

Zahra Tizro

The role of orthodox jurisprudence in dealing with domestic violence against women in Iran

Abstract

This paper is concerned with the structure of power/knowledge in the orthodox Islamic discourses (as the mainstream discourse) in Iran, and the interrelationship between power, violence, and sexuality both theoretically and empirically. In the theoretical section of this study I employ a novel approach based on the economic theory of contract, in order to shed light on the internal logic of the Islamic formulation of marriage, how it is organised around a critical transaction of sexual submission for economic protection, and how this simple formulation may pave the way for violence against women, which turns into a source of perpetual tension in contemporary Iranian society. Empirically, drawing on fieldwork among 62 women, men and judicial officials in Gilan province (north Iran), this paper aims to report and reflect on the judicial official's narratives on marriage, marital relationship within the context of Islamic marriage and associated discourses of sexuality and violence.

Keywords: domestic violence, Islamic marriage, Iran, Islamic jurisprudence, Sharia¹ law, Islam, sexuality, Muslim women.

Introduction

Feminism pays immense attention to the control of female sexuality as the root cause of patriarchy. The interrelationship between power, violence, and sexuality has always been recognized in feminist analyses of male domination, in which it is believed that, through sexuality, patriarchal relations were formed and, in turn, sexuality is constructed through gender (Coveney et al. 1984; MacKinnon, 1982). According to feminist theories, the subordination of women is explicitly established in institutional and patriarchal practices and is supported by some of the most prominent religious, political, legal, and literary figures. One of the most significant social-cognitive processes that contribute to levels of inequality is a shared belief in discourses that legitimise inequality, exploitation and violence. The detailed analysis of the myriad ways in which sexual-

¹Sharia or Shariat Islamic canonical law based on the teachings of the Qur'an and the traditions of the Prophet.

ity is conceptualised, normalised and subjectivised in the Background² is highly important. In the context of the Islamic marriage female sexuality is believed to be a tradable commodity which culminates in potential control being exerted over all aspects of women's lives, from dress to work and from sexual to social relations.

A number of feminists (Taylor and Vintges, 2004) found Foucault's oeuvre extremely inspiring in explaining various forms of oppressive practices including oppression against women. Foucault's oeuvre demonstrates that any experience, including the experience of violence against women, needs to be explored along three-dimensional axes; power, knowledge, and subjectivity (Flynn, 2005). According to Foucault (1980), the three fundamental elements of any experience are "a game of truth, relations of power, and forms of relation to oneself and to others." The logical implication of the Foucauldian nominalism regarding the experience of violence is multiplicity of violence rather than presumption of one essence for violence against women. The fragmenting force of nominalism serves to dissolve historical or any other "Experience" (Reason, Madness, Sexuality, Crime, Violence) into a plurality of "experiences" (reasons, madnesses, sexualities, crimes, violences). The historical nominalism calls for attention to the specificity and situatedness of any form of experience; implying that the interplay and correlation of power, knowledge, and subjectivity in the constitution of experience of violence against women in Iran is unique and different from any other.

The orthodox jurisprudence is an overwhelmingly powerful force in shaping the minds and lives of ordinary people in the Islamic countries (Mernissi, 1991), more particularly in Iran, as the mainstream structure of power/knowledge. The traditional religious order is theorized, propagated and largely implemented by the orthodox jurisprudence and its affiliated institutions and structures. Orthodox jurisprudence is the legal discourse of Islamic civilization (Coulson, 1969).

The two distinct elements in the fashioning of Islamic law are divine revelation and human reasoning of jurists. Orthodox jurisprudence has demonstrated a set of characteristics and traits in its historical evolution and in its reaction to challenges of time and place. It possesses and retains the monopoly of production of religious knowledge and jurisprudential rulings. The structure of power/knowledge (orthodox jurisprudence) unifies the interpretation of the religious sources with the religious sources themselves and with this discursive device buys a status of unquestionability and sacredness for itself. The sacredness of the text creeps in its language and methodology and becomes the only way to understand the text through professional activities and jargon of religious jurists³. That is why knowledge reflects power and creates power; and power produces and legitimizes knowledge. The rulings produced by the orthodox jurisprudence have two functions: law making and image making corresponding to two functions of any jurisprudential rulings. Foucault refers to these "twofold character as judicative and veridicative." (Flynn, 2005, p.34).

Due to the importance of 'orthodox jurisprudence' and its hegemonic role in contemporary discourses and law-making practices, and consequently, women's lives in

² Susan Hekman (1999, pp. 121-149) alludes to the work by John Searle, *The Construction of Social Reality* (1995), and calls this structure "the Background". She perceives the "hegemonic masculinist discourse" as the Background. In the Iranian context, the orthodox jurisprudence is the Background.

³ or *foqahah*.

Iran, in the following section I will present a brief picture of the orthodox formulation and definition of marriage as a contract and its implications and relation to domestic violence against women in Iran with particular emphasis on Shia⁴ Iran.

The role of orthodox jurisprudence on marital relations: marriage contract

As Afshar (1998) points out, marriage in Islam could be considered as a 'commercial transaction' in which the women rent or sell their sexual services to their husbands. As emphasized by Mir-Hosseini (1993, p.36) (although in different terms), every aspect (all rights and duties) of the Islamic marriage follows logically from the central concepts of an exchange; the exchange of sexual services for financial security (bride price, maintenance, household remuneration). There are many examples in the Islamic sources viewing marriage as a commercial exchange, for instance Shaykh Khalil, the most prominent Maliki jurist, sees the relationship in marriage as follows:

When a woman marries, she sells a part of her person. In the market one buys merchandise, in marriage the husband buys the genital *arvum mulieris*. (Mir-Hosseini, 1993, p.32)

Such a conception is shared by the Shi'a jurists; Muhaqqiq al-Hilli, the most prominent scholar of thirteen century, gives a very similar definition of marriage or in its Arabic term *nikah*: "A contract whose object is that of domination over the vagina, without the right of its possession" (Muhaqqiq al-Hilli, 1982, p.39).

According to the contemporary Islamic ulema⁵ marriage or "nikah is a contract for the ownership, *tamlik*, of the use of [the] vagina" (Haeri, 1989, p.34). Haeri argues that Hilli's view about marriage as a contract of sale is ambivalent, although he stated that "marriage is a kind of ownership". On the other hand, he argues there is a difference between marriage and ownership, and that one should not mix them together. For instance, he argues, a man can have sexual relationship with his slave girl without marrying her. Should he decide to marry her he must make her a free woman first. Thus, the 'complete ownership' over a slave girl, as Haeri (1989) argues, turns out to be a 'partial ownership' of a married woman. Thus, it is important to note that in the Islamic marriage only female sexuality is believed to be a tradable commodity and not the woman herself.

