

**The Archaeology of Experience of
Domestic Violence against Women
in Iran**

ZAHRA TIZRO

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Abstract

This thesis is concerned with the structure of power and knowledge in the orthodox discourses (as the mainstream discourse) in Iran, and its relation to domestic violence against women both theoretically and empirically. The focus is to explore the theoretical and empirical correlation between the orthodox formulation of marriage and the role and place of women in the traditional Islamic order in general, and the issue of domestic violence against women in particular, in the context of Iranian society. 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 orthodox formulation of marriage, how it determines the natural place of women in society, and how, in general, it may lead to physical, economic, sexual and psychological violence against women as a logical implication of its internal structure. The role of orthodox jurisprudence in creating or justifying violence against women is investigated at three levels: institutional mechanisms, discursive formations and the power/knowledge structure, in the context of a Foucauldian framework. I demonstrate how orthodox marriage is organised around a critical transaction of sexual submission for economic protection, and how this simple formulation creates a series of rights and obligations for both men and women. I clarify how this formulation may pave the way for violence against women, which turns into a source of perpetual tension in contemporary Iranian society. Empirically, by utilising reflexive methodology, a qualitative study was conducted on three groups, the first of which consisted of 40 women, the second of 14 men and the third of 8 judiciary officials, in Iran, mainly in Gilan province (in the north of the country). The purpose of the study is to investigate the social realities on the ground (the “situatedness”) which account for domestic violence against women. I report and reflect on the participants’ experiences, their narratives and their explanations of the reasons behind domestic violence. Their accounts were thematised to find the answers to the following questions: What constitutes domestic violence against women? What set of discourses and narratives is deployed to justify or condemn it? What are perceived to be the root causes of domestic violence? What remedies have been deemed feasible, and why? The overall patterns that emerged from the accounts of the participants are summarised and critically assessed in the concluding chapter of this thesis. Overall, I believe that my novel approach in deploying polyvocality at all levels of the research allowed the complexity and multiplicity of the contexts and texts involved in the emergence of domestic violence against women in Iran to reveal itself. This will, I hope, help all those involved in the analysis and eradication of domestic violence in Iran to avoid fatal simplifications and hazardous generalisations.

Key Words: Domestic Violence, Islam, Women’s rights, Iran.

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Author's Declaration

I declare all the material provided in this thesis are original and have not been published elsewhere.

Introduction

My research is concerned with investigating the local conditions and factors leading to violence against women in Iranian society with Islam (in its *Shia* version) as its official religion. My assumption here was that, although violence against women is a global phenomenon, it manifests itself in local forms and is rooted in a local interplay of factors. My interest was to study the effects of these factors on domestic violence against women in Iran. This was done theoretically (by introducing epistemological, ontological and methodological discourses) and practically (by conducting an empirical investigation).

According to many criminologists, domestic violence against women is the most under-reported crime worldwide. However, data presented to the United Nations revealed that violence against women, or gender-based violence, is a universal phenomenon that happens across the world, regardless of class, nationality, race, religion and socio-economic development (World Health Organization, 2005; United Nations Report, 1970-90, 1991). It can be argued that violence against women is not the result of unaccountable or pathological behaviour, but of a learned, conscious and calculated behaviour originating from a social system of deep-rooted inequality and patriarchy. Unequal power relationships affect some individuals in such a way that they encourage them to exercise their power over others and intimidate or control them. Unequal relationships within the family on the basis of gender and age have been identified as the main factors generating violence, which is not related to specific social class or educational, ethnic or age groups (Shipway, 2004). These arguments will be discussed extensively in Chapter 1 of this thesis. The main focus of Chapter 1 is to investigate the roots and causes of violence as a universal phenomenon. The aim is to provide an overview of the existing literature in relation to the set of factors involved in producing, perpetuating and limiting violence. There will be an attempt to apply an interdisciplinary approach in reviewing violence against women, in terms of the interplay of a complex configuration of factors. A brief outline of the definition and terminology of domestic violence is given. I will further present the results of a number of studies conducted in relation to domestic violence against women in Iran. Finally, a summary of the chapter will be given.

The aim of Chapter 2 is to explore the issues surrounding domestic violence against women and to address the important questions, more particularly in the Islamic context, by investigating the religious sources of the laws of the land, such as the Qur'an and the orthodox jurisprudence, to reflect on cultural beliefs and practices regarding the prevalence of violence against women in Iran. It is known that 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 orthodox jurisprudence (the study of Islamic religious law) in Muslim societies acts as an ideology and a collection of legal codes which shape the lives of ordinary Muslims. During recent years, Islam has played an institutional role in governing men's treatment of women, particularly in determining the legitimacy of some orthodox rules regarding women's rights and obligations. It is absolutely vital to investigate the effects of these discourses on violence against women in Iranian society, and it is useful to understand how Iranian women are being treated under the orthodox jurisprudence. Therefore, there will be an attempt to pose and reflect upon a number of questions surrounding the issue of domestic violence under these rules and regulations: What is the orthodox jurisprudence? How does it shape the life of people? Does it in any way legitimise the use of coercive measures against women? What is the place of women in the ideal order envisaged by the orthodox jurisprudence, and how does it affect the issue of violence against women? How is violence against women, in practice, affected by the orthodox jurisprudence? The role of *foqaha* (mainly male jurists, reflecting the male-dominated nature of orthodoxy) will be addressed at the beginning of Chapter 2 (in the first section), and the discussion will progress to introduce the orthodox jurisprudence's understanding of marriage and marital relationships and violence against women (in the second section). Consequently, on the basis of the knowledge accumulated in the previous sections, the last part will attempt to paint a more complete picture of the place of women in the traditional jurisprudence by probing the rules and regulations pertaining to the issues of inequality/equality and difference/sameness between the sexes in theories addressing gender differences and gender equality in contemporary Iran. The study will endeavour to clarify how orthodox discourses perceive femininity/masculinity, and how these beliefs manifest themselves in shaping and regulating the use of violence against women, by investigating Qur'anic verses and sayings (*ahadith*) about women's and men's sexuality. As feminism pays immense

attention to the control of female sexuality as the root cause of patriarchy, this analysis will have further significance.

Chapter 3 will address issues surrounding feminist methodology, epistemology and ontology; the main focus of this chapter is to present reflexive methodology (at both theoretical and practical levels) as the most appropriate means of producing data in relation to this particular research.

The empirical data is presented in chapters, four, five, and six of this thesis, which will be mainly concerned with analysis of the data produced in the field study with the three groups (women, men and the judicial officials). I report and reflect on the participants' experiences, their narratives, and their explanations of the reasons behind domestic violence. The accounts of the participants were thematised to find the answers to the following questions: What constitutes domestic violence against women? What set of discourses and narratives are deployed to justify or condemn it? What are perceived to be the root causes of domestic violence? And what remedies were deemed feasible and why? The analysis of the accounts of the judicial officials is presented in chapter four, where I discuss the major themes touched upon by the eight participants (two female and six male).

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In Chapter 5 I examine different themes drawn from the accounts of 40 women whose narratives are presented and analysed in this chapter. I discuss women's experiences and understanding of domestic violence, and what they regard as the reasons behind their partners' abusive behaviour.

Chapter 6 is based on the accounts of 14 male participants, their perceptions of gender relations and their reasons for using violence against their wives.

The conclusion to the thesis may be found in Chapter 7, where the repeated themes and empirical findings are summarised, and where a number of suggestions are put forward with regard to the feasible remedies available to Iranian society. In this chapter I will discuss what is accounted for as violence, based on the participants' points of view. Moreover, I will discuss the causes of violence by critically analysing the accounts of all the participants. I close this chapter by presenting short-term and long-term strategies available in dealing with domestic violence against women.

Chapter 1: Theories Regarding the Roots of Violence Against Women

Introduction

The main focus of this chapter is to provide a review of the literature on the set of factors involved in restricting, increasing, or moderating violence against women. First, a brief outline of the definitions and terminology of domestic violence will be given. An attempt will be made to apply an interdisciplinary approach in viewing violence against women, due to the interplay of a complex configuration of factors involved in producing, perpetuating, and limiting violence. The discussion will be further developed by analysing some of the studies conducted in relation to domestic violence against women in Iran. The chapter will end with a summary.

Definitions and terminology of domestic violence

The term violence usually has been applied in a broad sense covering a wide range of behaviours such as verbal abuse, physical harassment, intimidation, rape, sexual assault and homicide, and according to British Medical Association “it may be constant or spasmodic, and is experienced by “individuals from every class, race, religion and culture the world over” (cited in Shipway, 2004:2). Although adopting an inclusive and broad approach towards violence may have some advantages, a more narrow and differentiated definition of domestic violence may sometimes increase the clarity regarding the nature and context of a particular form of violence. It may be, however, difficult to generalize it across a much broader spectrum of violent acts and behaviours.

Nevertheless, to theorize and conduct a research project on domestic violence, obtaining a definition of the term that can shed light on what counts as violence and to whom it might apply is necessary. Since identifying the definitions and terminology regarding domestic violence and its application in Iranian society is the aim of this part of the study, the emphasis is on violence in heterosexual relationships. Although the term is widely recognized throughout the world, its interpretation and application may vary enormously. Based on the findings reported by the World Health Organization (WHO: 2005), women who suffer from physical

and sexual violence also experience multiple acts of violence over time. However, a large number of definitions do not recognise psychological or emotional abuse or financial deprivation as domestic violence. As Shipway (2004: p.3) points out:

...the reality is that injuries may well be hidden and the damage virtually undetectable to the naked eyes. Growing evidence confirms that countless women live their lives in constant fear and degradation, suffering from severe psychological and emotional abuse perhaps without the accompanying broken bones and bruises ...[i]t is this type of abuse which may lead to mental illness and attempts at self-harm including suicide attempts, and may never present in physical injury.

Regarding the wide disparity in understanding the term, it is necessary to give an explicit (working) definition of such a broad term as domestic violence. As the focus of this thesis is on violence in intimate relationships (between a man and a woman), I found the spectrum of abusive behaviours covered by the Home Office the most relevant one:

Any violence between current and former partners in intimate relationship, wherever and whenever the violence occurs. The violence may include physical, sexual, emotional and financial abuse. (Home Office 2003a)

This definition recognizes different types of violence such as the emotional, economic, and sexual, along with physical violence in adult relationships. However, the term 'intimate partner relationship' does not make explicit that women are the victims. Therefore, for the purpose of this study I use this term to refer to female victims of violence.

In the following sections there will be an attempt to explain the involvement of psychological, biological and social factors in the emergence of violence.

Different approaches towards violence

In trying to understand different approaches towards violence in general, and domestic violence in particular, it is valuable to explore and highlight the potential and the limits of various disciplinary approaches towards the topic of violence (its causes, continuation and elimination). Expanding boundaries of knowledge through

cross-fertilization demands contributions from the disciplines of sociology, anthropology, social policy, evolutionary psychology, and criminology which can increase the current theoretical knowledge of violent acts, generally, and violence against women, in particular (Dobash and Dobash, 1998). For instance, sociological, anthropological, and socio-political theories put emphasis on the cultural, structural inequalities and institutional factors in trying to explain how societies support or tolerate violent behaviours, whereas psychologists have focused on the individual and interpersonal relationships (Barnish, 2004).

Evolutionary psychologists mostly put emphasis on underlying biological and psychological factors to explain the roots and causes of violence (Wilson, Daly and Daniele, 1995). This model sheds light on violence by trying to explain why men use violence in their intimate relationships, why they tend to control women sexually and why they feel insecure and afraid of losing their power. Evolutionary psychology attempts to trace the origins of male violent behaviour by pointing to the predominant violent tendencies in human male ancestors, whose activities were mostly based on male-male competition, in different circumstances in such aggressive acts as hunting, warfare, access to females, land and food, which required coercive and forceful strategies like threatening and assault (Crawford and Symons, 2001). In criticisms directed at these views it has been argued that evolutionary psychology does not indicate why women are so much more passive in their relationships with men and accept their coercion and domination. Moreover, this interpretation is not able to explain the effectiveness of such coercive acts on females' behaviour as a victim in pre-modern social situations, due to the lack of empirical evidence (Crawford and Symons, 2001; Wilson, Daly and Daniele, 1995).

Meanwhile, environmental contingencies play an important role in guiding behaviour, in the learning theories. As Bandura (1973, p.113) points out "human nature is characterized as a vast potentiality that can be fashioned by social influences into a variety of forms". Learning from role models such as parents, siblings, teachers, media personalities and so on is one of the assumptions of Bandura's theory, which was called observational learning. For example, emotional behaviour, such as aggression, can be learned through observing others acting aggressively in the child's environment. In some studies it was found that aggressive adolescent boys experienced more physical aggression than those low aggressive ones who lived in non-aggressive environments (Bandura and Walters, 1963). Based

on this theory, role models provide us with useful information about the consequences of their actions and observers can experience vicarious reinforcement or punishment through observing their experiences. Bandura and Rosenthal (1966) proposed that by observing someone else's experience, i.e. an unpleasant outcome as a result of an action, classical conditioning effects could be induced in the observer. It is important, however, to note that Bandura's explanation of social experiences has different applications in different societies; for instance in the West the role of peer groups is considered to be more important than in Eastern societies, such as Iran, where family relations still play a major role in shaping the children's social behaviour.

On the other hand, despite emphasizing the role of the environment in regulating and evaluating one's behaviours and emotions, as a consequence of the mechanism of reward and punishment, learning theories do not address the role of 'self' in regulating the hostile behaviour. These theories cannot explain why some children do not go onto perpetrate violence despite being exposed to it. Meanwhile, there are abusers who did not experience any exposure to family violence (Cunningham et al 2004). The self can monitor whether one's behaviours are in the direction of societal and adopted standards. Individuals can practice some degree of control over events that affect their lives, through their perceptions of self-efficacy. One's sense of self-efficacy can influence his/her responses to perceptions of discrepancy between one's own behaviours and that of a model (Bandura, 1986).

Sociological analyses of male violence emerged in the 1970s, in particular, with Amir's (1971) theory of victim-precipitation in rape. Family sociologists' work on domestic violence contributed to this literature by trying to explain male violence via giving more weight to social factors rather than to individual psychopathology. These works are criticized as they not only undermine the central role of sex and gender in all male-female relationships and their association with the occurrence of violence, they also disregard the power structure or gender relations and sexual politics (Clark and Lewis 1977; Smart, 1976; Dobash and Dobash, 1977 & 1978). On women's oppression, earlier feminists thinkers, like de Beauvoir (1949), tend to disregard the biological or any innate physical and psychological differences between males and females, which in her view emphasize biological factors as a result of patriarchal ideology. These feminists believe that the source of male sexuality is a social construction not biological determination. As Jackson (1978)

pointed out: 'the way sexuality is experienced and acted out is socially scripted' (p.20). Social institutions, such as the political, social, economic, and ideological structures are very much responsible in defining, shaping, and constraining such concepts as masculinity and femininity and in creating a hierarchical society where gender stratification is fundamental. 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, 1989). In patriarchal relationships between men and women, especially between husbands and wives, it is believed that men have the right to be dominating and have control and women, by their nature, are subordinate to men. This relationship is regarded as natural and sacred; and consequently the husbands' abusive behaviours were deemed inevitable (Dobash, 1979). For instance, in the case of the Islamic society of Iran this view is very popular in philosophical debates (Motahari, 2001; Amoli, 2000) and, consequently, Islamic laws put unlimited power into the hands of husbands as the head of household (this will be discussed extensively later on).

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. Thus, patriarchy encompasses issues to do with cultural values, the public-private divide, and sexuality as well as more obvious gendered concerns. Constituted by, and in turn constituting, social interactions, processes, and relations, patriarchy benefits men. It 'advantages' them (Dowding 1996), and facilitates exercising power in different ways. Using violence in different forms (sexual, economical, physical) against women, feminists argue, might be a way of maintaining and securing the relations of male dominance and female subordination in a patriarchal social order (Hanmer and Maynard, 1989; Eisikovits and Edleson 1989; Hamberger and Hastings, 1993; Cuninghame et al 1998; Healey et al, 1998; Mauricio and Gormley, 2001). The interaction between patriarchy and other forms of power structures, such as class, age, race, and social status, feminists recognize, can form women's experiences of violence and the reaction of other institutions, like the police and policy makers (Hanmer and Maynard, 1989).

Using the analysis of gender relations (instead of class relations), violence is considered to be a “gendered phenomenon within the context of patriarchal social relations” (Hester, Kelley and Radford, 1996: 4), in which men and women’s relationship to patriarchy is constructed through a series of historically emergent narrations between gender and other social practices. As Hester states “the way violence is used and acted out in relationships, encounters and institutions is specifically gendered and constructed by, as well as a reflection of, the power relations which constitutes hetero-patriarchy” (Hester, Kelley and Radford, 1996: 4).

Although the role of stressors, such as low levels of education, poverty, and the number of children, on marital violence are well-recognized (Jewkes, 2002, Martin et al., 1999) recent feminist work on male violence against women considered force and violence as the main factors in maintaining male power over women. They have argued convincingly that male violence against women is not an indication of loss of control but rather a means of establishing control (Hanmer and Maynard, 1989; Horsfall 1991; Yllo, 1993). Being a universal phenomenon, masculinity, and male power can be shaped and lived within a cultural context which has commonly recognized features across the world. Violence might be intentional, functional and patterned, rather than an impulsive, irresistible, and unplanned (Keline, 1998; Baumeister, 1999). Accordingly, violence can be seen as socially enacted and constructed and it emerges in the way we relate to the other, so it does not reside in our soul. To find out the major roots of violence, it is widely believed that a number of factors may influence well-intentional people to commit violent behaviour (Baumeister, 1999). One of those factors is the desire for material gain, such as money or power, which is called instrumental violence. In this case violence in the long run seems to be an effective tool for creating and sustaining power relationships (Baumeister, 1999).

The prevalence of the root-causes of violence in time and space requires it to be even more widespread and common than it is. The answer to why violence is not as common as it should be lies in the fact that violent impulses are typically restrained by inner inhibitions; people exercise self-control to avoid lashing out at others every time they might feel like it. The question is “why do some lose their self-control”? Is it true that violence happens because of impulses and losing control? If it is just an impulse how do they know when to stop and where to use it?

(for example, violent men do not show their anger in front of police or authorities according to Dobash and Dobash (1998)). Self-control may fail if the upbringing and socialisation have not made it strong enough because the capacity for self-control is decreased by stress, because being emotionally upset makes people cease to care, or because the culture tells them that is appropriate to lose self-control under some circumstances (Church, 2000; Markus and Kitayama, 1991).¹

Consistent with these views, social psychologists also argue that violence and aggression may be understood as coercive processes that reflect the aggressors' deliberate decision, by using force against the victims and making the decision to punish the victims for perceived transgressions or to retaliate against perceived wrongdoings. The approaches of feminists and social psychologists highlight the fact that the use of force in relation to violence and conflict in the family is a matter of choice within the person's control, rather than being an impulsive reaction originating from loss of control and that the aggressor's interpretations of the events in a family may lead him to use force and punishment against a partner.

Meanwhile, the role of the social construction of sexuality and heterosexuality and their relationship to violence has been recognized by some contemporary feminists (Hanmer and Maynard, 1989). According to these feminists, the forms and functions of male sexuality, such as rape, sexual harassment, physical assaults and so on, in the social control of women, represent the male attitude towards women as inferior members of society. Additionally, it is a way of securing and maintaining the relations of male dominance and female subordination, which are central to the patriarchal social order. (These arguments in relation to Iranian women will extensively be addressed in the following chapter). They argue that patriarchy is crossed through and is in interaction with other power structures, namely those of race, class, age and status regarding disability. Violence in such societies plays a big role in the social control of women, both by men and social institutions dominated by men (Hanmer and Maynard, 1989) and shape women's experience of sexual and physical violence and the response of the police and others. As was stated 25 percent of all reported violent crime is wife battering (Dobash and Dobash, 1980). It is through challenging the patriarchal order by, increasing

¹ In collectivistic cultures (such as those in Asia), in which a more holistic and sociocentric perception of the person exists, a high level of self-monitoring behaviour is expected. In this view the person's behaviour is the outcome of being alert to the others with whom one is interdependent, and thus, the person is predictable through his/her actions within a social relationship (Church, 2000).

women's autonomy, that men's violence must be confronted (Dobash and Dobash, 1998).

Contemporary feminist theory tends to explain male power over women by pointing to social and cultural factors in shaping female sexuality as the fundamental factor. Marxist-feminists touched upon the role of ideological notions in forming both men and women's sexuality and gender relations (in Rich, 1980; Barrett, 1980). Such ideas about femininity, masculinity, motherhood, monogamy and other related characteristics springing from these concepts are enforced by social institutions and practices, such as marriage and family, law (judicial) and state legislation, divorce and economic systems. These, in turn, reassure men's economic, social and political power over women and women's dependency, and establishes their submissive and docile positions in a patriarchal society (Smart, 1984, 1982). The traditional role of men as the rule maker at home and the female role as submitting to his power still exist in today's marital relationships (Shipway, 2004). Similarly, in Iranian society men are believed to be the head of the family and women are supposed to respect that supremacy and authority (see Chapter 2 of this thesis).

Environmental contingencies: Modernization, social change and prevalence of violence

The question remains why, despite all the availability of the legitimized and formal sources of prevention of violence in society (mostly in the Western societies), men still use violence in their relations to women? The twentieth century offered human rights and equality to women. The participation of women in social and political affairs enabled them to have some rights, such as the right to vote, work and so on across society. Nevertheless, their situation has not been drastically improved, due to the actual disregard for their rights and needs as individuals. Firestone (1970) tried to explain this by giving more weight to the biological structure of the female reproductive system, although she does not underestimate the role of cultural factors in determining gender order and male power. For instance, rape, as Brownmiller has pointed out, is an ideology which is "fuelled by cultural values and is not an act of sexual gratification but an exercise in power and intimidation made possible by anatomical differences between men and women"

(cited in Hanmer and Maynard, 1989: 14). Moreover, it could be argued that women in a new area may enjoy the right to work in the labour market as equals to men but they also carry on fulfilling their commitments to motherhood and everyday life by being perfect mothers, wives, and employees at the same time, which put enormous pressure on them, paradoxically. Being unable to maintain the female ideal, a woman soon suffers from a sense of guilt and receives punishment from her dissatisfied husband for not providing enough comfort. Not surprisingly, she perceives herself as imperfect and a failure who deserves to be punished and blamed and lets her husband execute his power over her.

The difficulty may stem from the male perception of female independence (Sorensen, 2001). Males are less ready for modern life (in Keline, 1998, Sorensen, 2001). Such an act as wife beating is readily cast as a symptom of male insecurity. The idea that a man is the head of the family and the main breadwinner is the dominant determining factor in shaping masculine identity, which is still popular in the modern world, even if it does not often match with reality. This ideal is considered important to male identity and public status and, thus, to male self-representation and any shred of damage to this image, both from inside or outside the household can be provocative and result in violent reaction to the source of threat (in Keline, 1998, Sorensen, 2001).

On the other hand, Dobash and Dobash (1998) in their research identified four important contexts in explaining the initiation and continuation of violence: individual; interpersonal; institutional; and ideological. In their book, they try to explain the nature of the phenomenon and its occurrence and continuation, within the context of a marital relationship that concentrate on issues such as money, children, domestic work, possessiveness, jealousy, sex and male power and authority (men's sense of having the right to punish their wives). The main focus is on male masculinity and power in relation to perpetrating violent acts, which are socially and institutionally organized, structured and exercised at schools and through sports and used as demonstrations of friendship, authority and masculine identity. In relation to my study I also intend to provide a new understanding of marital relationships in the context of Islamic marriage. My questions are: how are the concepts of power, femininity and masculinity defined and what are the roles, duties and rights of men and women? And, more importantly, how might these contribute to generating,

sustaining or moderating domestic violence? These will be addressed in Chapter Two.

Interpersonal theories trace the origins of domestic violence within the relationship conflict (in Barnish, 2004). It is widely known that conflicts of interests are inevitable parts of any interpersonal relationships. It provides opportunities for the parties involved to settle their differences, through interpretation, contemplation, negotiation, and rational compromise (Keline, 1998; Cunningham et al, 1998; Healey et al, 1998). However, contested interests are prone to turn abusive only when the contest for power takes precedence over the mutual quest for finding rational solutions - an argument central to feminist analyses of violence against women. The interplay of interests, interpretations, and power raise some interesting questions on the role of socio-cultural beliefs and local communities, and their effects on individual identity.

In a comparative study of different societies, Ross (1993) concluded that the evolution of conflict depends on how societies interpret and construct interpersonal or intergroup problems, such as the acquisition of scarce resources. Research on school boys, who are considered aggressive by their peer group, reveals that these boys often interpret accidental collisions in the playground as signs of hostility from others to which they feel the need to respond aggressively (Lochman and Dodge, 1994). Accordingly, feminists emphasize how abusive men interpret their wives' behaviour as hostile or provocative, regardless of what their partners are actually doing (Dobash and Dobash, 1979). Some research shows that those who beat their victims regardless of their actions, view their victim as an appropriate target for their hostility (Dutton, 1995c). Most men do not think of their own behaviours as violent, even if others regard them as violent. They seem to believe that they are making their wives better women; they regard themselves as doing the right thing. The victims' views are different; they think that the perpetrator has no reason or he is sadistic and his actions are deliberately malicious, arbitrary, or casual. Although the person who acts violently may admit that he has done something wrong, he may regard his violent actions less evil and less wrong compared to the victim. They even blame the victim for provoking them and often believe that their act is not violent and that they cannot help it as factors beyond their control affect their actions. Perpetrators of violence rarely admit that their courses of actions are unjust or self-serving. And they think that they were under attack from others (some studies

show that the most aggressive boys tend to see hostility and aggression in others' behaviours while there was none). Some studies on family violence have indicated that men who beat their wives tend to interpret their wives' ambiguous actions as deliberate personal attacks, targeting his pride, his self-esteem and his male ego and he responds with violence to teach her a lesson. Self-love and egotism is the motivating factor behind most cases of violent acts. One of the most important factors in explaining violent behaviour is threatened egotism (Baumeister, 1999). Based on a number of well-established studies, those who are aggressive and commit violent acts are the ones with high self esteem, contrary to alternative studies suggesting that aggressors act violently due to their low self-esteem and poor impulse control (Frieze, 1987:118). Regarding the former, it can be argued that violence emerges when a person's favourable image of self is questioned or impugned by someone else. Showing disrespect, attacking someone's honour, insulting or humiliating someone, or causing a person to lose face will often elicit an aggressive response. The people or groups or countries most prone to violent acts are the ones who are most susceptible to ego threats, especially those who have exaggerated, heighten opinions of themselves (Baumeister, 1999). Moreover, violence is usually directed to the source of the ego threat and may often fall short of providing proof of the disputed self-worth, but it does intimidate, silence, and punish the critic, and it boosts the ego by establishing dominance over the critic (Baumeister, 1999).

Foucault and the structure of power, knowledge and subjectivity and violence

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 life-long work on various social phenomena from madness, to crime and sexuality, and the emergence of human sciences, demonstrates that any experience, including the experience of violence against women, needs to be explored along three-dimensional axes: power; knowledge; and subjectivity² (Flynn, 2005).

² See Appendix A.

Adorno also maintains that “Each particular ... is a unique configuration of constitutive relations or mediations” (Best and Kellner, 1991: 229). Arkoun points to the interconnectedness of violence with the sacred and truth and the relation of the latter to revelation and history. All are grounded in the context of the societies of the Book (Arkoun, 2002). This is in line with Ricoeur’s (1983) history-memory-narrative triad constituting human experience. Foucault demonstrates the interplay of the force fields of power, knowledge and subjectivity in the constitution of any experience (Foucault’s example is the experience of sexuality) in the following passage:

[the] history of the experience of sexuality, where experience is understood as the correlation between fields of knowledge, types of normativity, and forms of subjectivity in a particular culture (The Use of Pleasure; 4) ... an experience that conjoins a field of knowledge ... (with its own concepts, theories, diverse discipline), a collection of rules (which differentiate the permissible from the forbidden, natural from monstrous, normal from pathological, what is decent from what is not, and so on), and a mode of relation between the individual and himself (which enables him to recognize himself as a sexual subject amid others) (cited in Flynn, 2005: pp. 210-11).

This shows that “experience is not the “primitive” that positivists and others were seeking” (Flynn, 2005:172) and conceptualizes practices “simultaneously as modes of acting and thinking” (Flynn, 2005:171). Furthermore, it highlights “the very historicity of the forms of experience” (Flynn, 2005:172); where the trinity of power, knowledge and subjectivity is translated into “different symbolic orders, social power practices, and individual meaning perspectives (Kogler, 1996:13). As Davidson (2002) elaborated in his Foucault-inspired ‘The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts’ a form of historical *a priori* makes certain concepts and practices possible, while excluding others. Kogler (1996), in his project to merge insights from Gadamer’s hermeneutics with Foucault’s poststructuralism, endeavours to come up with a model of pre-understanding to integrate the above three (Kogler, 1996:13), where symbolic order and social-power practices are explicated “as two distinct dimensions of the hermeneutic background of the interpreter as well as of the agents (Kogler, 1996: 6) specific to the individual and to her position within a particular culture.”

Nominalism and violence

One of the main features of Foucault's explication of forms of experience is his historical nominalism.³ According to Foucault's and Hacking's historical nominalism and social constructionism: "The [social] categories [like mentally ill, the delinquent, the pervert] we employ to tame our experiences are not timeless Platonic forms; rather they are grids of intelligibility whose emergence and decline can be mapped by Foucauldian "histories". (Flynn, 2005: 33) The logical implication of the Foucauldian nominalism regarding the experience of violence is a multiplicity of violence rather than the 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, madneses, sexualities, crimes, violences). One of the defining features of Foucault's approach is his nominalism where one finds a unity without identity (Flynn, 2005: 32). According to Deleuze: "Foucault's nominalism is not a question of distinguishing universals and particulars on behalf of particulars (as the standard doctrine holds) but one of drawing the line between constants and variables in favour of the latter." (Flynn, 2005: 33)

Up to now we have established that, according to Foucault, three fundamental elements of any experience are "a game of truth, relations of power, and forms of relation to oneself and to others (cited in Flynn, 2005: 214)". This, alongside historical nominalism, leads to a multiplicity of any form of experience. As Flynn maintains "multiplicity is neither axiomatic nor typological but topological...It denotes a multilayered "space" in a relational set. It is a tool of spatialized reasoning. "Multiplicity" ... denotes "unity without identity" (Flynn, 2005: 215). The logical implication of historical nominalism is the specificity and situatedness of any form of experience; meaning that the interplay and correlation of power, knowledge, subjectivity in the constitution of experience of violence against women in Iran is unique and different from any other.

