'Islam' and 'Islamic culture'.

In response to conservatives' attitude towards the intrinsic conflict between CEDAW and Islam, I challenged the homogenised and unified notion of Islam that is presented by the conservatives in accord with Edward Said's Orientalism theory. As it was argued in Chapter 3, Said has been one of the key scholars who challenged the homogeneous notion of Islam in his famous work, *Orientalism*. Said's idea rests on the diversity of Islamic teachings' interpretations over different historical periods and within different societies and cultures. Said's idea is considered in this research as a core idea according to which I explained the applicability of international women's human rights in Muslim societies, including Iran. Being inspired by Said's idea, I presented a revisionist reading of Islam, which is claimed to be followed by reformists, as an alternative reading of traditional/conservative Islam within Iran. This is intended to challenge the conservatives' ideas around the themes of humanism, women's freedom of choice, family construction, similarity of rights between men and women, and motherhood based on which CEDAW opponents describe CEDAW as intrinsically conflicting with Islam. Presenting alternatives to CEDAW opponents' Islamic interpretations, this study firstly verified Said's idea in terms of diversity of Islamic readings. Secondly, it was shown that contrary to CEDAW opponents who consider unequal rights for women as an inherent and immutable characteristic in Islam, CEDAW and Islam could be reconcilable in the mentioned themes based on rereading the Islamic teachings.

In this research, I claimed that the belief in contradiction between Islam and women's human rights is not restricted to the Orientalist ideas of 'Westerners', but this contradiction is also emphasised by plenty of Muslim scholars and fundamentalist states, including the Iranian state, who identify themselves as being in opposition to the West. Both Orientalists and Muslim opponents of women's human rights commonly underline a sole discriminative (traditional) reading of Islam in which women are deprived of equal rights with men in many

socio-political and familial domains. Thus, in both Orientalist perspective and Islamic traditional view, Islam and CEDAW cannot be reconcilable. This mutuality between Western Orientalism and traditional reading of Islam was identified in my research as one of the theoretical contributions of my thesis into the knowledge relating to anti-Orientalist feminist literature, and that will be explained more broadly in the rest of this chapter. While anti-Orientalist feminists mainly address the 'Western' view to Islam and Muslim Middle Eastern societies, this thesis focuses on internal accounts that influenced the matter of Iran joining CEDAW. In this thesis, I demonstrated how Middle Eastern hardliners who emphasise the inherent differences between Islam and CEDAW, and between 'Western' and Muslim women to justify the violation of CEDAW reproduce an Orientalist representation of Islam as a unified body of laws of which inequality of rights between men and women is an intrinsic characteristic. Suggesting a revisionist Islamic view to reread the themes that are presented by CEDAW opponents to show contradictions between Islam and CEDAW, I tried to challenge CEDAW opponents' unified perception of Islam, and demonstrate Islam and women's human rights are not intrinsically contradictory.

On the other hand, although revisionist Islam is identified as an alternative to traditional readings of Islam, this thesis showed the failure of this approach to resolve the contradictions between women's human rights and Islam. The research findings demonstrated that reformists do not concentrate on the existing Islamic sources and ideas that present alternative readings on the subjects such as humanism, women's individuality, equality and motherhood, the subjects around which CEDAW opponents justify the intrinsic contradiction between Islam and CEDAW. It is argued in this research that the reformists' failure to present new readings about the women's human rights issue might emerge for two main reasons; first, the marginality of women's rights issues in reformist view: the focus of CEDAW supporters on improving the international image of Islam and Iran and Iran's presence in globalisation project as implications of Iran joining CEDAW that strengthens Hoodfar and Sadr's (2009) idea that women's human rights is not a priority for reformists; second, the politicisation of women's human rights: considering the political context of Iran, this thesis also verifies the presumption that CEDAW supporters' failure to present profound discussions over rereading

women-related Islamic laws is influenced by the political confinements for reformists and their publications. This politicisation is also realised in reformists' silence on the discussions around family and women's roles within family because of the sanctification of family, and women's familial roles in dominant viewpoints of the state and their importance to define Islamic national identity versus 'West'.

The rest of this concluding chapter is organised in four main sections including "summary of findings", "overview of analysis chapters", "research contributions" and "going forward". The first section, summary of findings, focuses on what I grasped from the presented findings in Chapters 5, 6 and 7 of this thesis that are constructed based on the main themes in CEDAW opponents and supporters' discussions. In clarifying the values and concepts that underpin supportive and opposing understandings of reformists and conservatives towards CEDAW, this section mainly seeks to answer the first research question. The sub-sections are organised based on the exact titles and order of the analysis chapters to present a summary of each chapter based on the main themes. The second section, overview of analysis chapters, focuses on research findings in relation to each other; I present my conclusion of the analysis chapters in connection to each other in this section. This section includes three sub-sections that are presented based on the main points which are drawn from a comprehensive look at the analysis chapters. The second section of this chapter is mainly focused to find out what this thesis presents in answering the second and third research questions; although, answering them is strongly interlinked to my explanations of the first question. The third section, research contributions, focuses on the contribution of this research in terms of theoretical development and empirical findings in related fields. Finally, the fourth section presents my recommendations for future studies in connection to Iran joining CEDAW and women's human rights issue in Iran.