By applying the economic theory of contract (Pateman, 1988), it is possible to predict that the core of orthodox marriage, an exclusive exchange of sex (exclusivity condition) on demand (promptness condition) for financial provision, may, in the context of a legalist-based type of historical rationality (Abisaab, 2005), imply that the marital relation is transformed from the relationship between two independent and autonomous subjects to panoptical control of one subject, men, over the other, women. This in turn may lead to domestic violence, due to the demands of modern life which requires the active participation of women in social life. The requirements of active female participation may come into conflict with the codes of conduct invoked in the orthodox formulation of marriage with its two conditions of exclusivity and promptness.

⁴ Also Shi'a, one of the two main branches of Islam.

⁵ A body of Muslim scholars recognized as expert in Islamic sacred law and theology.

One of the most important components of Islamic marriage is obedience (*tamkin*). The most important duty of a woman, in Islamic marriage, is *tamkin* or submission (1105 Iranian Civil Code), and the most important duty of a husband towards his wife is to support her financially (1106 Civil Code). The legal term for the wife's refusal is called *nushuz* (rebellion or disobedience), in response to which physical, psychological and economic chastisement by the husband can be justified. The husband's refusal to pay maintenance is punishable by law (he may be fined or imprisoned).

The perceptions of female sexuality in these discourses have profound effect on understanding of gender relation and its association to violence against women in Iran. Given the importance of female sexuality and its role in the marital institution and domestic violence, and subsequently, its role both in the legal system and in women's everyday lives, this paper investigates the effects of these discourses on treatment of women in Iranian society with Islam (in its Shia version) as the mainstream discourse and to explore the extent to which predictions of the economic theory of contract (Paterman, 1988) matched the reality of marital relations in Iran, as perceived by actual participants in this study.

Method

The data was collected during June-October 2004 and the research was mainly based in Gilan province⁶. I interviewed altogether 62 individuals: 40 women, 14 men and 8 people involved in the judicial system (4 judges and 4 lawyers) for the prevalence of domestic violence and their perceptions of the legitimate/illegitimate reasons behind all types of act of violence against women. This article, however, reports the dominant themes emerged in the accounts of eight judicial officials. On the basis of their social and political backgrounds and current positions, the participants are divided into two groups: four male judges and four consultants (two of whom were male and the other two were female). With the exception of a young lawyer in her early thirties the rest of participants were middle age and all of them had degrees in higher education. One of the male consultants and university lectures was also a religious scholar⁷ and he was a representative of Guardianship of the Islamic jurists⁸ in the region.

To generate data in-depth face to face interviews (Oakley, 1974) with semi-structured questions were conducted in all cases of this group with most of my participants. Additionally, I used other qualitative methods such as focus groups whenever appropriate and possible. The highly sensitive subject matter of this research required a flexible approach and I had to tailor my interview techniques and research questions to my interviewees and to the situation in which the research encounter occurred. The duration of the interviews varied between 20 minutes to three hours and, in some cases, three days, depending on their time and conditions. Different places were selected to conduct the interviews: the courts (family court and criminal court), offices, the participants' houses, or a friend's house. I prepared an interview guide and I used tape recorder whenever possible and I took notes when it was not appropriate due to the sensitivities of time and

⁶ situated in the north of Iran along the Caspian Sea.

⁷ He was also a graduate from a religious school (*Hozeh-e Elmiyah-e Qom*) in religious studies.

⁸ *velayate-faqih*.

place. I assigned the participants pseudonyms to respect their trust and observe the codes of confidentiality. The data was codified into some themes. I selected the common themes; however I did not ignore some of the specific cases. Some of these common topics emerged as a result of the questions I asked each participant and a few others came about as a result of data analysis.

I approached judges and lawyers informally by snowballing technique. Through connections with a number of influential friends I could get access to professional men and women in the judiciary, which provided me with a unique and great chance to interview judges, lawyers and clients. I was granted permission to read the files and attend and observe the natural workings of the court, talk to the staff and a number of men and women interviewees.

I started my interview by asking how the system deals with domestic violence in general and then throughout the interview I asked more specific questions and finished the interviews by asking them about any personal views and opinions they wanted to add. Although the participants had different perspectives on domestic violence and the role of the judiciary, a kind of consensus emerged, in which the burden of peace and serenity in the family rests on women through the wholehearted embrace of men's right of control over women's affairs, and women's submission to this power. The question arises as to whether this control can be exercised through violence. On this point there were some differences within the participants' accounts, which will be discussed at length in the following sections.

The structure of power/knowledge: judiciary in Iran

The judiciary, a formal mechanism of conflict resolution, plays a major role in defining violence against women and designing various devices to tackle it. In Iran the law is categorised into public law and private law (Ebadi, 2002). Public law governs the relations between the apparatus of state and people, while private law addresses the relationships between private entities. The most important branches of private law are civil laws, which regulate the interaction between people based on their membership of society. One of the most important branches of public law is criminal law (in Iran it is called the Islamic panel law). The cases referred to the judicial system are resolved on the basis of these sets of laws.

Certain questions arise: How does the system view the problem? What are the assumptions of the judiciary? On the basis of these assumptions, how do women and men formulate, conceptualise and resolve their disputes? How does the legal system use the resources and discourses of the community to make sense of and resolve disputes and violent confrontation along the gender divide? These questions will be addressed by analyzing the accounts of eight men and women involved in the judiciary.

Physical and psychological violence

Physical violence in Iran is addressed under criminal law (Hojatiy-e Ashrafi, 2003). If an incident leads to payment of *diyeh* or blood money (Criminal Codes 294-5), it is considered a criminal act, and the person who has committed the crime is charged and tried in the criminal court. If a husband, for instance, beats his wife and as a result

The role of orthodox jurisprudence in dealing with domestic violence against women in Iran

leaves some injuries or bruises on her body, he is prosecuted and made to pay *diyeh*. The four male judges I interviewed agreed that beating a wife is a criminal act if it leads to payment of *diyeh*, and is therefore illegal. They believed that the law does not grant the husband such a right. One of the judges (Judge G.) stated:

There is nothing in the law allowing men to beat their wives, and when we do not have laws we refer to the opinions of *foqahas* and scholars.