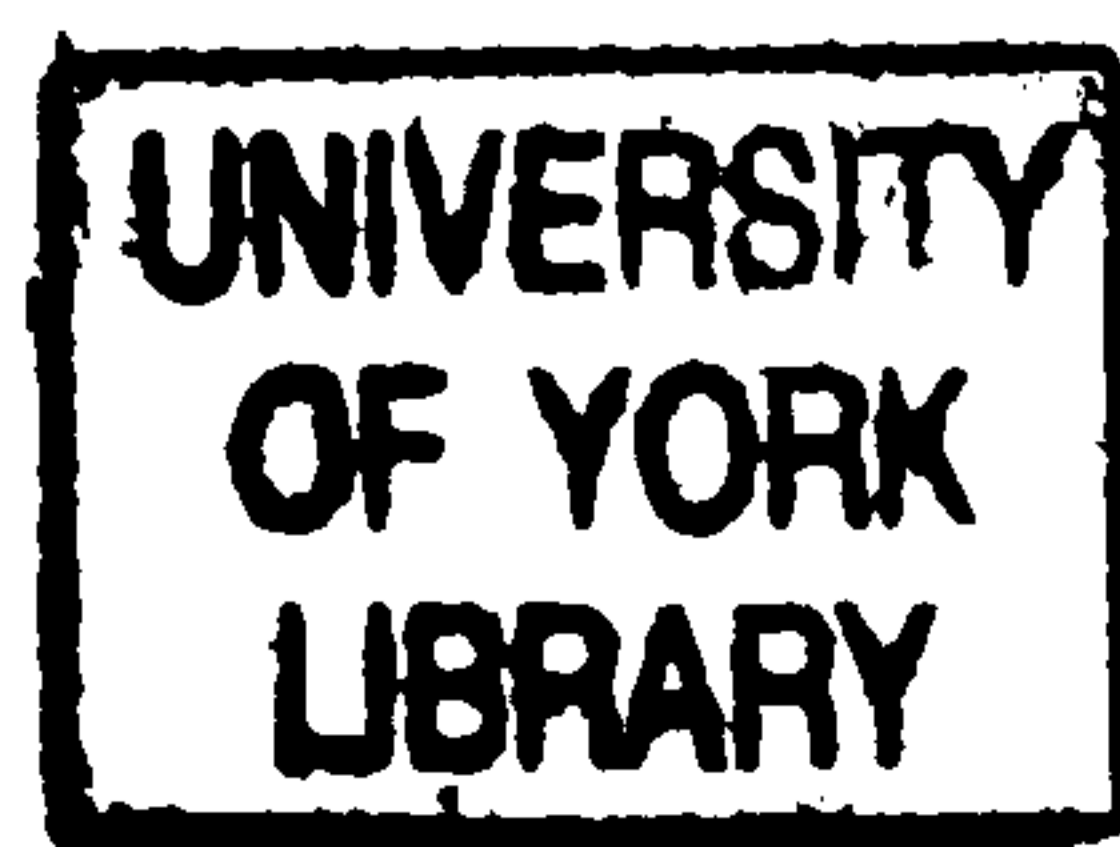
Following Foucault, we can study the archaeology of violence which investigates the epistemic and discursive background, paving the way for the

³Nominalism is "the traditional epistemological focus on individuals along with a dismissal of would-be universal concepts as mere general names. [Nominalism as] One of several anti-Platonic themes that recur throughout Foucault's work (Flynn, 2005: 23).

generation, justification or mitigation of violence against women. In this framework, we encounter a set of conceptual tools, developed largely by Foucault and refined further by others, helping us to understand violence against women in its knowledge-based and localized infrastructure. The archaeology of an experience relies on concepts such as episteme, archive, discursive formations, discursive practices, statements, and a regime of truth. Beyond knowledge and alongside it social relations of power are involved in any experience, the study of which, following Nietzsche, is called genealogy, in this case the genealogy of violence against women. Here we encounter a set of concepts, including power (as relation rather than an essence), tactic, strategy, normalization/deviancy, dominance, resistance, freedom, governmentality and techniques of governmentality (such as exclusion, exception, surveillance, examination).

Alongside the archaeology and genealogy of an experience, Foucault leads us to study the axis of subjectivity, calling it problematization. In the realm of problematization, Foucault and his followers explore concepts such as subject, individual, self, and introduce concepts such as subjectivation/subjectivization, emotional economy, techniques of care for self, self-policing, and aesthetics of self-creation. Employing the concepts available in archaeology, genealogy, and problematization, we are empowered to map the experience of violence against women in Iran along three axes of knowledge, power and subjectivity.

Foucault, as stressed and elaborated by Flynn, views these three realms as independent but highly intertwined and mutually constitutive. Along any dimension one can detect the presence of the other two; nevertheless, none can be reduced to any of the other. Furthermore, the Foucauldian framework allows the active employment of a host of other views and theories in the understanding of the experience of violence against women, as he sees his work not as a universal theory of experience, but as a toolbox, which needs to be employed differently in different historical contexts. Foucault's conception of power, knowledge and subjectivity is not universal and ahistorical; it is more of an attitude rather than a theory or a doctrine or a permanent body of knowledge. Foucault "provides an "analytics of power," rather than a theory of power. This is consistent with Foucault's general approach because an analytics of power is contextual and historical, yet still generalizable" (McLaren, 2004: 218). It creates a space where different, diverse, and historically-situated forms of interplay of power, knowledge and subjectivity can be



displayed. As a result, the Foucauldian conceptual scheme is less likely to expose the researcher to the cardinal poststructural sin of epistemic violence and encourages “idiosyncratic, pragmatic uses of ideas and techniques” (Valverde, 2004: 73). In sharp contrast to:

“feminist concern about contaminated analytical tools, Foucault harboured a deep suspicion of all attempts to be original and to cleanse one’s mind or one’s book of corrupting influences . . ., Foucault’s work uses tools from a number of otherwise incompatible sources and traditions... Creative combinations of tools of diverse origins are, in keeping with Nietzsche’s spirit, valued rather than dismissed as inconsistent” (Valverde, 2004: 77).

Following the Foucauldian framework, the research on domestic violence against women in Iran needs to be conducted to achieve two main characters of situatedness (tailored to the social realities on the ground) and objectivity through polyvocality (as developed in the methodology section of this thesis). Polyvocality is achieved through the use of different theories to explain and interpret the empirical data and also in the active participation of research subjects in the production and interpretation of empirical data. In answering the question “what is violence?” and “who decides what violence is?”, Kogler (1996), whose formulation of critical hermeneutics is heavily influenced by Foucault, offers some interesting insights directly taken from Foucault’s conception of power. In Foucault’s conception, power and dominance can take different forms in different historical contexts. To know what power, dominance, and suffering in a specific context are the research has to rely on egalitarian dialogue between the researcher and the participants. There is a strong need for the participants’ accounts in order to illuminate the sites of violence and suffering in its local and biographical contexts. The researcher has to have a strong sense of listening and be receptive to understanding alternative ways of being and seeing, otherwise, ironically, she herself may become the source of epistemic violence against her participants by imposing preunderstandings on her participants.

In the search of how to explain any experience (experience of violence against women, for instance) in a culture, Foucault rejects an epistemological approach resorting to a “tangled network of influences” (Flynn, 2005: 112). Instead, in his archaeological studies, he addresses the epistemic configuration that renders the specific experience possible, specifying the condition of possibility for an

experience or “rules of sense-making in a specific field of discourse” (Flynn, 2005: 113). This puts a heavy demand on the researcher to understand any experience in a holistic fashion in its connection with historical formulations and the materiality of knowledge, power and subjectivity in a historical community. The Foucauldian framework enables us to see violence against women in its historical context as a product of a game of truth (encompassing a set of rules for production of discourses on gender relations and beyond and a set of historically embedded discourses) and a game of strategy (Allen, 2004: 249), based on rules of normativity, and a game of subjectivity (rules and forms of selfhood and alterity) (Arkoun, 2002). In this framework we may come up with more insightful answers to the question of ‘what is violence?’, making the difference of the other as illegitimate or inferior. The importance of investigating the social context (situatedness) within which violence arises is emphasized by a number of studies. (Jewkes, 2002; Nayak et al., 2003; Jejeebhoy, 1998)

The prevalence of domestic violence in Iran: some statistics

Being a worldwide phenomenon, domestic violence is also prevalent in Iranian society. It has, however, its own characteristics in the context of Iranian society and history. The US Department of State Report for 2000 states: “Although reported cases of spousal abuse and violence against women occur, the statistics on such reports are not available publicly. Abuse in the family is considered a private matter and seldom is discussed publicly” (Palmer and Smith, 2001). However, recently The Ministry of Internal Affairs in Iran⁴ has conducted a quantitative study regarding domestic violence in twenty eight provinces during three years. However, access to these studies is difficult since the organisations related to government prefer not to make such a set of sensitive data widely available, mainly due to the issue being highly politicised⁵. On my trip to Iran I could not get access to the

⁴Vezerat-e Keshvar (equivalent to the Home Office in the UK)

⁵ The Islamic Republic of Iran is not a signatory of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). There is much debate in Iran on whether Iran should become a signatory or not. Those who are in favour of joining the CEDAW point to the usefulness of amalgamation and believe that by doing so they reduce international pressure and nullify propaganda against Islamic Republic and Iranian women can enjoy the advantages of such laws. Those who are against this argue that joining CEDAW undermines the very essence of Sharia law embedded in the Iranian constitution (Majlis representative Mohammad Kazemi reporting to Majlis 342, July 2003).

results of the research. However, I found some information through Internet searches. In a report⁶ it was stated that 66% of Iranian women were found to be abused at least once from the beginning of their marriage. However, significant disparities between the twenty-eight provinces were noticed. For instance, the number of women in Bandar-e Abbas (in the south-west of Iran) reported to be abused from the beginning of their marriage was greater than in any other county in Iran. In Zahedan in Sistan and Baluchestan province (south-east of Iran), women reported more cases of grievous bodily harm in comparison to other provinces⁷ in Iran. Dehghani (2005)⁸ reported that, according to The Institute of Behzisti, 60% of Iranian women are the victims of domestic violence and that psychological violence⁹ (52%) is more widespread than physical violence (37%). This institute accounted that in 2005 alone in just six months, 8000 women, were reported to be the victims of violence. There are many cases which remain unreported. In her report Dehghani (2005) stated that, according to some research in 2003, 81/4% of women who were referred to the family courts reported to be the victims of economic abuse. They complained that their husbands used this method to coerce them into submission and to control them. Dehghani (2005) published a report which demonstrated that killing in the family was found to be the most severe type of domestic violence, where poverty and financial disputes were found to be the determinant factors. More and more women were found to be victims of such violence. Based on a report in ISNA¹⁰ (Jahanfar, 2003), 60% of Iranian women suffer from domestic violence during their pregnancy, out of whom 40% endure physical violence, 56% psychological violence and 23% sexual violence.

Moreover, from a few predominantly quantitative studies conducted mainly in Tehran, it is clear that women experience a wide range of different forms of domestic violence. In one study in Tehran (Amir-Moradi, 1996), 100 women who were referred for forensic examination by the judiciary, were investigated. It was found that the most prevalent type of physical injuries (99%) were bruises and

⁶ Jila Bani-yaghub, February 2005 in BBC Persian site.

⁷ For more information refer to: http://www.bbc.co.uk/persian/iran/story/2005/10/051031_shr-iran-domesticvio...10/11/2005

⁸ for more information refer to: http://www.bbc.co.uk/persian/business/story/2005/11/051106_ra-iran-violence...10/11/2005

⁹ Shahla Ezazi, a university lecturer and expert in doing research on domestic violence in Iran, pointed to the prevalence of psychological violence but she admits that there is no adequate information about it. See Zanan Magazine 13, June 2004.

¹⁰ Iranian students' broadcast agency

contusion. In addition, 43% of women were found to suffer from severe depression, and 65% were reported to have low levels of self-esteem. In another study (Shams Esfanabad and Emamipour, 2004) in Tehran, the prevalence of wife abuse and related factors was investigated among 400 Tehrani women (aged 18-40). While 18.3% of women reported they have never been abused by their husbands, the remaining 81.7% reported that they 'sometimes' or 'always' experienced domestic violence. On average, the rate of wife abuse among the participants was reported to be 48.5% with the standard deviation of 18.62 (Shams Esfanabad and Emamipour, 2004).

In Shahr-e Kurd¹¹ research was carried out on 162 couples (Raeisi Sartashnizi, 2004). In this research, it was found that domestic violence is not social or class related. Men still commit violent acts, regardless of their educational or social background, and no significant association was found between men's and women's level of education and employment status and prevalence of domestic violence.

In a study in Zanjan province, the intensity and characteristics of physical violence were investigated (Taheri, 2000). Data was collected from two sources: interviewing 105 women who had been subjected to physical violence and were later admitted to hospitals or other treatment centres¹² and from the content analysis of the *Iran* newspaper. The newspaper reported 9000 cases of wife-abuse, 12 cases of abandoning minor age girls and 41 cases of attempting to murder, imprisonment at home and torture. Violent acts, such as kicking, punching, and using objects such as belts, sticks, and daggers, comprised 40% of the violent behaviours and attacking with a knife was counted at 6%. 25% of women were reported to be battered 1 to 3 times a day. Almost 52.8% of women and 30% of men were reported to be illiterate or less literate. Regarding women's job, 73.6% of them were housewives or carpet weavers or dressmakers and 4.4% of them were primary or secondary school teachers. 20% of the women reported having a co-wife.

Meanwhile, according to the UK Home Office Assessment about Iran: "violence against women in the family is recognized, with the 'blood money' (*diyeh*) only awarded if the aggrieved party is a man. In addition, families of the female victims of violent crimes are reported to have to pay for an assailant's court

¹¹ Shahr-e Kurd is a township with 8 towns and 81 villages in the south-west of Iran.

¹² In the town of Khodabandeh (population 163,068) in Zanjan province in the north-west of Iran.

costs. Little detail is known of the degree of domestic violence in Iran, with no official statistics on abuse within the family. There is a lack of legislative provision to regulate actions against women” (Home office, 2003a). There are no specific laws regarding domestic violence in Iranian legislation, since it has not been recognized in the criminal code. Lack of clarity in the definition of domestic violence in the Iranian legal system has resulted in men using their own criteria and judgment and implementing the law. There is a general article regarding inhibiting assault and battery, which is a ‘qisas’ (retribution) crime and women experiencing violence could be considered under this category. However, it is not an easy task to convince the legal system, such as the police force and the court of maltreatment by the husband, since this is related to marital relationships. The husband’s managerial duties to punish his wife to some extent when is needed has been recognized by the court. In addition, it is to judges’ opinions to decide the seriousness of the case (Afshar, 1998; Mir-Hosseini, 1999) and not the woman. This is noted by Afshar (1998):

...in practice it was much harder for women to convince the court of their grievances than it was for men. Violence, for example, was theoretically recognized as a case of hardship and entitled women to divorce, but, as Mehranguiz Karr explained to a Zanan reporter, there was no definition as to what constituted violence and at what level of violence a woman could claim the right to divorce her husband. It was left to the judge to decide ‘and the judge is always a man.

Karr notes that ‘culture’ and ‘customs’ led many to assume that a degree of male violence was normal part of everyday life:

Of course the courts do not consider every sort of violence as being maltreatment and causing hardship since rows, rough treatment and beating are current in many Iranian families. So in the Family Courts the judge uses his own criteria to define violence. (Zanan III, no 18, June-July 1994)

Meanwhile, even if the court endorses women’s rights, the husbands do not follow court orders. In this case women have two choices of either staying in a violent relationship and hoping to win their husbands’ hearts or getting divorced, which is very complicated. Lack of official policy to address the issues, and deficiencies of public discourse in the mass media, and, moreover, the lack of

professional attention paid by scholars, results in domestic violence being often confined to the private realm with no help from outside.

One of the main focuses of this study is to investigate the role of religious discourses (the structure of power and knowledge) in moderating, sustaining or allowing violence against women in Iran. During recent years, Islam has played an especially crucial role in governing men's treatment of women. To understand the situation in which the Iranian women are being treated under Islamic laws, it is useful to investigate what the Islamic religious sources say about the subject. The next stage of the study will be devoted to investigating the implications of the Islamic discourses regarding women's rights in the context of marriage and their relation to violence against women in Iran.

Summary

In trying to find out what are the causes and roots of domestic violence against women, different theories provide different explanations. Some theories give more weight to the individual level, such as personality. Developmental theories draw our attention to interconnected factors, such as early abuse strain, low self-esteem, personality disorder, anger, depression, malfunctioned attachment and so on. However, they ignore the socio-structural dimension of violence and the power facet of abuse. Meanwhile, they fail to explain why men are generally more involved in domestic violence against women and why they are not violent in other relationships. They can not explain why some men with disturbed childhoods do not abuse their partners while those who abuse their partners may not have any pathological past (in Barnish, 2004). Social and learning theories tend to explain domestic violence by referring to the child's upbringing and a series of learned associations, within a specific social context and learning from role models. However, they also ignore the power and control dimension of violence and they cannot explain the non-aggressive behaviour of those individuals who were exposed to family violence but never perpetrate violence against their partners.

Despite there being a variety of feminist theories and views in trying to explain men's violence against women, there is a general consensus among them to view and analyse violence against women as a social product, which is legitimated by the power structures enshrined in patriarchal attitudes, institutions and gendered

power differentiation, rather than the physical and biological reactions of a male's innate drive. Thus, sexual, physical, and psychological aspects of women's exploitation are regarded as culturally, socially and historically constructed, not biologically determined (Myra, 2002). Violence and aggression cannot be fully explained by alluding simply to instincts and heredity. Physiological processes, such as testosterone levels, have a significant effect on aggressive behaviour (Baumeister, 1999) but this does not mean that hormones can be responsible for men using violent behaviour as there are men who, despite having these hormones, are not violent towards others. Moreover, there are violent women who use violence in their relationships. As a result of males' self-interested motives, violence against a wife in the marital relationship can be a product of satisfying males' needs and priorities by limiting and constraining wives' autonomy and wants, even if they have to use coercive and violent behaviours (Dobash and Dobash, 1998: 200).

A better understanding of domestic violence is likely to involve various explanations and theories (Cunningham et al, 1998). The logical implication of Foucauldian nominalism regarding the experience of violence is the multiplicity of violence, rather than the presumption of one essence for violence against women. Therefore, through polyvocality, one could employ different theories to address and better account for domestic violence. Foucault provides us with an "analytics of power", which is contextual and historical (situatedness) and offers us a cohesive understanding of the social relations of power, which paves the way for the constitution of domestic violence against women in an Iranian context.

Chapter 2: Power, Knowledge and Subjectivity in Relation to Domestic Violence Against Women in Iran

Introduction

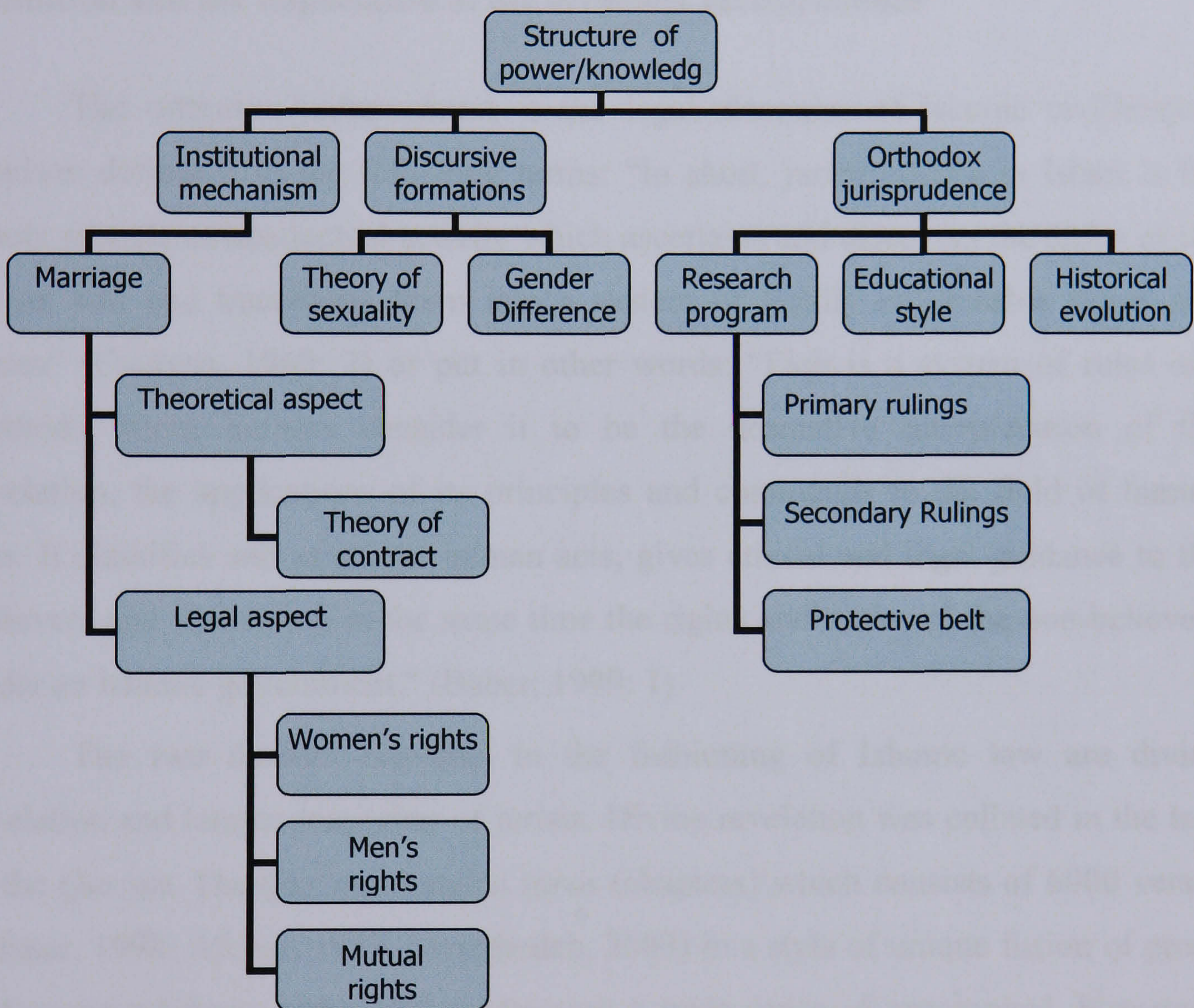
This chapter is concerned with the structure of power and knowledge in the orthodox discourses in Iran and its relation to domestic violence against women. A reasonably good understanding of the orthodox jurisprudence is imperative in exploring the dynamic relations between the orthodox jurisprudence-based formulation of marriage and laws and domestic violence against women. Since the Islamic revolution in 1979, the traditional legal discourse, *Sharia* law or ‘Revealed Law’ (Afchar, 1977) or ‘pathway’¹³ is the official source of legality and ethics in Iran. *Sharia* is defined as “the divinely ordained “path” which God knows perfectly” (Mottahedeh, 2003: 17), while the orthodox jurisprudence (*Fiqh*)¹⁴ is defined as “a human attempt at knowing the *Shari’a*”(Mottahedeh, 2003: 17). The orthodox jurisprudence is an overwhelmingly powerful force in shaping the minds and lives of ordinary people in the Islamic countries, more particularly in Iran, as the mainstream discourse. The traditional Islamic order is theorized, propagated and largely implemented by the orthodox jurisprudence and its affiliated institutions and structures. I present a general picture of the structure of power/knowledge and associated discourses in Figure 2.1. For instance, the institution of marriage is based on a theory of male/female sexuality and supported by a theory or group of theories of gender differences, rooted in theological and ontological foundations of the traditional Islamic order. The theoretical justification of violence (physical, psychological, economic and social) against women might have roots in theological and ontological foundations of traditional Islamic marriage formulated by the traditional legal discourse (the orthodox jurisprudence). Due to the importance of ‘orthodox jurisprudence’ and its major role in contemporary Islamic discourses and, consequently, women’s lives in Iran, I will present a brief picture of the nature and characteristics of the orthodox jurisprudence and its relation to other factors

¹³ “...Muslim scholars called their Eternal Law simply the “pathway” (*Sharia*)” (in Khadduri, 1984: 2).

¹⁴ For the purpose of this study I use orthodox jurisprudence instead of *fiqh* throughout the chapters.

involved in Islamic discourses (with particular emphasis on *Shia*¹⁵ Iran) in the first section of this chapter. Orthodox formulation and definition of marriage as a contract and its implications and relation to domestic violence against women in Iran is discussed in section two. It will be argued that the contract

Figure 2.1 The structure of power/knowledge and associated institutions and discourses



may be interpreted in ways that justify violence inflicted on women. This will be illustrated by investigating the post-revolutionary Islamic legislation in Iran. It will be argued that particular jurisprudential interpretations of specific sayings and *Qur'anic* verses can have an influence on the orthodox-based marriage contract which condones violence to women. In section three a body of discourses and

¹⁵ *Shia* is one of the main branches of Islam with its strong base and popularity in Iran. See Afshar (1998), Afchar (1977), Khaduri (1984).

theories regarding gender-difference and gender-equality in contemporary Iran will be presented.

Thus, the focus is to show how Islam, in both its traditional and modern forms, prevents, constrains, or permits male violence against female family members at both theoretical and practical levels by presenting a collection of sayings and verses and their different interpretations.

The orthodox jurisprudence: the structure of power/knowledge

Definition and the importance of the orthodox jurisprudence

The orthodox jurisprudence is the legal discourse of Islamic civilization. Coulson defines it in the following terms: “In short, jurisprudence in Islam is the whole process of intellectual activity which ascertains and discovers the terms of the divine will and transforms them into a system of legally enforceable rights and duties” (Coulson, 1969: 2) or put in other words: “Fiqh is a system of rules and methods whose authors consider it to be the normative interpretation of the revelation, the applications of its principles and commands to the field of human acts. It classifies and sanctions human acts, gives ethical and legal guidance to the believers and determines at the same time the rights and duties of the non-believers under an Islamic government.” (Baber, 1999: 1)

The two distinct elements in the fashioning of Islamic law are divine revelation and human reasoning of jurists. Divine revelation was collated in the text of the *Qur'an*. The *Qur'an* contains *suras* (chapters) which consists of 6000 verses (Afshar, 1998; Afchar, 1977; Mottahedeh, 2003) in a style of unique fusion of prose and poetry (Arberry, 1982: x)¹⁶, addressing a wide range of ontological, historical, social, and psychological issues in each *sura* in a manner certain to look as “apparently [of] random nature” (Arberry, 1982: xi). Each *sura* describes reality in its holistic nature¹⁷. The orthodox jurisprudence deals with about 500 verses (Afshar, 1998; Mottahedeh, 2003) addressing the personal and social obligations and

¹⁶ The Koran

¹⁷ As put by Arberry, “All truth was thus present simultaneously within the Prophet’s enraptured soul; all truth, however fragmented, revealed itself in his inspired utterance. The reader of the Muslim scriptures must strive to attain the same all-embracing apprehension. The sudden fluctuations of theme and mood will then no longer present such difficulties as have bewildered critics ambitious to measure the ocean of prophetic eloquence with the thimble of pedestrian analysis.” (Arberry, 1982: xi; emphasis added). This interwoven presentation of ideas on apparently fragmented and irrelevant issues and matters is compartmentalized in the orthodox jurisprudence.

duties of the believers as its subject matter. The collection of these specific verses is called the *Sharia*. *Sharia* in other contexts may have wider meanings and cover the whole religion in its entirety, but in the context of the jurisprudential approach it is perceived to apply only to the verses containing some traces of direct legal content.

Sabbah highlighted the power/knowledge nature of the orthodox jurisprudence discourse in the following terms:

“The legal discourse - that is, Islamic legality, which structures the Muslim world and its beings through its laws -, is the discourse of power and legitimacy. It has a monopoly on the definition and organization of reality and on the evaluation of its component elements....The orthodox discourse is the determining influence on the Muslim individual’s personality, which it shapes, molds, and directs at the preconscious level as much as the conscious level” (Sabbah, 1988: 3-4).¹⁸

Different schools and sources of Islamic law

In the process of historical and geographical development of the orthodox jurisprudence, different schools and doctrines were formed (see Baber, 1999, Mottahedeh, 2003, Stroumsa, 1999) and legitimate sources of inference were identified. The science of principles of the orthodox jurisprudence is the logic of orthodox jurisprudence in the sense of a set of systematic guidelines of how to derive consistent and coherent sets of rulings manifesting the divine will. *Sunni* and *Shia* are two main fractures of the Islamic jurisprudence¹⁹.

¹⁸ She continues in the following terms: “The orthodox discourse, source of truth and laws that guide the actions and thoughts of the believer, is not the work of humans; it is the work of a supernatural force who is God the creator, guardian, and master of the group. The orthodox discourse is the discourse of power. It is not simply a discourse on power; it is power. It is as such that it sets up the universe and organizes its elements and gives them their values in a global system of precise signs and messages - that of the Muslim cultural order.” (Sabbah, 1988: 64)

¹⁹ There are four schools of law in Sunni Islam, which ‘were formed through the personal allegiance of groups of jurists to a founder-scholar from whom they derived their names of *Hanafis*, *Malikis*, *Shafi’is* and *Hanbalis*. *Maliki* (in Arabian center of Median) and *Hanafi* (in Iraqi centre of Kufa) were born out of the requirements imposed by different geography with different sets of customs and traditions. In this period, a jurist worked in two capacities, one where he discovered and announced the rule of law, where there was a ruling in *Qur’an* or *sunna* and the other as a mundane lawyer inferring the right rulings based on the free personal reasoning in search for the best legal injunctions, fitting the needs of time and place according to the history and precedence in each specific community. *Al-Shafi’i* (770-819), regarded as the founder of the Islamic jurisprudence, suggested a compromise formula which was based on the subordination of reason to divine will. According to him:

“reason could not operate as a source of law independent of the divine will, to achieve whatever ends or purposes an individual jurist thought desirable. ... [Allah’s commands] ...

The Islamic legal theory in its classical form recognizes four official sources or principles from which Islamic law is derived: “the Koran, the sunna of the Prophet, the consensus (*ijma*: agreement of either the overwhelming majority of the Muslims, or of the jurists of one’s group on a legal ruling) of the scholars, and reasoning by analogy (*kiyas*), that is to say, two material sources, a method, and a declaratory authority. It follows that this last, the *ijma*, is the decisive instance; it guarantees the authenticity of the two material sources and determines their correct interpretation.” (Schacht; 1964: 114; Khadduri, 1984). There is a hierarchy of authority perceived for the four sources. “Shafi’i had called Koran and Sunna the ‘two principles’ and considered *ijma* and *kiyas* subordinate to them” (Schacht; 1964: 60).

The *Shia* opposed the principle of *qiyas* and supported the role of reason (*aql*: rational reasoning) in the process of inference as a source of the law (Afshar, 1998; Afchar, 1977; Mottahedeh, 2003 and 1995: 94-5). The Shia version of the legitimate sources of rulings are “the Book (the Koran); Sunna (sayings and deeds of the prophet and the Twelve Imams); Consensus (of Jurists); and independent Reasoning” (Mir-Hosseini, 1999: 33). The subordination of Reasoning to the revelation and *Sunna* is, however, ensured and manifested in the rule of “everything which is ordered by the divine law (*Shari’a*) is ordered by reason and everything

were desirable and right not because the human intellect could assess them to be such, but simply because Allah had so ordained. The role of human reason must, therefore, be entirely subordinate to the principles established by divine revelation. Its function was simply to regulate new cases by applying to them principles upon which the divine revelation had regulated similar or parallel cases. This process was known as reasoning by analogy, or *qiyas* (analogical reasoning).” (Coulson, 1969: 6)

This process led to the establishment of the legitimate sources from which the divine will could be inferred. The goal of Muslim Jurisprudence was to reach an understanding (orthodox jurisprudence) of the *Shari’a*. The primary task, therefore, was to formulate the sources from which such an understanding might be achieved. “From the tenth century onward the juristic consensus was that a rule of law must be derived from the Qur’an or the sunna or by analogical deduction therefrom.” (Coulson; 1969: 6-7) After seeing that the application of *qiyas* may lead to unreasonable outcomes, more liberal forms of reasoning were legitimized in the forms of *istihsan* (“seeking the most equitable solution”) or *istislah* (“seeking the best solution for the general interest”) in the *sunni* schools, although these forms of reasoning were deemed to lack the binding authority of *Qur’an* or *sunna* and were ranked as ‘controversial principles’ (Schacht; 1964: 60). The *Hanbali* School stood forcefully behind the principle of paramount authority of the Prophet’s *Sunna*, which, they maintained, was being undermined by the forms of juristic reasoning recognized in the other schools (Coulson; 1969: 22). The *Hanbali* School was a reaction to the perceived loosening connection to revelation and *Sunna* and aspired to stick to the original sources. “Since it was held that the Prophet was divinely guided, his sayings, actions, thoughts and decisions came to constitute the second source of guidance. These were transmitted orally and were later committed to writing in a body of literature known as hadith.” (Mir-Hosseini, 1993: 5)

For more information also refer to Khadduri (1984).

which is ordered by reason is ordered by the divine law” (cited in Afchar, 1977:88). The denial of the role of analogical reasoning (*qiyas*) alongside the rejection of other devices employed in Sunni orthodox jurisprudence such as “Equity, Public Interest, and so on” (Mir-Hosseini, 1999: 176) further widened the theoretical rift between *shia* and *sunni* and gave the political rift a theological and jurisprudential backbone as well, although they generally belonged to the same school of legal discourse methodologically, and conceptually.