Summary of findings

CEDAW: A universal convention

In Chapter 5, I showed that how 'universality' as a characteristic of CEDAW has centrality in discussions of both CEDAW opponents and supporters over the

relationship between CEDAW and Islam. CEDAW supporters consider universality of CEDAW as an opportunity to demonstrate an improved image of Islam and Iran to the world by Iran joining CEDAW. However, CEDAW opponents assume universality of CEDAW as the dominance of 'Western culture' on other cultures in the world, especially on Muslim-majority societies' cultures. Moreover, both CEDAW opponents and supporters invoke the concept of globalisation in their discussions over the relation of CEDAW and Islam. Analysing their accounts, CEDAW supporters take a cultural meaning of globalisation based on 'cultural connections' and constituting a 'global civil society'. Furthermore, CEDAW supporters represent Iran joining CEDAW as a vehicle for involving Iran in globalisation process and improving international image of Iran and Islam. However, CEDAW opponents consider globalisation as a part of 'Westernisation project' to expand Western values and homogenise the entire world. Drawing upon their perception of globalisation and considering CEDAW as a part of globalisation project, CEDAW opponents identify CEDAW as a 'Western' convention that is incompatible with 'Islamic teachings' and 'Islamic culture'. Regarding CEDAW opponents' idea about inapplicability of this Convention in Muslim societies, I showed how CEDAW opponents' view is close to cultural relativism theory. As defined before, cultural relativism claims that there is no universal criterion that applies across cultural divisions. In cultural relativist perspective, international human rights law is not an appropriate instrument to evaluate human rights status in non-Western societies and the cultural codes and their perceptions are different within Western and non-Western communities (Higgins, 1996). Focusing on cultural relativist approach of CEDAW opponents, I demonstrated how CEDAW opponents' position is in contrast with the ideas of Edward Said, a significant figure who is referred pervasively in cultural relativist literature to criticise Western imperialist and orientalist view towards Muslim societies. In Chapter 5, it was argued that how CEDAW opponents violate two main principles of Said's idea, including common humanity between people in the West and East and fluidity of Islam. I also showed that violating these two principles, CEDAW opponents are unintentionally in agreement with orientalist approach towards Islam and Muslim societies, while CEDAW opponents emphasise their objection to the West and its cultural and political dominance on other cultures

through international human rights. In other words, I argued that while there are different evidences from within Muslim majority societies that verify many commonalities between Muslim women's concerns and what is focused in CEDAW in terms of women's rights, CEDAW opponents exclusively affiliate CEDAW to women's rights issues in the 'West'. Moreover, I challenged CEDAW opponents' monopolised readings of Islam that legitimise unequal rights for men and women. Referring to diverse perspectives of Iranian clerics towards relation of Islam and CEDAW, I am in position to argue that CEDAW opponents ignore the diversity of Islamic interpretations, in line with what Orientalism in Western media and politics represents of Islam.

Humanism, women's freedom of choice and family

Chapter 6 focuses on three themes of humanism, women's freedom of choice and family in the discussions of CEDAW opponents, mostly around CEDAW opponents' concern in terms of dominance of 'Western culture' as an outcome of Iran joining CEDAW. In this chapter, reverse Orientalism theory was used to explain how CEDAW opponents devalue and homogenise 'Western culture' in comparison with 'Islamic culture'. What is seen in the discussions in relation to these themes is CEDAW opponents' attempt to present 'Western society' as a homogeneous whole, underpinned by humanist thought. Considering humanism as the central idea in 'Western society', CEDAW opponents describe the West by the following characteristics: a) centrality of human being's will rather than God's commands; b) priority of women's freedom of choice over preservation of family relations; c) the fragility of family unit in the 'West', and replacement of marriage-based families with cohabiting based on extra-marital and homosexual relationships.

My focus in Chapter 6 is on challenging CEDAW opponents' viewpoints in terms of firstly, intrinsic conflict between humanism and Islam; secondly, the contradiction between Islam and centrality of human being's choice and reason. Referring to Muslim thinkers such as Ibn al-'Arabi, 'Abd al- Karim al-Jili, al-Hallaj and Suhrawardl, I discussed that not only Islam and humanism are not intrinsically conflicted, but also they are strongly intertwined in some aspects based on the Islamic readings of these thinkers. Moreover, there are historical and contextual

Islamic readings (including, views of Mu'tazila school and Muslim revisionists) that present a reconcilable relationship between Islam and the rights and reason of human beings. However, CEDAW opponents describe Islam and humanism as contrasted because of centrality of God's commandments and the centrality of human being's choice and reason, respectively.

As I argued in Chapter 6, the increase of women's individuality, and also the changing construction of family (in terms of sexual relationships and women's family roles) are considered by CEDAW opponents as the main damaging consequences of humanist thought in the 'West'. In line with the theory of reverse Orientalism, CEDAW opponents, who affiliate this Convention to the 'West', challenge Iran's joining CEDAW by equating it with adoption of the characteristics of 'Western society'. CEDAW opponents represent the 'West' as the Other of 'Islamic society' in which family construction and gender relations within family are in crisis. CEDAW opponents' accounts in this study suggest that the matter of family and women's individuality should be observed in strong association with the othering of the West as one of the principles of Iranian post-revolutionary politics. The research findings support Joseph's idea which argues that family in Middle Eastern societies is 'a site of contestation in the making of state and nation' (Joseph 2000: 20). Moreover, the findings support theorists who specifically analyse family issue in post-revolutionary Iran in connection with the idea of the 'Islamic nation' - that is defined alongside Other-making of the West (Yeganeh 1993; Paidar 1995; Hoodfar 2000). As I explained, according to Osanloo (2012), the 'politicization' of family and gender relations within the family that returns to Islamic revolutionaries' victory in the 1979 Revolution and the establishment of Islamic state in Iran is mainly to identify the collectivity's boundaries to other-making between 'Islamic nation' and the West. Dichotomising between Islamic collectivity and 'Western society' by focusing on family and gender relations within that is also reflected in CEDAW opponents' views to demonstrate CEDAW as a 'Western' convention and in contrast with Islamic values.

The role of family and gender relations in illustrating political and national boundaries enabled me to explain why the matters of women's individuality and family construction are described by CEDAW opponents as the main threatening

consequences of humanism embedded in CEDAW. Furthermore, it shows why the reformist press that are representative of revisionist readings of Islam are silent in reaction to CEDAW opponents' claims about gender roles and relations within family.

Equality versus similarity, feminism and motherhood

The focus of Chapter 6 was on the duality of 'equality' and 'similarity' of men and women's rights which emerges as one of the principal themes in CEDAW opponents' discussions to criticise CEDAW. In order to explain CEDAW opponents' approach based on which similarity of rights between men and women is in contrast with justice, Emon's idea of 'paradox of equality' was used in this chapter. What made Emon's idea more relevant to this research is his focus on social and historical factors to identify the situation in which paradox of equality is legitimised.