Judge A., however, admitted that there are sometimes differences between the law and the orthodox jurisprudence's textbook rulings, and further acknowledged that the legal system is dominated by the orthodox jurisprudence, according to which the husband's right to beat his wife in the case of *nushuz* is recognised. Judge G. did not see any problem in a husband occasionally beating his wife. If the wife has been proven to be *nashezeh* (disobedient), the court will discipline her by following a number of steps. The first of these involves "preaching her to righteousness". Next, the husband may deprive her economically, and isolate her. If none of these measures leads the woman to the right path (to submission), the court, and not the husband, has the right to punish her (Afshar, 1998). Judge A. admitted that in practice he makes his decisions on a case-by-case basis. This means that he sometimes disregards the instructions given by the orthodox jurisprudence, and tries to issue verdicts in favour of women. He explained that although the orthodox jurisprudence gives a man permission to beat his wife in cases of disobedience (*nushuz*), according to the law physical punishment is illegal, and the court should decide how to punish the woman:

He cannot punish his wife because of her bad cooking. We confront such men in a serious manner in any court, even with a religious judge.

However, he believed that there are some occasions when a man may punish his wife:

but if he thinks his wife is getting corrupted morally and betraying her husband by thinking about other men, then he has the right to take action.

Nevertheless, Judge A. had his own criteria about how this should be done. For instance, if a woman wishes to leave the house for legitimate reasons, such as going to work, shopping or visiting family members, she does not need her husband's permission. This is not disobedience, "unless her going out or her action results in breaking the family union or causing moral corruption [*fesad*]"⁹. Overall, Judge A. rejected the idea of a man's right to beat his wife, even when she is *nashezeh*,⁹ but deemed divorce by the husband a fair course of action.

According to Judge Y., on the basis of the law of *osr va haraj* (hardship), if it becomes evident that it is impossible for the woman to live with her husband according to Article 1130 of the Civil Code, she may obtain a divorce. According to Article 115, if a woman claims that her life is in danger, or experiences financial hardship, she may ob-

⁹ Disobedient.

tain a separation. However, Judge Y. stated that, in practice, a woman's evidence does not provide sufficient grounds for enforcement of the rulings¹⁰. If the court is not convinced that the woman truly is trapped in a dangerous situation, it will take no action. However, he was very concerned that the system is not doing enough to protect women who really are in peril. He was shocked to hear on the radio that a woman had lost her life as a result of returning to live with her violent husband by the court's order. He said:

Sometimes we hear that women who have to carry on living with their violent husbands because the court gave a verdict ordering them to go back home end up dead, or are at great risk. The court can give an order that a woman who claims her life is in great danger must live elsewhere.

Judge Y. drew attention to the major crisis currently faced by the legal system in Iran in relation to recognising women whose lives are indeed in grave danger. He suggested that the court's decision in individual cases should be based on the woman's claims (not the court's verdict), and she should not be sent back to her abusive husband. There seem to be no consensual guidelines for the judges that would enable them to identify women at risk. His suggestion also indicates the great need for the provision of safe places, or refuges, for such women.

On the other hand, when I discussed the legality of violence with Judge H., he first read the verse 3:34 (*Nisa* sura)¹¹ from the Qur'an and interpreted it to me. He asserted that Qur'anic verses should not be interpreted according to people's desires and whims because, in his opinion, they become flawed and fallible. He believed that:

Although this verse refers to the chastisement of the women when they disobey their husbands, we have to regard this type of beating as different from a severe beating... if a man beats his wife it should not cause any harm to her body. If her skin turns red or black [as a result of beating], he must pay her *diyeh* [blood money]. Here the emphasis is more on psychological punishment than physical punishment.

Nevertheless, psychological violence cannot be diagnosed and detected by the court and a woman cannot support her claims if she does not provide the court with sufficient evidence. Judge H. acknowledged that physical violence was more important than psychological violence in the eyes of the law. In his view, it is frequently difficult for a woman to prove her claims to the court, and occasionally she will be sent to see a doctor, or, in the case of psychological violence, to a psychiatrist or psychologist. My impression was that there was no campaign or even awareness of the issues associated with psychological violence, and such an approach appeared to be a luxury; either the system could not afford to concentrate on these cases due to the prevalence of physical violence, or there was widespread ignorance of the significance of psychological violence. The law does not address injuries caused by the husband's abusive behaviour where this leaves no clear visible scars. There is silence in law on such matters. According to article 167 of the constitution, when the law does not specify a response, the

¹⁰ In Persian is '*maye-e hokmi*'.

¹¹ The verse discuss about women and their rights.

judge should refer to legitimate fatawa¹² or religious rulings. This leads to different interpretations of the rulings. According to Islamic penal law introduced in 1996, any behaviour which damages the individual's reputation, such as insult, slander, accusation of adultery and the spreading of rumours, is forbidden. However, gender has not been a matter of importance, and is not specially mentioned in the law (Sadat Asadi, 2004), and psychological cruelty has not been recognised either in law or in Sharia. While insults and harassment in the streets are addressed in law, the use of abusive language in the marital relationship has not been specifically mentioned.

The other four judicial professionals I interviewed maintained that physical violence is not approved by Iranian law. They maintained that in Sharia, such a right is reserved for a man in the case of his wife's disobedience. Mr P. (the cleric), by reading *Nisa* sura (4: 34) from the Qur'an, explained to me that:

It may sound as if the verse is saying "If a woman disobeys, beat her", but it is suggested to avoid injuring or bruising the woman's body. The beating is symbolic, just to show the man's dissatisfaction – it must not lead to paying *diyeh*.

Mrs K., a female consultant, stated that if there were any clear signs of bruises or injuries or any evidence from the woman's doctor, then they can either order the husband to pay blood money, or they can put him in jail for six months to a year. She explained the difficulties and complexities involved in the cases of domestic violence in law and Sharia. She believed that these issues did not exist before the Islamisation of the judicial system:

In 1974, our family law took many issues into consideration. The situation for women was better....Nowadays, when women don't have any explicit evidence, the court makes decisions on their behalf. Normally, they are sent home to submit to their husbands because they can't prove their cases...getting beaten to a certain level is considered a cultural norm, and the woman is expected to tolerate it.

She was referring to the laws introduced after the revolution, laws such as *tamkin* (submission) which will be discussed in the next sections. In her opinion, women are the "real losers" in the current system. In addition, the above passage shows that Mrs K. made a distinction between beating (as a social norm) and battering (which is deemed excessive and legally punishable). Submission or *tamkin* is a common theme emerging throughout the research and is the most crucial components of marriage which could be used as a basis to justify domestic violence. This is discussed in the next section.