The orthodox jurisprudence in modern Iran

After the Iranian revolution, *Houzeh Elmiya*²⁰ was exposed to two main changes, one organizational and the other doctrinal. The doctrinal change was on the notion of authority, the introduction of the thesis of *Valayat-e faqih*²¹ as opposed to the traditional institution of *Marja'iyat*.²² At the time of the revolution, none of the other five *Marjas*²³ in the *Shia* world “shared Khomeini’s vision of an Islamic Government built on his concept of *Valayat-e faqih*” (Mir-Hosseini, 1999: 13; also see Momen 1985: 249). It is worth noting that the institution of *Marja'iyat* “evolved through a tacit consensus between Shi’i masses and clerics” (Mir-Hosseini, 1999: 13), while the thesis of *Valayat-e faqih* was the mental product of one influential *marja* and the child of the revolution, exerting power over and demanding “allegiance from all Shi’is. It has no precedent in Shi’i political thought: it invests the ruling jurist with the kind of powers and mandate that Shi’i theology only recognizes for the Prophet and the twelve Infallible Imams” (Mir-Hosseini, 1999: 14, and see also Arjomand; 1988; Mottahedeh, 2003) The thesis of Dynamic Orthodox jurisprudence, which opens the hands of the Islamic Ruler to implement or suspend the orthodox jurisprudence’s rulings, as he deems appropriate, was the main implication of the doctrine of *Valayat-e Faqih*, and the division between the dynamic orthodox jurisprudence and the traditional orthodox jurisprudence was the mirror image of the division between the two distinct notions of religious authority.

²⁰ An academy or school of traditional Islamic studies.

²¹ Mandate of the jurist; which establishes the authority of one single jurist over all others.

²² Institution of religious authorities.

²³ Literally means "Reference of Emulation" or "Source of Tradition" and refers to the second highest authority on religion and law in Twelve Shia Islam after the Prophet and Shia Imams.

The tension between these two notions of authority has plagued orthodox jurisprudence discourse in all levels of top orthodox jurisprudence scholarship, middle rank clerics, and ordinary people, at the level of belief, law and practice. The two uncompromisingly different notions of *Shi'a* authority would affect the qualities of the *Shi'a* leader, the selection process, and the system of payment of religious dues. The clerics are divided on this issue and there is no clear prospect of any one notion prevailing.

Some *ulema* now believed that most Muslims were incapable of interpreting the fundamentals (*usul*) of the faith for themselves; because the *ulema* were the only official spokesmen of the Hidden Imam (the twelve *Shi'a* Imam), ordinary folk must, therefore, select a *mujtahid* who had been deemed capable of exercising *ijtihad* (“independent reasoning”) (Mottahedeh, 2003) and model their behaviour on his legal rulings.

The orthodox jurisprudence's characteristics

The orthodox jurisprudence has demonstrated a number of characteristics and traits in its historical evolution and in its reaction to challenges of time and place. The structure of power/knowledge (orthodox jurisprudence) collapses the interpretation of the religious sources into the religious sources themselves and with this discursive tactic buys a status of unquestionability and sacredness for itself. The sacredness of the text creeps into the language and methodology of the orthodox jurisprudence, the orthodox jurisprudence becomes the only way to understand the text through the professional activities and jargon of *foghahah* (the jurists). That is why knowledge reflects power and creates power; and power produces and legitimizes knowledge. The historical characteristics of the orthodox jurisprudence are as follows:

Atomism and lack of holistic approach

Orthodox jurisprudence separates the jurisprudential verses of the *Qur'an* from the rest of it. It analyses this part in its disconnection from the whole. It

embarks on compartmentalization and categorization of the *Qur'anic* verses without considering the connection of these verses with the neighbouring non-jurisprudential verses and with the whole *sura* and the whole *Qur'an*. The *Qur'an* has a unique holistic interwoven logic, which is not reflected in any way in the orthodox jurisprudence's methodology.

The orthodox jurisprudence, furthermore, does not seek to discover the divine will in its historical context in which the verses were revealed to the Prophet. These issues are left to the science of exegesis which has no significant methodological input into the process of inference, and no educational and institutional connection to the process of the orthodox jurisprudence-based inference of divine will (Coulson, 1969)²⁴.

Professionalization of interpretation of religion

Orthodox jurisprudence makes the interpretation of the religious sources solely a matter of professional and technical expertise. This establishes the monopolistic right of the orthodox jurisprudence to the custodianship of the religion. Any new interpretation has to go through the orthodox jurisprudence's establishment, otherwise they are declared as incorrect and heretic. Women, intellectuals, ordinary people are deprived of direct face-to-face experience of religious understanding. Islamic reformists (Afshar, 1998; Mir-Hosseini, 1999), tried to break the barriers of professionalism and take *Qur'an* and other religious sources directly to people and make them dare to form their own understanding of the religion from the pillars (*Arkan*) to branches (*foroo*). The orthodox jurisprudence discourse presses hard on the point that the art of inference is a professional job, and from this, it is deduced that the only method to infer properly is that of the orthodox jurisprudence and the only ones with the right to inference are the jurists (the sole right to custodianship of religion).

²⁴ Coulson maintains that none of the rules in the *Qur'an* are legal in the strict sense of the term, the society has to decide whether or not and with which interpretation it wants to turn them into laws: "In ... *Qur'an*, there is no clear or consistent distinction between the moral and the legal rule. As the formulation of the Islamic religious ethic, the *Qur'an* is concerned with fundamentals, ... in general the *Qur'anic* precepts merely indicate those standards of conduct which are acceptable or not acceptable" (Coulson, 1969: 81).

Being male-dominated

Religious educational institutions, including orthodox jurisprudence, are almost totally male-dominated. Male narrative is the source of “truth” about female reality. Women have no direct presence and voice anywhere in the educational circles of religious establishments, woman is tantamount to silence and obedience, rather than *jadal* (disputation) and resistance. This is how Sabbah sees it:

“There are two modes of sacred discourse regarding women. ... first in which woman is directly mentioned ... relates to acts of worship where men and women are on a level of equality before God ... In the second mode ... - that concerning religious laws, ...- woman disappear at the level of discourse, In this mode women are reduced to the status of background figures. They are not spoken to, they are spoken of” (Sabbah, 1983: 70-1).

The fate of Muslim woman is decided behind the closed doors of the orthodox jurisprudence and she is obliged to obedience. In their classroom, male jurists talk about her, without her having any representation. Mir-Hosseini addresses this issue in the following terms:

“[The traditionalists’] knowledge of women and their nature comes from texts and manuals, all written by men, all constructed with juristic logic, reflecting the realities of another age, and different set of interests.” (Mir-Hosseini, 1999: 48)

As women have been given no voice and are expected to be silent, passive and recipient, knowledge (the orthodox jurisprudence) and method (the jurist logic) becomes power and domination over the definition of female reality.

Jurists’ law versus judge’s law

Giving absolute priority to the Qur’an and Sunna in determining the laws has made the traditional Islamic law a jurists’ law rather than a judges’ law. In the jurists’ law, when faced with the challenges of time and place, the first reaction is to refer to the manuals and textbooks and the views of the past grand jurists, rather than letting the law grow out of social reality with the guide of some general principles.

[Judge's law is based on some principles and the needs of time and place, the complexity of a situation is considered, rather than conformity with the hypothetical speculations of a theoretical jurist]. It is different from jurist's law, which is based on the commitment to the inference from the legitimate sources without being influenced by the pressures of reality. In Iran the judge is faced with a dilemma. The judge has to balance an equation in which the God's law, as elaborated by the jurists is on one side of the scale, and on another side is the modernist human law as approved by the parliament or the state, which is designed to respond to the needs of time and place. The Muslim judge is close-handed against the orthodox jurisprudence's authoritative manuals and handbooks and open-handed against the progressive bills passed by the parliaments and laws coded in the modern legal system. That dynamism acts as a source of uncertainty and tension in how laws are formed and implemented in the Islamic countries.

Blurred distinction between moral and legal facets

One of the most important traits of traditional jurisprudence is the blurred distinction between the realm of law and realm of morality²⁵. Both legal and moral facets are under the umbrella of the more general concepts of religious duty²⁶, religious conscience (individual responsibility of each and every member of the ummah) and collective responsibility (through *Amr-bil-ma'rūf va Nahi-anil-munkar*²⁷ and through the collective nature of the pillars of Islam), all centred on

²⁵ Mir-Hosseini sees this trait of orthodox jurisprudence discourse directly generated by the hard core of orthodox jurisprudence: "To ensure the validity of the Shari'a as a Divine Law, valid for all ages, the boundaries in law between the moral and the legal not only must remain blurred but must be capable of shifting" (ibid; 1993:9).

²⁶ Schacht (1964: 200-1) stresses the embeddedness of legality in the more general concept of religious duty in the following terms:

"The central feature that makes Islamic religious law what it is, that guarantees its unity in all its diversity, is the assessing of all human acts and relationships, including those which we call legal, from the point of view of the concepts obligatory/ recommended/ indifferent/ reprehensible/ forbidden [religious duty]. Law proper has been thoroughly incorporated in the system of religious duties; those fundamental concepts permeate the judicial subject matter as well. ... It might therefore seem as if it were not correct to speak of an Islamic law at all, as if the concept of law did not exist in Islam. The term must indeed be used with the proviso that Islamic law is part of a system of religious duties, blended with non-legal elements."

²⁷ "Amr-bil-ma'rūf is a Qur'anic commandment to enjoin what is good. This is done by living by the rules of God from the Qur'an and hadith. The command to "enjoin what is good" is given in several

centralized and decentralized attempts to implement divine commands. Coulson maintains that:

“On the broadest view of Islamic society, therefore, law and religious morality are often inextricably merged into a general philosophy of life; there is in fact coercion to observe the moral as well as the legal standard.” (1969: 85)

As Hegel believed, in a large sea of informal restrictions on behaviour (beliefs, norms, customs, habits, conventions], the legal restrictions are just a boat. (cited in Pateman, 1988)

This feature has three important logical implications: lack of distinction between public and private spheres (Schacht, 1964), idealism versus realism (Coulson; 1969; Schacht, 1964; Mir-Hosseini; 1993 and 1999) and the image making and extrajudicial regulatory functions of orthodox jurisprudence (Coulson, 1969). The most important implication of the blurred distinction between legal and moral spheres is the dual function of the orthodox jurisprudence as both law-making intellectual apparatus and a knowledge factory in charge of image-making, ideological indoctrination and an extra-judicial regulatory body. The orthodox jurisprudence as an ideology (rather than a system of law in a strict sense of the word) have direct access to the ears, eyes, hearts and minds of ordinary Muslims and its influence on their lives is by far more far-reaching and profound than its influence as a law-making body of knowledge. Most religious rulings are, as Coulson (1969: 53) calls them, are extrajudicial (not requiring any decree from courts for their enforcement), like the right of Muslim man to repudiate his wife. The realm of morality and the extrajudicial sphere as the sphere of religious duty is always the orthodox jurisprudence's main territory of rein. The realm of law has never been a homeland and a stronghold for the orthodox jurisprudence. It was in the hands of the jurists on and off and even when they were in charge, non-religious courts sprang up due to necessities of time and place. The orthodox jurisprudence is more than happy to keep the vast province of extrajudicial realm. What ensures the cultural and ideological dominance of the orthodox jurisprudence's legal discourse

Qur'anic verses. Nahi-anil-munkar is a Qur'anic commandment to "forbid what is evil". This can be done by refraining from the sins mentioned by Allah in the Qur'an and the sins which the Prophet Muhammad stated in hadith. Al-munkar literally means "the rejected". Ref: http://en.wikipedia.org/wiki/Furoo-ad-Deen#Amr-Bil-Ma.27r.C5.ABf_.28Enjoining_what_is_good.29

is its direct connection to people and its affecting of their minds and hearts through its original (default) rulings. That brings the jurists status, authority, influence, and undisputed power in the life of the nation. This may get disrupted by the bad reputation created by the political and law-making branches of the orthodox jurisprudence. That is why, as Mir-Hosseini reports (1999), the great majority of the followers of the traditional orthodox jurisprudence in *Houzeh* are against the thesis of *Valayate fagieh*. They are afraid of losing their stronghold.

Regarding women and their role

Regarding women and their role in the Islamic order, the image-making function of the orthodox jurisprudence is very critical. This function refers to the image of woman projected by the rulings pertaining to women. The image projected by the orthodox jurisprudence's rulings is what is logically inferred from the orthodox jurisprudence's rulings on women's rights and status. This is what is taught to people and shapes and organizes gender relations, the vast majority of which does not reach the legal system. This influence of the orthodox jurisprudence is beyond law and beyond any specific legal system. It serves as a philosophy informing and organizing gender relations. Mir-Hosseini refers to this function of the orthodox jurisprudence when she reports that:

“I inferred it [the premise on defectiveness or inferiority of women] by looking at ways in which feqh defines women's legal rights; otherwise, why should there be so many restrictions and limitations on women?” (Mir-Hosseini, 1999: 174)

That is the image sent to the believers, but not directly and openly admitted due to the politics of power/knowledge.

Style of orthodox jurisprudence; non-engaging and authoritative style

As the orthodox jurisprudence is a paradigm, it does not engage with the alternative concepts or alternative realities as it wants to create its own reality. The traditionalists' style and mode of argumentation matches their belief in immutability

and truth of their reading of the religious sources²⁸. In this closed ethico-legal system the realities of gender relations are given little room for concern (Mir-Hosseini, 1999). Madani, a *marja* in *Qom*, sees things in the following terms:

“If we want to adjust Islamic feqh to the conditions of time, then the science of feqh will be destroyed and suffer irreparable damage” (Mir-Hosseini, 1999: 33).

Not only that, they are actively encouraged to use ‘isolation’ as a discovery method to reach the pure and unaffected Rulings of God. The more isolated the jurist is from the social reality and alternative philosophies of life, the more likely it is that he can gain access to the truth of the divine will. Madani points to this in the following terms:

“ulema should not pay attention to public opinion or pay regard to non-Islamic institutions formed in the present age which create laws in any domain. And the ulema of Islam must try to adapt public opinion and the laws created by these institutions to Islamic feqh” (Mir-Hosseini, 1999: 33).

The jurists are either engaged in rationalizing the default positions of the orthodox jurisprudence or extracting new sets of secondary Rulings to resolve practical deadlocks of the legal system. The only difference between traditionalists and neo-traditionalists is that neo-traditionalists are less authoritative and more engaging with modern minds in order to convince them of the truth of the hard core and methodology of the orthodox jurisprudence using modern language and sources. It is a presentational activity in the protective belt of the orthodox jurisprudence.

²⁸ Mir-Hosseini refers to this non-engaging property of orthodox jurisprudence’s communication in the following terms:

“They consider the model of family and gender relations manifested in fiqh rules to be divine and immutable, and they make no attempt to engage with non-religious sources of knowledge about the family, or to consider women’s position in contemporary society. The most they do is to interrupt their texts with an anecdote, or a warning, or a piece of advice to keep away from the evils of family life as lived by others” (Mir-Hosseini, 2003: 3).

The Orthodox jurisprudence as a source of tension; dynamism of sharia, the orthodox jurisprudence, law, and social reality

1- Tension due to dual nature of orthodox jurisprudence

The orthodox jurisprudence creates tension due to its dual structure of default (primary) rulings and secondary rulings developed historically to keep its link with two polar centres of gravity: revelation and social reality. This tension creates, now and then, a backlash of puritanism which desires to turn the pure default rulings into social reality; we call these reactions puritan movements.²⁹

2- Tension inside orthodox jurisprudence due to duality of structure of authority

This type of tension is created due to the lack of any final and ultimate authority in *Shia* Islam. The institution of *Marja'iyat* is inherently a decentralized structure of authority, allowing multiple *Marjas* to divide the allegiance of the believers among themselves. This is further intensified by the thesis and affiliated institutions of *Valayat-e faghieh* (Mir-Hosseini, 2006; Komeini, 1983). This is about a structural contradiction between the two notions of supreme authority - the *Marja'iyat* and the *Velayat-e faqih*. The first has no overt political claims. The second, the child of the revolution, exerts power over people and demands allegiance.

3- Tension between orthodox jurisprudence and law

The orthodox jurisprudence's rulings are the product of its knowledge machine; while laws of the land are codified in the parliaments and the legal system. The parliament and the legal system work inside the interests of a nation-state, while the orthodox jurisprudence works inside the boundaries of the faith and does not theoretically recognize the limits and requirements of nationhood. These two

²⁹ Another type of constant tension is created from those who side with the pressing needs of social reality and see the spirit of default positions as backward and regressive, and the secondary rulings as an unsatisfactory fudge not located in a consistent and coherent philosophy of modern realities. This reaction is secularizing movement, which wants to sweep away the social reality of orthodox jurisprudence and make it retreat to a place beyond all social interactions. These two polar movements, plus the movements in between, such as Islamic reformists who try to stay inside the parameters of religion, without showing any allegiance to orthodox jurisprudence by replacing it with a modern orthodox jurisprudence, create a pot of conflicting and contradicting forces in the heart of Islamic societies.

sources of law, with different agendas and procedures, are likely to differ in so many positions. While one tries to manifest the true will of God for the believer, the other attempts to reflect the realities of time and place. One bestows divine legitimacy to the *ummah*, while the other provides practicality for the nation. The audience of the first is the community of believers beyond and above any physical territory, while the audience of the law and legal system is the citizens of a nation. Legal codes are most likely to enshrine a compromise, accommodating the interest of conflicting groups and the outcome of the politics of pressure groups and the interests of the voters, while the orthodox jurisprudence rulings reflect the purely theoretical inference of divine will which does not take the facts of social life in a nation-state seriously. Even if believers face difficulties with the default rulings, they are expected to refer to the orthodox jurisprudence's scholastic circles to attain secondary rulings and not the parliaments or other secular procedures³⁰.

4- Tension between the orthodox jurisprudence and *Sharia*

This tension arises because of the attempts to break the monopoly of the orthodox jurisprudence on the interpretation of religion. This in turn emanates from the separation of religion (*sharia*) from the interpretation of religion (Moosavi Bojnoordi, 1996; Katoozian, 1998b) as Saidzadeh (2002) uses it as one of the axioms of his "modern *feqh*". This is a source of tension inside the religious community (not inside the orthodox jurisprudence community). The attempts made by the Islamist intellectuals and other Islamic reformists to break the monopoly of the orthodox jurisprudence were received with suspicion and occasional violence by the orthodox jurisprudence's circles (like the disapproval of Shariati by Khomeini). The orthodox jurisprudence circles accused the religious intellectuals of betrayal in

³⁰ The conflict between orthodox jurisprudence and law is fully exemplified in the following case highlighted by Mir-Hosseini:

"According to our [current Iranian] laws, a man must have his first wife's permission to take a second wife, and a marriage notary can't register a polygamous marriage without court permission. This is the situation at the third level [the level of law]. But at the second level, *feqh* - that is, our understanding of Shari'a - we see that it allows a man to take a second wife whenever he wants; there are no conditions or restrictions there. Many men who want to take a second wife appeal to this level, that is, they do a temporary or permanent Shari'a marriage [as opposed to the legal kind, which requires court permission], and face the first wife with a *fait accompli*. The notary who does the contract for them has done nothing wrong, either in the eyes of *feqh* or in his own religious conscience. If the couples want to legalize their union, they go to court and petition for registration of their Shari'a marriage. This takes some time, but if there is no conflict between the two parties, the court registers the marriage with little fuss" (1999: 181-2).

introducing alien Western elements into religion, while intellectuals accused orthodox jurisprudence circles of drawing a very dark and backward picture of religion (Shariati, 1980, 1973; Saeedzadeh, 2002) which makes it unattractive to modern mentality and modern life style.

5- Tension between orthodox jurisprudence and secularist forces

Non-religious or secular approaches to the organization of life, or secular approaches to law, are a serious challenge to the orthodox jurisprudence's monopoly not of the interpretation of religion but of the organization of social life. This is a source of tension in the society as a nation (rather than the religious community or orthodox jurisprudence's circles). To seculars, the orthodox jurisprudence is a constant source of archaic laws hindering society's progress towards embracing modernity. To the adherents of the orthodox jurisprudence, secularism is a source of contamination and pollution to the faith of the *ummah*; they are seen as a serious threat to the spiritual security of the community of believers by planting the seeds of 'doubt' in the minds of the ordinary people.³¹

Aytollah. Azari, a deceased orthodox jurisprudence scholar in Qom, refers to this threat in the following terms:

“Women are degraded; and through the expansion of the culture of nudity they are turned into pretty dolls for the satisfaction of [men's] lust. In order to cause the fall of Muslim women too, they have instilled Doubts into their minds and have planted seeds of Doubts in Muslim societies” (in Mir-Hosseini, 1999: 60).

Feminism, human rights, and other international conventions are among the rivals of the orthodox jurisprudence.

6- Tension between orthodox jurisprudence and popular culture

This is a type of tension between orthodox jurisprudence and the community of believers. This shows that the community of believers is not fully malleable in the hands of orthodox jurisprudence's circles. They, as a community, pick and choose what is offered by the orthodox jurisprudence. The best example in *Shia* Iran is the case of temporary marriage (*muta*), which is a perfectly legitimized institution in

³¹ For more information see Daryush Shayegan (1992).

Shi'i orthodox jurisprudence's legal discourse, while it is rigidly and strictly rejected by the popular culture, according to which its legitimacy is questioned both theoretically and practically and its promulgation inside the society is resisted strongly. The institution of polygamy is frowned upon as well and men who embark on using their orthodox jurisprudence-given right are stigmatized and end up losing their reputation and respectability.

Summary

This section has attempted to clarify the nature, sources, and function of the orthodox jurisprudence. In the following section its role on women's lives with regard to domestic violence will be discussed. The focus is on the nature of the marriage contract, marital relationships, and its associated discourses formulated largely by the orthodox jurisprudence.

Marriage, marital relationship and its affiliated discourses and their relation to domestic violence against women

The orthodox marriage: a civil 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. There are many examples in the Islamic sources (*ahadith*) 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*.”
(in Mir-Hosseini, 1993: 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).

Or in another words:

“That type of contract, *aqd*, which gives ownership, *tamlik*, over intercourse, *vaty*, not like buying a slave girl whose ownership entitles her master a right to intercourse” (cited in Haeri, 1989: 33).

According to the contemporary Islamic *ulama* marriage or “*nikah* is a contract for the ownership, *tamlik*, of the use of [the] vagina” (Haeri, 1989: 34). The Arabic term of *`aqd* literally means to coagulate or to knot which is the most familiar strand for an agreement in Islamic legal terminology. 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 an *aqd* (marriage) and ownership, *milkiyyat*, 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.

Marriage or *nikah*, according to scholars of Islamic laws, is a contract between a man and a woman but the type of contract is not clarified. Some defined it as “bay or sale, which results in the transfer of an absolute proprietary” (Coulson, 1964). In this case they argue *muta* or temporary marriage (which is only practiced by *Shia*) can be defined as an *ijarah* or lease because the transaction is deeded for a limited period of time (Haeri, 1989). Temporary marriage (*ijarah* or lease) is also an exchange contract defined as “the exchange of the usufruct of a specific object for a specific sum” (Haeri, 1989). It means what is exchanged here is not the good itself but usufruct of the temporary wife.

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. The woman rents her sexual organ to her husband and in return she gets a price (*mahr*) which is to be documented in the marriage contract and is also entitled to maintenance (*nafagheh*). Meanwhile, the Islamic concept of a contract offers some

freedom within fixed varieties of contracts, which can be understood as conditions mutually agreed upon between the people involved in the contract. A woman has the right to demand options at the time of contracting her marriage, as long as those options do not dispute the marital requirements (Afshar, 1998). For instance, according to Iranian Civil law a woman has the right to choose her living place, refuse her husband the multiple marriage right, the right for divorce and other rights. But different interpretations of some jurists disregard this option, arguing, for instance, that polygamy and divorce according to the *Qur'an* are a man's unilateral rights and are not open to negotiation. The discourses surrounding the marital rights and obligations of Muslim couples and their relation to domestic violence against women will be discussed later in this chapter.

Islamic marriage, partial or complete ownership of a woman

As emphasized by Mir-Hosseini (1993: 36) (although in different terms), every aspect (all rights and duties) of the orthodox jurisprudence-based marriage follows logically from the central concepts of an exchange; the exchange of sexual services for financial security in terms of the economic trinity of *mahr*, *nafaqeh*, and *ojratolmesl* (which will be discussed later). Haeri rightly points to the fact that the legal requirement for a wife's obedience towards her husband rests on this element of exchange in the marital transaction (1989: 37). The specific interpretations of these rights and regulations may provide a fertile breeding ground for all types of violence from economic, to social, to psychological, and physical. One of the main ambiguities surrounding the traditional formulation of Islamic marriage is whether the contract leads to the subordination of women; and whether Muslim men own their wives partially or totally. The extreme cases of obvious brutality may be easy to identify, but there is a vast area of fuzziness in between; and the right to reasonable chastisement can serve as a legitimate vehicle for complex and hidden brutality.

Muslim women appear to have been bestowed the status of a contracting partner and fully-fledged human being with the right to ownership of her own property, as Verma (1971) puts it, at no stage in the traditional Islamic marriage are the personality or material wealth of the Muslim women eliminated by that of the

Muslim man nor in a larger legal entity: in the Muslim family the wife's individuality is preserved. As Verma argues:

“in marriage the individuality of the wife is maintained and is not like a sale in which the purchaser acquires absolute ownership of the property purchased. The rights he acquires are conjugal rights which are strictly defined by law.” (Verma, 1971:16)

At the same time the ownership of her sexual faculties were transferred to her husband after signing the marriage contract. Haeri (1989) elaborates the paradox as follows:

“Although it appears paradoxical at first, in an Islamic marriage the wife is not the object of exchange (cf. Levi-Strauss 1969, 60, 65; 1974). Rather, she is perceived to be in possession of the object of exchange (her reproductive capacity and sexuality), which in the eyes of the law she ‘voluntarily’ exchanges for some valuables. Ironically, however, the same structure that gives a woman the right to exercise her decision-making power deprives her of it as soon as she uses it. Prior to signing the contract of marriage, an adult Shi'i Muslim woman is accorded a relatively independent legal autonomy, but after the conclusion of the contract she is legally associated with the object of exchange, and hence she comes under the judicial authority of her husband.”

Haeri directs us to the most likely source of the problem without elaborating the details of the dynamism involved:

“This association of women with the object of exchange [sexual organ] is at the heart of the Islamic doctrinal double image of women (naive/cunning; sexually insatiable/innocent) as well as the root of the ideological ambivalence toward them”. (1989: 66)

The above passage demonstrates that, according to Haeri, a Muslim woman is independent at the start of the negotiating process of the traditional marriage contract, voluntarily enters a contract in which she approves the legal authority of her husband over her sexual organs (the partial ownership) and ends up losing her own legal autonomy and authority and residing in the legal authority of her husband (complete ownership).

To understand how this free exchange of sexual services for financial protection (partial ownership model) culminates in total ownership (a regime of

command-and-control) of all women's faculties and loss of her legal independence, we have to distinguish between two types of property: property in person and property outside a person. Property in person cannot be separated from the individual owner and is forever attached to that person even if he/she contracts the possession or usage of it away. The feature of sexual faculties as part of the whole human being creates problems for the Islamic marriage, which is an attempt to formulate the marital relation in accordance with a contract of sale in which the ownership of a thing is unequivocally transferred to someone else. The contract of sale can be successfully implemented when a property outside a person is the subject of exchange, while part of a person can never be sold away and its ownership is inherently inseparable from the person who originally and by creation owns it. Even if a person voluntarily agrees to the transfer of the ownership of part of himself/herself, he/she never loses the ultimate control over himself/herself. This specific feature of property in person culminates in the metamorphosis of Islamic marriage from a partial ownership of the woman's sexual faculties to total ownership of the woman herself. Pateman demonstrates how this transformation can occur by referring to Kant:

“Kant argues that it is impossible to use only part of a person `without having at the same time a right of disposal over the whole person, for each part of a person is integrally bound up with the whole. ... Kant concludes that `the sole condition on which we are free to make use of our sexual desire depends upon the right to dispose over the person as a whole - over the welfare and happiness and generally over all the circumstances of that person.” (Pateman, 1988: 170)

Meanwhile, another reason that may lead partial ownership to total ownership could be related to the nature of the contract. The incompleteness of a contract, due to the effect of unforeseen contingencies, leaves the traditional Islamic contract an open contract with no well-defined set of tasks specified for women to perform, as reflected in the following passage:

“According to Islamic laws, foqaha, and the Ayatollah Khomeini the most important duty of a wife towards her husband is obedience in matters relating to sexual services” (Mokhtari 1996; cited in Afshar 1998: 132).

This definition clearly reflects and manifests the complications associated with inherent incompleteness of contracts. Despite the definition given by Hilli, the prominent *Shia* scholar, and others about the sexual organ being the subject of exchange, a more thorough look at the whole structure of traditional Islamic marriage and its set of legal rights and obligations reveals its character as an open contract in which a woman commits herself to obedience in matters relating to sexual services. 'Matters' are not given a clear definition and what constitute 'matters relating to sexual services' are not unambiguously spelled out. What is expected of a wife is not a bounded set of well-defined tasks. The definition offered by Khomeini clearly reflects and captures the openness of the marriage contract to make it more flexible in order to encounter new eventualities. Matters related to sexual services, with its two critical features of exclusivity and promptness, can potentially (and in practice) engulf all aspects of life of a woman from her clothes, to her job, to her social network and kinship relations, to her freedom of movement and freedom of expression. Each and every dimension of a woman's life can have sexual meanings and sexual implications in unforeseen forms, in novel contexts and new eventualities. New unforeseen contingencies may give sexual meaning to something apparently lacking any obvious sexual facet. If the lawmaker limits the matters into well-defined cases, the structure will lose its forward-looking and flexible property. Her walking, talking, smiling, and manners can have sexual connotations; therefore, it implies that, the designers of the traditional Islamic marriage instinctively felt that the structure of the contract should be left open and flexible enough to address problems as they arise. Hence, the extension of control on women's behaviour to the dress code and to the rest of her being. The enveloping, all-embracing, and forward-looking character of the phrase 'matters relating to sexual services' and the implications for demands for modesty were manifested in this passage from Kazem Musavi:

“all these musts and must nots which continuously demand of women not to speak, not to walk, not to choose the colour of their clothes ...” (1994: cited in Afshar 1998: 205).