Homogenising feminism as an individual 'Western' thought school that emphasises similarity of rights for men and women, CEDAW opponents identify it as a basis on which CEDAW is built in contrast with Islam. Chapter 6 challenged unified definition of CEDAW opponents of feminism by focusing on the major categorisation of feminism as 'difference' and 'similarity' feminisms. It was discussed in this chapter that although CEDAW opponents criticise 'feminism' totally, their view is close to 'difference' feminism in some aspects.

Challenging the 'similarity' of rights between men and women in CEDAW, opponents pay particular attention to the matter of motherhood as an important issue that, from the perspective of CEDAW opponents, the 'similarity' idea in CEDAW makes it deviate from its 'perfect' and 'good' model. Attributing Western culture to complete similarity between men's and women's rights, CEDAW opponents claim that CEDAW's view towards mothering is in contrast with Islam. Referring to Muslim reformists such as Wadud (2008), Chapter 6 illustrated diverse notions of motherhood and the good mother in the Islamic tradition based on the living circumstances of Muslims, while CEDAW opponents present an exclusive homogeneous definition of mothering in Islam that focuses on self-sacrificing and full-time child caring. Chapter 6 revealed that as the literature

which focus on the history of motherhood in the West assert that motherhood has been always shaped by religious systems, power relations, and material structures, motherhood in Islamic tradition is also socially constructed. Thus, it was explained how CEDAW can be considered as a common pattern between Western societies and Muslim societies like Iran to redefine concepts of 'motherhood' and 'good mother' due to change of women's life style and participation in the employment market.

While the ideas of the scholars such as Wadud (2008) and Schleifer (1996) are compelling enough to lead Muslim revisionists to explicitly redefine motherhood in Islam, the reformist press that are the main tribune of Muslim revisionists in Iran do not present a revised definition of motherhood different from what "dominant culture" presents in post-revolutionary Iran. Conforming to what was explained in Chapter 5 in terms of the significant place of a traditional and exclusive definition of motherhood as the cornerstone of the Islamic nation in post-revolutionary Iran, Chapter 6 elaborated why Islamic stereotypical definitions of motherhood are not challenged in discussions of CEDAW supporters in reformists' publications. Finally, in line with Said's idea in terms of diversity of Islamic interpretations, Chapter 6 showed that both the subject of equality and the matter of motherhood in Islam could be perceived by Muslim scholars in different ways and based on different circumstances.

Overview of Analysis Chapters

This section is focused on a comprehensive overview of the analysis chapters, considering the findings of three analysis chapters in connection to each other which mainly answer my second and third research questions.

Politicisation of women's rights issue

One of the main subjects that are perceived from the both accounts of CEDAW opponents and supporters is the strong connection between women's human rights issue and political purposes. According to their discussions over CEDAW, the main concern of CEDAW opponents who are influenced by predominant view of conservatives in the state is the matter of maintaining 'Islam'. What Islam means

for CEDAW opponents is the traditional static interpretation of Islam based on which conservatives' political identity is formed. Moreover, the conservative camp considers this definition of Islam as a principle by which the existence and viability of the Islamic Republic is assured. What was explained in analysis chapters about the connection of traditional family, women's family roles, women's dependence on family, that are defined based on traditional reading of Islam, to maintaining the Islamic Republic's values reveals this politicisation more clearly.

On the other hand, politics also has a substantial role in how CEDAW supporters represent CEDAW, the reasons that are presented by supporters in advocacy of CEDAW and their reactions towards opponents' criticisms. Generally speaking, it seems that a kind of hesitance can be seen in CEDAW supporters' accounts over CEDAW and women's human rights that we can perfectly perceive in CEDAW supporters' silence instead of challenging CEDAW opponents' critiques. An analysis of CEDAW supporters' articles in accordance with the political context of Iran and reformists' fragile status in the state shows that this hesitance can originate from reformists' concern to continue their political presence in power and to prevent their press of being closed by hardliners. As explained in Chapter 2, reformists have been always accused by conservatives of not being loyal to the Islamic Revolution and Iranian Islamic state's values. Moreover, since the beginning of the reform era, conservatives have alleged that reformists have been dependent on the West politically and culturally. Many reformist publications have been closed since the reform era until today based on these accusations. Thus, in different circumstances, reformists retreat from their position in order to rectify these accusations by conservatives, and prove themselves as being loyal to the revolution and the Islamic Republic. As conservatives are very pessimist towards CEDAW, and identify it as a Western convention, it seems that clear advocacy of CEDAW is considered by reformists as a threat for their survival as political actors who are loyal to the revolution and the Islamic Republic. Therefore, we cannot find elaborated discussions and clear advocacy of CEDAW in the reformist press over women's issues that may be different from what is emphasised by the Islamic Republic in terms of political, religious and national identity of Iranian post-revolutionary collectivity. For example, sanctification of concepts such as family, and significance of family and women's familial roles as

cornerstones to define Islamic national identity versus the 'West' in post-revolutionary Iran might prevent reformists from advocating what CEDAW defines of mothering as a shared responsibility between women, men and society.

Women's rights issue in margin

What I grasped from discussions of CEDAW opponents and supporters is that the matter of women's human rights is core to neither CEDAW opponents nor CEDAW supporters' discussions. As mentioned earlier, for CEDAW opponents, the main issue is preserving the dominance of traditional reading of Islam on gender relations and laws. Moreover, what is understood from the discussions of CEDAW supporters' in the reformist press is that CEDAW is considered by supporters mainly as a vehicle to improve international image of Iran and Islam. It seems that the matter of women's human rights on its own is not the main concern of either groups. I shall say research findings show that while both groups of reformists and conservatives claim that women are respected by them, the dominant viewpoints in the both reformist and conservative press do not include any material referring to human rights problems encountered by Iranian women.