Sexual violence: tamkin and its role in relation to domestic violence

One of the most important components of Islamic marriage is *tamkin*. The most important duty of a woman, in Islamic marriage, is *tamkin* or submission (1105 Civil Code), and the most important duty of a husband towards his wife is to support her financially (1106 Civil Code). The legal term for the wife's refusal of *tamkin* is called *nushuz* (rebellion or disobedience), in response to which physical, psychological and

¹² An authoritative ruling on a point of Islamic law.

economic chastisement by the husband can be justified. The husband's refusal to pay maintenance, which is called *tark-e enfagh*, is punishable by law. As the four judges in my interview asserted, a man's job is to manage his family's financial affairs, and if he refuses to do so without adequate justification, he may be fined or imprisoned. In relation to sexual violence, in some areas the law does not make any statement on certain violent acts such as rape or unwanted sexual relations. Rape in the marital context has not been recognised, as *tamkin*, or submission in matters of a sexual nature, is part of the transaction in the marriage contract. Given the importance of these terms, both in the legal system and in women's everyday lives, my next section attempts to unravel the relationship between the marital institution and domestic violence.

*Judges' views in relation to tamkin*¹³

While I was in court, a woman was seeking divorce as a result of her husband's refusal to pay *nafegheh* (maintenance). The husband complained that his wife did not obey him, the legal term for which is *adam-e tamkin* (non-submission). Generally, when a man complains in this manner, he intends to convince the judge that his wife's going out could lead her to be corrupted or seduced by other men, or is claiming that he doubts her or distrusts her. Interestingly, men and women who come to court usually bring their cases against each other using the terms *tamkin* and *tark-e enfagh* (non-payment of maintenance); whatever the root causes of their dispute, they try to formulate their complaints by way of these concepts.

As all the eight participants in this study stated, when a woman admits that she does not obey her husband she will lose the case immediately. Most women do not know how to formulate their cases, and are unaware of the legal details regarding their rights. Moreover, they cannot afford to hire lawyers. Conversely, when a woman claims that she obeys her husband and he refuses to pay her *nafagheh*, the onus is on him, and the judge's approach to the case becomes really crucial. I asked one of the judges how he verifies the woman's obedience, or *tamkin*. Judge H. made a distinction between two kinds of *tamkin*: general (*tamkin-e a' am*) and specific (*tamkin-e khas*) (this categorisation was also emphasised by my other interviewees). He believed that women's obedience has some useful consequences for both parties; it makes men more fulfilled and, at the same time, paves the way for women to gain power through their submission to the master, and to become masters themselves. He elaborated his view further in the following analysis:

It's quite different from slavery... The Islamic order brings some stability to society. A woman can be commander-in-chief of the family with her obedience...a woman's obedience satisfies her husband.

The above passage refers to *tamkin-e a' am*, a woman's recognition of her husband's authority over her and her appreciation of his being the head of the household. Judge A. and the other judges (together with Mr P. the cleric) held the view that the power designated by the orthodox jurisprudence to the husband is not absolute, but is limited

¹³ Obedience.

through the imposition of a set of conditions. For instance, he does not have the right to intervene in her financial affairs or make her do the housework; the only punishment that he can apply is to cut off her maintenance. He does not have the right to beat her, or if he does he should do it symbolically, purely to show his dissatisfaction. Judge H. explained to me that as soon as a couple contracts a marriage, both husband and wife become obliged to perform a set of duties and the only obligation a wife has, in Sharia, “is to obey her husband and not to go out without his permission.”

Tamkin-e khas, or sexual submission, and its relation to violence

In Sharaye-ol Islam, Hilli defines *tamkin-e khas* as “removing the obstacles in relationships between men and women without any limitations in time and place”. A contemporary jurist (Araki, 1998, p.742) defined *tamkin* as “the woman’s readiness for her husband’s demands for satisfaction”. The question is, to what extent can a husband advance his will and power over his wife, in order to make her obey him sexually? Or, to put it bluntly, can he use force or intimidation to achieve what he wants? How do the courts conceptualise and resolve such cases? There are many arguments on these issues. Those who claim that Islam gave men permission to beat their wives for disobedience refer to the *Nisa* verse in the Qur’an. But others argue that the Qur’an does not suggest using violence by any means; rather it teaches men how to express their dissatisfaction to their wives symbolically, by beating them softly without inflicting any harm. The question on the extent to which a woman should obey her husband is a matter of dispute between jurists and judges. Some, among them Ayatollah Khomeini (now deceased), believed that a wife’s most important duty is her sexual obedience (Mokhtari 1996, in Afshar 1998). However, according to the *ijmā-e foghaha* (jurists’ consensus), there are some exceptions in relation to time and place. Three judges in this study stated that they take moral codes, social norms and acceptable excuses (*ozr-e sharie*) into consideration. Nevertheless, there is an overall agreement that in *tamkin-e khas* a woman should submit herself to her husband in order to satisfy his sexual demands. For that, as Judge H. stated, she is obliged to stay in her husband’s home, and should not go out without his permission. Many men in court use this discourse to justify their misbehaviour towards their wives: “She’s a vulgar woman – she goes out without my permission.” Muslim women are permitted to work outside the home, but need to obtain their husbands’ permission. Some, however, like Judge H., argue that if she has her husband’s permission to work outside the home, or if the couple agreed in their marriage contract on her right to work, she cannot be prevented from going to work for her husband’s own sexual gratification. He rejected the idea that a wife must always be available sexually, but added:

In the case of a housewife, it’s different. Because she doesn’t have the time restraint and she’s often at home, she doesn’t have any excuses for not being ready for her husband.

In relation to sexual violence and whether or not a man can have a variety of sexual demands from his wife, Judge H. clarified the issues as follows:

A woman should always surrender herself to her husband, and cannot simply say, ‘I’m tired – leave me alone’. But that’s not to say that she can’t go to work, and must always be available at home. The woman may fulfil her duty at an appropriate time. It’s not like praying, which requires a specific time...Furthermore, he cannot have intercourse with his wife in other ways, because according to a Qur’anic verse, women are men’s fields. Men may plant their seeds in them, but only in the right place. Therefore, doing it the wrong way is *haram*.

When I asked him about the term “field” and the ambiguity embedded in the verse, different interpretations of it and other judges’ positions in this case, he explained:

In such cases, we ask someone like the *marja-e taghlid*¹⁴, and I accept whatever he says. All judges should have a consensus [*ijmā*] on this, but they don’t. A man cannot have sexual relations with his wife whenever and however he wants, and stop her from going to work. The judge shouldn’t address the issue at stake here under the title of *tamkin*, and if he does, it’s an infringement of his specified duties, and his superiors will impeach him...