These unending musts and must nots are not a superficial and excessive part of traditional Islamic marriage, they are the inevitable and logical implications of its

core. The following phrase from Ahmad Azari Qomi, a prominent Iranian clergy, can be even more illuminating:

“... the problem caused by women who show the curvature of their bodies- particularly those parts which sexually arouse young men - or wear bright colours, or walk with charm and coquettishness or use powerful perfume or useless scarves ...” (Afshar; 1998: 199).

This clearly shows how the dynamism works: due to the inherent inability of human cognition to exhaust all cases of ‘matters relating to sexual services’, the marriage contract is incomplete, resulting in an open contract with a general categorization of the core duty of a wife, which can potentially stretch to an infinite number of behaviours, gestures, and postures. This is the fertile breeding ground for the birth of a multi-layered system of command-and-control which ends up enslaving women and treating them as objects of complete ownership. The inherent ambiguity and generality in the phrase ‘matters relating to sexual services’ can even envelop her mere presence, which can have sexual meaning and be sexually provocative, as observed by Afshar:

“men as an endangered species forever threatened by the prospect of sexual arousal from the mere presence of a passing woman” (Afshar; 1998: 199).

Sabbah (1983) mentions that a woman’s bare hands or lips can have sexual meaning, indicating the characteristics of her sexual organ; even pilgrimage to religious places can create a secure market for sexual exchanges (as observed by Haeri, 1988). This is supported by research in social psychology:

“A casual survey reveals that features as unnatural as clothing and toiletry fashions have erotic powers” (Edwards, 1999: 238).

The all-enveloping feature of ‘matters of sexual nature’ is further exhibited by the following observations made by psychologists:

“Contact is made with sexual thoughts through all sorts of cues. One can be sexually aroused by bits of sensory and cognitive events. It may be a certain smile, a twist of a body, a phrase, a sentence of reading, or a familiar smell. The list is nearly endless and partially personal” (Edwards, 1999: 240).

The two characteristics of sexual sensitivity and arousal; the endlessness of the list of things which can provoke and its being partially personal are very important in understanding the all-embracing character of the traditional formulation of Islamic marriage. Even very innocent and seemingly irrelevant events or things can have a sexual nature. The personal aspect reveals that while something may have a sexual meaning for one Muslim man, it may not carry any sexual meaning for the next. If a Muslim man (or a guardian) sends his wife or daughter to work in a public or private office or factory, even if she is fully covered and highly chaste and modest, she may turn into prey for the sexual fantasies of men in her workplace or men who see her on her way towards her workplace and that is likely to be perceived as an invasion of the sexual integrity of the Muslim woman and a breach of the exclusivity condition instituted in the marriage contract. Azari Qomi, a deceased clergyman in Qom, reveals how this logic works:

“therefore a Muslim woman’s character must be placed within such confines [a broader concept of hejab with a meaning far broader than the dress code] that she will not be vulnerable to aggression by an unrelated person, even in his imagination.” (Mir-Hosseini, 1999: 67).

This example shows how the logic of obedience in ‘matters of sexual nature’ is inherently restrictive and enslaving for women. That is the dynamics underlying the transformation of *tamkin* (submission in sexual matters) into *eta’at* (obedience in all aspects of life). Wild and uncontrollable sexual fantasies of men makes home the safest place for a woman to live and to work; that is how seclusion is a natural product of traditional marriage and its orthodox jurisprudence-based logic. Azari follows the same logic:

“[s]he must in no way expose herself to the eyes of unrelated men and ruin her character under their lustful and poisonous gaze. In Fatima’s words: ‘The best thing for a women is not to see and not to be seen by an unrelated man’” (Mir-Hosseini, 1999: 64).

Traditional orthodox jurisprudence produces seclusion. Excessive restrictions imposed on women are the natural product of orthodox jurisprudence-

based formulation of marriage and not the popular culture. The main theoretical root is in orthodox jurisprudence and not in popular culture.

All in all, it can be concluded that the existing ambiguity in the definition of marriage in orthodox interpretations of Islam, whether it is either a partial or complete ownership, sale or rent of women's bodies, may provide susceptible grounds for exerting the husband's power over his wife's life. Violence against women in the traditional Islamic discourse is institutionalized through the marriage contract and its auxiliary institutions, norms, and beliefs, which span all dimensions of women's lives from birth to death and from the private realm of the family to wider public life at community level and society at large, through strict control and surveillance exercised on the lives of virgin girls and married women in families and communities, and at a societal level.

Stating that violence against women is institutionalized in the traditional Islamic model of marriage does not necessarily imply that there are more incidences of violence or more severe cases of violence in Islamic societies compared to non-institutionalized societies. It all depends on whether there is an adequate level of compliance with the traditional discourse among men and women (the level of homogeneity in believing wholeheartedly in the traditional Islamic utopia). The more men and women are compliant with their assigned roles, the less the right to chastisement is actually utilized. In the next section Muslim women and men's sets of rights and marital obligations towards each other will be discussed. The implications of some of these rights for domestic violence will be elaborated.

The exclusive rights of the Muslim wives and Muslim husband's obligations in Islamic marriage

In *Shia* Iran the signing of the marriage contract by both men and women obligates some duties towards each other based on the 1102 - 1107 Civil Codes (Hosseini Nik, 2003; Madani Kermani, 2003). In this section I only discuss those rights which are closely related to my argument. These sets of rights and obligations, designed by orthodox jurisprudence, are all major components of traditional Islamic

marriage³². The permissibility of domestic violence envisaged in these set of rights will be illuminated.

The right to receive mahrieh or mahr (bride-price or marriage price)

Legally *mahr*³³ is one of the most important structural components of the traditional Islamic marriage and, like the right of polygamy and divorce for men, it is necessary for it to be indicated in the contract at the time of drawing it up. *Mahr* or *sadaq* is something valuable or money which a man pays to his bride at the time of marriage in exchange for exclusive access to the wife's sexual services. It can be symbolic or actual for "it legitimizes the intercourse" (Tusi, 1964 in Haeri, 1989).

A woman is entitled to this one-off payment as soon as the marriage is consummated (Moosavi Khoiee, 1986) and she can refuse sexual services to her husband unless he pays it in full³⁴. *Mahr* is payable even before the consummation of marriage or it can be deferred³⁵ (Hakim poor, 2003; Najafi, 1987)³⁶. In *Shia* Iran, by signing the contract, men become obliged to pay half of the *mahrieh* to woman. However, in the case of Iranian women it is normally paid at divorce and if the husband does not pay *mahr* during his life, after his death the woman is legally eligible to claim it before the division of the husband's assets among the heirs (Moghadam, in Afkhami, 1994). It should be noted that the delay in paying *mahr* to a wife indicates the existing ambiguity, or as Haeri (1989) calls it, 'institutionalized misrecognition' in the *ulama*'s view in regarding the marriage as a sale contract and the concept of buying and owning a wife (Haeri, 1989).

In the *Shia* school, if *mahrieh* is not stipulated in the marriage contract it does not invalidate the contract, whereas, in *Sunni* schools of Islam, such as *Maliki*, the subjugation of *mahr* or the denial of any other conditions nullifies the marriage contract. Therefore, to legitimise a contract the *mahr* must be issued in the contract whether it is money or valuables.

³² As Araki puts it: "laws regarding the rights of husband and wife cannot be modified by the parties at the drawing up of the contract" (1998: 914).

³³ The word '*Mahr*' is used in *Ahadith* texts and not in the *Qur'an*. *Mahr* in *Qur'an* has been meant as *sadagh* and *uzor*: in *Qur'an*, 4:4, 24, 25; 5:5; and 60:10

³⁴ for more information see Afshar (1998)

³⁵ At the time of divorce, if she remains obedient, she is entitled to it.

³⁶ For instance refer to: Gavaher al-kalam, 11:31; Mohaghegh Sani, Gam al-maghased 414:2

Overall, the main features of the institution of *mahr* in the traditional Islamic marriage are as follows: the receiver is the wife and not the father (bestowing the position of contracting partner to the woman); it is an irrevocable and inseparable part of the Islamic marriage and cannot be removed from the marriage contract; it has to be paid whether the amount was agreed between the partners or not i.e., it must be paid on demand unless the couple reach an agreement on this. The following references testify to the above characteristics of the *mahr*: “Islamic law recognized the wife - not the father - to be the recipient of bride price” (Haeri, 1989: 28). The latter according to Coulson, “transfer[red] the wife from the position of sale object to that of contracting party ... She is now endowed with a legal competence she did not possess before”³⁷ (Coulson 1964, 14)³⁸. However, there are restrictions on the woman’s right to act as a contracting partner:

“According to Khomeini, permission of the guardian (father, brother or uncle) is needed for a virgin to enter a contract of marriage” (Haeri, 1989: 40).

Regarding the role of guardians, Verma explains that:

“An adult male who is of sound mind can contract a marriage according to all schools. But with respect to a woman who is adult and of sound mind there is a difference of opinions. ... [majority of ulama agree that] A girl who arrives at puberty can select a husband for herself without reference to the wishes of the father or guardian” (Verma, 1971: 19).

³⁷ Regarding marriage, Islam tried to reform some of the customs practiced in *jahilieh*, for instance a man could marry up to one hundred women at a time, while Islam reduced it to four wives (the man is obliged to treat his wives equally). There are three types of rulings in Islam: *ta’sisi* - those established by Islam, *emza’i* - those signed and accepted by Islam without modification, *eslahi* - those Islam intended to reform. Most of social and political rulings are in the latter. However, Islam did not try to eradicate all the customs and traditions suddenly and change was developing gradually. For example, slavery as a principle was not accepted or endorsed by Islam but it was not banned either. Rather it was tolerated. However, people were encouraged to free their slaves and in return they were promised God’s reward in the hereafter. Islam outlawed all the sexual unions practiced in the pre-Islamic period so that the only permitted marriage was marriage by contract. Other changes have been made, such as the bride price or *mahr* which the Qur’an designates to the bride rather than her father, recognizing her as a party in the contract rather than a sale-object (Coulson, 1964, 14).

³⁸ See: M. Th. Mustafa et. Al. (eds.), *E. I. Brill’s First Encyclopaedia of Islam 1913-36*, vol. V, L-M, p. 137.

Khomeini's fatwa, nevertheless, revokes this right from virgin adult women. The guardian is invested with the right to commit his child or other girl relative to marriage, even before the age of maturity. His permission is required for the virgin girl to get married (Khomeini, 1983, 1988). Coulson reported that:

“It is, for instance, praiseworthy for a marriage guardian to act upon the wishes of his ward. He *ought* to do so. But if he does not do so and concludes a marriage contract on her behalf despite her opposition, the marriage will nonetheless be perfectly valid.” (Coulson, 1969: 83)

Coulson maintains that except for *Hanafi* law which “puts male and female basically on the same footing with respect to their legal capacity to conclude transactions” (Coulson, 1969: 25), the majority view “rests upon the principle that a female's person and property are subject to her guardian's control until she marries”(ibid: 26). Only after her first marriage does she gain the right to deal with her own property and her consent to any other future marriage; in “some mysterious way the quality of being *rashid*, of having that mature judgment which is the point of emancipation, is acquired by a female through the sexual; experience of her marriage” (Coulson, 1969: 26).

Mahrieh and issues surrounding it (its assigning, its paying, and its receiving and so on) are often the core of disputes between husbands and wives and their families in Iran.

The right to maintenance or nafagheh

After consummation of the marriage, the wife gains the right to *nafagheh*, household expenditure. (Hakimpur, 2003; Bohrani, 1409) This consists of the provision of food, clothing, housing, and the necessities of life, cleaning materials, toiletries and the payment of wages for servants when appropriate. (Article 1107 of Civil Code) According to Mir-Hosseini, the traditional understanding of marriage in Islam is governed by two preconceptions: “Women render their sexual favours; and in return they gain the right to maintenance” (Mir-Hosseini, 1993 p. 36). According to Article 1107 of Civil Code in Iran the husband is required to pay *nafagheh* or maintenance for his wife's expenses, the wife is given the right to obtain *nafagheh*

(financial support), in return she is supposed to submit or *tamkin* to her husband (Ebadi, 2002). The husband's failure to pay the maintenance, according to Article 642 of Islamic Punishment³⁹, has legal consequence:

“Those who have the means and refuse to pay the nafagheh, living expenses, of their obedient wives...whom they have the legal duty to support...will be subject to three to five months' imprisonment (Ebadi, 2002: 84).”

As Mir-Hosseini pointed out:

“The rules that qualify and disqualify a woman for nafaqeh revolve around the twin themes of sexual access and compensation. A woman becomes entitled to it only after the consummation of marriage and she loses her right to claim it if she is in a state of disobedience (nushuz). ... the term nashiza (rebellious) is used only in the feminine form and in relation to maintenance rights” (Mir-Hosseini, 1993: 47).

Nafaqeh is a structural unavoidable obligation on a husband in exchange for (sexual) submission (*tamkin*). In return for the legitimate and exclusive right to have access to his wife's sexuality, the husband is obliged to support her financially. However, according to the marriage contract, it is only payable when the woman obeys (Article 1108 Civil Code). Ayatollah Khomeini indicated that:

“a permanent wife must not leave the house without her husband's permission, and must obey, taslim, herself for whatever pleasure he wants...In this case her maintenance is incumbent upon her husband. If she does not obey him, she is a sinner, gunahkar, and has no right of clothing, housing, or sleeping.” (in Haeri, 1989: 47)

As reported by Haeri:

“Hijazi [a scholar] put it parsimoniously: ‘sexual pleasure, tamattu is the inalienable right of a husband, and maintenance, nafaqih is that of the wife’” (Cited in Haeri, 1989: 47).

Tamkin and good behaviour are conditions of prompt payment of *nafaqeh* (in Haeri, 1989). *Tamkin* is legally binding on married women when *nafaqeh* is paid.

³⁹ Ghanoon-e mojazat-e Islami

The crucial role of *tamkin* in turning the right to *nafaqeh* into a legal obligation is manifested in the following observation made by Verma (1971: 94):

“she must be fit for conjugal intercourse; under the Shia law, if the wife is too young for matrimonial intercourse she would not be entitled to maintenance whether she is living in his house or with her father.”

She must be accessible for matrimonial intercourse; the obstruction to intercourse on the part of the wife alone would disentitle her to maintenance:

“In Shia law, the ground for liability for maintenance is the *tamkin*, i.e., such placing of herself by the wife in the power of her husband as to allow his free access for her at all time... an unjustifiable refusal to allow sexual intercourse at any time, ... would disentitle her to maintenance” (Verma, 1971: 94).

This could lead to economic and sexual violence (marital rape). The nature of the traditional Islamic marriage as a fully-fledged sexual-economic transaction is furthermore revealed in the following rule. *Shia* law dictates that:

“If a husband has intercourse with his wife who is below nine years of age and such intercourse results in rupture of the private parts, the husband would be liable to pay maintenance during her entire lifetime” (Verma, 1971: 95).

This ruling, by normalizing child marriage, may pave the way for sexual violence.

There is a huge argument in Islamic literature regarding *nafaqeh* and the conditions which qualify or disqualify a woman for it. It is important to notice that the concept of *nafaqeh* plays a major role in Islamic marriage. As it was mentioned above, according to the Civil Code if the wife can prove to a court that her husband does not pay the maintenance, she can put him in jail and often women use this law to apply for a divorce or to escape from their husband’s violent behaviour. As one of the Islamists argues, the woman can always challenge her right to *nafaqeh* in court in terms of the prevailing custom and practices (in Afshar, 1998). Moreover, other *ulama* argue that total submission is not the case with *tamkin* (obedience) and this term is used only about fulfilling the husband’s sexual requirements. However, as is

the case most of the time, the traditional *sharia* law, as a male dominant institution, often sympathizes with men. The husband has the upper hand and he can claim that his wife does not *tamkin* or submit (this will be elaborated further in the following sections). Thus, it makes it very difficult for women to prove their claim. In practice, however, women are mostly advised by judges to try harder and tolerate the husbands' behaviour. Their justification is that if they put the husband in jail so that he, as a sole provider, will not be able to work and this may result in the poverty of the family and make things even more difficult.

In Iran, as was mentioned earlier, *mahrieh* is normally payable at the time of divorce. If the woman does not want to get the money at the time of marriage, she still cannot refuse her husband's sexual demands and she legally loses her right to *nafagheh* or maintenance money which her husband is obliged to pay to her in the case of *tamkin* and obedience (these legal terms and their importance in marital relationships, as well as their relation to violence, will be discussed further). Some young and educated brides and grooms found the custom of getting *mahr* at the time of marriage degrading and demeaning for women (Haeri, 1989). In the post-revolutionary Iran, young couples often married without specifying any amount of money, only implementing the symbolic version of it in their marriage contract. They believe that the model presented by *sharia* law, paying money (as *mahr*) to the wife by the husband in exchange for her sexual services, denies the fact that a woman is an independent and autonomous person, the same as a man, who is able to support herself financially in modern days, and can enjoy this mutual relationship. For them, accepting the money constrains her to obey her husband's desires and commands and this results in the loss of her freedom and independence. More importantly, they believe that the consequence of not obeying (*tamkin*) can be forms of physical, psychological and economic punishment (as a result of not acting according to the contract). In response to criticisms of this model, one of the prominent *ulama*, Motahari, in his discussion regarding the origin of *mahr* in history, specified that the existence of *mahr* is a good indication of the natural difference between a man and a woman. Based on the nature and nurture argument, he believes that:

“Islamic law always follows the rule that the man is the one who is in need, and the woman is not. Islam recognizes men as buyers of the commodity that

women own. In a conjugal relationship, it is the man who benefits from the relationship, and he should therefore pay for it. [Regarding love Motahari argues] ... Men and women have different roles according to their nature, and marriage can only be strong and enjoyable when both act according to their natural roles” (Motahari, 1999: 208).

These roles are women’s dependency on men’s physical, economic and cognitive strengths and their strengths in controlling their sexual desire, which make men even more romantic about them.

The main reason for the necessity of *nafagheh*, Motahari (Motahari, 1999) argues, is that according to nature it is the woman who gets pregnant. It is her responsibility to looking after the baby. All of these troubles constrain her physical strengths, making her weak and, therefore, she not able to work like a man and maintain herself. Women, according to Motahari, cannot earn as much money as men and this may result in poverty. Thus, women are naturally born to be dependent on men financially, who, on the other hand, need women psychologically. He continues that women desire to beautify themselves and, as such, need more money because they spend more. Motahari argues that because women need to remain beautiful and delightful they should rest more, work less and remain at home. Only in this way can a woman make her husband cheerful and happy. *Nafagheh*, in his view, is the money which a husband pays to his wife to make herself and the husband’s nest beautiful. Motahari’s views about the natural differences between men and women, which are recognized in Islam and therefore have some reflections in the implementation of Islamic laws, are largely shared among some *ulama* (Afshar, 1998; Mir-Hosseini, 1993). However, others believe differently. This will be more elaborated later on in the section on gender equality in Islam.

Overall, according to some specific interpretations, the superiority of men over women is justified by the fact that men provide women with *mahr* and *nafagheh*. Nevertheless, one should always bear in mind that the interpretations of the *Qur’an* and *ahathith* were/are always under the influence of male jurisprudence, particularly regarding women’s rights and wrongs (Mir-Hosseini, 1996a, 1999). For instance, it is true that *nafagheh* was a progressive design in the traditional pre-capitalist order. However, throughout Muslim history it was used to sustain dominance of men over women. In a world in which women have many options available to them staying at home is just one among many, the propounded model

needs to be reconsidered. Repaying maintenance to women by men, regardless of its positive affects, provides the context for men to have authority over women and exercise their power (even using violence). Consequently, this enables them to put some restrictions which can affect women's freedom of movement, seeking employment and being submissive.

The right to hire servants or receive payment for housework (ojratolmesl)

Consistent with the logic of Islamic marriage as a sexual-economic contract, the wife is not, theoretically, expected to do housework or to take care of her child⁴⁰:

“A mother is not bound to suckle her child and may lawfully demand hire for doing so. The mother may either suckle the child herself or employ another nurse for the purpose of retaining the hire” (Verma, 1971: 97).

Mir-Hosseini stresses the same point that a woman is not expected to suckle her child unless it is impossible to feed him otherwise (Mir-Hosseini; 1993: 35). As Afshar pointed out, Montazeri⁴¹:

“...exempted women from doing any unpaid housework. Montazeri is of the opinion that what women earn is theirs and to make them do housework a man must pay extra ... payment for housework. Ojratolmesle, is an inherent right of women ...”(Afshar, 1998: 165-66).

In addition to these rights women have the right to equal treatment if they are a co-wife⁴² and the right to visit and receive her close kin.⁴³

⁴⁰ The wife is entitled to keep control of the wealth she accumulated before marriage or income earned during the marriage. As Verma maintains: “One of the most important effects of the reforms introduced by Islam for amelioration of the conditions of women was that it did not allow the personality or property of the wife to be merged in that of the husband. ... all the personal civil rights of the parties remain unaffected by marriage. ... the husband has no power of control over her property...” (Verma, 1971: 84)

⁴¹ One of the leading religious figures in Iran

⁴² Equality of treatment with co-wives (Verma: 1971) is one of the core rights of women in traditional Islamic discourse, which entitle her to the sleeping right every four nights.

⁴³ Visits to and from relations; every Friday for the parents and once a year for other relations (Afshar, 1998, Verma, 1971) are the quota of freedom of movement and social networking allocated to Muslim wife.

The exclusive rights of the Muslim husband and wife' obligations

In this section the husband's rights are discussed, however, it has to be said that some of these rights are contested, for instance divorce and polygamy. As a result of some movements from Islamist feminists and other women activists, some amendments have been made in the marriage law. However, doors remain open for traditional interpretations of the *sharia* and there is neither coherence nor homogeneity in employing progressive laws in favour of women.

The pre-marriage right (the interview session with future bride)

Interestingly, the ban on any sexual interaction between the sexes before marriage is relaxed for the marriage-proposal session. In line with the transactional spirit of orthodox jurisprudence-based marriage, men are allowed to check the quality of the service they are buying.⁴⁴ According to orthodox jurisprudence, potential male candidates, who are on the verge of considering proposing marriage, can demand to see the physical characteristics of their prospective wives and the girls are obliged to reveal their sexual beauties through wearing revealing clothes:

“only when [a man] intends to marry...is he permitted to see [the woman's] face and part of [her] features, and if [a woman] intends to marry and have a family according to Islamic Rulings [she] must submit to such things” (Mir-Hosseini, 1999. P. 77).

‘Permission to look’ prior to marriage is a doctrinally legitimate action to take:

“Shi'i hadith that permits a man to look at the entire body of a woman he intends to marry, he [Sheikh Ansari] argues for women to be permitted the same. ... this permission is granted [by jurists] on the grounds that in marriage a man is like a buyer and is paying a high price (mahr, dower), so he must see what he is buying” (From Saidzadeh cited in Mir-Hosseini, 1999: 252).

⁴⁴ Sheikh Qavam Vashnavi in his book “Hejab in Islam” stated: “the man is the buyer of the woman, therefore when one wants to buy something he must see it for not to be cheated in business. But this is not applicable to women [because] women are the goods, thus, women must not be compared with men in this case.” Translated by Ahmad Mohseni Gorgani (1352: 169), fourth eds. Hekmat Publication, Qom.

The right to headship of the family

The husband by committing himself to the economic trinity (*mahr*, *nafagheh*, *ojratolmesl*) gains the headship of the family. It manifests itself in the exclusive possession of the products of the marriage contract: material wealth as well as children. The right to custody of children and exclusive ownership of the wealth accumulated during the marriage period are examples of the right to headship of the family. Traditional Islamic marriage lacks a common ownership regime (Mir-Hosseini, 1993). The underlying assumption is that since a contract of marriage establishes ownership of the wife's sexual and reproductive organs, any products of this relationship also belong to the father (Haeri: 1989, p.43). The fact that the father (or guardian) has the right to make a marriage contract for a child (Haeri: 1989, p.38) is a potent and direct sign of the right to ownership (of children and material goods and property) of what is produced in the marriage, exclusively reserved for Muslim men, consistent with the logic of the sexual-economic contract: "the right to domestic authority [was preserved for men] because of pecuniary burden and presumed superior judgment and discretion" (Verma, 1971: P 89).

Demanding Women's Tamkin (Obedience, Submission)

As Afshar (1998) states, women in Islam, as in most other cultures, are supposed to be obedient and submissive to their husband as the head of family. She argues that there is a textual support quoted in the *Qur'an* for treating disobedient women, which Iranian men benefit from to justify domestic violence. It is quoted in the *Qur'an* that:

"Men are in charge of women because Allah hath made the one of them to excel the other, and because they spend of their property (for the support of women)" (Qur'an, IV: 34).

If the women don't follow the rules then their husbands have the legitimacy to punish them, either financially (by stopping supporting them) or psychologically (by deserting them) and physically (by beating):

“Good women are obedient....As for those from you fear disobedience, admonish them and send them to beds apart and beat them. Then if they obey you, take no further action against them” (Qur’an, IV: 34).

Islamic feminists and other investigators have increasingly questioned such interpretations. As Afshar (1998, p.19) suggests: “to admit to the legitimacy of violence within marriage would be to admit that the very foundation of the social unit in Islam is inherently flawed”. Meanwhile, the dominant interpretation of verse 34 of *Sura Nisa* in the *Qur’an* has been challenged by Mohsen Qa’eni. He suggests that:

“men’s leadership of the household is a male construct, and, like other male privileges which are attributable to shari’a laws, actually has its roots in the culture and customs of the time of revelation...in the sphere of the family as elsewhere, the Qura’n’s aim was to introduce change gradually...the absolute authority of men, and the maltreatment of women, were among the customs of Arabs” (Mir-Hosseini, 1996, p.166).

Qa’eni argues that many *Qur’anic* verses are descriptive statements of the status quo rather than commandments. He believes that the real purpose of this particular verse is to create conciliation and teach hostile men ways of controlling their anger towards their wives. That is why the *Qur’an* advises them to consult their wives and seek separation for a while as it was hoped that during these slow procedures tension between the couples reduces.

It was mentioned earlier that the interpretation of *Qur’anic* verses was always deeply under the influence of male jurisprudence over the centuries. Islam is one of the few religions which remained almost intact in confrontation with recent modernization. However, there has been a critical trend in modern thinking demanding reinterpretations of *Qur’anic* verses, and one should always bear in mind that as every interpretation has a human dimension it cannot be considered as divine. The interpretation of verse 4:34 by a feminist theologian, Riffat Hassan, reveals that her understanding of the verse is totally different from her male counterparts. She argues that:

“Another very important term in the Qur’an which occurs in chapter 4 (called Women chapter) in verse 34 is the word qawwamun. This is the plural form of a word which is translated as lord, master, ruler, governor, manager. Once you make the man the ruler, obviously you make the woman

the ruled. You've established a hierarchical relationship. In fact, this word doesn't mean ruler at all. There are many authorities on the basis of which I can say that it means 'bread-winner' and it is an economic term. If we translate that word as bread-winner the interpretation of entire verse changes. It's talking about division of functions, that while women have the primary responsibility of being child-bearers, during that time when they are undergoing the process of child-bearing, they should not have the obligation of being bread-winners, and therefore men should be bread-winner during this period" (cited in Engineer, 1996:46).

Other Islamists feminists' (Women Living Under Muslim Laws, 2004) arguments are in line with Riffat Hassan. They agree that the word *qawwamun* means provider and it points to the managerial role of men in the household.

Sheikh al-tabarsi (1973) in "*Majma al-bahrain*" translates the word *qawwamun*⁴⁵ as: men should take charge of the women's affairs, this is partly due to men having some advantages over women and partly due to men paying *nafagheh* and *mahrteh* (in Hosseini Tehrani, 1997).⁴⁶ The question as to what extent exactly a woman should obey her husband in order to be entitled to maintenance rights has provoked many arguments. The term *tamkin* is used in two different ways in *feqh*: *tamkin-e aam* and *tamkin-e khas*. The former is when a woman willingly accepts her husband's authority over every aspect of her life and the latter refers to her sexual submission to her husband (Mohammadi, 2004). Araki defines *tamkin-e khas* as the woman's readiness to sleep with her husband whenever he demands (Araki, 1998). Hilli (Mohaghegh) (1982) defines *tamkin-e khas* as removing any obstacle between a man and a woman to have a sexual relationship without any burden in terms of time and place.

Some of the *ulama* argue that the wife can only be offered the maintenance right if she admits her husband's authority and provides his sexual needs (*tamkin-e khas*). Hence, the woman should submit totally to her husband's demands or in another word to *tamkin*:

⁴⁵ The root of the word is *qama*. It means to support something; to hold something up. It is mainly used in the economic sphere; it means breadwinner, the supporter. Different interpretations of this word are given as: in charge of, protectors, *hakim*, rulers, managers, supporters. *Hakim* (ruler) is used mostly by *Urdo, Farsi and Turkish* translations.

⁴⁶ It is said that God made men more rational, logical and physically stronger than women. Thus they can perform acts of worshiping, prophecy, leadership, supremacy, jihad, and their credibility in witnessing and their greater share of inheritance and blood money and their rights of polygamy and divorce are the signs of their superiority to women. It seems that women's monthly menstrual is a huge disadvantage for women. For more information see to Hosseini Tehrani (1418) (Arabic calendar).

“[the wife] places or offers to place herself in the husband’s power so as to allow him free access to herself at all lawful times [the Arabic word is *tamkin*] and... obeys all his lawful commands for the duration of the marriage” (Nasir, 1990: 60-1, cited in Afshar, 1998).

The traditional understanding of *tamkin*, these *ulama* argue, is not only in relation to satisfying the husband’s sexual needs but in that a wife is obliged to obey her husband in every aspect of her life and he, therefore, controls her outside activities, and demands that she respects his family.

The right to reasonable chastisement in the case of nushuz (disobedience)

How is the conflict of interests in marriage conceptualized? How is it resolved and who are the judge and jury? How does orthodox jurisprudence conceptualise marital conflicts and what are the internal and external mechanisms of conflict resolution devised by orthodox jurisprudence? The chief concept emerging in this context is *nushuz*. The legal term for both a wife’s disobedience and a husband’s refusal of support is *nushuz*, meaning disobedience of one’s marital duties (Afshar, 1998; Naser, 1990; Haeri, 1989: 48)⁴⁷. Muslim commentators, as Mernissi argues, define *nushuz* as women’s rebellion against their husband’s demand to satisfy their sexual desires. As Al-Tabari puts it in this way:

“Al-nushuz means that the wife treats her husband with arrogance refuses to join him in the marital bed; it is an expression of disobedience [al-ma’siya] and an obvious unwillingness to any longer carry out what obedience to the husband requires. It is a way of showing hatred [bughd] and [i’rad] to the husband” (Mernissi, 1991: 156).

Mir-Hosseini gives us some clues as to how the conflict of interests is conceptualized:

“the rules that qualify and disqualify a woman for nafaqa evolve around the twin themes of sexual access and compensation. A woman becomes entitled to it only after the consummation of marriage and she loses her right to claim it if she is in a state of disobedience. Nushuz literally means ‘rebellion’ and it implies the abandonment of marital duties. ... Manifestations of nushuz are

⁴⁷ For more information refer to Langarudi (1967: 173); Imami (1971).

defined as acts which hamper the purpose of marriageThese acts can range from overt denial of sexual access to covert ones, such as not being physically available by leaving the marital home without the husband's permission; or not removing a condition which creates aversion in him" (Mir-Hosseini, 1993: 47).