It is worth noting that CEDAW opponents, in comparison with CEDAW supporters, generally have more tangible arguments which are based on examples of the potential consequences of Iran joining CEDAW. CEDAW opponents primarily elaborate on the imagined negative consequences of obeying CEDAW, instead of obeying Islamic laws in women's lives. For example, they argue that CEDAW's clause on equality between men and women in terms of job opportunities leads women to prioritise other roles over mothering, while motherhood is defined as the main role of women in Islam. However, what are mentioned as negative consequences of CEDAW originate from a mainstream traditional reading of Islam to justify Islamic laws. Thus, what is central in CEDAW opponents' discussions is recalling the importance of Islamic teachings rather than having a realistic view towards women's human rights problems that could be resolved in case of Iran joining CEDAW. The omission of the discussions around real examples of Iranian women's human rights complexities in the reformist press can be explained in relation to political considerations of reformists that were mentioned in previous

section, and also the theoretical weakness of the account of Islamic reformism in Iran.

The weakness of Islamic reformists' justifications

As explained earlier, conservatives and reformists are respectively representatives of traditional and revisionist readings of Islam. The findings of this research show that CEDAW opponents take more definite position compared to CEDAW supporters. According to the conservative press, CEDAW opponents elaborate in details which CEDAW's Articles are perceived to oppose Islamic teachings based on their interpretation of Islam. They clearly define CEDAW and Islam as irreconcilable, and describe the universality of human rights as a vehicle of the 'West' to replace Islamic values with 'Western' ideas. CEDAW opponents in agreement with cultural relativists challenge universality of human rights, and justify its inapplicability in Muslim-majority societies by focusing on the Articles of CEDAW that are in contrast with the Islamic perspective of CEDAW opponents.

Although the main official ideas in advocacy of CEDAW belongs to reformists who generally claim that joining the Convention does not conflict with Islam, reformist view does not elaborate how Islam and CEDAW are reconcilable in conflicting areas that are raised by its opponents. While the conflicts between CEDAW and Islam that are claimed by opponents are already responded to by Islamic feminists and other revisionists, CEDAW supporters do not use these solutions in their discussions to resolve these conflicts, and in justifying Iran joining CEDAW. The Islamic position of reformists which mainly rests on a plurality of Islamic interpretations and employing *Ijtihad* to interpret Islamic teachings based on "time" and "place" is principally in agreement with Said's perspective towards diversity and fluidity of Islam. However, it seems that the viewpoint of reformists who are mainly representative of revisionist approach towards Islam in Iran is not sufficiently capable to mediate Islam and international women's human rights. Although reformists in Iran emphasise the necessity of rereading of Islamic rules to make them compatible with today's needs and concerns of Muslim people, they seem unable to tackle the conflicts between Islam and women's human rights to resolve Iranian women's human rights complexities.

While reformist publications reflected mainly CEDAW supporters' ideas, what is significant in their articles are general claims about using reservation and *Ijtihad* (independent reasoning of Islamic sources by Muslim jurists) to remove the contradiction between CEDAW and Islam. As a matter of fact, reservation is a solution that reinforces the importance of traditional interpretation of Islam which is emphasised by dominant viewpoints of conservatives in the Islamic Republic. Focusing on reservation to legitimise Iran joining CEDAW means respecting and maintaining traditional reading of Islamic teachings that are in contrast with equality of rights between men and women instead of rereading these laws to make them compatible with women's rights equality.

The suggestions of CEDAW supporters in the reformist press to use *Ijtihad* as a way to reduce the contradictions between CEDAW and Islam are presented very generally without any practical reference to these contradictions. They also lack any explanation on how to resolve these contradictions through Islamic revisionist strategies, i.e. *Ijtihad*. Generally speaking, while CEDAW opponents dedicate considerable pages in their articles to explain, case by case, the Islamic laws and teachings that are in contradiction with CEDAW, this subject is mainly met with silence by CEDAW supporters in reformist publications.

The weak presence of reformists' debates in connection to revisionist sources to legitimise CEDAW can be informed by different reasons. Arguably, I can mention two reasons that emerge from analysis of the findings in this research in terms of reformists' cautiousness to present their justifications to support Iran joining CEDAW. Firstly, this research suggests that this theoretical disability of reformist ideas in Iran can be due to total failure of revisionist clerics and jurists on the matter of women's rights in Islam. It might be because of a deficiency not only in reformist CEDAW supporters' publications, but also in general literature of Iranian revisionist thinkers in terms of rereading women's rights issues in Islam. This theoretical deficiency in terms of women's human rights and Islam in reformists' literature, including published articles in their press, supports Hoodfar and Sadr's (2009) assumption suggesting that women's rights issue has never taken precedence in Muslim reformists' views in Iran. It seems that reformist Islamic idea in Iran still adopts traditional Islamic sources such as the traditional clergy

(*roohaniat*) to legitimise its ideas about Muslim women's rights. For example, CEDAW supporters frequently refer to clerical figures who are known in Iranian political scene as advocates of conservatism and traditional Islamic thought. Thus, my perception of reformist idea that is the main representative of supporting CEDAW idea is that reformists are still dependent on principles of traditional views in their discussions on women's rights.

Although the compatibility of Islam and modern political and civil notions such as democracy, election and freedom of expression is addressed in a considerable number of theoretical reformists literature, these literature are not sufficiently focused on the matter of compatibility of women's human rights and Islam.

Research contributions

The subject of Iran joining CEDAW has never been considered as the main focus of a research study in English. Considering the publications in Farsi, there are few academic studies that address the matter of Iran joining CEDAW. Reviewing related literature in Farsi shows that the related works in Farsi have predominantly legal perspective (rather than sociological approach) so that their focus is primarily on compatibility/incompatibility of CEDAW with Islamic legislation in Iran, and reliability of reservation as legal solution to facilitate Iran joining CEDAW (Kar 1999; Ravasian-Kashi 2007). In English publications, the matter of Iran joining CEDAW is considered in discussions over the failure of reformist government and Sixth Majlis to ratify the bill of Iran joining CEDAW mostly as an example of Khatami's government's defeat to develop women's rights status in Iran because of the dominance of hardliners in Islamic state of Iran (Barlow and Akbarzadeh 2008; Haeri 2009). This research is the first study that precisely addresses the opinions and justifications of two main camps of supporters and opponents of CEDAW in political scene of Iran, reformists and conservatives respectively, to understand their views towards the subject of women's human rights.