In most legal texts, the term *tamkin-e khas* is extensively applied to women’s sexual submission to men’s sexual demands, and satisfying women’s sexual needs does not seem to be at the forefront of legislators’ attention. In theory, a woman is entitled to have sexual relations with her legitimate husband every four months and ten days (compared to men, who can demand to have intercourse any time). However, in practice, culturally and legally, it is very rare for women to complain about their husbands’ disobedience in relation to sexual matters, including sexual violence; rather, if there is any problem, they prefer to wrap their complaints in economic terms. The most usual and acceptable way is to say, “He doesn’t provide for me.” Even if a woman could complain about her husband’s forceful and aggressive conduct, the court does not seem to have the capacity to interfere in this highly private matter, as the judge above pointed out. The most a judge can do, when a woman complains about sexual violence, is to refer her to forensic doctors to find any injuries or marks that could be used to make a case for divorce. Meanwhile, as the judge above stated, the judge’s “hands are open”: he is endowed with great arbitrary power. In practice, it is highly unlikely that a judge will undergo an impeachment process over a wrong ruling.

Moreover, if a woman stays with her violent husband (as a result of a court order to *tamkin*), how can she secure herself from his misconduct? In court I met a woman who had brought a case against her husband for his bad behaviour, and for not providing for the family adequately. She was illiterate, was not well informed about her rights, and had no lawyer. In court, she stated that she had left her husband’s house, and her acknowledgement of this resulted in her losing the case immediately. In the eyes of the court she was a *nashezeh*. The judge urged her to go back to her husband’s home and obey him so that she could be entitled to maintenance. Judge G. described the situation:

It’s in our law. A woman should obey [*tamkin*], and in return she can get her maintenance, but if she isn’t living in her husband’s house, she isn’t entitled to any money.

¹⁴ The highest authority in the orthodox jurisprudence.

The role of orthodox jurisprudence in dealing with domestic violence against women in Iran

In his opinion this was fair, because the man works hard and the woman and the rest of the family should appreciate that and listen to him. However, he admitted that if the woman claims that she obeys her husband and lives with him under one roof, and complains about his bad behaviour, then the court, after investigating matters further and after compiling evidence against the man, may fine him, or imprison him for a few weeks. Since the imprisonment of the man is likely to become a source of even further social and economic problems for the family, the woman often has to withdraw her request. Recently, the courts have been more flexible, and have accepted women's requests for divorce; however, this usually depends on the flexibility of the judges and the courts.

Mr R.¹⁵ believed that bestowing power upon the husband as the head of the household, and giving him other advantages such as the right of polygamy and divorce, have a serious impact on women's lives. He said:

Giving power to the man, as head of the family, may result in authoritarian behaviour and end up with him beating his wife. Giving polygamy and divorce rights to men, according to our law, has a serious effect on husbands' and other people's opinions about women.

Thus, according to Mr R., *tamkin* could provide a breeding ground for domestic violence by bestowing excessive power on men. Women consequently become powerless. The opinions of the female consultant (Mrs K.) and the female lawyer (Ms M.) were in line with his. They also believed that introducing *tamkin* to the law after the 1979 revolution made their work very difficult, specifically in relation to domestic violence. One of the factors found to be important in domestic violence is women's dependence on men, and their sense of powerlessness. Karr (2001) argued that because the law-maker offers men the absolute authority of being the head of the household, this can expand into other domains of marital life such as sexual relations and thus sexual violence. Others who argue against this idea believe that the headship of the household is a managerial task, and it is expected that the man will act wisely and fairly (Mohamadi, 2004). However, they do not believe in government interference in family affairs, as it might damage the family's interests. They simply hope that the husband eventually acts reasonably. They argue that there should be no forceful interference in marital relationships, and no-one can compel a woman to obey her husband; rather, she is encouraged to do so in the expectation of a heavenly reward in the Hereafter¹⁶.

Hence, the courts in Iran order the woman to return to her husband's home and obey him. Or they recommend that the husband does not beat his wife. Instead he can neglect her by starving her, or not providing her with clothes.

The reasons behind domestic violence, according to judges and others

An analysis of the accounts of the participants in this section of the study brought different themes to light: economic hardship, psychologism, sociologism (failure by family

¹⁵ A lawyer, and a university lecturer in law.

¹⁶ Taking good care of a husband for a woman is equivalent to jihad (the struggle for God). For reference look at *Furu' al-Kafi* by Al Kuleini, *Ketab Al-jihad*; in *Resaleh-e Badi'eye* by Hosseini Tehrani, M. H., 1997.

members to accept the gender roles assigned to them), upbringing, fear of scandal, moral bankruptcy and un-Islamic behaviour. These are discussed in the following section. First, I shall discuss the judges' views. I shall subsequently deal with others' points of view.

The judges' perspectives

Economic dependency on men, in Judge G's views, automatically leads to men becoming more powerful in relation to their wives. He believed that because women are physically, psychologically and intellectually weaker than men, they become vulnerable and need to be protected by men. He believed that in seeking amnesty and security, women search for men's protection, and thus become dependent on them. He, however, refused to see the problem from a different angle: that if women are weak (as he thought), it is because they are not given the same opportunities as men (in work, education and so on). He gave more weight to biological gender differences than any other factor. In response to my question that perhaps working and earning money could empower women and free them from dependency on men, he maintained that: "Women are easily seduced, and gullible."

In his belief, women need to have custodians because they are gullible, and men can deceive them easily. That is why he would not allow his wife to work outside the home. Overall, Judge G. had a negative and pessimistic view of women. He admitted, "I had to beat my wife sometimes, to bring her to her senses". To him, providing and satisfying her economic needs were enough to make her grateful: "Women must be appreciative." His personal experiences with his wife, and women in general, together with his belief system (he had been raised in a conservative, traditional family), had had a major impact on his professional views and practices. Initially, Judge G. placed the emphasis on poverty and economic factors; however, in our later conversations it became clear that, in his view, women's behaviour (disobedience, rebelliousness and sexual frigidity) and character (being emotional, less rational, simple-minded and gullible) irritate men, and ultimately culminate in the men resorting to violence. Therefore, the primary reason behind the cases of violence against women was perceived to be the women's behaviour, and attitudes and economic reasons were deemed to have secondary significance.

In another judge's view, however, economic causes per se are not the root of violence against women. The woman's personality is more important. Judge H. believed that the real reason behind domestic violence is the lack of men and women's mental and psychological development. He rejected poverty, economics and other causes because, in his opinion:

Some couples, in spite of their financial problems, live together happily because they have mutual understanding.

He defined mutual understanding as:

A woman should obey her husband, as it makes him really happy and fulfilled, and a man should respect his wife and provide for her.