No other forms of rebellion, such as her refusal to do housework or her neglect of the husband and children are mentioned as manifestations of a woman's *nushuz*.⁴⁸ Mir-Hosseini, 1993: 47). Once, *nushuz* has been defined, consequently, its proof and then punishment in courts has given rise to some arguments which vary within religious authorities. Muslim law confers the right of the husband to chastise the wife moderately:

"The husband is entitled to beat the wife for *nushuz* (rebelliousness or disobedience to reasonable commands) ... The husband could beat the wife in the case of positive *nushuz* (disobedience) only so far as it was necessary for her return to obedience and was by no means to extend to violent blows or to effusion of blood" (Verma, 1971: 108).

Arguing that *nushuz* should be regarded as submission rather than obedience, some *ulama*, believe that once the husband claims his wife did not submit, his saying should be enough for a court without even presenting any evidence and the wife's saying is not accepted. Khomeini asserts that the authority to claim *nushuz* is the husband's - the wife should prove submission (Afshar, 1998; Haeri, 1989, p.48). However, in contrast, some other Islamists argue that, if the wife accounts that she has submitted, it is her saying that should be considered as fact and, in order to prove her wrong, the husband should provide some evidence for his claim (Afshar, 1998). Consequently, if the wife is proven to be *nashezeh* then the court punishes her by following a process starting with preaching righteousness to her, followed by permitting the husband to deprive her (not paying her *nafagheh* according to 1108 and 1106 Civil Codes), and isolate her and, finally, if these actions do not lead the woman to the right path (to submission), then the court has the right to punish her and not the husband (Afshar, 1998).

In summary, according to Islamic traditionalist views of the mainstream discourse, for women *nushuz* has two main implications: disconnection of economic

⁴⁸ For more information refer to : Abd Al'Ati (1977: 169); Imami (1363/1984: 435); Lapanne-Joinville (1951b: 100) and Khomeini (1366/1987: 362-3)

support (*nafaqeh*)⁴⁹ and being subject to reasonable chastisement. The authority to judge whether a case is *nushuz* is the husband himself (husband as judge and jury) and he is enforcer of the judgment and the main party to the conflict. It should be emphasized that the excessive use of force⁵⁰ is prohibited in the traditional Islamic discourse and treated as legal cruelty and can be used as a ground according to which women can ask for divorce. Verma defines legal cruelty in the following terms:

“actual violence amounting to endangering personal health or safety or reasonable apprehension of it. ... actual injury to her mental or bodily health or as to raise to reasonable apprehension Anything causing disgrace to the wife or subjects her to a course of annoyance and indignity would amount to legal cruelty. ... keeping of a mistress with the wife would cause mental pain to her, which may lead to be classified as legal cruelty or a charge of immorality and adultery which cannot be substantiated” (1971: 111-112).

Economic cruelty would entail preventing the wife from exercising her rights over her property or disposing of her property. Verma (1971) points to legal cruelty as one of grounds on which restitution may be refused. The grounds on which restitution may be refused are as follows: the husband being guilty of cruelty in the legal sense; the husband being guilty of misconduct towards the wife; and prompt bride price (*mahrieh*) of the wife not being paid.

The right to control the place of residence

Verma maintains that: “The Muslim wife is under duty to reside with the husband, subject to the payment of prompt mahrieh. The husband cannot, therefore, prevent the wife from visiting her friends until the prompt mahrieh is paid, because a husband’s right to confine his wife at home is solely for the sake of securing to

⁴⁹ Alameh Hilli (1989), *Ghaved al-ahkam*, vol. 2 p. 52; Shahid Sani (1986), *Sharhe Lomeh*, vol. 5 p. 465; Terablosi (1982), *Al-mazhab* p. 347; Tabatabai (1980), vol. 2 p.165

⁵⁰ There are a number of *Ahadith* which refer to the symbolic act of beating just to show one’s dissatisfaction. According to these *Ahadith*, beating should not exert any pain, for instance, beating with a tooth brush (Majlesi, 1403, *Bahar al-anvar*, vol. 101, second edition, Al-vafa Institute, Bayroot; Sheikh Mofid, 1989: 516, *Al-moghanaeh*; Hilli. Ahmed Ben Mohammed Ben Fahad, (1986: 264) *Al-mazhab Al-bare*.

himself the enjoyment of the person and his rights to such enjoyment does not exist until after the payment of the return for it” (Verma, 1971: 88).

The right to control her outside activities (permission, restriction on freedom of movement)

The exclusive right to control women’s activities, manners, and behaviours is the most important logical implication of the specific conceptualization of marriage in traditional Islamic discourse. A wide set of control and surveillance mechanisms were legitimised as the legal rights of a husband who pays for the sexual services of the wife through the economic trinity of *mahr*, *nafaqeh*, and *ojratolmesl* and in return expects submission (*tamkin*) and sexual availability at all times (fulfilment of promptness condition). The social networks of the wife should be kept to a minimum to ensure maximum fulfilment of the marital duties. Haeri implies that:

“A permanent wife must not leave the house without her husband’s permission, and must submit, *taslim*, herself for whatever pleasure he wants ... if she does not obey him, she is a sinner, *gunahkar*, and has no right of clothing, housing, or sleeping” (Haeri, 1989: 47).

Verma reiterated the same points utilizing a more informative and direct language:

“A wife is bound to observe strict conjugal fidelity from the time of the marriage contract ... She must refrain from improper familiarity with strangers and from any unnecessary appearances in the public” (Verma, 1971: 87).

The ethico-juristic code of *mahrameeit*⁵¹ is born at this crucial theoretical point. The concept of *mahram* (legitimate circle of people) versus non-*mahram* (strangers) gains importance in this context. According to the codes of *mahrameeat*: “A woman can be seen unveiled only by other women, by the legitimate owner of her sexuality, or by those men with whom she can only have a sex-neutral relationship” (Moghadam, 1994: 87). The contact circle of a woman should preferably be limited to *mahrams*. Separation of space between sexes is the natural product of the code of *mahrameeit*. It has far-reaching impact for the architecture of

⁵¹ A woman can only be seen by those who are *mahram* to her according to the description given in the *Qur’an*.

gender relations and social space. The husband has a right to a reasonable control of the personal behaviour of the wife. There is a rule of *khalvat*⁵² (private space) as well representing the other side of the coin of *mahrameeat*:

“The husband may not allow her to receive or return the visits of strangers and to go out to marriage feasts or to bathe in public places. ... the husband would not be guilty of wrongful confinement or restraint if he prevents her from doing so” (Verma, 1971: 89).

This may logically lead to social violence. Entirely consistent with the logic of sexual-economic marriage contracts, an important set of concepts in the army of control mechanisms in traditional Islamic discourses are the closely interrelated concepts forming *effat-gheirat* discourses, with concepts such as *gheirat* (sexual honour and jealousy), *namous* (sexual honour and reputation), *effat* (chastity), and *haya* (modesty). *Gheirat* is the protective and possessive shield constructed around women who are perceived as carrying and personifying honour (*namus*) of the Muslim man.⁵³ *Gheirat* (sexual jealousy) is the right of the owner of the sexual faculties to passionately and sometimes aggressively defend his territory. It is a code of behaviour entitling and obliging men to ensure the fulfilment of the exclusivity condition in the marriage contract. Women are expected to internalise the monopolistic right of the man to their sexuality by observing the codes of chastity (*effat*) and modesty (*haya*). If they do not observe the *effat-haya* codes they are punished at different levels of society by the codes of *gheirat*.⁵⁴

⁵²“The rule of *khalvat*, which prohibits two people of different sex who are unrelated to each other from being alone together in an enclosed space” (Mir-Hosseini, 1999: 28).

⁵³ One of *Shia* Imams believed that: “Imam Baqir said: God has not intended *ghairat* for women but for men, because for men He has made licit four permanent wives and slave girls but for women only one husband. If a woman shows affection for another man, she is considered *zina-kar* (adulterous) in the eyes of God. Women who show *ghairat* (when their husbands are polygamous) are those who are faithless, not those who believe in the rules of God [In another hadith, he said] Women’s *ghairat* is in reality jealousy and jealousy is the root of heresy; when a woman’s *ghairat* is aroused, she becomes angry, and when she becomes angry she tends toward heresy. Of course, such women are not Muslim” (*Marriage in Islam*, p. 101: cited in Mir-Hosseini, 1993: 4).

⁵⁴ The formalization of these concepts is explained in traditional discourse by the following passages: Asexual desire (*shahvat*) in woman is ten parts and in men is one part. God has chained women’s *shahvat* with modesty and chastity (*haya va iffat*). If their modesty is taken away, it is possible that every man will be followed by ten women wanting to make love with him. ... Imam Ali said: What motivates the beasts of prey is their hunger, and what motivates women and draws them to men is to extinguish the fire of their desire (*shahvat*). Modesty (*haya*) has ten parts, of which nine parts are in women and one part in men. Then, when a woman is asked for in marriage, one part of her modesty goes; when she is contracted in marriage, another part goes; when she gives birth, another part goes;

The psychology and ethics of manhood and womanhood are discursively constructed to serve the requirements of the traditional Islamic marriage (in which wives are expected to be sexually available only to a single man at a time and on demand) through the discourse of *gheirat-effat*. This set of concepts is the core concepts at the heart of the internal control mechanism embedded theoretically in the traditional Islamic marriage.

Virginity and (forced) veiling are the satellite concepts serving as objective criteria gauging and operationalizing the concept of chastity and modesty for girls. The code of virginity is a measurement device to ensure subjective concepts such as chastity and modesty find objective and measurable realization. The male guardianship of virgin females is another institution designed to supervise and to ensure the chastity of daughters is preserved through the codes of virginity. In this context, veiling is the tangible measure of chastity and modesty and an effective way of protecting female's *effat-haya* designed to prepare women for the vital role they are expected to play in the context of Islamic marriage:

“A woman is told that she should keep herself covered so that her beauty is not seen by anyone apart from her husband, and that she should satisfy her husband's sexual needs and his other wishes. If not, her place will be in hell, as one hadith has it. According to another one, if she refuses her husband at night, she will be cursed all night by angels. A man is told to make sure that his wife observes the rule of hejab, and to have mercy on her” (Mir-Hosseini, 2003: 5).

On the surface these sets of concepts seem to be moral codes, unrelated to violence against women, with no legal implications in the marriage contract. But this is far from the truth. These concepts are embedded in the legal constitution of the traditional marriage contract and are deemed as moral codes obligatory for wives to behave chastely (a long and potentially unending list of codes regarding each and every part of the body and mind, postures and gestures from veiling, to talking, to walking, to smiling, and so on) and if they do not observe the codes to the letter, it will have legal implications. This set of concepts is closely connected to the right of husbands to control their wives' activities in order to ensure their compliance with the terms of traditional Islamic marriage, embodying two pivotal concepts of

when her husband has intercourse with her, another part goes; she is left with five parts, and if she commits the hideous act of zina [adultery], all her haya is removed. Pity the people, when all haya is taken from women (cited in Mir-Hosseini, 2003: 4)'. ”

exclusivity and promptness of the availability of sexual services. Exclusivity is internalised through the codes of modesty and chastity (which have extensive manifestations in walking, talking, looking (gaze), clothing, beautification,...) externally measured and guaranteed by strict rules of veiling (*hejab*) (Mir-Hosseini, 1996a) and virginity (*bekarat*). We have to remember that sex outside marriage is strictly forbidden; then there is no way for young girls to have legitimate sex outside marriage unless by compromising their modesty and chastity. The only exception is that in *Shia* laws, young girls can enter a temporary marriage, but with the consent of their legal guardian (although there is a difference of opinion on this), while in *Sunni* legal school there is no way for a girl to lose her virginity unless inside a permanent marriage (Verma, 1971). Promptness of the availability of sexual services is warranted by making sure of the domesticity of wives, a woman residing in her home, unless permitted by the head of the family to do otherwise, plus the legal implications associated with the notion of *nushuz*. The ethical code of *gheirat-effat* logically produces strict control and surveillance imposed on women (wives and would-be wives (virgin girls)) in all levels of society, from family to community, to society at large and directly leads to rulings such as the right to kill the wife (honour killing, *ghesas* (retribution) laws) in situations of indecency (adultery (*zena*)). While the codes of *mahrameeiat*, veiling and the codes of *gheirat-effat* are an integral part of disciplining, the mechanism of the laws of retribution (*ghesas*) embodies the punishment mechanism which will be discussed in other parts of this study. These sets of disciplining mechanisms (ethico-legal codes from *mahrameeiat*, to *gheirat-effat*, to veiling), and punishment mechanisms (*ghesas* laws) are designed to ensure that the exclusivity condition in the marriage contract is met.

The right to polygamy

A Muslim man is entitled to four permanent wives according to all orthodox jurisprudence schools, plus indefinite number of temporary marriages according to *Shia* law. The conditions inserted in the contract agreed by the two parties cannot deny men such a God-given right, although a woman can use the marrying of another woman as a condition for divorce. Verma (1971: 102) pointed out that 'The wife may stipulate that she would be entitled to divorce in certain contingencies, for

example, if the husband takes another wife ... “[T]he lack of impartial treatment might amount to such legal injury as would give the wife a good ground for the judicial dissolution of her marriage” (Coulson, 1969: 93). This could lead to psychological violence against women, through the constant threat of taking new temporary or permanent wives, or through actually practicing such an orthodox jurisprudence-given right.

The right to divorce (talaq) his wife at will

The unilateral right to dissolve the marriage contract, even without the presence of the wife, is secured for the husband in the traditional model. *Talaq* or divorce, in its primitive sense, means dismissal or setting free (Verma, 1971). *Talaq* legally belongs to the category of unilateral acts (*iqa'at* in Arabic). Whereas marriage is a form of contract based on mutual consent, divorce is a unilateral decision made by the husband (Haeri, 1989: 42; Mir-Hosseini, 1996a). Accordingly, he “can divorce his wife any time he wants” (Haeri, 1989: 42). “The same contract becomes irrevocable, *lazim*, as far as the wife is concerned. ...its termination does not necessarily require mutual consent” (Haeri, 1989: 42). The irrevocability of this right is emphasized by Verma: “The husband has got the unlimited right to pronounce the divorce at any time. ... The right of the husband is absolute and cannot be controlled, ...”(Verma, 1971:100). The husband is entitled to pronounce a *talaq* at any time at his will without the consent of the wife. *Talaq* is the mere arbitrary act of a Muslim husband who may repudiate his wife at his own pleasure, with or without cause. There is no legal restriction of any kind and it may be pronounced on mere whim or caprice without any reason. Impropriety of the husband’s conduct will not affect the legal validity of *talaq* (Verma, 1971:141). *Talaq* can be declared even in her absence (Verma, 1971:158).

What are the rights of women in the case of divorce? How can a woman get divorce from her husband? The conditions under which the wife has the power to divorce are: marrying another wife (an agreement that the wife may pronounce *talaq* if the husband marries another wife is valid); ill-treatment of the wife⁵⁵; non-

⁵⁵ According to 1130 Civil Code a woman can apply for divorce on the grounds of the husband’s maltreatment.

payment of *nafagheh*⁵⁶; other valid conditions⁵⁷; and “if the husband abstains from intercourse for four months” (Verma: 1971:179; Musavi Khoei, 1986; Tabatabai, 1988). Furthermore, the arrangement of *khula* is a way out for women: “It signifies an agreement entered into for the purpose of dissolving a connubial connection in lieu of compensation paid by the wife to her husband out of her property (Verma, 1971:188). A *khula* is virtually a divorce purchased by the wife from the husband for a price: “[A] woman disliking her husband can initiate by buying back her freedom” (Haeri, 1989, p.44) but “it requires the husband’s consent” (Haeri, 1989: 45).⁵⁸ *Mubarat* is another variation on the theme of divorce in which the feeling of dislike is mutual and she has to ransom herself by paying (Haeri, 1989: 45).

Shia law allows annulment (*faskh*) in one of two circumstances: as a result of a fault in the marriage contract itself (either in its substance or in its form) or in the absence or presence of a condition in one of the parties (Mir-Hosseini, 1999:162). This case was implicitly resorted to by Khomeini to find a way to resolve the plight of women in practice. As one of his clergy followers observes:

“what Imam says; whenever marital life becomes difficult for a woman, and we see that she can’t continue her marriage, she can annul the contract” (Mir-Hosseini, 1999: 162).

Some others disagree and say:

“Given that instances in which annulment can take place are limited by consensus [of jurists], and [hardship] is not among them, therefore annulment is strongly ruled out” ((Mir-Hosseini, 1999:165).

Overall, it can be said that:

“[a]ccording to the consensus of the traditional authorities, a husband’s power of repudiation is arbitrary and absolute. He may exercise it at will, and his motive in doing so is not subject to scrutiny by the court or any other official body. His *talaq* is entirely an extrajudicial process, unencumbered by any formalities” (Coulson; 1969: 45).

⁵⁶ According to 1129 Civil code.

⁵⁷ Refer to 1029, 1121, 1122, 1127 Civil codes.

⁵⁸ As Mir-Hosseini emphasizes: “unlike *talaq*, which a husband can do unilaterally, in *khol*’ a woman can obtain a divorce only if her husband gives consent, for which she must compensate him. In effect, she must buy her divorce; she must pay for it” (1999: 29).

It is important to note that moral warning was used to adjust and modify the unilateral patriarchal power of men over women regarding the firing mechanism of *talaq*. The Prophet was supposed to have said: “Of all things legally permissible, *talaq* is the most blameworthy.” (Mir-Hosseini, 1999: 84) This unilateral extrajudicial right to *talaq* leads to psychological and economic violence against women.

Mutual rights⁵⁹

Right to sexual intercourse

The husband gains exclusive right to access to the sexual services of the wife on demand. “The wife is bound to admit the husband to conjugal intercourse at any time with due regard to consideration of health and decency” (Verma, 1971: 87). The necessity of the full and unfettered, and exclusive accessibility of the wife’s sexual services and the urgency of promptness of the submissive response (*tamkin*) by the wife is fully captured in this famous saying from the Prophet: “any time a husband wants to have intercourse with his wife she should not deny him, not even

⁵⁹One of the mutual rights is the right to inheritance from each other. The husband and wife inherit from each other according to the Islamic law of inheritance. The ground rule is that the male heir’s inheritance is twice the share of the female. (See Hallaq W. B.; *A History of Islamic Legal theories*; 1997: 207) The issue of inheritance is one of the divisive doctrinal issues separating *Sunni* and *Shia* schools. Coulson (32-3) refers to this in the following passage:

“The most outstanding rift between the two groups [*Shia* and *Sunni* schools] lies in their respective schemes of inheritance. This was the result of a fundamentally different approach toward the nature of the Qur’anic legislation. *Sunni* jurisprudence regarded the Qur’anic rules as reforming the existing customary law in a number of particulars, so that in the absence of any specific modification the customary law was deemed to be still operative. In the contemplation of the *Sunnis*, where the Qur’an did not expressly reject a customary rule, it tacitly ratified it. The result of this approach was ... that the *Sunni* law of succession gives pride of place to the tribal heirs of the customary law, the male agnate relatives of the deceased. The women to whom the Qur’an gave rights of inheritance for the first time are entitled, in appropriate circumstances, to the fractional proportion of the estate which the Qur’an allots to them. ... The male agnate, however distant a relative he might be, will step in and claim the residue of the estate.... For *Shia* the Qur’anic legislation was far from being piecemeal reforms. They maintained that the Quran laid down the basic elements of an entirely novel legal system, including a system of succession. It obliterated completely the pre-existing customary law. Any rule of the customary law which was not expressly ratified by the Qur’an was tacitly rejected. ...On this basis *Shia* law marshals all relatives, male and female, agnate and otherwise, into a single comprehensive scheme of priorities based exclusively upon the nearness of their relationship with the deceased. Within this scheme any descendant of the deceased, male or female, has absolute priority over any collateral; so that the daughter of a deceased *Shia* Muslim will totally exclude his brother, and, a fortiori, any more distant male agnate such as a cousin, from succession, and will inherit the whole of her father’s estate.”

if she is riding a camel” (Haeri, 1989: 47). Exclusivity and immediacy of the availability of sexual services occupies a canonical and structural place in the set of the husband’s rights over the wife. I have named these conditions the fulfilment of which is obligatory on wives the exclusivity condition and the promptness condition.

On the other hand, the wife’s right to sexual intercourse is perceived to be neither exclusive nor immediate. “Legally, men are required to spend every fourth night with one of their wives. This is known as the right of sleeping arrangement, ... [however] he is not required to have intercourse with her”⁶⁰ (Haeri, 1989: 47). “Hilli in his Sharay, [specifies] that a man should not abstain from intercourse with his wife for more than four months” (Haeri, 1989: 59). Unlike her husband’s, the wife’s right to sexual intercourse inhabits a marginal place in the set of the wife’s rights over the husband. The husband has the immutable right to polygamy (up to four permanent wives common to all schools of Islamic laws plus unlimited temporary wives according to the *Shia* laws), indicating no element of exclusivity; and sexual intercourse is seen as a right for the wife and an obligation for the husband only once in four months, indicating no element of promptness. This asymmetry in terms of the right to sexual intercourse (securing exclusivity and promptness conditions for men and negating both of them for women) is a canonical part of the traditional Islamic marriage.

One of the other manifestations of asymmetric treatment of male and female sexuality in the traditional Islamic marriage is the rule regarding intermarriage, according to which Muslim men are allowed to marry either permanently (in *Sunni* laws) or temporarily (unique to *Shia* laws) with the women of the Book, while Muslim women are strictly forbidden from such an exercise in all schools of Islamic laws. As Haeri indicates “many ulama sanction[ed] intermarriage between Muslim men and the women of the book - Christians and Jews (and some even included Zoroastrian⁶¹ women) but without hesitation rule[d] out intermarriage between Muslim women and non-Muslim men” (Haeri, 1989: 36). Verma refers to this ruling: “ a Muslim male may ... contract muta (temporary marriage) with a

⁶⁰ Some reported that if the man avoids his conjugal duties for eight months divorce can be requested. Four months is from the woman’s first reference to the court. See Tusi, “*Al-nahaya fi Mojarad al-feqh va al-fatavi*” vol. 2, translated and edited by Sayed Mohamad Bagher Sabzevari, (1983).

⁶¹ Zoroastrian are the follower of Persian Prophet Zarathushtra the founder of Zoroastrianism in Iran around 6,000 BCE. He advocated the worship of Ahura Mazda, the (Lord of Wisdom). According to this religion the world is governed by two forces: the Spirit of Goodness (Spenta Mainyu) and the Spirit of Evil (Angre Mainyu).

kitabiah [woman]” (Verma, 1971: 118). This reveals an underlying philosophy about the place of women in Muslim consciousness, directly or indirectly producing violence against women (communal ownership of women, or seeing women as the honour of the family, community, nation, and the whole Islamic *Ummah*).

The right to good behaviour

Based on the 1103 Civil Code, both husband and wife are obliged to act with good behaviour. According to a famous saying from Imam Ali, Muslim men should treat their wives like flowers (Feiz al-Islam, 1972)⁶². In this context, good masters are those who do not abuse their absolute power as the head of the family (see Afchar, 1977). In response, loyal wives are those who faithfully and whole-heartedly serve their masters.

Summary

These sets of rights and obligations are based on gender difference discourses implemented, supported and justified by orthodox jurisprudence. This will be discussed in the next section. Due to some limitations in this thesis I only discuss the nature theory which is widely supported by traditionalists.

Gender-difference and Gender-equality Theories in Contemporary Iran

In different sections of this chapter the attempt is to locate violence against women in the wider traditional Islamic discourse. The focus is on providing an in-depth analysis of the roots and origins of the orthodox jurisprudence-based discourses which could mediate in the emergence or justification of violence against women. One of the branches of the knowledge structure which institutionalises violence against women is the gender-difference discourse constructed to support the image of women reflected in the mirror of traditional Islamic marriage. In reaction to the *Qur'anic* injunctions with a seemingly strong tone of inequality -

⁶² Nahjol-balagheh

indicative of a lower status for women and suggestive of various restrictions being imposed on women - a patriarchal reading was the most likely in terms of testimony, inheritance, marriage and marital sexual relationships, divorce, retribution, veiling, etc. Ironically, the same verses which came to symbolize the liberating spirit of Islam, in a gradual refashioning of the harshness of the pre-Islamic patriarchal order in the eyes of modern Islamic reformists, became fuel for a patriarchal reading of the holy text and an impetus for the revival of the same patriarchal order. In a patriarchal reading, all of these verses reflected an image of women as second-class citizen in the Islamic order, who were expected to perform a pre-determined specific set of roles.⁶³ The first Imam of the *Shia* Ali Ibn Abu-Talib's harsh views on women, contained in a sermon delivered after the Battle of Camel, led by Ayesha, the Prophet's widow, provides a good example for this type of reading of the *Qur'anic* verses. It reads:

“O people! Women are deficient in Faith, deficient in shares and deficient in intelligence. As regards the deficiency in their Faith, it is their abstention from prayer and fasting during their menstrual periods. As regards deficiency in their intelligence it is because the evidence of two women is equal to that of a man. As for the deficiency in their shares that is because of their share in inheritance being half of men. So beware of the evils of women. Be on your guard even from those of them who are (reportedly) good. Do not obey them even in good things so that they may not attract you to evils” (Feiz al-Islam, 1972, Nahj ol-Balagheh, sermon 78: 150-52).

Imam Ali further exemplifies this type of reading in the following passage from his will to his son, Imam Hasan:

“Do not consult women because their view is weak and their determination is unstable. Cover their eyes by keeping them under veil because strictness of veiling keeps them [good]. Their coming out is not worse than your allowing an unreliable man to visit them. If you can manage that they should not know anyone other than [you.] do so. Do not allow a woman matters other than those about herself because a woman is a flower, not an administrator. Do not pay her regard beyond herself. Do not encourage her to intercede for others. Do not show suspicion out of place because this leads a correct woman to evil and a chaste woman to deflection” (Nahj ol-Balagheh, Letter 31 (Will): 434-35).

⁶³ These misogynistic ideas are widespread in sayings, poems, metaphors, ahadith and ravayat.

It was further reported from him saying that: “Woman is evil, all in all, and the worst of it is that one cannot do without her.” (Nahj ol-Balagheh, Saying 235: 539) The contrast with the famous saying of the Prophet could not be greater, when he said I love three things from this world, woman, fragrance, and prayer.

Sorush, an influential religious reformists, refers to the image of womanhood derived from those Qur’anic injunctions based on orthodox jurisprudence reading:

“The majority of our ulama - even men of politics - when talking about women, their guide is orthodox jurisprudence, that is, their ideas, their images come from a set of Rulings they have in mind, then they create an image of women to reflect it” (Mir-Hosseini, 1999: 241).

A post-hoc gender-difference discourse is constructed to justify and naturalize the orthodox jurisprudence reading of the *Qura’nic* injunctions. The important point is that orthodox jurisprudence rulings inevitably create an image in the minds of each and every believer about the value, worth, place and position of women in the family, community and larger society. Orthodox jurisprudence mostly works largely through this mechanism of image-making. The image sets the terms of gender relations and structures the bargaining power in a relationship and this acts as the major factor in systematic and justified suppression of women in all walks of life and in all aspects of social reality. The orthodox jurisprudence-based mentality discovers a unifying essence behind the Rulings and extends it into a fully-fledged discourse on gender difference. As Sorush puts it: “put together, these statements [from Imam Ali] suggest that seeking women’s advice and involving them in affairs of society should be avoided; that is, it’s Muslim men’s duty to keep their women secluded, to control them, and not to allow them a say. If we add orthodox jurisprudence rulings, the picture that emerges is even more devastating for women” (Mir-Hosseini, 1999: 222). Islamic marriage bestows women a specific place in the Islamic order. This positioning needs to be justified by a theory of gender difference naturalizing gender relations and a division of labour enshrined in the traditional marriage. Post hoc explanations were sought to justify the orthodox jurisprudence-based formulation of marriage. As explained by one of the defenders of orthodox jurisprudence in the debate with Mir-Hosseini:

“This is what we call a post hoc explanation. Many things have been taken for granted in Islam, for instance the ban on women acting as judges, and

then reasons have been sought. If you see that there's a consensus among Jurists, and none of them has said explicitly that a woman act as a judge, it is because, in giving a fatwa, a Jurist must provide his own reasoning and can't say that he follows others. To find reasons, he appeals to anthropological arguments, such as difference in nature between men and women, ..." (1999: 176).

A fixed notion of gender roles is constructed to legitimise the role and place envisaged by the traditional formulation of Islamic marriage. The basic strategy in all its versions (traditionalist, neo-traditionalist, and even modernist versions) is that men and women are born to be different in their human capacities. Despite sharing a common level of humanity, nature designed them differently to perform different roles in the human society. In summary, the order of events unfolds as follows: Islam emerged in a strictly patriarchal society, with strong tribal ties, which suffocates individuality and choice; it tried to reform it in a gradual manner, according to a modern reformist reading. However, the *Qura'nic* Rulings revealed to improve the fate of women were hijacked by the agents of the old order, and interpreted to indicate the perpetual inferiority of women; the image of woman as an inferior being was then supported by a series of attempts to construct a rational theory of gender difference.

The institution of marriage was constructed based on a patriarchal reading of the text. The traditional structure of marriage presumed and further solidified the division of labour inferred from the *Qura'nic* injunctions. To rationalize the position of women in the traditional Islamic marriage, a gender-difference discourse was constructed to elaborate on the initial image reflected in the patriarchal mind. To rationalize the apparent inferior position of women in the holy text, several elaborations were offered, with a few exceptions, almost all of them with a patriarchal spirit. The following variations of formulations of gender-difference discourse have evolved in the Islamic context. It should be remembered that none of these discourses are seen as truth or as immutable per se. They are constructed to serve the patriarchal reading of *Qur'anic* injunctions. Thus, they may change if and when the audience of these theories rises above them and finds them unconvincing and even offensive. They have presentational values and not substantial values.

Nature theory (Motahari)

Nature-theory versions of gender difference are an innovative attempt by the adherents of the traditional orthodox jurisprudence to meet the challenges of modernity which made the two previous discourses untenable. The traditional orthodox jurisprudence-based gender-difference discourse reformulated itself in the form of a complete natural theory. The principles of this view are as follows:

Spiritual equality

This property was developed to clean up the face of orthodox jurisprudence-based gender-difference theory from stigmas of overt belittlement of women's status and worth in old discourses. The old argument needed a face lift centred on a denial of inhumanity and inferiority of women, which are deemed unpleasant for modern tastes. The common humanity of man and women was acknowledged but not in terms of human rights, rather in terms of spiritual equality which interpreted as (and common possibility of achieving) spiritual growth through obedience to God. This spiritual equality was given by the neo-traditionalists as a chance to put a human face on the orthodox jurisprudence-based discourse of gender difference and, at the same time, allowed them to keep the idea of social gender inequality intact and repackage it in the form of complementarity and balance.

Principle of independence

In terms of this principle, the adherents of nature theory maintained that women are not born of and for men. This principle sought to replace the slavery theory. They have their individuality and freedom of choice; but their individuality is manifested in their capacity for spiritual growth and not in terms of choosing a social path for individual fulfilment. Their individuality was not allowed to embrace the right to seek pleasure and fun and to attain socio-economic and political status. They were deemed to have fixed set of roles to play in the traditional Islamic order, justified in terms of their biological make-up. The right to ownership was not

understood as an active participation in the economic life of the nation, rather only as a passive receiver of inheritance and windfalls.