The contribution of this research to the knowledge can be identified in three aspects. Firstly, this study has a theoretical contribution in anti-Orientalist

feminist literature. Secondly, it contributes specifically into the literature on women's human rights in Iran. While the former contribution is primarily a theoretical contribution, the latter is mainly an empirical contribution. Additionally, the former contribution is also realised in connection to the ideas of CEDAW opponents and conservatives towards CEDAW and the latter contribution is gained through what the research findings present about the reformist publications and CEDAW supporters' ideas in relation to CEDAW. Thirdly, this study offers a practical contribution into improving the knowledge of Muslim Women's rights activists to use the experiences of other Muslim countries, for example Iran, in this study.

The contribution into anti-Orientalist feminist literature

This research, like other anti-Orientalist feminist literature, uses conceptual legacy of Said's Orientalism, mainly by challenging stereotypical perceptions of Islam and Muslim Middle Eastern women. In Chapter 3, it was argued that while anti-Orientalist feminist studies are mostly created in defiance of stereotypical view of the West towards Islam and Muslim women's rights, this research is focused on internal discussions on Iranian women's human rights. Thus, this study demonstrated how reformists and conservatives who are affiliated to the two main political camps within Iranian state conceive Islam and Muslim women's lives in connection to women's human rights. As I explained in Literature Review and Theoretical Framework chapter, the deviation of my research from the dominant approach of the anti-Orientalist feminist literature can be clarified by invoking Kandioyoti's (1996) idea. Kandioyoti (1996) argues that anti-Orientalist feminist scholarship focuses too much on the West, and diverts attention away from local institutions and processes that inform discrimination against women in Middle Eastern societies. In line with Kandioyoti, this research focused on the internal dialogues of CEDAW supporters and opponents to address how women's human rights issue is represented in the reformist and conservative press that belong to the two main political factions in Iranian politics.

One of the findings of this research that can be considered in connection to its anti-Orientalist underpinnings relates to how CEDAW opponents represent Islam in

the conservative press. The findings from the analysis of CEDAW opponents' ideas show that CEDAW opponents' perception of Islam and Iranian women is reproduction of what Western Orientalist view represents of Islam and Muslim women. While opposing what have come to be called 'West' and 'Western culture' is a pillar of CEDAW opponents' discussions to justify their disagreement with Iran joining CEDAW, the findings of this research show that CEDAW opponents' depiction of Islam has considerable common ground with stereotypical representation of Islam in the 'West'. Both CEDAW opponents and Orientalist positions take traditional readings of Islam as an exclusive definition of Islam. As explained in Chapter 3, what is identified as traditional Islam in this research is a reading of Islam which is dominantly supported by Iranian Islamic state, and considers men and women intrinsically different with dissimilar rights. Thus, while the CEDAW opponents' view supports traditional Islam in line with dominant approach within Iranian state, the Orientalist thinking considers it as one of the main reasons of women's oppression in Middle Eastern societies. However, as mentioned above, they are common in terms of their monolithic perception of Islam in which Islamic teachings are described as being static and immutable.

Presenting the other Islamic interpretations in this thesis, I put efforts into challenging absolutist position of CEDAW opponents towards the themes that were presented by the opponents of CEDAW to prove the contradiction between CEDAW and Islam. According to the findings of the study regarding the commonality between Orientalist and CEDAW opponents' views towards Islam, I argue that while conservatives are constantly concerned about marginalisation of Islam because of expansion and influence of 'Western culture', in practice, their emphasis on traditional and static approaches towards Islam can itself pave the way to further marginalisation. In the discussion over CEDAW, the research findings showed that the cultural influence of the 'West' was a main reason for its opponents to object to CEDAW. Moreover, as explained in Chapter 5, CEDAW opponents justify their opposition to CEDAW by reasoning that CEDAW is compatible with the culture of the 'Western Other' rather than 'Islamic culture' of Iranian women. However, this research demonstrated (mostly in the discussions over motherhood and women's individuality) that today's Iranian women's

lifestyle is not compatible with what CEDAW opponents consider as Islamic morality and tradition for women. This incompatibility is due to the increase and diversity of Iranian women's roles in society, their participation in earning money and education. As Oh (2010) emphasises, it is necessary to update Islamic laws and also Islamic symbolised figures for today's Muslim women if we intend to prevent marginalisation of Islamic patterns in the practical life of Muslim women. Therefore, I suggest that ignoring the new revisionist interpretations of Islam and emphasising traditional injunctions about women by CEDAW opponents relegate and separate Islam from the actual domain of Iranian women's lives. The incompatibility between women's real lives and traditional teachings of Islam strengthens this stereotypical assumption that Islam is entirely un-adaptable with economic, social and familial realities of contemporary Muslim women.

The contribution into Iranian women's human rights literature

This research contributes to a deeper understanding of the challenges facing women's human rights in Iran, firstly, by focusing on CEDAW as the main representative of women's international human rights and secondly, by focusing on the views of reformists and conservatives, the main actors of the political domain in Iran, who were known as two main groups of supporters and opponents of CEDAW respectively in the reform era. Regarding the duality of reformism and conservatism in connection with the women's issue, previous literature is mostly confined to general descriptions about the difference between the attitudes of these two groups towards women. This research expands the knowledge about reformists and conservatives' ideas about women's rights attained from sociological analysis of their opinions on CEDAW.