Therefore, women's obedience is regarded as the key to happiness in the orthodox order. Judge H. said that when he went to ask his wife's hand in marriage, he told her that he wanted nothing from her but "absolute obedience", and she accepted that. "By acknowledging it in speech and action, she became a commander-in-chief [*emir*] herself" (the maid becomes the master of the master). In his opinion, a woman should have a great deal of tolerance, and should not get angry easily. Yet again, it is all in a woman's hands. The male judges approached the factors involved in domestic violence from a specific angle; they all agreed that a woman's role (as the main source of peace or tension in the family) is the most critical and profound in provoking, sustaining and practising violence.

According to another judge (Judge A.), "morality" can be a ground for violence. He sympathised with the man who beats his wife if she commits infidelity or even thinks about other men. Generally, in his opinion, a woman should obey her husband. This was found to be a general pattern in male judges' views, and their differences, in this regard, were a matter of degree and not type. Judge A., however, tried to justify his position by saying that every office or institution needs to have a manager, and that families are no exception. If the family members do not listen to their "boss" (their father or husband), there will be turmoil and chaos, and everything will fall apart. Judge A., however, did not seem to comprehend the full implications of his sympathy with men who beat or even kill their wives in this relation. This is reflected in every girl's and every wife's life through heavy restrictions imposed on her dressing and freedom of movement, for fear of sexual scandal and to safeguard her modesty and chastity and the family's honour.

What fiercely restricts women's freedom of movement and participation in the social life of the nation is the threat and fear of being exposed to scandalous situations. Families may find themselves and their reputation damaged irreparably, and their mere survival in the community in peril. Furthermore, the wrath of the rulings and the laws is a continuum; it is felt by women at different levels, from an angry argument in the family on how to dress in public, to fierce fighting or beating over issues such as attending specific occasions such as a wedding, exercising in the park or visiting a football stadium.¹⁷ The image-making function of the rulings and laws regarding the safeguard of honour is reflected in the life of the nation and its social interactions, mainly through subliminal messages imprinted in people's selfhood to view women as a source of danger and chaos with all its ensuing ramifications. The effect of codes of honour and chastity is not reflected in the statistics of honour killing, but in everyday restrictions imposed on women's lives, labour and language. It heavily sexualises women's beings and society's gender relations. MacKinnon held the idea that, "[Gender] is...a question of power, specifically of male supremacy and female subordination" (1987, p.40). The orthodox formulation of marriage offers women a specific place in the social order. This positioning is further justified and supported by a set of discourses, including the discourse of gender difference, naturalising and essentialising gender relations and the division of labour enshrined in the orthodox formulation of marriage. Mr P. (the clergyman along with other male judges in this study) constructed his argument along these lines. He had

¹⁷ Women and girls are not allowed into a football stadium; see *Zanan* magazine, vol. 129, March 2006.

come to the conclusion that women's roles are inherently different from men's. In theory, we are equal; in practice, we are different, with different roles. A woman's main task is to create peace and tranquillity for her husband and children. Being a cleric, Mr P. strongly supported the orthodox discourse, and vehemently opposed feminism and westernisation. Overall, he blamed feminist movements and the westernisation of society, and expressed his regret that people are under the influence of these ideas, and have forgotten their roots:

The unpleasant odour of the feminist movement spread here as well. People lost their way. That isn't good for our society. Religion should clarify everything and put a stop to any wrong influences. Islamic feminism is a paradox. Feminists are basically protesting ...against the creation of women and men by God, in general. They protest against the structural constitution of female creation. Now they are asking why God had to create women like this.

Mr P. was referring to the conventional discourse of gender difference, which attempts to safeguard the concept of inequality by placing it in the immutable ground of God's will. According to this perspective, God's commands are the manifestation of His will, and believers are obliged to submit to them whether they understand the reasons behind them or not. The place of women as enshrined in the set of rights and obligations is determined by God. Furthermore, we may not know their multi-layered mysterious reasons, as God the omniscient, the compassionate and the merciful, set his immutable will according to his divine logic not entirely comprehensible to us. If one is a believer and looks for eternal rewards, one must accept them, even if one's earthly mind sees no sense in them, or sees them as unjust and discriminatory. This theory is the ultimate refuge for many adherents of the orthodox jurisprudence, who see providing the modern pleasant justifications for Islamic jurisprudence rulings as a futile exercise, since the plausible discourse changes constantly. Therefore, they must master modern and post-modern discourses in order to be able to reformulate their arguments in defence of the orthodox jurisprudence. This approach is seen as ultimately inconsistent with the logic of traditionalists, who pay little attention to time and place, and whose mode of argumentation is authoritative and rhetorical (Mir-Hosseini, 2003).

In this view, God is the ultimate benevolent patriarch who knows what is best for his creatures. Before the almighty patriarchal God, what is deemed appropriate is submission and obedience, and not questioning, objection and demands for explanation. The position of women in the divine order is the convention set by God, and to follow His will and commandments we do not need to know the reasons behind them. What we do know is that He is compassionate and merciful; thus it is good for women, for the family, and for the Islamic community (ummah), and it is expedient to follow His will and free oneself from one's own nagging short-sighted, myopic reason-thirsty mind. Take the leap of faith and transcend the boundaries of your limited, earthly-bound rationality, and your future eternal life in prosperity and happiness is guaranteed. This logic has a long precedent in the history of Muslim thought. The essence of this argument regarding the root causes of violence may be summarised in the following propositions:

The role of orthodox jurisprudence in dealing with domestic violence against women in Iran

1. Women's delicate constitution dictates a certain delicate way of being, and offers a set of delicate roles and positions. In this essentialist discourse, in which femininity and masculinity are constructed as two opposite poles embodying fixed characteristics, women are designed to occupy a certain set of positions and perform a set of specific functions.
2. Philosophies and lifestyles imported from the West tempt women to stray from submitting to this divine design.
3. The West (and its cultural onslaught) breeds un-Islamic lifestyles and mindsets. This in turn brings about a variety of social calamities for Muslims, including violence against women. In this formulation, Mr P. is heavily under the influence of Motahari's philosophy of gender difference¹⁸.

The next section will deal with another important component of the orthodox formulation of marriage, *mahrieh* (bride price), which emerge in the participants' accounts. The issue of *mahrieh* will be discussed in the next section.

"Mahrieh" and its relation to domestic violence: the views of judges and others

What is the underlying assumption for the stipulation of *mahrieh* in orthodox marriage? How can it cause or prevent domestic violence against women? Judge H explained the nature of *mahrieh*:

In marriage we have the issue of *mahrieh*. The woman can say to her husband, "If you want me to submit to you, I must first have my *mahrieh*." But once she submits (even without her *mahrieh* being paid to her), she can't bring any excuse for not submitting thereafter.