Principle of natural gender difference

This principle amounts to natural division of labour in which women's chief task is to create peace and serenity for men and the rest of the family. Women's delicate constitution required a delicate role for them. In this essentialist discourse femininity and masculinity were constructed as two opposite poles embodying fixed characteristics. Motahari, a very influential deceased clergyman, argued that the physical, psychological and sexual differences between men and women inevitably translate into different obligations and rights, including different systems of sanction and punishment (Motahari, 1979). Motahari maintains that "men's nature is totally different from women's. Women want to be loved, men want to love; women want to be possessed, men want to possess; women are the hunted and men are hunters... (Motahari, 1979: 164-5). This theory, he argues, is based on nature. The characteristics attributed to the dichotomy of man/woman are as follows:

"Men are stronger, more rational, more aggressive and more in control of their emotions. Women are weaker, more easily excited, more emotional and less emotionally stable, although they are more in control of their sexual desires. Men are slaves of their sexual instincts, they want to appropriate and dominate women's bodies. Women are slaves of their love and want to dominate men's hearts. Men's passion is primitive and aggressive; women's passion is passive; man by nature is the embodiment of desire and demand, and woman is the embodiment of the beloved and the desired" ((Motahari, 1979: 173-5).

Ayt Azari Qomi, a deceased clergy in Qom, adheres to the same line of reasoning in the following passage:

"It is in women's nature to be intimate with only one man, and this is a prized quality that compensates for her other weaknesses. ... The internal affairs of the home, which revolves around pure emotions and feelings, are entrusted to someone who has them [women], and affairs outside the home, which involves reason and wisdom, are entrusted to men. And because the general management of the family needs reason, wisdom, and management skill, man is the ultimate decision maker and woman is the adviser in the

internal affairs of the family and what relates to them” (Mir-Hosseini, 1999: 63-4).

This leads to the ultimate logical conclusion that men are naturally inclined to be in charge and women are predisposed to be subservient. Men have rights and duties corresponding to their natural call and women have rights and duties harmonious with their delicate nature. This theory manages to restore the natural patriarchal order of things, not based on inhumanity or inferiority of women but based on respectable scientific theories of biology and nature.

One of the major implications of this theory is to declare that what, at first sight, is perceived to be unjust is just on deeper reflection. The set of rights and obligations of a Muslim woman which is seen as discriminatory is justice in disguise. The women are told to re-evaluate their doubts and acknowledge the deeper harmony embedded in the traditional Islamic order between society and nature. Women are invited to discard the empty lure of a Western way of life and feminist propaganda:

“Motahari stresses that dissimilarity of rights as between men and women, within limits set by nature, is compatible not only with justice and natural laws but also with the well-being of the family and society” (Mir-Hosseini, 1999: 117).

According to this reading, Islam granted women all their rights and apparent disparities in rights and duties between men and women are natural and reflect the essence of divine justice.

Conclusion

What can be inferred from the above set of rights and responsibilities regarding the rules and regulations related to marriage and post marital obligations is the philosophy and vision underlying and informing the traditional Islamic marriage; the Property model (the legal model) does not conceive of a shared matrimonial regime.⁶⁴ The marriage contract establishes the man’s authority over his wife. It is his duty to provide for her and it is hers to submit to him. Haeri rightly points to the

⁶⁴ “Marriage creates no common area of ownership. The husband, as the head of the household, is the sole owner” (Mir-Hosseini, 1999: 119).

fact that the legal requirement for a wife's obedience towards her husband rests on this element of exchange in the marital transaction (1989: 37). Thus, it becomes his prerogative to punish his disobedient wife financially, psychologically and even physically. This explains why the wife's grievances against her husband (being physically and verbally abused, locked in the house, and unable to see her parents) were regarded as insufficient grounds for divorce. As Haeri maintains "...the court disregards psychological cruelty and requires tangible evidence of physical violence, ..." (1989: 71). The nature of a woman's obligatory duty is entirely sexual and is summarized in sexual submission or *tamkin*, which is the core duty of a wife. As Afshar pointed out, "There is a degree of agreement that *tamkin* involves the willingness of wives to remain in the husband's domicile and only leave the house with his permission" (1998: 136). Her fully acknowledged right to own property and to keep her assets and income under her own name, even after marriage, in addition to her entitlement to *mahr*, maintenance and *ojratolmesl* are strong indications that the Muslim wife in traditional Islamic discourse, at a theoretical level, is not perceived or exploited as cheap labour. Her work was recognized in private domain. This may well explain the assumption that if she works she can be paid. Theoretically, her economic function was not deemed to be a core defining component of a Muslim woman's place in the Islamic order. Consequently, we can draw the conclusion that a Muslim woman is not a vital part of the system of production of physical goods and services. Furthermore, as argued before, traditional Islamic marriage must be understood separately from reproduction; reproduction is a by-product of marriage and not the main purpose of it (as quoted from Langarodi and others earlier (cited in Haeri, 1989). It is, thus, safe and logical to conclude that a Muslim woman's main function is not reproduction either. Ayat Azari Qomi, a deceased clergy in Qom, "states his view that women's primary role is to satisfy their husbands' sexual needs; if these are unsatisfied then men become a danger at work or in society." (Mir-Hosseini, 1999: 72) Hence, if, for instance, one hires a person as a cook, one cannot demand housecleaning as well, unless otherwise agreed upon (for details see Schacht, 1964). Thus, in traditional Islamic order marriage is an institution mainly designed to release the believer to worship God, after being satisfied sexually in an organized and orderly fashion. It is to control a male's wild and volcanic sexuality by satisfying it in order to free him to perform God's will on earth (Sabbah, 1988). Orthodox discourse constructs sexuality as a

seemingly boundless source of impulsive energy caught within a dynamic of creation and destruction. Through the mediation of the institution of the traditional marriage, it can create sexual pleasure for men and financial security for women (Motahari, 1879) and, as a by-product, allow the Muslim community of believers (*Ummah*) to reproduce itself and to worship God in an orderly fashion. All in all, when regulated, it can create a perfectly harmonious society manifesting the glory of God and ensuring Heavenly eternal life for its residents (Motahari, 1879). If left unregulated, it can cause death and destruction, and bring the whole Islamic order into disrepute. The intense erotic pull of sexuality when unregulated can become the sole obsession of men and make them forget their eternal life and submerge themselves in the myopic world of sexual pleasure, making them stray from the divine path. The ideal traditional order in the family best manifests itself in a husband who exercises his God-given right of mastery with kindness and utmost care and vigilance and a wife who serves her master faithfully. She, according to the contract, must satisfy her master's desires and obey him in every aspect of her life which is directly or indirectly related to making sure of his exclusive access to women's sexual services. Most *ulama* agree that women are naturally different from men and this attitude strongly overshadows every aspect of both men and women's life and automatically results in some resolutions about women's rights. As Mir-Hosseini pointed out, the design of *mahr* and maintenance right might have been a progressive one in a traditional society, where women had less chance to access to some resources, but nevertheless, for modern days they need to be modified and reconsidered or women should be offered choices over their life (her autonomy verses marital obligations). The power imbalance between women and men, with women as second-class citizens or half human beings (regarding the share in the legal system), may have some implications in using violence against women in a family environment in practice. The important question is how do men extract sexual services to fulfil promptness and exclusivity conditions? There have been some attempts to ensure that women fulfil their duties. This is done with the help of institutions such as marriage, and discourses employed to ensure their compliance. Women are offered "reward" discourses such as motherhood, while a punishment package (the unilateral right of men to divorce, custody, polygamy, *mahrameeit* as segregation of space, veiling, permission, *tamkin*, *nushuz*, seclusion, the institution of guardianship and the ethico-legal discourse of *gheirat-effat*) is also in place, with

the purpose of disciplining them. The problem of extraction is prevalent wherever the human element is the subject of transaction and it has profound effects on the gender relations and violence against women. Veiling and *mahrameeat* make the marketing of female sexuality prohibited at all times. After marriage it violates the exclusivity condition (the husband is the sole owner) and before marriage it creates chaos and corruption in Islamic order⁶⁵. The role perceived for women in the traditional orthodox jurisprudence model of marriage naturally and logically reflects itself in a set of theories of gender difference, according to which a powerful and rational masculine being is in charge of the social world versus a fragile, emotional, and irrational feminine being, who is in constant need of protection and who can only provide emotional services to the Muslim family, besides her main task as provision of sexual services to the Muslim husband. After the logical progression of the Muslim woman from an autonomous agent to a subservient entity in the contractual framework of traditional Islamic marriage, her subservient position had to be justified by an essentialist discourse of gender difference in all aspects of life. Women had to be portrayed as inherently inferior to men to make their intrinsic position as obedient to men intelligible. This explains why the gender inequality discourse emerged in the context of the traditional Islamic discourse. In the main body of these discourses woman is always made of man⁶⁶ and for man, in one form or another. As Soroush puts it: “What we find at the root of Islamic thought is that men and women’s roles are assigned, defined, and not interchangeable; in this view woman fulfils her role in society through man, that is, she restores to men, the main actors in society, their lost balance and peace” (in Mir-Hosseini, 1999: 236). The inadequacy of the legal system in recognizing women as whole human beings who should be given the same rights as their male counterparts has no positive result in admonishing physical, psychological and economic violence against them. Therefore, there should be some attempts to destroy the existing discriminations in the legal system and provide a safe ground for women who are suffering in a violent relationship.

⁶⁵ Moghaddam (1994: 87) points to this important function of veiling: “A woman can be seen unveiled only by other women, by the legitimate owner of her sexuality, or by those men with whom she can only have a sex-neutral relationship.”

⁶⁶ Refer to the creation of Eve from Adam’s rib.

The discourse of motherhood was constructed as a reward mechanism to motivate Muslim women to continue to perform their socially inferior roles. Motherhood could bring Heavenly rewards for women (we have to remember the fact that the traditional discourse always accepted the spiritual equality of men and women, despite denying social gender equality). As Haeri puts it: “because of the inherent assumptions of ownership and purchase in an Islamic contract of marriage, although both men and women are assumed to be partners in the contract, only men are automatically and ideologically perceived to be complete, ‘full’ individuals: biologically, legally, socially, and psychologically. They are considered to be independent, superior, and dominant” (Haeri, 1989: 67). Gender difference is a discourse constructed to naturalize the outcome of total ownership and total obedience in the framework of traditional Islamic marriage which was designed to control the powerful force of sexuality. As Mackinnon argued “sexuality is the linchpin of gender inequality” (1982: 533). How can playing an inferior and obedient role in marriage be justified other than by resorting to an essentialist discourse depicting women as naturally different and inherently unequal to men? The Muslim woman is born into a specific position and then she has to be of a specific type fitting her God-determined place in the Islamic order. The orthodox jurisprudence-based formulation of marriage and its associated army of sexuality discourses, gender-difference discourses, motherhood discourses, honour-chastity discourses attempts to create a woman who freely opts for the path of self-sacrifice for the bigger good of the men and the whole ‘*Ummah*’.

Chapter 3: Methodology

Introduction

The concern of this study was to explore the local conditions and factors leading to violence against women in the Iranian society with Islam (in its *Shia* version) as the mainstream discourse. Violence against women is a global phenomenon; it, however, embodies itself in local patterns and is rooted in regional interplay of factors. Broadly, I was interested to find out what are the factors involved in causing violence against women in the Iranian society and to ground it in the complex reality of the lived experiences of Iranian women and to investigate domestic violence from the varying perspectives of the main parties involved, namely women, men and the judicial system. The nature of my study prompted me not to reduce my study to physical violence but instead investigate violence against women in its more subtle and diverse forms of social, economic, and psychological violence as well. Bearing in mind that the relevant literature (ref. chapter 1) shows that violence against women is institutionalized and functions regardless of class, age, ethnicity, level of literacy, personality characters and local culture. I made an attempt to select my informants from different social and economic background.

I designed my study to investigate domestic violence against women in Iran by applying reflexive methodology. Reflexive methodology, as Alvesson and Skoldberg (2000: 5) stated, is “a reflexivity that constantly assesses the relationship between ‘knowledge’ and “the ways of doing knowledge.” The two basic characteristics of reflexive methodology are ‘careful interpretation’ and ‘reflection’. I attempted to practice pluralism inherent in reflexive methodology and to be an example of Haraway’s (1991) cyborg (which I will address later) to enable me to construct a richer and fuller picture of the reality of the experience of violence against women and to increase the odds of achieving a set of more objective research outcomes (objectivity as defined by feminist philosopher of science, Longino (1990) which I will address later on). In the following sections of this chapter I will introduce research design and methods and the methodology I adopted to collect data and different stages of analysis of data. The limitations of the study will be discussed as well.

Reflexive Methodology

Feminist methodology tries to create a connection between ideas, women's experience, and reality (Ramazanoglu & Holland, 2003). Regarding violence against women, I believe reflexive methodology, with its subtle and complex structure, manages to achieve this aim (connecting the ideas about why there is violence against women and how people construct their discourses regarding violence, with the lived experiences of women, and what really causes violence against women 'out there') by incorporating the best of modernist tradition (some form of realism, critical or historical) and postmodernist insights (regarding the critical role of language in the process of knowledge production), without falling prey to obvious and disruptive contradictions. This is quite consistent with what feminist methodology is trying to achieve, incorporating the insights of poststructuralism and postmodernism, without losing connection with reality of women's lives and experiences (Ramazanoglu & Holland, 2002). Reflexive methodology as formulated by Alvesson and Skoldberg (2002) contains four levels of interpretation (quadri-hermeneutics): handling of the empirical material (constructing and extracting participants' interpretation of their own experience), discursive interpretation of those materials (addressing 'how' question), critical interpretation (addressing 'what' question) and reflection upon the researcher's authority and role in the research process and outcomes. It presumes that there is no method to access the reality or experience as 'they really are' except through interpretations. Scott (1992: 37) offers a classic statement in this regard when she comments that "experience is at once always already an interpretation and is in need of interpretation." Reflexive methodology as an interpretive methodology relies on a theory of understanding in which "Knowledge of what others are doing and saying always depends upon some background or context of other meanings, beliefs, values, practices, and so forth. Hence, for virtually all postempiricist philosophies of the human sciences, understanding is interpretation all the way down." (Denzin & Lincoln, 2000: 531-2)

This manifests that there is no way to runaway from interpretations and gain access to the extra-discursive and extra-interpretive reality. It is interpretation all the way down. Awareness of the ubiquitous presence of interpretation in all stages of research is an integral part of reflexive methodology.

“Reflexive interpretation is the opposite of empiricism and theoreticism (the use of a single abstract framework offering a privileged understanding) ... Reflexive interpretation also breaks with postmodernism, as this is usually formulated. The idea of reflexive interpretation is to allow room for elements other than the problematization or privileging of the rhetorical-textual relations, and to avoid the latter dominating. A totalization or privileging of the rhetorical-textual dimension is rejected, not least because empirical material does not get an adequate chance.” (Alvesson and Skoldberg, 2000: 249)

In this framework I will have the scope to reconcile my feminist impulse regarding keeping connection with the women’s pains and suffering as a result of violence (keep my research grounded in the social reality of violence against women) and insights from the ‘language turn’ in poststructuralism via preserving “a concern with what interviewees are saying as well as with how they get to say it” (Alvesson and Skoldberg, 2000: 249). I was not forced to leave all types of truth claims behind, while at the same time, my level of awareness regarding the discursive nature of knowledge is kept high. I was able not only to deconstruct the discursive structure of the interview materials, but to “show how what is being said relates to the experiences and lives being studied.” (Silverman, 2001:97)

What primarily determines the value of reflexive methodology is not the following of set procedures but in on awareness of the various interpretive dimensions at several different levels, and the ability to handle these reflexively. “The kernel of rationality is a question of reflection [in the sense of] addressing a multitude of levels of domains rather than procedure” (Silverman, 2001: 289). Reflexivity occurs in the interfaces of different levels as the researcher learns to look at the same materials from different angles to demonstrate that “data can be analysed to show the dynamic interrelatedness of the what and the how” (Holstein & Gubrium, 1997: 127). The freedom to reflect emerges from the interplay of different levels of interpretations against each other.

The following sections will address each of the four levels of quadri-hermeneutics in turn. I am quite aware that this stage by stage analysis is only for analytical representation, otherwise they are interwoven levels of analysis at each and every moment of research process. At first, I will discuss the methods and procedure of gathering the participants’ accounts.

First level: Participants' interpretation of their own experiences

Methods

To do my research I employed qualitative methods. Qualitative methods suit the nature of my subject matter and my research questions as they allowed me to have access to the meanings attached to violence against women.⁶⁷ A long-standing tradition (Schwandt., 2003) in social science (neo-Kantian historians and sociologists, such as Dilthey, Rickert, Simmel, Weber, and Collingwood) has indicated that what distinguishes human action from the movement of physical objects is that human action is meaningful and thus can be grasped only in terms of the system of meanings to which it belongs. Furthermore, qualitative inquiry avoids objectification and homogenization of women and allows me to act as a midwife for their diverse voices and their narratives to emerge alongside a full expression of emotion - rage, sorrow, affection, and ambivalence. Qualitative inquiry, in addition, allows practicing care and compassion in addressing highly sensitive (Lee and Renzatti, 1990), private, unofficial and invisible (Oakley, 1974, 2000) subject matters such as violence. The rich and diverse set of materials obtained through qualitative inquiry paves the way for a more comprehensive and holistic picture of violence against women to emerge, which has roots in the lived experiences and everyday lives of women. Sandra Harding (1987: 2; as quoted in Seale, 1998: 38) “argues that all methods, or evidence gathering techniques, within social science fall into one of three categories: listening to or interrogating informants, observing behaviour, or examining historical traces or records. Feminist research may use any or all of these.”

To generate data I applied mainly in depth face to face interviews (Oakley, 1974 & 1981)⁶⁸ with most of my participants. Additionally, I used other qualitative methods such as life history and focus groups whenever appropriate and possible. I employed the life history (or ‘life stories’, ‘life narratives’, ‘oral histories’)⁶⁹ technique (Plummer, 2001) to generate rich data, mainly in relation to women

⁶⁷ As De Vault (1996) and Reinharz (1992) argue feminists choose the approaches to research that suit their diverse perspectives and satisfy their objectives.

⁶⁸ Feminists believe that the indepth interview, which involves direct contact with the participant, is one of the best methods for generating rich data.

⁶⁹ Like Plummer (2001) I use these terms interchangeably.

farmers.⁷⁰ The popularity and suitability of the biographical method in studies of women's lives is 'for reading a social "group" that does not often speak on the social stage, more precisely, whose discourse has not, until recently, been perceived as legitimate' (Chanfrault-Duchet, 1991: 77). This method assisted me to construct a reciprocal relationship with the participants (Harding, 1987; Personal Narratives Group, 1989) and smooth the progress of the communication. Women were happy to tell me the story of their life and their lived experiences and I was pleased that I was "listening to, recording and understanding women's own descriptions and accounts" (Maynard, 1994: 11). I was giving 'a voice' (De Vault, 1996: 32) to 'previously voiceless' women (Gluck, 2002) or 'mistranslated women' (Behar, 1993). 'It is particularly valuable for uncovering women's perspectives' (Anderson and Jack, 1991: 11 in Gluck & Patai (ed.), 1991).

I found the experience of my focus groups very useful, although I was fully aware of those who highlight the disadvantages of focus groups, as they argue that the participants with dominant characters can overshadow the more inhibited participants and manipulate their views (Litoselliti, 2003). Doing this research made me realize that the main issue is to choose the right and appropriate method that can fulfil the aim of the study. The highly sensitive subject matter of this research required a flexible approach in employing different qualitative methods with different types of subjects in different contexts. I had to tailor my interview techniques and research questions to my interviewees and to the situation in which the research encounter occurred. Meanwhile, I found that naturally occurring conversations (Silverman, 2001) was a very useful way to produce data.

I prepared an interview guide⁷¹ and I used tape recorder whenever possible and I took notes when it was not appropriate due to the sensitivities of time and place.

The encounter between the researcher and the researched is the site of the first level of hermeneutics through which the 'data' is constructed. In this stage, it is

⁷⁰ As Plummer put it, 'the gathering of a life history will entail the subject moving to and fro between the developments of their own life cycle and the ways in which external crises and situations (wars, political and religious changes, employment and unemployment situations, economic change, the media and so forth) have impinged on this' (Plummer, 2001: 39-40).

⁷¹ Appendix B

assumed that direct access to women's experience is impossible. The binary of gathering data and interpretation is not sustainable anymore. As Scott pointed out "experience is at once always already an interpretation and is in need of interpretation". As Alvesson and Skoldberg put it "The interview is an expression of the interpretive work of the subject, both in relation to relevant aspects of life and in connection with the interview situation. ..." (2000: 261). The acknowledgment that any empirical material is a construction, and consideration of the interpretive character of all observations, interview statements, questionnaire answers, and the like are important elements in reflective research. At this stage, the main concern was to act as a caring and skilful midwife to give birth to the participant's interpretation of their own experience of violence. I stayed committed to the spirit of empiricist feminism (Alvesson and Skoldberg, 2000) in making women's experience (Oakley 2000) the centre stage of the research without treating it as the foundation of true knowledge or essence of reality. I hold the position that there is no way to have access to the women's experience of violence in its totality and its pure and unmediated form. This is a positivist dream which was shattered after the 'language turn'. Skeggs notes that the accounts of her respondents "are just as partial as [her own] selections." (1997: 28, 162) The nature of interpretation is always participatory and dialogical. Now the question is how a researcher can do the job of midwifery well enough to be able to achieve an authentic, honest, and willing account of women's experience? It is worth noting that, although interpretation is always a joint adventure, the authorship of the interpretation at this level mainly belongs to the participant, while at the other levels of interpretations, the authorship mainly belongs to the researcher. It is also worth noting that authenticity is still important, even if we adopt a purely constructionist approach to interview. Authentic accounts make the researcher able to have access to the full richness of the interpretive repertoire of each participant; a wife may have an interpretive discourse in front of her mother which is different from her mother-in-law, both different from when talking to other women, still she may take the position of silence when attending a session with men. It is important to have access to the full range of strategies and narrative versions available to the participant. As Gergen and Gergen put it (2003; 580) "Once we realize the possibility of multiple voicing, it also becomes evident that each individual participant is polyvocal." It is important to create a fertile ground to hear all of these voices. This version of authenticity is independent.

although not incompatible, with/from authenticity as true reflection of what happened in reality. To get access to different voices of women, in some cases, I had a great chance to interview them over a period of weeks in different contexts (e.g. as a wife or as a mother-in-law in different settings, either alone or at the presence of their family or in the company of their husbands).

Participants

Following the logic of polyvocality inherent in reflexive methodology (my adopted methodology), I attempted to reflect the voices of victims of violence alongside the perpetrators and those who provide religious (implicit or explicit) sanctions or prohibitions for such an act. This enabled me to think about the three different perspectives separately and in relationship. I interviewed altogether 62 individuals: 40 women⁷², 14 men⁷³ and 8 people involved in the judicial system⁷⁴ for the prevalence of domestic violence and their perceptions of the legitimate/illegitimate reasons behind all types of act of violence against women. Having different groups of the interviewees gave me a fuller picture of both the interpretive repertoire and the reality of causes of violence against women. In the following sections I will explain the procedures I undertook to get access to these groups.

Participants' location

My research was based in Gilan⁷⁵ province situated in the north of Iran. Gilan lies along the Caspian Sea. Due to its humid and moderate climate, with plenty of annual rainfall, it is an agricultural region with mainly rice as the most important produce. Its unique natural settings - green and forested, mountainous and coastal - attract many domestic tourists to the region. The city of Rasht is the centre of the province. People mainly speak the local dialect (*Gilaki*). In spring (the plantation period, *nesha*) and in September (the harvest time, *dero*) women work

⁷² Appendix (C)

⁷³ Appendix (D)

⁷⁴ Due to confidentiality issues I can not provide the judicial official's characteristics.

⁷⁵ The province of Gilan has a population of 2,241,896 with 13,952 (km.²) and 5.387 (mi.²)

hard in the farm. This is a source of income generation for women. There is a gender division of labour in the farms. While women are extremely busy in the spring (for plantation), men's main job, the harvest, starts in September. However, sometimes both men and women get involved together in doing these seasonal jobs. In my interviews with women farmers I realized how the gender division of labour in the farm is highly important in the abuse of women by their husbands, their families (especially mothers-in-law) and male relatives (these will be discussed in the following chapters). My interviewees were mainly from three different towns⁷⁶ with different backgrounds. There were two interviewees from Tehran one of them was a female lawyer and the other was a civil servant.

Procedure to get access to the women participants

My research questions guided me to select my participants from all walks of life using snowball technique which was proved to be highly efficient. To find the interviewees many people helped me. Being a local (knowing the local language) and having connection to a variety of people helped me to interview different people with different backgrounds. Through my mother-in-law, a house wife, and a farmer herself, I could get access to her neighbours and relatives who were willing to talk to me. Being a teacher and an academic woman living and studying in the west it could be very difficult to get access to these women without experiencing some problems. They could trust me and open their hearts and minds because I was acquainted to them by my mother-in-law. Through my friends and my family, I could get access to middle class and upper middle class women. Most of them were educated or highly educated women who were either housewives or professionals.

A number of the interviewees knew me formally. Some of the younger participants were my sister and my former students (in the past). A few of the older generation were the parents of my former students. This by itself helped me a great deal to gain their trust. A teacher is usually regarded as a respectful and trustworthy member of the community. It was fascinating for me to find out that I was held with such a high regard in the community. Even those who held office did not feel any risk when I approached them. My initial thought was that if I declared my research subject, violence against women, they would reject me and even cause trouble for

⁷⁶ Due to confidentiality I cannot provide the name of the towns here.

me. I however did not experience any major obstacle to my work and enjoyed high levels of cooperation. My personal background and connections played a large part in paving the way for my smooth landing in the research field. I approached them informally through friends who themselves held office. I explained the nature of my research and my academic interests and intentions. However, unlike Western academic research which gives guidelines in relation to codes of conduct and ethical procedures (e.g. Association of Social Anthropologists 1999, British Sociological Association 2002), I could not fully explain the interviewees' rights and present them in the form of consent letters. This had the risk of losing the interviewees' trust and comfort and putting them in a formal setting and could damage the entire interview or even mean not having any interview at all. I orally explained to them the issues needed to be raised such as their right of withdrawal whenever they wanted or their right of anonymity and so on. It is very important to note that blind application of Western concepts of ethical codes in a different context may produce adverse results, compared to what the original intended aims and purposes of these codes were. Major rewriting and restructuring of the ethical codes of research is required in each and every context to match the historical and contingent sensitivities of time and place. Jieyu Liu (2005), in her work in China, pointed to the same fact that because China (like Iran) is a relational society, she had to modify some of the western ethical issues she found problematic in her research.

The notion of power in relation to the women interviewees

Finch (1984) argues that being a woman can help greatly in facilitating the relationship between researchers and the researched. Other feminist research suggest that other factors, such as class, social status, race, age, can play a major role in the relationship between the interviewer and interviewee (e.g. Ribbens 1989). Throughout my research, I tried to keep a friendly and informal setting, so that my interviewees would not feel that they were only part of a research project providing research materials for me. The conversational and easy atmosphere of the interviews encouraged women to openly tell me things they have never told anyone else, especially in relation to their sexuality. However, in such cases they asked me to turn off the tape-recorder.

I relied on empathetic identification in order to create an atmosphere of listening and trust, based on avoiding hierarchical relations to attain an authentic account of participants' experience of violence. I attempted to disrupt the usual epistemological power relation between the researcher and the researched by reminding myself that my participants were not only 'knowns' and 'knowables' but 'knowers'. I treated my participants as co-producers and mines of fresh and new insights into the structure of power/knowledge creating violence against women. This was useful in terms of providing an opportunity for me to clarify, revise, or change any particular preconceptions I unconsciously or consciously carried over to my research field. Skeggs (1997: 2) maintains that her study demonstrates "How theory can be radically transformed if others [participants] are let in on the conversation." I did my best to organize my interviews in several sessions to stir the generation of atmosphere of trust and friendship. I hoped that my empathy, plus my honest intention to put the knowledge attained during this encounter to uncover the causes of violence against women in order to reduce it in society at large, would create an atmosphere of friendship and emotional intimacy where souls are bared and pretence is stripped away.

This personal investment and involvement proved to be crucial in breaking the ice and my being allowed entering the different layers of interpretive repertoire of each participant; "Personal involvement is more than just dangerous bias - it is the condition under which people come to know each other and to admit others in their lives." (Oakley, 1981: 58). As Skeggs (1997: 207) puts it, "The development of trusting relationships between researcher and researched and the goal of using social research to further the interests of the people who participate in research studies, has been the avowed aim of many feminist social researchers." One example of how this caring and feminine approach to the relationship between the researcher and the participant would work was given in Oakley's work (1981: 50) when her participant says: "I could never speak to my own doctor about it. You see I feel like this but I can talk to you about it and I can talk to my sister about it."

Women were pleased to unload their unhappy experiences, but at the same time they wanted me to inform them of my personal opinions in order to find ways to achieve peace and harmony in their own social reality. Before the interview, I explained to them that I could not do anything except listen to their stories and share their pain. I informed them of my duties as a researcher rather than a reporter or a

family consultant or a psychoanalyst. It was difficult and frustrating to see some of them were sobbing and crying throughout the entire interviews.⁷⁷ But at the end they admitted that they were really happy to have done the interviews. They admitted that they felt relief. I met some of them later on at different occasions and I could talk to them freely and share my information and opinions about different subjects they inquired about.

Most of my interviewees did not have any problems with, or resistance to, the tape recorder. I assured them that their identities would be kept anonymous and pseudonyms would be used instead. They were all given the pseudonyms right at the interview settings. This created a relaxed atmosphere in which they could share their stories with me without being worried about anything. It is interesting to note that the older women did not have any problems at all; they were happy to tell me their real names and a few of them were thinking that they would subsequently appear on the TV or radio programs. They even welcomed it. In one instance, one of them was trying to cover her hair and wrap herself tightly into her chador and speak formally. I explained to her that I was only recording her voice and that was only for my personal use.

Overall, women were happy to talk to me, both those who were thinking that their stories would be broadcast on the media and those who did not feel comfortable initially with sharing their intimate problems with me. The subject of violence against women and women's rights is not a new subject for Iranian people. There are many discussions around. On reflection, although I could make an easy relationship with older, illiterate and farmer women and their talkativeness helped me to find out more about their experiences, I felt more comfortable with younger generation, especially those who were educated. Normally, the duration of the interview with these women was longer than the older women. On some occasions I had to explain the terms to them, for instance, some of them could not comprehend the word 'violence' (*khoshoonat*) so I had to put it differently to make things understandable for them.

⁷⁷ I must confess that there were some occasions where I cried with my interviewees.

Procedure to find participants in the judicial system

To find the participants in this group I used my husband's connections. Through his 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 my men and women interviewees. Had it not been for informal access provided by these people I would have needed to go through a set of painful, time consuming and hopeless procedures to get access to my participants; especially access to the judiciary people could have been hampered seriously.