Regarding duality of conservatism and reformism and their Islamic perspectives, this research also adds to the knowledge on the issue of women in Islamic traditional and revisionist views that are respectively attributed to conservatism and reformism in Iran. The previous publications in this field are mostly confined to suggesting the possibility of different Islamic interpretations when they have discussions over the reformist stream in Iran and how their approach to Islam is different to the conservatives. Among the works that consider different views

towards Islamic jurisprudence and the possibility of rereading Islamic laws about women the accounts of Ziba Mir-Hosseini present a deeper view in comparing traditional and revisionist ideas towards the issue of women in Islam. For example, in her book, *Islam and Gender: the religious debate in contemporary Iran*, Mir-Hosseini (2000) addresses the varying notions that influence Islamic jurisprudence and explores how Iranian clerics perpetuate and revise these notions through a series of interviews with clerics in Iranian religious centre of Qom. Although Mir-Hosseini mentions the importance of reformist government in strengthening revisionist idea in Islamic jurisprudence, she does not consider the varying jurisprudential approaches of Islamic clerics in connection to the political divisions of reformism and conservatism. Moreover, Mir-Hosseini uses the technique of interview by asking questions about woman issue in Islam from limited number of clerics. Thus, she does not analyse the opinions of interviewees in connection to larger political or Islamic viewpoint although she distinguishes the interviewees as traditionalists, neo-traditionalists and modernists. With respect to different Islamic approaches between reformists and conservatives, my study focuses on reformist and conservative publications to compare their arguments in connection to the matter of women's human rights.

What this thesis adds to women's human rights studies in Iran is mainly showing how the matter of rereading Islamic teachings about women in case of Iran is dependent on the influence of politics, religious sanctification and the matter of preserving post-revolutionary collectivity. As explained in the literature review chapter, although I do not identify my position concretely as an Islamic feminist, I invoke Islamic feminists' approach in challenging the monolithic reading of Islam by CEDAW opponents who believe in an intrinsic conflict between Islam and CEDAW. What Islamic revisionist and Islamic feminist scholars suggest in terms of "contextualisation" of Islamic laws and rereading the Islamic texts based on time and place is considered in this thesis. In this research, I referred to these works on related cases to present a revisionist reading of Islam to disapprove CEDAW opponents' justifications.

What this research adds to Iranian women's human rights literature, mainly by addressing the reformist press, is showing that promoting a drive to rethink

gender in Islam among Muslim thinkers and even politicians is not sufficient to reformulate Islamic laws in favour of their application to women's every day or practical lives. There are scholars such as Ahmadi (2006) and Mir-Hosseini (1996) who believe that Islamic reformist view opened the doors 'for new interpretations of the Qur'an and other sacred texts on a scale that is unique in the history of Islamic law', and caused the 'flourishing of feminist rereading of the sacred texts' in post-revolutionary Iran (Ahmadi 2006: 36). While the scholars such as Mir-Hosseini (1996; 2000) and Ahmadi (2006) claim that Islamic reformists have helped the growth of Islamic revisionist ideas in Iran in terms of women's rights in Islamic teachings, my research findings about the specific case of 'Iran joining CEDAW' show that Islamic reformism has been dysfunctional to theorise the necessity of developing women's human rights in Iran and presenting material solutions to reconcile Islam and CEDAW. *Ijtihad* is generally suggested by CEDAW supporters in the reformist press to justify Iran joining CEDAW as not being necessarily in contrast with Islam. However, CEDAW supporters' articles lack strong debates over the necessity of rereading Islamic laws, and a profound look on the possible ways to reinterpret Islamic laws based on today's Iranian women's lives. The importance of this lack becomes more understandable when we are reminded of the point that one of the main principles of revisionist Islamic school of thought followed by Islamic reformists is reconciling Islamic teachings with today's concerns and issues of the lives of Muslim people (Mir-Hosseini, 2002b). Thus, it can be claimed that the research findings verify Hoodfar and Sadr's (2009) idea that the women's rights issue is not a priority for reformists in comparison with their other democratic objectives such as freedom of speech and rule of law that have been seriously pursued by reformists in an attempt to reconcile them with Islamic teachings.

This thesis suggested that reformists use women's human rights matter, specifically Iran joining CEDAW, as a vehicle to improve Iran and Islam's international image and a chance for Iran to engage with globalisation. Moreover, this thesis showed to what extent the lack in reformist publications, i.e. centralising women's rights issue in reformists' discussions, is influenced by political confinements for reformists and their publications, sanctification of

concepts such as family, and the significance of family and women's familial roles to define Islamic national identity versus 'West' in post-revolutionary Iran.

In other words, what influenced reformists in presenting fewer ideas to challenge the dominant traditional Islamic interpretation of women's rights in Iran originates from their concern that they would lose their eligibility to remain engaged in Iranian politics under the dominant power of conservatives, and also the pressures over their press to be closed by hardliners. Furthermore, the entanglement of the women's rights issue with the matter of Islamic national identity to save Iranian post-revolutionary collectivity versus the 'Western' other, and sanctification of family and women's familial roles in Iran prevent CEDAW supporters from offering a profound reinterpretation of Islamic laws. Thus, while Islamic revisionism was developed in debates of reformist politicians and Islamic feminists to reinterpret Islamic laws in favour of women, I conclude from this research's findings that this approach is poorly considered in practice as a resolution to women's rights problems in Iran.

Finally, I end by noting that the major contribution of this thesis in terms of women's human rights in today's Iran is informing women's rights activists and today's politicians of the complexity of women' human rights issue in Iranian society. Although this research focused on the time period from 2000 to 2004, the conservatives and reformists are still the main camps in Iranian politics, and their political and religious positions are principally same as what they were in the reform era. Moreover, women's rights issue is still one of the main challenges in political scene of Iran between reformist and conservative groups. Therefore, the detailed knowledge that is presented by this thesis about the Iranian context and the elements that influence the strength and transparency of CEDAW opponents and supporters in presenting their ideas, can help both todays and future politicians who are eager to amend Iranian laws in favour of women to consider proper policies. It could also assist them in knowing the main religious and political barriers to reach their aim. Moreover, it can be an informing source for Iranian women's rights activists in terms of the socio-political and religious context in which they endeavour to advance women's rights. Thus, the findings of this research can be useful for them in developing the most appropriate strategies

regarding the characteristics of Iranian society and politics to pursue their demands through political roots, and to realise their goals on women's human rights.