There are many arguments surrounding *mahrieh*. Those in favour of the practice argue that it was a progressive idea in the past (1,400 years ago) and is still so today; it is a kind of insurance policy for women. Others argue that its existence has a profound impact on women's lives, and could trigger violence against them. One of the judges, Judge A, admitted:

Sometimes the man puts the woman in a dire position. There's a risk that he will beat or even kill her. So she prefers to give up her *mahrieh*....

Many women are severely beaten or psychologically abused by their husbands, or by male relatives, in an attempt to coerce them to disregard their rights in this regard. In most cases, they find it difficult to get hold of their *mahrieh*. There is a famous saying: "Nobody has ever given it, and nobody has ever received it". One of the female lawyers I interviewed, Ms M., believed that *mahrieh* causes a great deal of trouble between men and women at the very beginning, when the families wish to agree the amount to be paid. The woman's family has high demands, and the future husband's family are reluc-

¹⁸Motahari (2001), a very influential cleric, now deceased, argued that the physical, psychological and sexual differences between men and women inevitably translate into different obligations and rights, including different systems of sanctions and punishment. Motahari maintains that men's nature is totally different from women's.

tant to sign up. If it goes wrong, as generally happens, this will always affect the fragile relationship between the bride and her husband's family, and possibly her relationship with her husband too. He will always remind her that he has paid a high price, so she must do as he wishes. She can always threaten him by asking for her *mahrieh* at once (while she is still married), or by filing for divorce; however she is then unlikely ever to receive it. Ms M. acknowledged that her experience led her to the conclusion that *mahrieh* is a major source of problems in marriage, and causes much suffering in both men and women, especially in women. Her solution was to eliminate it. Instead of *mahrieh*, she believed that it would be more practical "to divide the wealth at the time of divorce for all women"¹⁹.

In line with this argument, one of the male lawyers and university lecturers in law (Mr R.) admitted that *mahrieh* damages both men and women, although his approach, as a married man himself, differed slightly from that of my female participant. Ms M. and another female consultant tended to view women as victims who are "the real losers" in this system. Ms M. did admit that she knew of some cases in which women who had the power to ask for *mahrieh* used it to ruin a man's life financially. They did this by employing highly qualified lawyers who could defend them skilfully. Nevertheless, she admitted that these cases were rare, and most women are not fully aware of their rights, or their husbands' predisposition to violence prevents further action.

Mr R., who also opposed *mahrieh*, he believed that the system needs to change, since the current system "could lead to more violence against women, as it gives men more power", but the change should not be only in one component. He stressed that:

In Islam we have *nafagheh* and *mahrieh* for women, but on the other hand the right of divorce and the permission right are preserved for men. In addition, men's inheritance and blood money are twice as much of women. It's like a solar system. The elements of the system match each other – if one of them has to change, everything else should change with it. We cannot say inheritance should be equal, but *nafagheh* should remain intact.

His approach was very similar to the female lawyers', but he presented it in a different way. In his view, a couple's wealth should be divided after the divorce, but women should not receive *mahrieh*. He found it ludicrous that a man who pays 500 gold coins may not claim the authority and headship of the family (he said it with laughter). This view was shared by another judge. Mr R., however, suggested resolving the problem by considering the Western model of marriage:

We should think of 1,400 years ago when this kind of contract was set up. In my opinion, it was logical in that time....The only way is to have a mutual contract like western countries where there is no *mahrieh* at all...

¹⁹ It is worth mentioning that most Iranian families expect the future groom to offer a higher price as a sign of his love and affection; the higher the price, the greater the love shown. The symbolic value of *mahrieh* as a gesture and token of validation is very important for the families involved.

The role of orthodox jurisprudence in dealing with domestic violence against women in Iran

The model Mr R. and the other lawyers were suggesting, a mutual and equal relationship, is reflected in Saidzadeh's (2002), a reformist clergyman viewpoints, and supported by Mojtabeh-Shabestari (2000), an influential reformist cleric. Gender equality is established as a principle of inference of God's Rulings.

The theory of mutual protection, as my participants stated, will change the basic definition of marriage as an exchange of sexual obedience for financial protection. The implication of the theory of mutual protection is that unilateralism will be dropped from the heart of marriage in all its forms. Unilateral provision of sexual services by the wife as a duty will logically change to mutual provision of sexual services; and unilateral provision of financial protection will be replaced by mutual attempts to satisfy the couple's financial needs. The full extension of this logic will yield a mutual ownership regime of the wealth created by the couple during the marriage period. It will generate mutual custody right or at least no priority is given to one to the disadvantage of the other.

Furthermore, this approach will produce mutual permission rights and mutual headship, and will affect the rulings on blood money and honour killing in cases of adultery. This could in turn debase the violence against women in a drastic way. In short, introducing mutual protection into marriage contracts will change the whole traditional model of marriage dramatically, and will generate a marriage model based on partnership.

Conclusion

The orthodox jurisprudence and its associated discourses, as a structure of power/knowledge (Foucault, 1980), have profound impacts on gender relation and in particular domestic violence against women in Iran. Orthodox formulation and definition of marriage as a contract and its implications and relation to domestic violence has been investigated. The core of orthodox marriage (an exclusive exchange of sex on demand for financial provision) presented by orthodox jurisprudence offers unlimited power to men by bestowing on them the headship of the family and formulating a sexual relationship based not on reciprocity but on submission of one to the other. This seems to establish and maintain the power and control of men over their wives through the term of *tamkin* and through women's subordination. This conclusion was drawn from the accounts of the participants. Gender difference discourse was largely employed to justify this relationship. On the basis of this discourse, men were defined as more rational and experienced, and as having better access to resources, and women were defined as emotional, inexperienced, and suited to housework and caring for the family. Moreover, male and female needs are believed to be different from each other, as defined by their God-given nature.

The structure of orthodox marriage leads to a Japanese-style full-time and lifetime labour contract which culminates in potential control being exerted over all aspects of women's lives, from dress to work and from sexual to social relations. This functions through two conditions of exclusivity and promptness (in the context of *tamkin*), having the potential to produce violence against women when it comes into conflict with the process of modernisation, which requires the active participation of women in social

life. When couples and their close associates, family members and related societal institutions do not share the same fundamental model of proper marital and gender relations, their interaction becomes problematic.