The participants comprised of four male judges plus one female consultant, two lawyers one male and one female⁷⁸, and one male clergy (he was the representative of *Velayat-e Faqih*⁷⁹) and a lecturer in the region of Gilan. Most of them were middle age with the exception of a young lawyer in her early thirties and all of them had degrees in higher education.⁸⁰ In-depth face to face interviews with semi-structured questions were conducted in all cases of this group. The duration of the interviews varied between 20 minutes to three hours and, in some cases, three days, depending on their time and conditions. I let them ask any questions they had about me and my research. 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. Different places were selected to conduct the interviews: the courts, offices, the participants' houses, or a friend's house.

I conducted one interview with the head of one of the branches of the judiciary system in one of the cities in Gilan. I was informed that he was a conservative Islamist with strong feelings and views on Islamic values. I met him a few times in his office and he let me attend a court hearing and gave me permission to interview men and women who were there. After attending a few sessions in his office, witnessing a few cases, I requested an interview with him. He accepted but he

⁷⁸ She was from Tehran.

⁷⁹ Political leadership— in the absence of the divinely inspired Imam – bestows on the *faqih* or jurist who is the most qualified person to lead the community. This concept was introduced by Khomeini, the first leader of post-revolutionary Iran.

⁸⁰ The clergy man was also a graduate from *Hozeh-e Elmiyah-e Qom* in religious studies.

was not willing for the interview to be recorded. He asked me a few questions about my educational background and when I told him that I studied psychology he showed some interest and asked me a few questions. He told me that he had passed psychology course at university. We had an interesting conversation which facilitated the environment for me to develop my questions.

I conducted two interviews in the family court in one of the city with two individuals, a male Judge (Mr Y) in his early forties and a fifty five year old female judicial consultant (Mrs. K.). I was introduced to them by the head of the family court. It was a great opportunity because not only did they let me attend their courts but also they dedicated their valuable time (a whole morning) to answer my questions. This court was specifically devoted to family disputes. Therefore, it was a perfect place for me to interview both staff and clients who were there. Considering the little time I had, to make the interviews more productive and efficient, I tried to cover certain issues as much as the situation allowed and to keep our conversations as friendly and flexible as possible to create a trustworthy environment. The male judge asked me about my background and when I told him I had done psychology in the past he became very delighted, as he also had a similar background, but he explained to me that in the middle of his study he gave it up to study law. We talked about our common lecturers and different courses and he was showing great interest in my research and he willingly cooperated with me and asked his female consultant to participate in my interview as well.

I interviewed another judge in the criminal court in another town. This court mainly deals with criminal cases; they usually refer issues in relation to the family to family courts. The judge allowed me to attend his court hearings, interview people and read their files. I also was given an opportunity to speak to him at a friend's house, where he felt more relaxed and talked freely about his personal views, ideas and even his personal relationship with his wife. The other interviews with another judge and his friend (a lawyer) took place in the judge's house. I behaved differently in different contexts. Flexibility was the key. On the whole, I interviewed four judges. On three occasions my husband accompanied me and his presence at those meetings facilitated the interviews a great deal. The last interview took place in Tehran with a female lawyer in her office.

The notion of power in relation to the judicial system

In relation to the power relations between me and the very powerful people in the judiciary I must confess sometimes I felt intimidated. I dressed up conservatively with no make up exactly like the female staff there. This facilitated my entrance and it also helped me to gain the interviewees' trust. I always feared being stopped at the entrance door by the security guards or that my mere presence in there could raise some questions. However, my anxieties were reduced when I was reassured by our friends (whom I relied on from the very beginning) that it was 'okay' for me to be there. I also reduced my nervousness by thinking positively that I was there to investigate and understand⁸¹ legal issues surrounding the victims of domestic violence, which could help the system to be more effective in dealing with violence against women.

Procedure to get access to the men participants

One of the aims of this study was to investigate domestic violence from the varying perspectives of the main parties involved: women, men, and the judicial system. I believed that the experiences of men would increase my understanding of the issues highlighted in my research with women.

However, finding men and interviewing them proved to be far more problematic due to my gender affiliation and the "closed culture" of the town I was residing in. Had the research been carried out in the capital city, Tehran, my experience could have been different. Talking to strangers, randomly in the street or parks, was too risky for me as a woman. In relation to interviewing women, for instance, I could talk to them in the streets, seaside and court corridors or sit with them alone in prayer rooms. In contrast, I could not do the same thing with male interviewees without jeopardizing my situation and my family's reputation⁸². Out of

⁸¹ Due to politicization of the 'violence against women' issue in Iran, conducting research around this topic was not risk free, especially when the research was being conducted by someone who was studying in the West. The government in Iran is very sceptical about the intentions of research. I was aware of the fact and this made my very nervous. Unfortunately, the risks involved in this kind of research could have profound implications on women's lives, since scholars avoid addressing these sensitive topics in a more critical approach.

⁸² Gender segregation policies which were/are being practiced widely in Iran and also culturally any men and women's social engagement is regarded as inappropriate and could have serious consequences, especially in small towns.

the 14 men I had the chance to interview, only three were total strangers. I met and interviewed two of these strangers in the courtroom whilst the other was a taxi driver I interviewed for about 40 minutes (the duration of travelling from one town to another) while he was driving. The most appropriate way to have a relaxed, in depth and face to face interview was to do it in the presence of the others, such as family members (in a group gathering) or in a family house with the attendance of my husband. The 11 other male participants were recommended to me either by friends and family or by their wives (some of whom were my female interviewees). This helped enormously in breaking the ice and social taboos, particularly in the context of one of the most religiously conservative towns in the northern region. The group-gathering interviews proved to be the most useful method in order to elicit information and raise more questions. The duration of the interviews was longer than any other type of interviews. The duration of interviews was between 20 minutes and 3 hours. To conduct interviews I travelled to three different towns⁸³. In addition to interviewing these men I also had permission to read the files in the family court. One of the files was related particularly to domestic violence.

I started each interview by introducing my research and myself. I explained to my male participants what they needed to know about the interview and let them ask questions, informing them that they could withdraw from the interview at any time. Depending on the contexts and the nature of people (as well as different places), I put my questions in different shapes and forms. For example, once, while I was introducing the subject of my research to one of the male participants, I asked him whether ‘it ever happened to him to beat his wife⁸⁴’ and he angrily responded to me that my question was wrong. When I asked him how I should put my question he replied:

“ZT: what should I ask, do you think?”

H: you should ask what she did wrong to deserve to get beaten.

ZT: so you think she did something wrong and deserved to get beaten?

H: when a man works all day and comes home tired and his dinner is not ready on the table, whose fault is that? If I beat her is it my fault?”

⁸³ Due to confidentiality I do not cite the name of these towns.

⁸⁴ In her interview, his wife also reported had been beaten for not making food ready on time.

I learned my lesson and when I met him again in a group gathering with others I told my male participants that I was interested to know about family conflicts and the reason behind husbands and wives' disputes. I did not see any reasons to ask these men whether they beat their wives or not right from the beginning. This is firstly, some of them were introduced to me by their wives I had already interviewed and who had told me about their husbands' violent behaviour and secondly during interviews when the conversation had developed naturally enough they eventually admitted to their violent behaviours. However, they tried to justify it and to convince me that they had good reason for doing so.

'Power' in relation to men interviewees

I must confess here that due to my personality, which I feel is forthright and not shy or submissive, I had great difficulties in listening to these men. Nevertheless, to my surprise (and those who know me) most of the time, I controlled my emotions and did not allow them to interfere with my work. I constantly reminded myself that I was in the field doing a research project and my job was to listen to my participants and not to make any confrontations. At the end, I succeeded in abstracting myself from the emotive situations and used skills learned in the methodology course to carry out successful interviews. My experience revealed to me that my gender and my participants' gender played a major role in my work. As a woman, I had great advantage in approaching women, especially regarding such sensitive issue as violence. Regarding the 'power' relation between me and my female participants, all my efforts were aimed at reducing it to create less hierarchical relationships. However, this was different for my male participants. Culturally and socially as a woman I have been situated in a lower position to my male counterparts from the beginning. As a woman I am highly educated, mature, married and the mother of two children. Each of these characteristics helped me a great deal to build up a power relation with the male participants. I needed to assert my power in order to be able to control and gain respect from some highly volatile men who raised their voices and used aggressive body gestures. I had to be firm in order to control my male participants in a group as they all wanted to take control. Sometimes their wives (whom I had interviewed previously) were present in these meetings and most of the time they quietly listened to the issues raised in the

interviews⁸⁵. Eventually, I built up constructive relationships in which men felt they could talk to me with no fear of being judged. From the very beginning I informed my participants that I was only there to hear their points of view and ask them questions and, as such, they must not try to seek any confirmation from me or put me in difficult positions by asking me to judge between them and their wives.

Apart from one of the participants (who was a builder and had little education) the rest were educated or highly educated, professional men. Their ages ranged from 21-60 years old.

The Insider / Outsider issue

It is true that through empathy and honesty I was able to have access to the keys of my participant's world, but was I able to grasp the terms and meanings of the participants' narratives pertinent to their experiences? My insider position as an Iranian woman (and as a local woman) gave me some advantages to be able to decipher subtleties of verbal and non-verbal language (pauses, emphases, laughs, signs of doubt, ridicule, body movements, ...) and what is left unsaid and excluded. These delicacies may seem "apparently trivial, but [are] often crucial" (Silverman, 2001: 33) in reaching to the heart of what participants try to say. Silverman offers the example of research being done on cancer patients on whether they had adequate understanding of their conditions as being fatal. In this research patients' reactions emerged in the very soft utterances (like 'yes' or, more usually 'mm') (Silverman, 2001: 34). The importance of these subtle forms of expression was initially missed by the researcher. As Schwandt (2003: 297) puts it "the idea of acquiring an 'inside' understanding - the actors' definition of the situation - is a powerful central concept for understanding the purpose of qualitative inquiry."

Nevertheless, being insider, in terms of sharing language and culture or gender, may not be enough. Skeggs (1997: 209) points out that being a woman is no guarantee: "Social class and ethnic differences between interviewer and interviewees can put up barriers at least as high as gender differences." Virginia L. Olesen (2003) reports a set of articles regarding problematization of the conceptualization of insider/outsider issue. Kath Weston's report of her struggles with these issues

⁸⁵ These women told me after the interviews about how they enjoyed seeing a woman running the meeting and managing their stubborn men.

summarizes the problems: “A single body cannot bridge that mystical divide between insider and outsider, researcher and researched. I am neither, in any simple way, and yet I am both” (1996: 275).

I see Gadamer’s concept of ‘fusion of horizons’ as a possible way of creating a possible crack in what Weston calls “mystical divide between insider and outsider”. For Gadamer, to understand others means to understand their worlds, to venture into other individuals’ meaning-fields. Every world is a ‘horizon’. To delve into another individual’s horizon, one needs empathy, but it is deemed as not enough because, for existential hermeneutics, every individual is inevitably enmeshed in her own meaning field. What is required is transcendence from our own individual horizons. Alvesson and Skoldberg (2000: 84) point out that “the existential hermeneuticians advocate a constant alteration between merging into another world and linking back into our own reference system. By means of this movement back and forth, we can successively come to an understanding of the unfamiliar reference system, something which also leads to the gradual revising and/or enriching of our own; there is a ‘fusion of horizons’ (Gadamer, 1989: 306-307).” By following the logic of fusion of horizons as an integral part of reflexive methodology, I was hopeful to break some of the walls of unfamiliarity between ‘self’ (the researcher) and ‘the other’ (the researched). Bohman (1991; quoted in Alvesson and Skoldberg, 2000: 85) believes that we can break the walls of incommensurability and achieve fusion of horizons through the power of conscious reflection.

In order to access the participants’ interpretation of their own experiences I needed to translate and thematize their body of statements from Persian (Farsi) to English. The next section will address these two issues.

Processing the data and writing up: The procedure to find the themes in interviews

I transcribed all the tapes which took almost a period of 3-4 months. To be absolutely accurate, sometimes I had to listen to the tape repeatedly. I referred to my notes where I wrote down some of the information my interviewees did not want to be recorded on the tape (but were happy with the notes). I assigned the participants pseudonyms, as I promised, to respect their trust and observe the codes of confidentiality. I translated all the interviews to English which proved to be a very

difficult and time consuming task. The result was a huge amount of data. In the next stage I read them again and codified the data into some themes. While doing so 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. The thematization of the participants' accounts is the co-product of the participant and the researcher, with the participant having the main role in highlighting and stressing the main themes in the process of the research questions.

The first interpretive stage generated empirical materials for further analysis at the discursive level (interpreting participants' interpretation) and critical level (critical interpretation).

In the following sections, I will reflect on the discursive interpretation of the participants' accounts.

Translation

Birbili (2000) suggested that there is a need for the social researchers who translate the data from one language to another to be precise in explaining the translation procedures. To translate my questions, topics and instructions from English to Farsi and in the translation of the participants' accounts from Persian to English I was helped by my supervisor who is fully fluent in both languages. Nevertheless, I brought Birbili's points into my consideration to achieve 'conceptual equivalence or comparability of meaning' (Birbili, 2000), I made an effort to produce meaningful and reminiscent translations of my questions and instructions. Before conducting the study on my main participants, I did a pilot study on a small group of close relatives who were willing to take part. This helped me to acquire some useful information about the use of appropriate terms and different ways of using the language. For instance, I found that I needed to use different meanings for the word 'violence' (or *khoshoonat* in Persian) to my women interviewees (this is explained in another section of this chapter). To translate the participants' accounts from Farsi to English I used Persian dictionaries⁸⁶ and to translate the metaphors, idioms, and proverbs I provided both translation and explanation where it was

⁸⁶ Aryanpour Persian Dictionary: <http://www.aryanpour.com/>

appropriate. I was careful to take into account the cultural contexts. This will be discussed in the following section.

Second level: Discursive interpretation of participants' interpretation (the discursive level)

At this level, I concentrate on the discursive structure of the participants' interpretation of their own experience of violence. I treated the interview materials not as mirror image or map of inner or outer world, but as speech acts analysis of which preoccupies us. Alvesson and Skoldberg describe the discursive level in the following terms: "The discursive level, at which language use and expressive mode do not stand for - or are not interpreted as- something else (for example, reflecting external conditions or the minds of the language users), but are themselves the object of study. What is then interesting ... is the way different people in different contexts express themselves on the subject of their ideas, the motives of others, events and so on." (Alvesson and Skoldberg 2000: 209) At this level I focus on 'how' people construct their arguments and make sense of their own experiences by resorting to the interpretive repertoire (the portfolio of discursive resources available to them in their culture). Discourse analysis and the Derridian type of deconstructive analysis can lay bare the fairly comprehensive picture of the interpretive repertoire available to each participant. Discourses which people employ to tell their stories about violence they experienced and the commonalities and differences between participants can emerge and the full range of influential discourses through which women's experience of violence is formulated can be highlighted and investigated. It is interesting to find out how, to what extent and with what different varieties men and women or judicial officials replicate or deviate from the traditional orthodox discourses of marriage and its ethico-legal, ontological, and epistemological discourses (see chapter 2) in their attempts to construct narratives of violence against women. In essence, I treat the interview materials as texts in themselves irrespective of whether they tell us anything about external or internal worlds. I use a wide range of analytical tools such as hermeneutics, discourse analysis, and deconstruction analysis to unravel the patterns and regularities, coherence and contradictions and

binary structures embedded in the structure of power underlying the construction of narratives about violence.

As Alvesson and Skoldberg put it, at this stage “The basic overall rule is to treat all empirical material as expressions of culturally standardized discourses that are associated with particular social settings” (2000: 234). Accounts of ‘experience’ are understood “as the outcome of a particular textual/cultural history in which people learn to tell stories of their lives to themselves and others. Such narratives are embedded within the sense-making processes of historically and culturally situated communities” (Gergen & Gergen, 2003: 578)

This discursive interpretation of accounts of experiences should be contrasted with the positivist approach to them. In a positivist approach ‘accounts’ are ‘simply representations of the world’. By contrast, constructionists are interested in documenting the way in which accounts “are part of the world they describe” (Silverman: 2001: 95). Following a social constructionist direction, this level of analysis involves thinking about how the respondents are using culturally available resources in order to construct their stories. As Richardson suggests: “Participation in a culture includes participation in the narratives of that culture, a general understanding of the stock of meaning and their relationships to each other.” (1990:24; quoted in Silverman: 2001: 100).

Treating lies, errors, contradictions and ambiguities

The possibility of lies, deception, errors (Van Maanen, 1979) cannot be excluded or totally eliminated. But that is part of human interaction and to some extent unavoidable. When I suspected a participant had told me lies or if they are inaccurate in their accounts, I attempted to determine what he or she hoped to achieve by deceiving me. This type of discursive investigation transforms lies and deceptions into “normal and interesting” data, which could lead me to the interpretive repertoire of Iranian culture. If we treat interview material as speech acts aimed at achieving something, what image is the person trying to construct, and why? This naturally leads me to the historically and culturally legitimate discourses of Iranian society. If we treat interview material as speech acts aimed at achieving something, what image he/she is trying to construct and why? This naturally leads me to the historically and culturally legitimate discourses of the Iranian society. Lies

and deceptions have analytical value for the researcher. Errors are unavoidable and part of human fallibility and relying on my own cultural self and other sources I tried to reduce the effects of errors on my analysis of the data. Regarding how errors should be handled in the research, Cicourel (1964: 74; quoted in Silverman; 2001: 96) argues that we must learn “to conceive of the error as evidence not only of poor reliability but also of “normal” interpersonal relations”.

Another even more relevant and sensitive question is how I should treat contradictions and ambivalence in the positions and views of individual participants? I made an attempt not to press contradictions or ambiguities into coherence. This takes us into important ontological realm of polyvocality or presumption of cohesive self. One of the strong ontological assumptions underpinning the modernist project of progress and positivist social science was the perception of self as cohesive, unified, purposeful, and stable (Flax 1995). As Gergen and Gergen (2003: 595) point out: “Informed by Enlightenment conceptions of the rational and morally informed mind, [scholars] place a premium on coherence, integration, and clarity of purpose. ... the conception of singular or unified self is both intellectually and politically problematic”. I broke away from this ontological assumption and embraced the poststructuralist conception of self as socially constructed, and divided, contradictory, and decentred. But I tried to avoid totalizing such an ontological assumption and saw self as cohesive in some contexts (such as against a sworn political enemy) and multiple in others.

A participant may take contradictory positions regarding violence against women when put in a position of wife, compared to the positions of a mother or a step-mother. These possible contradictions offers valuable insights (Hurtburn, 2003) regarding the nature and content of interpretive repertoire in Iranian society, which can be a good guide to the role of the orthodox jurisprudence’s formulation of marriage and its associated discourses of sexuality, gender difference, and motherhood (see chapter 2). William F. Whyte has observed: that “In dealing with subjective material, the interviewer is, of course, not trying to discover the true attitude or sentiment of the informant. He should recognize that ambivalence is a fairly common condition of man - that men can and do hold conflicting sentiments at any given time. Furthermore, men hold varying sentiments according to the situations in which they find themselves” (in Silverman; 2001: 112). I attempted to be sensitive to the contradictions and ambivalence and act as a midwife when they

were about to emerge. Ambivalence and contradictions convey messages to the researcher about what the participants are trying to achieve by falling prey to ambivalence and contradictions, consciously or subconsciously. In a sense I abandoned the positivist ideal of “one man one voice”.

In addition, I attempted to reflect coherence when it emerged as well. I tried to be open to embrace individuals as cohesive in some contexts (such as in dialogue on the political realm) and contradictory in others (such as dialogue on family life). I left the door open for signs of ambivalence, doubts, undecidedness, and playfulness. The positivist design of research (experiments, questionnaires, and structured interviews) is based on a strong ontological assumption of self as cohesive and purposeful, and without ambiguity and contradiction. The poststructuralist approach views self as decentred, contradictory and multiple. In the spirit of avoiding categorical and binary thinking and fully consistent with reflexive methodology, I perceived self as cohesive and cantered, contradictory and decentred, ambivalent and doubtful pending on the contexts and realm of dialogue. For example, in front of superiors (or in the context of a dialogue about superiors) a person may reveal or construct a cohesive self, while in front of subordinates or family and friends an individual can let her/his contradictory or ambivalent self emerge. “Postmodernists are certainly right in questioning whether ‘properties such as unity, identity, permanence, structure and essences, etc. are privileged over dissonance, disparisaty, plurality, transience, and change.” (Chia, 1995: 58) “Rather than celebrating and privileging the second set of concepts, avoiding both forms of categorical thinking and being open to the selective use of each of them whenever it seems productive may be the most fruitful route to follow” (Alvesson and Skoldberg, 2000: 196).

Following the spirit of Derridian deconstruction (Hughes, 2002), I also paid particular attentions to what is unsaid, unsayable or excluded, as part of Derridian deconstruction applies to any text, including the materials obtained in interviews and conversations and even during interviews and conversations.

Third level: Critical interpretation (addressing “what” question)

At this level an attempt was made to connect the interview materials to the experience of violence in social reality. As Alvesson and Skoldberg (2000: 208-9)

put it at this level, the interview materials and other utterances are “used as the starting-point for more extensive interpretations of other phenomena ... [such as] conceptions (values, ideas, motives and so on) ... and actions and social conditions where research aims to say something solid about relations, behaviours, events, social patterns and structures ‘out there’”. I connected the empirical materials to the internal and external worlds of participants regarding violence against women. At this level the researcher uses her own interpretation to connect the participants’ interpreted and narrated experience to the reality of violence against women. The researcher uses her own interpretive repertoire to make sense of what is at the roots of participants’ experience of violence. The concentration is firmly on interpreting the interview materials as regard to the “what” question. What causes or justifies violence against women in reality. At this level I did not presuppose that my women participants had a privileged position to have access to the truth of what causes violence against them; they might or might not. Clarifying the issue as to whether they indeed provided valid knowledge of the true causes of violence in their narrated experience required critical analysis.

I could not submit to the idea that via being in the position of victim of violence or due to their gender identity they had special access to the truth of their own situation. They might or might not suffer from false consciousness or they might offer only a partial knowledge of what is really at the roots of their misfortune. Scholars of standpoint theories view feminist consciousness an achievement (Hughes 2002). I adopted the position that nobody, the researcher, or the researched has any special advantage to have access to the truth; what makes research more likely to achieve a degree of objectivity is how well it can achieve polyvocality. Due to my academic background, I have naturally access to a larger interpretive repertoire (stock of different types of theories) compared to my participants, which allowed me to look critically at what they perceive to be the root-causes of their pain in terms of the experience of violence. Loosely speaking, my original position is a Foucauldian analysis of power/knowledge which is the source of my ontological position. But I tried to turn the level of critical interpretation into a site of polyvocality of interpretations (pluralism) through application of alternative theories such as Marxist feminism, liberal feminism, existential feminism or theories of psychoanalysis in order to make critical connection between participants’ narrated experiences and the reality of violence against women. As Gergen and Gergen

(2003: 580) point out, “Researchers may reflexively locate a range of conflicting interpretations that they find plausible and thereby avoid reaching a single, integrative conclusion” and by doing so “potentially providing rich array of interpretations or perspectives” (Hertz, 1997). Once again, via practicing polyvocality (this time in terms of giving voice to participants and alternative theories in creating connection between interpreted experiences and the reality of violence against women), I showed my commitment to reflexive methodology. This is quite consistent with the poststructural ontology of ‘self’ as multiple. In this case, the researcher’s self is the centre of attention; a researcher with a multiple self carries impulses for different theoretical frameworks. She is not a firm and fundamentalist believer in any single one of alternative theories. She sees potential and insights in each theory from a set of theoretical repertoires. The researcher who follows reflexive methodology is able to give voice to her own multiple self through active practicing of what is called perspectivism by Nietzsche or can be an example of Haraway’s cyborg by looking at the same subject from different perspectives. The set of research questions I suggested at the beginning of this chapter further ensures the application of polyvocality and pluralism in my research.

At this level the questions of objectivity and validity arises. Based on what criteria can I claim that my critical interpretation of the causes of violence against women reflects the true nature of violence “out there” against women? How can I inject trust in my conclusions in order for them to be used in public policy and other interventional forms to change the lives of women for the better? In short, the multiple voicing, both in my research questions section and in the critical interpretation, adds to the likelihood of producing an objective and valid representation of the reality of violence against women in Iran. In the framework of reflexive methodology, objectivity is reconceptualized as an active practicing of polyvocality and pluralism at all levels of research. The concept of objectivity I adopted to ensure more likely representation of the real causes of the reality of the experience of violence against woman is Longino’s concept (which is, in my opinion, embodied in Haraway’s (1991) cyborg). Obviously, I do not find the concept of strong objectivity as conceived by Harding (1987) very helpful in the context of reflexive methodology. One of the criteria used to assess the value of research is its novelty value in the sense of “developing insights, problematization of established ways of thinking” (Alvesson and Skoldberg; 2000: 277). As Bourdieu

maintains, “It is a question of achieving an epistemological break with everyday knowledge” (see Bourdieu et al., 1991; quoted in Alvesson and Skoldberg; 277). I believe that my research may offer some novel insights regarding the orthodox formulation of marriage and its associated ontological, ethical, and epistemological discourses and how they may play an active role in generating or justifying episodes of violence against women in the dynamic interplay of shari’a, the orthodox jurisprudence, law, and social reality.

The critical interpretation ensures that the modernist spirit of feminist methodology is kept alive by connecting interpretation to experience and to the reality of violence against women. Following a purely constructionist approach seems to disconnect the relation between interpretation and reality, which betrays the core of feminist methodology (a connection with the reality of women’s experience). It is worth noting that while the poststructuralist approach seeks to deconstruct the discourse of truth and how it works to marginalize, exclude, and oppress the other, it cannot get away from the idea of truth (Franks, 2001). It has to show the connection between its deconstruction of truth and the discourse of truth (otherwise the deconstruction becomes the deconstruction of everything and nothing and falls into oblivion), which is smuggling the truth claim from the back door. Gergen and Gergen note that those who have a mirror theory of truth and see their work as transparent reflections of their subject matter “are vulnerable to host of deconstructive logics. Yet those who find fault with this tradition are, in the end, without means of justifying their critique. In the very process of deprivilizing they are relying on the selfsame assumptions of language as correspondent with its object” (2003: 585).

One of the ways sought to reconcile realistic and constructionist approaches is through the idea of the situatedness of truth; the truth claims are formulated as local truths rather than universal truth. Situated knowledge is a concept aimed at “reconciling constructionist and realist positions”. ‘Truth’ is located within particular communities at particular times and used indexically to represent their conditions. Situated truth is a space between interpretations as mirror images of reality and nothing outside of text (Gergen & Gergen, 2003: 587). Any reconciliation of truth claims with a constructionist approach inevitably needs a new theory of language.

The positivist approach viewed language as a mirror of reality, while the poststructuralist perceives it as a self-contained meaning system with total disconnection between words and objects. Reflexive methodology, with its levels of discursive interpretation (addressing the “how” question) and critical interpretation (addressing the “what” question), cannot afford to ally itself with either polar cases of positivism or poststructuralism. It has to have a both/and theory of language rather than an either/or conception of it (Gergen & Gergen, 2003). Reflexive methodology tries to avoid categorical thinking in all its manifestations and in this case attempts to see language as both a mirror and a tool. Frow refers to this reconceptualization of language (or discourse as he calls it) in the following terms: “The concept of “text” or “discourse” refers to a matter which is ontologically heterogeneous: that is, which is not reducible to “language” or to a reality which is external to the symbolic, but is rather a heterogeneous mix of language and other (e.g. iconic) symbolization, of social relations, of built environment, of consolidated institutional structure, of roles and hierarchies of authority, of bodies, etc. (2003: 586)”. It’s only on this basis, I believe, that the metaphor of textuality or discursivity can work without being reductive either to language or to social relations.

Level 4: Reflexive interpretation (self-reflection)

After breaking away from the positivist view of research as a standardized activity which can produce a set of standardized and homogenized outcomes, the role of the researcher in the process of knowledge production became paramount. The research was found to be the product of the researcher who was situated in a historical, cultural, and epistemological context. The researcher is expected to be aware of the role of her own background and her feelings in the selection of topic for research, in her formulation of research questions, how the research is conducted throughout and how the empirical materials are analysed. Self-reflexivity became an integral part of qualitative inquiry and reflexive methodology.

As Gergen and Gergen (2003: 579) point out, “Here investigators seek ways of demonstrating to their audiences their historical and geographical situatedness, their personal investments in the research, various biases they bring to the work, their surprises and “undoings” in the process of the research endeavour, the ways in

which their choices of literary tropes lend rhetorical force to the research report, and/or the ways in which they have avoided or suppressed certain points of view”. I kept a high-level of self-reflexivity and reflect/report actively on how my background and my feelings shaped my research and honestly report my questions, doubts, surprises, and expectations. Before the start of research, during the research, and during the process of writing-up, I tried to show the process and procedures behind the scene of research, as far as humanly possible. I intend to demonstrate how my own background, feelings, and interpretations jointly, with the background, feelings, and interpretations of the research participants, shaped the outcomes of this research.

To practice what I preach, I have to report that, throughout my life; I witnessed or heard about cases of different types of violence against women in my family and my friends’ families and in the larger communal and societal environment. I am pretty certain that all of these experiences motivated me consciously or sub-consciously to investigate the issue of violence against women and to seek its connection with the official and formal interpretation of religion.

Summary

In summary, the highly sensitive nature of my research topic induced me to chiefly adopt qualitative methods. The specific method I adopted is mainly the interview. I intended to conduct my research in the framework of reflexive methodology which, in my opinion, closely reflects the concerns of feminist methodology. Reflexive methodology manifests itself fully in the incessant interplay between four levels of analyses in all stages of research from the start (design of the research), through field work, and writing-up. I do not see these levels mechanically and linearly as separate blocks of a process of knowledge production, but as a dynamic and interwoven process of movement between levels at each and every moment of the research adventure. Throughout this chapter I attempted to clarify, as far as possible, my position regarding the questions of subject matter, theory, method, methodology, epistemology, and ontology in the framework of reflexive methodology. However, the whole idea of reflexivity, as Alvesson and Skoldberg point out, “is the very ability to break away from a frame of reference and to look at what it is not capable of saying. ... In reflexive contexts there cannot be definite

demands - at least not heavy ones - as regards theoretical consistency, in the sense that a particular ontological and epistemological position is strictly maintained throughout. The point of reflection is rather to break away from consistency and a narrow focus on a particular aspect, to question weaknesses inherent in the mode of thought one embraces (and is easily imprisoned with), to break up and change a particular language game rather than expanding it” (2000; 246). In the same line of thought on the nature of feminist research, Ramazanoglu and Holland (2002: 147) offer the following: “In our view, the point of doing feminist social research is not to score points for political correctness, or to attain methodological purity, but to give insights into gendered social existence that would otherwise not exist.”

For me, the core and salient property of reflexive methodology is its constant and self-aware avoidance of categorical (either/or) thinking, which is fully manifested in centrality and significance bestowed to polyvocality and pluralism, and self-reflexivity. Regarding the avoidance of categorical thinking and its connection to pluralism, the following example is very interesting (this is in the context of using hermeneutics and postmodernism in the discursive interpretation of empirical materials): “If hermeneutics is well suited to the interpretation of texts possessing a basic harmony, then postmodern is well suited to dealing with contradictory wholes. Both, however, are guilty of totalizing their perspective, one in the form of universal harmonizing, the other of universal fragmentation. More reasonable is instead to examine the situation at hand - harmonious or fragmented - and then choose the methodology suited to the conditions. Thus, one should be open to both interpretive possibilities, as well as to others of a more complex kind ... Within hermeneutics ... and in postmodernism there is a rich flora of ideas and inspiration for the plucking- once we have managed to break the deadlock of **either** harmony **or** difference.” (Alvesson and Skoldberg; 2000: 104, emphasis is original). This departs drastically from the positivist research program which carries a strong impulse for standardization and homogenization. In the framework of reflexive methodology, “different voices are allowed to speak as against the traditional research ideal of limiting the number of voices (categorizing and synthesizing), meaning that researchers seek variation in the empirical work as well as in a more ambitious interpretation of the empirical material” (Alvesson and Skoldberg; 2000: 187).