The practical contribution into knowledge

Although this study is not specifically focused on women's activities for change or their bottom-up struggles to challenge patriarchal structures, the results of this study can be utilised by Muslim women's rights activities. Women's rights activists, specifically Iranian activists, can use this study as a source of knowledge about the mechanisms used by the states such as Iranian state to legitimise discriminative policies. It also sheds the light, to some extent, on how both dominant and marginalised political groups can benefit from politicisation of women's rights. Although this study is only focused on Iran, considering common characteristics of Muslim countries in terms of culture and state, women's rights activists can use experiences of other Muslim countries in light of the findings of this study that focuses on discussions over Muslim women's rights and political authorities. Activists can use documented experiences to find the best strategies in their dialogues and negotiations with politicians over women's socio-political rights. This study, in particular, can be considered in connection with the trends in Muslim societies to replace mainstream Islamic readings with reformist's/revisionist's to overcome the incompatibility of the two, i.e. *Shari'a* and today's Muslim women lives. The experience of Iran in this study, in which a period of reformism with a reformist government has been experienced where the revisionist changes for women's right did not thrive, can help women, reformists, and even politicians of other Muslim countries to anticipate the potential obstacles to fulfil their emancipative goals in future.

Going forward

This thesis has highlighted some new potential areas that can be examined in future works, including:

- Interviewing a number of reformists and conservatives who have been active figures in opposing and supporting CEDAW about their reasons and ideas in terms of women's human rights.

- Investigating and comparing the ideas of women's rights activists from two groups of secular and Islamic feminists about the reasons of Khatami's government failure to realise Iran joining CEDAW.

- Examining the ideas of Iranian women's rights activists in terms of possible ways to improve women's human rights in contemporary Iran.

- Interviewing reformist women who had political positions in the reform era about their experiences and strategies in different procedures of offering Iran joining CEDAW by Khatami's government to Sixth Majlis, ratification of its bill in Majlis, and its disapproval by Guardian Council.

- Developing a focus on how Iranian women evaluate their human rights status: investigating their opinions about the aspects of their lives, including social and familial aspects, in which human rights are majorly violated, and the areas that in their perspective can be amended by Iran joining CEDAW.

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Appendix 1 - Table of the Articles

Article Title	Author	Publication Name	Publication Tendency	Date
Beyond the ruckus (*Fara tar az haiahou*)	Mohammad Ali Abtahi	Iran	Reformist	14/08/2003
Several clauses of the Convention are explicitly against Islamic sharia	Anonymous (quoting directly to Makarem Shirazi's words)	Hemayat	Conservative	03/08/2003
Imperialism objectives in a framework of a bargain	Mahboubeh Farahani	Resalat	Conservative	22/05/2003 & 29/05/2003
Critics on passing the bill of convention of eliminating discrimination against women	Ali Motahhari	Siasate Rooz	Conservative	23/08/2003
Recognition of the harms of joining to a western convention known as eliminating the discrimination	Anonymous	Keyhan	Conservative	16/08/2003 & 17/08/2003 & 18/08/2003
Have we joined the convention of eliminating discrimination against women?	Shiva Zar-Abadi	Hambastegi	Reformist	17/12/2002
Are we allowed to be quiet?	Anonymous	Yase Nou	Reformist	16/08/2003
Oppose the convention	Shadi Sadr	Yase Nou	Reformist	16/08/2003
The equality of men and women conditions	Shadi Sadr	Zanan	Reformist	December 2002
Considering the shape of convention	Anonymous	Ettelaat	Neutral	21/08/2003
Again convention	Shadi Sadr	Yase Nou	Reformist	21/06/2003
The convention of eliminating discrimination against women and the sensitivities	Anonymous	Zane Rooz	Conservative	02/08/2003
The bill of joining to convention was suspended	Zahra Ebrahimi	Zanan	Reformist	February 2003
Eliminating the discrimination against women - what are the basis?	Anonymous	Resalat	Conservative	28/02/2002

Contrast with the same condition (Yek bam o do hava)	Sahin-Dokht Mollaverdi	Yase Nou	Reformist	25/08/2003
The convention of eliminating discrimination against women - under the politics' skin	Shadi Sadr	Etemad	Reformist	07/09/2002
The convention of eliminating discrimination against women in a debate	Anonymous	Resalat	Conservative	25/12/2003
An international deadlock: a political essential or a choice	Esmail Alikhani	Sedaye Edalat	Reformist	17/11/2002
Considered again: the bill of Iran joining the convention of eliminating discrimination against women	Zahra Ebrahimi	Zanan	Reformist	Feb 2003
The convention of eliminating discrimination from the perspective of international rights	Mohsen Ghadir	Keyhan	Conservative	17/03/2002
The convention of eliminating discrimination against women and Iran's rights to reserve	Iterviewee: Broujerdi	Khorasan	Neutral	13/12/2001
The convention is feministic and its contradiction with Islam is obvious	Alasvand & Mollaverdi	Resalat	Conservative	29/11/2003
Joining the convention of eliminating discrimination against women and answer to ambiguities and suspicions	Anonymous	Mardom Salari	Reformist	08/01/2002
Joining and the critics of experts	Interviewees: Molaverdi and Alasvand	Zane Rooz	conservative	08/05/2003

The bill which is intrinsically a contradiction to Islamic laws	Roya Rahbar	Resalat	Conservative	15/05/2003
Iran's joining to the convention of eliminating discrimination - How far it will go?	Interviewee: Molaverdi	Karo kargar	Neutral	24/01/2002
Joining with what price?	Fariba Alasvand	Zane Rooz	Conservative	16/8/2003
Joining the convention of eliminating discrimination against women - Is it for women's right or reducing the international pressures?	Anonymous	Toseie	Neutral	29/05/2002
Criticising the reasoning's of the pros for joining the convention of eliminating discrimination against women	Zeinab Kasiri	Jomhuri Islami	Conservative	10/06/2003
Kulaee: Parliament (Majlis) is ready to reform all the laws related to women	A talk with: Elahe Kulaee	Yase Nou	Reformist	01/03/2003
A psychological critique on the convention of eliminating discrimination against women	Amir Mirzaee	Ettelaat	Neutral	21/08/2003
A critique on reservation in the convention of eliminating discrimination against women	Zahra Ayatollahi	Ketabe Zanan	Conservative	09/08/2003 & 16/08/2003
Rushed reaction	Mohammad Kazem Anbarlouee	Resalat	Conservative	09/06/2002
Clerics' (some) disapproval - why and how?	Anonymous	Mardom Salari	Reformist	25/05/2002
A glance on some unrevealed realities of the convention of eliminating discrimination against women	Maryam Moein Al-Islam	Payame Zan	Conservative	2003