One of the underlying themes identifiable from the analysis of the themes repeated throughout the interviews as the root causes of domestic violence was the conflict between religious orthodoxy, modernity and social reality. These are reflected in the judges' and lawyers' accounts: "However, this is only in Sharia, and in courts they may not act accordingly", or "It might be better if Sharia did not intervene in the law", or "In practice, the system is more open to women's rights". This reflects the tensions between orthodox jurisprudence, law and social reality, which in turn may result in selectively highlighting some of the laws regarding women, while ignoring others. For instance, as one of the judges stated, having the rulings in Sharia (theory) is different from applying them in reality (practice).

One of the main problems in the judiciary in general, and specifically regarding family relations, is the ambiguity between orthodox jurisprudence's rulings, the law and social norms and reality. For example, in relation to a woman's sexual obedience to her husband, orthodox jurisprudence does not specify the details. According to the rulings, a woman must obey her husband everywhere and at any time, but when the matter reaches court, other social considerations may come to play important roles, culminating in similar cases in the courts being dealt with differently, depending on the intensity of the allegiance of the judges to the rulings in the jurisprudential texts and the law, or their degree of consideration for the social reality. The judges in the Iranian judicial system are overwhelmingly male, and their gender often affects their decision-making in relation to women's lives. This is also central to the problem of domestic violence in Iran.

From the accounts of the eight participants in this study, it can be concluded that the focus of law in relation to domestic violence is on observable, physical injuries and bodily harm, while marginalising or disregarding emotional, psychological and sexual abuse. It is clear that beating and using physical violence against women in marital contexts is against the law, and will be punished if any bruises or marks can be detected. However, according to the jurisprudence texts, a man has the right to beat his wife if she disobeys him. This also has some implications in relation to sexual violence, as the law stays silent on rape within marital relationship, as the concept of *tamkin* or obedience in sexual matters is inherent in the orthodox formulation of marriage.

References

- Abisaab, R. J. (2005). *Converting Persia: Religion and Power in the Safavid Empire*. London: I. B. Tauris.
- Afshar, H. (1998). *Islam and Feminisms: An Iranian Case-Study*. London: Macmillian Press.
- Araki, M.A. (1998). *Ketab al-Nehah*. 1st ed. Qom: Noor Negar.
- Arberry, A.J. (1982). *The Koran*. Oxford University Press.

The role of orthodox jurisprudence in dealing with domestic violence against women in Iran

- Asadi, L.S. (2004). Mahar-e Khooshunat-e Khanegi az Ghanoon ta Akhlagh [Taming Domestic Violence from Law to Morals]. In *Ketab-e Zanan in Women's Socio-Cultural Council Quarterly*, vol. 23.
- Coulson, N.J. (1969). *Conflicts and Tensions in Islamic Jurisprudence*. The University of Chicago Press.
- Coveney, L. et al. (1984). *The Sexuality Papers*. London: Hutchinson.
- Ebadi, S. (2002). *Huquq-e Zan Dar Ghavanin-e Jomhoori-e Islami-e Iran*. [Women's Rights In the Laws of the Islamic Republic of Iran]. Tehran: Ganje Danesh Publication.
- Flynn, Th. R. (2005). *Sartre, Foucault and Historical Reason: Poststructuralist Mapping of History* vol. 2. London: University of Chicago Press.
- Foucault, M. (1980). Truth and power. In C. Gordon (Ed.), *Power-knowledge: Selected Interviews and Other Writings, 1972-77*, Brighton: Harvester.
- Haeri, Sh.(1989). *Law of Desire: Temporary Marriage in Iran*. I.B.Tauris & Co Ltd.
- Hekman, S.J. (1999). *The Future of Differences: Truth and Method in Feminist Theory*. Polity Press. Cambridge UK.
- Hojatiy-e Ashrafi, Gh. (2003). *Ghanoon-e Mojazat-e Islami*. 5th eds. Tehran: Ganje Danesh Library.
- Hosseini Tehrani, M. H. (1997). *Tarjomeh-e Resaleh-e Badi'eeye*. 2nd eds. Entesharat-e Allameh-e Tabatabaee, Holy Mashhad.
- Jewkes, R. (2002). Intimate partner violence: Causes and prevention. *Lancet*, 359, 1423-1429.
- Karr, M. (2001). *Pajoheshi darbareh-e Khooshunat bar aleih-e Zanan in Iran* [A Research About Violence Against Women In Iran]. Tehran: Roshangaran and Women Studies Publishing.
- MacKinnon, C. A (1982). *Towards a Feminist Theory of the State*. Cambridge Mass.: Harvard University Press.
- Mernissi, F. (1991). *Women and Islam: An Historical and Theological Enquiry*. Oxford: Blackwell.
- Mir-Hosseini, Z. (1993). *Marriage on Trial: A Study of Islamic Family Law*. London: I.B. Tauris.
- Mohammadi, M. (2004). Tamkin; Ghodrat-e Zanan ya Khooshunat-e Mardan [Obedience; women's power or men's violence]. *Ketab Zanan in Women's Socio-Cultural Council Quarterly*, vol. 23.
- Mokhtari, A. (1996). Zan va Khanedari [Women and Housework], *Zaneh Ruz*, 10 February.
- Mojtahed-Shabestari, M. (2000). *Naghdi bar Gharaat-e Rasmi az Din* [A Critique of Official Reading of Religion]. Entesharat-e Tarh-e No.
- Motahari, M. (2001). *Nezam-e Hoquq-e Zan dar Islam* [The foundation of Women's Rights in Islam] 29th impression. Qom: Sadra Publications.
- Muhaqqiq al-Hilli, J. H.(1982). *Shara-ye al-Islam fi masael al-halal va al-haram*. Beirut: Dar Al-azva.
- Oakley, A. (1974). The Invisible Women: Sexism in Sociology. In *The Sociology of Housework*, Bath: The Pitman Press.
- Pateman, C. (1988). *The Sexual Contract*. Cambridge: Polity Press.

Sa'idzadeh, S. M. (2002). A Contemporary Iranian Cleric on Fiqh, Women and Civil Society & Fiqh and Fiqahat, Kambiz GhaneaBassiri. In *UCLA Journal of Islamic and Near Eastern Law, Vol 1, Spring/Summer, N° 2*, 229-267.

Taylor, D. and Vintges, K. (ed.) (2004). *Feminism and The Final Foucault*. Illinois: University of Illinois Press.

Zahra Tizro is a lecturer in psychology at York St John University. Prior to this appointment, she worked as a research fellow in Leeds Institute of Health Sciences at the unit of Public Health, "Exploring cross-cultural values of „informed choice“ in antenatal genetic screening" which investigated policy-making and practical aspects of ethnicity and informed choice within the context of genetic screening. She holds a PhD from the Centre for Women's Studies and an MPhil in psychology, both from the University of York, as well as an MA in educational psychology from Al-Zahra University, Tehran.