Similarity or equality of men and women - where is the convention heading?	Anonymous	Resalat	Conservative	20/11/2003
the convention of eliminating discrimination against women and its effects on derelict women	Azam Rezayani	Azad	Reformist	07/03/2002
An absolute similarity or different but equal	Shahindokht Mollaverdi	Yase Nou	Reformist	01/09/2003
Efforts on passing a bill	Alireza Ghasri	Iran	Reformist	17/10/2002
Joining the convention of eliminating discrimination against women is a drawback from sacred Islamic positions	Anonymous	Resalat	Conservative	19/05/2002
Iran's joining to the convention of eliminating discrimination - what should be and what should not?	Leila Nateghi	Aftabe Yazdi	Reformist	26/01/2002
The weary scream of women to join the convention of eliminating discrimination against women’	Shabnam Kohanchi	Azad	Reformist	06/02/2002
Human rights and our duty	Shadi Sadr	Yase Nou	Reformist	03/11/2003
Iran will join the convention of eliminating discrimination against women even conditionally	Anonymous	Azad	Reformist	08/01/2002
The outcomes of jointing the convention of eliminating discrimination	Interviewee: Zibaee Nejad	Khorasan	Neutral	07/08/2003 & 09/08/2003
Passing the bill of convention of eliminating discrimination against women will be reasonable	Anonymous	Nasime Saba	Reformist	14/08/2003
The objection of American mother's community to the convention of women	Anonymous	Keyhan	Conservative	13/08/2003

Islamisation of convention - why?	Fariba Alasvand	Jomhuri Islami	Conservative	27/08/2003
Zahra Shojaee: Joining to the convention of elimination discrimination will be beneficial for women in long term	A talk with: Zahra Shojaee	Aftabe Yazd	Reformist	21/9/2003
A glance on the contradiction of the convention of eliminating discrimination against women with Islam and human rights	Abbas Fathi	Jomhuri Islami	Conservative	08/11/2003 & 11/11/2003
The convention of eliminating discrimination against women	Nasrin Zahiri	Etemad	Reformist	25/06/2003
An honourable effort	Hooman Doorandish	Etemad	Reformist	23/08/2003
Contradictions between two views	Azim Rajabpour	Etemad	Reformist	05/08/2003
International implications of not joining the convention of eliminating discrimination against women	Abbas Khajepiri	Hamshahri	Conservative	02/09/2003
Women became objects again	Maryam Mortazavi-Nasab	Hamshahri	Conservative	08/02/2003
In the wind direction	Shadi Sadr	Yase Nou	Reformist	28/07/2003
The reflection of passing the bill of joining to the convention	Anonymous	Hamshahri	Conservative	12/08/2003
The government's condition is very nonspecific and vague	An interview with Mehrangiz Kar	Zanan	Reformist	Feb 2003
An overview of the points of which the convention may contradict the Islamic republic laws: elimination of discriminations by propagating secularism'	Behrouz Jandaghi	Jame Jam	Conservative	09/07/2003

Appendix 2 - Table of the Iranian Press Information from 2000 to 2004

Press	Director	Chief Editor	Year of Establishment	Year of Shut down
Payame Zan – Quarterly	Mohammad Hasani	Mohammad Ali Rouzbahani	1991	----
Hambastegi – Newspaper	Mohammad Naemi Pour	Ebrahim Bay Salami	2000	2008
Toseie – Newspaper	Toseie Novin Press Institue	Rouhallah Souri	2002	----
Aftabe Yazd – Newspaper	Mansour Mozaffari	Mojtaba Vahedi	2000	----
Kar o Kargar – Newspaper	Esrafil Ebadati	Editorial Committee	2001	----
Ettelaat – Newspaper	Seyed Mahmoud Doaei	Seyed Mahmoud Doaei	1926	----
Hemayat – Newspaper	Solat Mortazavi Baba Heydari	Hamidreza Ali Akbari	2000	----
Nasime Saba – Newspaper	Majid Ghasemi	Rasoul Montajabnia	2003	2004
Jame Jam – Newspaper	Bijan Moghaddam	Mohsen Mandegari	2000	----
Zanan - Monthly	Shahla Sherkat	Shahla Sherkat	1991	2007
Etemad – Newspaper	Elias Hazrati	Javad Daliri	2002	2009
Sedaye Edalat – Newspaper	Mostafa Kazazi	Mohammad Ali Vakili	1999	2009
Khorasan – Newspaper	Mohammad Saeed Ahadian	Mohammad Sadegh Tehranian	1949	----
Mardom Salari – Newpaper	Mostafa Kavakebian	Saeed Haghi	2001	----
Fekre Rooz – Magazine	Marjaneh Sekhavati	Leili Farhadpour	2002	----
Azad – Newspaper	Hossein Mokhtarian	Bijan Safsari	1998	2002
Zane Rooz – Magazine	Akram Hosseini	Akram Hosseini	1964	----

Yase Nou – Newspaper	Mohammad Naeimi Pour	Editorial Committee	2002	2004
Siasate Rooz	Mohammad Pir Ali	Mohammad Safari	1999	----
Resalat – Newspaper	Morteza Nabavi	Mohammad Kazem Anbar Loui	1987	----
Keyhan – Newspaper	Hossein Shariatmadari	Mohammad Hossein Saffar Harandi	1942	----
Ketabe Zanan – Quarterly	Kasra Khazali	Toba Kermani	1998	----
Jomhourie Eslami – Newspaper	Masih Mohajeri	Masih Mohajeri	1979	----
Iran - Newspaper	Mohammad Fazeli	Davoud Mohammadi	1994	----
Hamshahri – Newspaper	Hossein Entezami	Sattari	1992	----