In applying polyvocality throughout research stages and how it connects with self-reflexivity, Gergen and Gergen (2003: 595) have good points to offer: “we are encouraged ... to recognize both within ourselves as scholars and within those who join our research as participants the multiplicity of competing and often contradictory values, political impulses, conceptions of the good, notions of desire, and senses of our “selves” as persons.” Polyvocality plays a crucial role in the emergence of new research methodologies: “the presumption of polyvocality opens the door to new forms of research methodology. .. methods in which multiple voices are given entry into the interpretive arena - voices of the research participants, the scientific literature, the private views of the investigators, the media, and so on.” (Gergen & Gergen, 2003: 596; Ribbens & Edwards, 1998)

Ultimately, what I intend to do is the active practice of polyvocality and self-reflexivity in my own research on violence against women in Iran. If we hypothetically classify, as Shian (2000) did, the strategies of Iranian women against violence in terms of survival (submission), resistance through traditional jurisprudence, resistance against traditional jurisprudence using the reinterpretation of Islam, and resistance outside all versions of Islam, we need to understand the way in which people’s explicit or implicit understanding of Islam leads to an increase or decrease in the use of violence against women. This can be done by capturing their own interpretations of their experiences, my discursive interpretation of their interpretations, my critical interpretation of the root causes of violence through theories of ideology, power and the subconscious, and my reflection on my own perceptions and preconceptions. By this means I intend to trace the role of traditional jurisprudence and its formulation of marriage in shaping violence against women.

Reflexive feminist methodology also gives me ethical/political positions through the conceptualization of ‘understanding’ as an inherently ethico-political act. This can be conducted either responsibly, and with care and compassion and with the aim of reducing pain and oppression, or it can be conducted ruthlessly, selfishly, resulting in reproducing oppression and aggression in new disguises. I am fully aware of intense political interest in my subject matter and the outcomes of my research inside and outside Iran, and intend to use my research responsibly for the betterment of women’s lives (alongside promoting my professional status as a feminist researcher), inflicting no or minimum harm to my participants and myself.

Reflexive methodology has a theory of understanding in which, as noted by Schwandt (2003: 302), “understanding is participative, conversational, and dialogic. It is always bound up with language and is achieved only through a logic of question and answer; ...meaning is negotiated mutually in the act of interpretation; it is not simply discovered; which leads to rejection of naive realism or objectivism”. In this framework, understanding is an adventure and, like any other adventure, is full of risk, novelty, surprise and danger and in need of being morally and politically attentive and aware, and not like a rule-based activity. “Gadamer tells us that to understand is always to understand differently. But this does not mean that our interpretations are arbitrary and distortive. We should always aim at a correct understanding of what the “things themselves” [the object of our understanding] say. But what the “things themselves” say will be different in light of our changing horizons and the different questions we learn to ask. ... understanding is “lived” or existential; ... understanding as a kind of moral-political knowledge that is at once embodied, engaged (and hence “interested”), and concerned with practical choice”(Schwandt, 2003: 303). The whole reflexive understanding of understanding was nicely summarized by Smith (1997: 16) in the following passage: “All knowledge is interpretive; interpretation is always value-laden; values are ultimately expressions of some heterogeneous non-cognitive faculty, process or event (such as mechanics of desire, history, or the will to power); therefore truth claims are ultimately expressions of that non-cognitive faculty, process or event”. I intend that “non-cognitive faculty” underpinning my research to be moral values of care and compassion and political values of justice, fairness, and emancipation or betterment, for my participants, my people, myself and the world at large.

Chapter 4

Sanction and Sanctuary: The Judicial System in Iran and its Role in Relation to Domestic Violence Against Women

“Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regulatory effects of power. Each society has its own regime of truth, its general politics of truth: that is the types of discourse which it accepts and makes function as true, the mechanisms and instances which enable one to distinguish true and false statements, the means by which is sanctioned; the techniques and procedures accorded value in the acquisitions of truth; the status of those who are charged with saying what counts as true” (Foucault, 1980: 131).

“A woman should obey her husband, as this makes him really happy and fulfilled. A man should respect his wife and provide for her” (one of the judges interviewed as part of the study).

Introduction

The judiciary, a formal mechanism of conflict resolution, plays a major role in defining violence against women and designing various devices to tackle it. 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? Whose voices are represented, and using what discursive strategies? And to what extent can they influence the legal outcomes? 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.

On the basis of their social and political backgrounds and current positions, the participants are divided into two groups: judges (who are directly involved in decision-making in the Iranian judiciary) and non-judges (those who are indirectly engaged with the judiciary: lawyers, consultants and university lecturers). They are

also classified according to gender. 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.

In this chapter, first, I will discuss the structure of the judiciary, including the definitions related to the laws of the land and their sources, the process of law-making and the procedures designed to resolve conflicts within marital relationships. This will be followed by analyses of the interviews with the judges and the accounts of other participants (lawyers, consultants and lecturers).

A brief introduction to the judicial system in Iran

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.

The question is, "How widespread is the use the judiciary in resolving criminal or civil conflicts?" How many cases of domestic violence against women or civil conflict are referred to the courts? This depends on two main factors. The first is related to people's perceptions of the judicial system in terms of matters of shame and honour; referral to the courts is perceived as a matter of disgrace for the person or her (or his) family's reputation (Kusha, 2002). The other is the extent to which the system is perceived to serve justice, and the efficiency of crime detection in the police system. Asadi (2004) reported that domestic violence cases rarely reach the court, and women keep their husbands' abusive behaviour secret.

In my interview with Mr R.⁸⁷, he explained that when two people have a quarrel, they initially go to a wise person to resolve it. By using arbitration mechanisms, people try to avoid involving the courts in their disputes. They only do that as a last resort. The judge has absolute power in the court. He acts as jury, prosecutor, lawyer and issuer of the final verdict (although there are some changes underway to restore the office of independent prosecutor). About 15 years ago, the roles of prosecutor and judge were combined, and judges were given the position of prosecutor (as the defender of the rights of society) in addition to being neutral referees between the defence and the prosecution. This was believed to be the system of judgement at the beginning of Islam (Imam Ali was believed to be judge and chief prosecutor at the same time). According to Mr R., this gave immense power to judges and blurred their impartiality, and caused many problems. Therefore, the judicial system is now in the process of restoring the separation between the roles of judge and prosecutor. This issue came up in one of my interviews. Mr R. said:

“Before the revolution, there was a prosecutor whose job was to prove that the accused is guilty, and there were also defence lawyers who could defend him or her. It was more logical, because a judge should be impartial and reside over a fair trial, but nowadays we don’t have this system, although recently it was decided that we should go back to the old system. They started the change in Tehran. Here in Gilan, we still have a judge as both the prosecutor and the judge. Lawyers don’t have too much influence on the judge’s decisions. That creates a number of problems. The principle should be based on the judge’s impartiality. For example, if a criminal is referred to him he must not assume that he is guilty. Principally, the person should be considered innocent and the prosecutor should prove his or her guilt.”

In Iran, the sources of laws employed in the courts to issue verdicts in cases of conflict resolution are: 1) the constitution (Schirazi, 1998: 2) laws approved by referendum or laws passed by the parliament after going through the filter of the Guardian Council, and the regulations designed by different state bodies including the cabinet and other bodies, provided they are not against the constitution or Islamic jurisprudence’s rulings; 3) the Council of *Maslahat-e nezam*⁸⁸; 4) custom

⁸⁷ A university lecturer who studied law at the University of Tehran.

⁸⁸ See Appendix E.

and practices; 5) legal precedence set; and 6) the opinion of the jurists (*foqaha*) and legal scholars (Schirazi, 1998; Ebadi, 2002; Kusha, 2002)⁸⁹.

The potential conflicts (Arkoun, 2002) between religion, *feqh*, law, modernity and tradition (popular culture) generate major complications in the system, which evade straight analysis. For instance, the dependence on customs and their potential and real conflict with the written laws and Islamic jurisprudence has major implications for women's rights and cases of violence against women. Modernity also influences the law through the deputies in parliament, who are frequently affected by the debates taking place in the media, society at large and the international environment. The same influence is exerted through the opinion of legal scholars and even Islamic jurists whose views are partially influenced by modernity. However, the main element connecting all these sources is traditional Islamic jurisprudence, the ultimate decider in parliament and other bodies.

These five sets of tensions between religion and Islamic jurisprudence (*feqh*), Islamic jurisprudence and law, law and tradition (as in the cases of polygamy and temporary marriage), law and modernity⁹⁰ and law and social reality (as in the cases of *bad-hejabi* [poor veiling] and drug use) require further investigation.

In summary, an overall review of the judicial system in Iran reveals that the ultimate formal force is the orthodox jurisprudence. There exist, however, perpetual tensions between different sources of the law, which destabilise the judiciary system and introduce a huge amount of uncertainty into the system.

The structure of the judicial system

In this section there is an attempt to answer the following questions very briefly: What are the different types of courts, and what is the hierarchy of courts in Iran? What are the characteristics of the judges working in the system and the chief of the system? What limits judges' power? What level of discretion is available to the judges? What are their duties?

There are three types of courts in the Iranian judicial system; revolutionary courts (addressing cases (mainly political in nature) against the foundations of the

⁸⁹ For more information on the formal structure of power in Iran, see Appendix E.

⁹⁰ In practice, this is usually caused by the demands placed on the judiciary by international bodies, or by activists who resort to international laws, treaties and conventions, the results of which affect the international reputation of Iran.

political system), civil courts and criminal courts⁹¹. Family courts are branches of civil courts addressing family disputes in matters of marriage, divorce, and so on⁹². Cases of domestic violence are dealt with by the criminal courts.

According to the bill passed by parliament, judges are selected from men who are qualified Islamic jurists (*mojtahedin*) or have at least a BA in law or theology, i.e. university graduates or religious students who passed a certain level of Islamic jurisprudence (Schirazi, 1998; Ebadi, 2002). Ebadi (2002) reports that after a long discussion within the judicial system, the chief of the system was persuaded to allow women to become judges. In 1998, two women who were employed as judges in the Shah's regime and still remained in the judicial system were appointed consultants of the Tehran appeal court, with the status of judges. Ebadi maintains that, ironically, these appointments were illegal, as they contravened the law passed by parliament (according to which judgement was the sole territory of men)⁹³. Later modifications in the law always retained the tone that women judges should be appointed to the post of consultant or assistant prosecutor (*dadyar*): for instance, one law was passed to ensure that family courts issued the verdict after consultation with a woman judge. Judges in the Iranian judicial system are almost entirely men who are graduates of religious schools or universities. Here one of the potential tensions in the system reveals itself. Those who are graduates of universities have experienced an atmosphere and course which differ considerably from those of the religious schools.

Regarding the limits of power of judges, according to Article 165 of the constitution (Schirazi, 1998), judges must give reasons for verdicts issued, and document their reasons by providing reference to the laws and principles on which their verdicts are based. Furthermore, they are advised to find the verdict for each

⁹¹ In the Iranian legal system, there are two kinds of laws: penal codes (*keifari*) and civil codes (*hoghoghi*). Laws regarding the family are classified as *hoghoghi*. The courts are more concerned with the penal codes, and to give verdicts they consider *feqh* rulings. Most family courts are administered by religious scholars, and tend to make their decisions on the basis of sharia. Some of the verdicts issued by family courts (regarding divorce and marriage, for example) are final, and may not be referred to the appeal courts.

⁹² There are courts of appeal in each jurisdiction. The highest court of appeal is the High Court (*Divan-e Aali-ye Keshvar*), whose chief judge is appointed by the head of the judicial system for five years. The court of bureaucratic justice is another body whose task is to address complaints against state officials and bodies. The General Audit Organisation (*sazman- bazrasi-e koll-e keshvar*) is another body in the judicial system whose task is to monitor the correct application of the law in governmental bodies.

⁹³ This is one of the examples of the way that different sets of tensions make the outcomes of the system unpredictable.

and every case in the Islamic sources and *fatwas*, even if they are unable to find them directly in the written laws. From here, each judge's legal doctrine and tendency can manifest itself in his verdicts. For instance, the question whether the man has the right to beat his wife is left unaddressed in law; the same applies to cases of sexual violence in marriage, except where there are obvious signs of violence on the victim's body. Furthermore, as we have already seen, the law-maker allows the judges to refer to tradition to resolve the cases, and this paves the way for judges to issue verdicts based on their perception of the tradition⁹⁴.

Thus, a judge in the current judicial system makes the final decision in a family court (and to a large extent any other court) with absolute authority, and his formal and personal opinions and perspectives play a vital role in individuals' lives. As one of the judges stated, however, being a judge is neither easy nor straightforward:

“A judge's knowledge is very weak, and he doesn't dare to decide in accordance with his knowledge. That's either because he's not courageous, or his personality isn't strong enough. Not everybody can be a judge – it's a very difficult job, and only the prophets are able to do it, or the last Imam, who can convince everybody with his knowledge. I have to rely on my experience and my own mind.”

As a result, the structural power bestowed upon women in these courts is highly limited, and male dominance is by definition the main property of the system. Women are left to rely on their own resources. They need to be wealthy enough, for instance, to pay money to their husbands (*khula*) to encourage them to agree on divorces, or to employ experienced lawyers to present their cases strongly in courts, in order to change the judges' opinions. In the same context of marriage and divorce, one of the female lawyers stressed that one of the conditions in the marriage contract is that the man can designate his wife as his delegate, so that she may “divorce

⁹⁴ Courts are also permitted to reduce the punishment of certain types of crimes according to articles 22 and 25 of the Islamic criminal law. Article 170 of the constitution obliges judges not to apply regulations set by governmental bodies if they find them contradictory to Islamic rulings, or outside the power of the executive branch. The chief of the judicial system can veto any definite verdict issued by the courts, and refer them to another court if he considers that a particular verdict clearly contravenes sharia (article 18 of the modifications to the regulations of revolutionary and general courts). The power of judges is one of the issues investigated in my empirical work, and will be further addressed in further parts of this thesis. After a verdict is issued and has gone through the process of appeal, its enforcement is the job of the office of prosecution. This results in a new series of complications, which involve the police. Many verdicts may, consequently, not have the chance to be fully enforced in practice.

herself” on his behalf; at the same time, however, he has the right to dismiss her as his delegate. Therefore, as she commented:

“... There has to be a law to stop men acting arbitrarily, which we call *khareg va lazem* or *vekalat-e bela avaz*”.

Khareg va lazem means “outside the sphere of power, and indispensable” and the latter term means “irreversible delegation”, or removing the man’s right to dismiss his wife’s authority over divorcing herself. Nonetheless, in the lawyer’s opinion, the nature of each condition should be explained to both parties at the time of arranging the contract.

In my conversation with one of the judges, he, however, reported that in practice a judge is always under the pressure of his superiors, outsiders and people of power and wealth. He explained that people of wealth gain access to judges’ relatives, especially their sons, and can incite them with expensive meals in expensive restaurants, money, property and so on.

This judge reported on having heard (from one of his friends and colleagues in the judicial system in Tehran) that files are classified into different categories. The first category is made up of files belonging to people who are well connected. These are addressed urgently, within a period of three months. The files which belong to people who are not quite so well connected are dealt with within a year. The third group includes those who do not have any connection in the system: “Only God knows when those will be addressed”.

Moreover, he referred to the spirit of reciprocity operating between judges and other powerful government officials, an unwritten code of mutual understanding of the “You scratch my back and I’ll scratch yours” variety. The example given was that of bank officials providing well-craft loans for judges in response to favours in cases relevant to them; these all seem to be handled in the spirit of gift-giving rather than financial corruption. As a result, judges can have access to resources in the form of land, beach-houses, bank facilities and even shares⁹⁵.

⁹⁵ Official acknowledgements of the dire situation in the judiciary system can be found in the BBC Persian site: http://www.bbc.co.uk/persian/iran/story/2005/07/050723_mf_judicial_report.shtml (2005)

http://www.bbc.co.uk/persian/iran/story/2005/05/050504_mf_judiciary.shtml (2005) and

http://www.bbc.co.uk/persian/iran/story/2005/07/050724_ra-judiciary-citizenrights.shtml (2005)

Moreover, this may suggest that a form of patrimonialism, “a system of favourites which [depends] upon personal consideration such as pure personal connections, promises and privileges” (Weber, 1978: 1041), operates in and around the system. Patrimonialism is a form of clientelism, a system of corruption in a society where economic and social conditions are in turmoil and there is a lack of government transparency, ineffective institutions, and mishandling of public office resources for private gains (Indriason, 2005). The weakness of the state and people’s lack of trust in the system give rise to clientelism (Eisenstadt & Roniger, 1980), in which individuals seek alternative ways to utilise resources. Approaching civil servants directly and offering them favours in return for services is more efficient, and quicker, than relying on the government’s inefficient response, which may never come (Komito, 1999). Clientelism and its implications for women’s lives need to be further investigated in Iran.

In these circumstances, the voices of a vast number of women who normally lack any access to the system go unheard, and women are left to their own individual resources, including their male connections, to be able to redirect the system to achieve justice or to serve their interests. These actual processes of wheeling and dealing involving powerful men further enhance the “male dominance” aspect of the judiciary system.

Judges’ and non-judges’ views on the permissibility and legality of domestic violence

Physical violence

Physical violence in Iran is addressed under criminal law (Hojatiy-e Ashrafi, 2003). If an incident leads to payment of *diyeh*⁹⁶ (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 leaves some injuries or bruises on her body, he is tried and made to pay *diyeh*. The four male judges I interviewed agreed that beating a wife is a criminal act if it

⁹⁶ *Diyeh* or “blood money”

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.⁹⁷, 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* (see Chapter 2) 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*, 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

⁹⁷ A man in his early 50s, a university graduate with liberal views, from a high social class background.

results in breaking the family union or causing moral corruption [*fesad*]”. Overall, Judge A. rejected the idea of a man’s right to beat his wife, even when she is *nashezeh*, but deemed divorce by the husband a fair course of action.

According to Judge Y., on the basis of the law of *osr va hara* (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 obtain a separation. However, Judge Y. stated that, in practice, a woman’s evidence does not provide sufficient grounds for enforcement of the rulings⁹⁸. 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:

“I think we really should take these issues into consideration. 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 (*Nessa sura*)⁹⁹ from 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:

⁹⁸ In Persian is ‘*maye-e hokmi*’.

⁹⁹ The verse discuss about women and their rights.

“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. According to some *ahadith* and *ravayat* (Infallibles’ sayings), 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.”

While in Judge H’s court room, I interviewed a young woman whose husband regularly beat her on the head with the intention of leaving no injuries behind. She was feeling shame to speak to the judge in person. She wrote him a letter describing her husband’s abusive behaviour¹⁰⁰. Her husband sexually abused her (orally, anally and vaginally with tied hands) without leaving any evident injuries behind. More importantly, psychological violence can not 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. This is discussed in the following sections.

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 *Nessa 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

¹⁰⁰ As I was the only woman in the room, she approached me and asked me to read the letter and explain her situation to the judge. I was permitted in her court hearing by the judge, and he allowed me to do that. This is very important in terms of the importance of a female judge, lawyer and consultant in courts.

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:

“We can either order the husband to pay blood money, or we 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. She told me:

“In 1974, our family law took many issues into consideration. The situation for women was better. For instance, they could talk to the court and the court could detect that they were unable to tolerate their situation. 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. If we have strong evidence that the husband is addicted to drugs, we can do something about it – otherwise, 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). This is a common theme emerging throughout the thesis.

Psychological violence

I was particularly concerned about the way in which the legal system deals with psychological violence. It seems that there is no systematic way of dealing with cruelty of this type. 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 judge should refer to legitimate *fatwas*. 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. In Asadi's study of the files in a court, psychological violence has been reported to be more prevalent than physical violence (Sadat Asadi, 2004)¹⁰¹. In addition, Sadat Asadi (2004) refers to many unreported examples of women having to withdraw their cases due to the fear of their husbands' or families' threatening behaviour, or of losing their reputation, not having enough witnesses or not having any support. Sometimes the husband does not use any physical violence; rather, he humiliates his wife or verbally abuses her or ignores her (by not talking, sleeping or socialising with her). He may also threaten to divorce her, or even to marry another woman without divorcing her. Sometimes he will agree to divorce his wife with the sole aim of forcing her to abandon the court case. Mr R., a lawyer and university lecturer, gave some examples of the strategic use of psychological violence by men:

“The man says, ‘I’ll keep you here, and I won’t divorce you until your hair grows white like your teeth, and I’ll go and marry again’. This leads the woman to say, ‘Free me [divorce me], I relinquish the *mahrieh* [*Janam azad mahram halal*]’. Her husband may put lots of pressure on her, and then she may even give him some money [*khula*] to set herself free. That’s more likely when she’s rich.”

This shows that the balance of formal power in the family is overwhelmingly in favour of men, since the law-maker bestows enormous bargaining power upon them through reserving their right to chastisement, divorce, polygamy and custody. What is the most effective tool in the hands of men and the source of most prevalent form of dysfunctional relation is the strategic use of these powers by men, not to act

¹⁰¹ In Asadi's study, the most prevalent forms of psychological violence were: not on speaking terms 63.1%; humiliating and blaming 37.5%; verbal abuse 30%; economic deprivation 18.8%; the husband's suspicion 17.5%; not being permitted to go out of the house 5.6%; sexual deprivation 19%; not having permission to work outside the home 11.3%; being thrown out of the house 6.9%.

upon them but to silence women by reminding them who is “in charge” in the family. What is routinely neglected in discussions on the rights of men to chastise or divorce their wives is the image-making function of this set of rights, rather than the detailed mechanics of whether the rights are actually activated in reality. These rights establish the divine legitimacy of men to control and manage women’s affairs.

Mr R. drew attention to the fact that divorced women cannot live independently in Iranian society. It is not easy for a woman to obtain a divorce, and if she does, people immediately become suspicious:

“Everybody looks at her differently if she’s divorced. If a married woman goes out shopping a few times, only one man out of a hundred is likely to ask why she’s gone out twice. But if a divorced or widowed woman does the same, it raises many suspicions and questions.”

This shows the nature of Iranian society as a deeply panoptical society at ground level, on the streets and in communities, families and all other forms of formal or informal associations and organisations. The panoptic gaze especially is cast on divorced women to make divorce a highly (socially) costly affair, in order to ensure that women stay married and the social stability and order are reproduced. A woman who becomes divorced is very unlikely to have an “easy ride”, since her status as a respected woman has been damaged, her social network has shrunk due to her arousing suspicion in other women as a potential target for their men, and her every movement is under communal and societal scrutiny and surveillance. From the point of view of Mrs K., the practice of polygamy in society has many prolonged psychological and physical effects on women:

“Women suffer a lot because they are jealous. We women are jealous – we want our husbands and our family life for ourselves. Polygamy is a kind of animal act, and we are not animals and don’t live in the jungle.”

She believed that women find it very difficult to share their husbands with others, and cannot cope when their husbands leave them and their children behind to sleep with other women. She maintained that:

“In the time of the Shah, at least, we could confront polygamy, but we can’t do anything about it now. It would be better if the sharia didn’t intervene in the law. To resolve men and women’s disputes, for example, the judge draws

on Nessa sura. Men don't like it if we tell them they're wrong – they say sharia law is perfect, and we're the ones who are imperfect.”

The last sentence of the above quote shows that the orthodox jurisprudence rulings bestow enormous bargaining power upon men, and that its role as the ultimate regime of truth and its perfection is unquestionable. We also note that there is a presumed identity between sharia and the orthodox jurisprudence¹⁰². Although logically unfounded and false, this identity and unity depicts the fact on the ground and the social reality since there is no serious and viable alternative to the orthodox jurisprudence; an alternative as a socially recognizable and legitimate way of seeing and being is lacking and as such the orthodox jurisprudence enjoys a monopolistic position in the production of ultimate and perfect truth. It also reveals that there is a tension between the law and sharia which makes it uncertain whether similar cases can be expected to be resolved similarly (*vahdat-e ravvee-ye ghazaei*) due to judges' different levels of allegiance to the law and the orthodox jurisprudence; one particular judge may even issue different verdicts for similar cases at different times.

In response to my question on the way the courts deal with psychological problems, one of the judges (Judge A.) explained that:

“We investigate the husband's behaviour in the family and community. We ask the neighbours and his close friends about his behaviour. We refer the woman to forensic experts or to family or psychological counselling, and the psychologists interview them. I've seen some of the files myself.”

Two of the judges claimed that they referred the women to either psychologists or psychiatrists¹⁰³. Another judge, however, told me that he does not refer anyone to psychologists, and the judge in charge of the case usually decides these issues. The only thing the judge could do was to send the court police to gather evidence from the couple's neighbourhood about the man's behaviour. But he told me that in reality they would not do anything about certain types of psychological violence such as constant humiliation, ignoring the wife and so on. It became

¹⁰² In Chapter 2 I explained that we can logically and historically differentiate between religion, sharia, the orthodox jurisprudence, the law, popular culture and the wider social reality.

¹⁰³ These are mainly located in the Institution of Behzisti (a welfare organisation charged with tackling health issues and poverty).

evident to me that there was no systemic or institutional protocol on psychological violence in the Iranian law. The most the system can do is to refer the man to a psychiatric facility, to test his sanity; if he is proved to be insane, the court will allow the woman to be divorced.

Sexual violence

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. These are now discussed.

***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 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. 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*

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* (obedience) 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 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 (*tamkin*) 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 [*etaat*]. When my wife says “No” to me, I get a bad feeling. A woman's obedience satisfies her husband. Through it she can dominate her husband. Unfortunately, in western countries they don't understand that. Here the woman can say, ‘If you don't give my money [*mahrieh*], I won't obey you,’ and she can live in her father's house, and a man is obliged to provide her clothing and so on.”

The above passage refers to *tamkin-e aam*, 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 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:

“...The only obligation a wife has, in sharia, is to obey her husband and not to go out without his permission. Doing the housework and feeding the baby and so on are not a woman’s duty – she can get money for those sorts of jobs. However, it’s only in sharia, and in courts they may not act accordingly.”

Under the current modified laws, women cannot at the time of divorce claim payment (*ojratol mesl*) for housework and other tasks carried out in the past, unless they can prove that at the time the work was done their intention was “not to work for free”.

***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: 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 *ijma-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. That's because *tamkin* is an *amr-e movasa* [a 'broad task' which it is not necessary to perform on the spot]. The woman may fulfil her duty at an appropriate time. It's not like praying, which requires a specific time. Her husband cannot stop her going to work. 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:

“We cannot constrain the argument. What if I say it is *haram* and a million years later men and women request a change? We don’t normally ask for details of the couple’s sexual relations. If the woman isn’t happy, we send her to a doctor. An expert has to explain it to me. I don’t know whether that’s *tamkin* or not. In such cases, we ask someone like the *marja-e taghlid* (the highest authority in the orthodox jurisprudence), and I accept whatever he says. All judges should have a consensus [*ijma*] 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 (he however acknowledged at the same time that judges’ hands are open; for instance he can avoid reporting the woman’s complaint to his superior in his court note).”

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 (*tamkin*) him so that she could be entitled to maintenance (*nafagheh*). With four children (who wanted to be with her), no job and no family support, she had no other choice. 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.”

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. That is why people “shop around” for the most suitable court. For instance, among my interviewees there were a few women from another part of the region. They told me that their city or town's court did not accept the divorce request, and they had to go to other towns to be able to file for divorce. There are also some regional differences within the country. For example, the southern part of Iran is mainly influenced by Arab culture. Societal norms and practices are much more male-orientated. One female interviewee from the north applied to the family court in Rasht (in northern Iran), and won her case. However, her husband – a southerner – appealed. He took the case to Ahvaz (in the south), and won. In my inquiry, one of the judges explained that this is the case in reality because the judges have different backgrounds and personalities.

All in all, the divorce process can be prolonged and expensive. In addition, when the request is from the woman, the court is unlikely to take it seriously, as women's decisions are deemed emotional, transient and irrational. One of the judges acknowledged that he extends the divorce process until he is sure the woman's decision is logical and not emotional.

Others' views of *tamkin*

Mr R.¹⁰⁴ 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.”

The opinions of the female consultant (Mrs K.) and the female lawyer were in line with his. Mrs K. also believed that introducing *tamkin* to the law after the 1979 revolution made their work very difficult, specifically in relation to domestic violence. In her own words:

“What the court does, these days, is to order the woman to go back and obey her husband. At best, if she can prove her case, she will get the divorce. There is nothing much we can do. All in all, I have to say that women are the real losers.”

Thus, according to Mr R., *tamkin* could provide a breeding ground for domestic violence by bestowing excessive power on men. Women consequently become powerless. 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

¹⁰⁴ A lawyer, and a university lecturer in law.

a heavenly reward in the Hereafter. Taking good care of a husband for a woman is equivalent to *jihad* (the struggle for God) (Koleini, 1967: 329).

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 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

When I approached one of the judges, I was given the opportunity to attend his court. In my attendance at one of his court hearings, he ordered the woman to go back and obey her husband, in order to receive her maintenance. He told an 18-year-old girl (who was accompanying her mother, and complaining about her father's violent behaviour) that according to law she was not entitled to her father's financial support (*nafagheh*), and should either seek a job or "stop being so demanding". Judge G. believed that the reason behind the husband's abusive behaviour was economic hardship, and that women were excessively demanding:

"... In this difficult economic period, when men don't have jobs and have little money, it's hard to manage a family – and women are too demanding these days [*chesh va ham chesmi mikonand*]¹⁰⁵. They make their husbands angry, and then the husbands start beating them."

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

¹⁰⁵ 'Keeping up with the Joneses'.

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 (*farib-khor*), 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". His wife was many years younger than he, and was "very inexperienced". The picture he painted of her was of someone who was unruly, unkind, sexually cold and rebellious. He could not comprehend his wife's behaviour and the roots of her problems: "I even had her learn to drive". 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 [*amir*] 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:

“She has the power to turn poison into sweetness [to change the husband’s bad behaviour to good]. And that’s how she can keep her husband for herself.”

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.

If a married woman is caught in an illegitimate relationship, the punishment is very severe. According to sharia and Iranian penal law (article 83)¹⁰⁶, a married woman found in such a relationship is defined as an adulterer (*zenakar*), and should be stoned to death¹⁰⁷. If the husband happens to witness his wife in this condition, he has the right to kill her and her lover (articles 629 and 630). There are many arguments and different interpretations regarding this law¹⁰⁸. However, Judge A indicated the rarity of such situations:

“It's right that sharia secured the right for a man to kill his wife in those circumstances, but in 25 years I've never seen such a case”.

Here, Judge A. clearly overlooked the image-making function of the rulings and laws on honour killing¹⁰⁹. 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.¹¹⁰ 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

¹⁰⁶Islamic Punishment Law.

¹⁰⁷Stoning to death has been practised in Iran since the Islamisation of the judiciary system.

¹⁰⁸ This is a very important point, which has been highlighted by a number of researchers in Iran. According to Article 179, a husband who kills or injures his wife or her lover (or both) in an adulterous condition does not face punishment. A brother or father who witnesses his sister or daughter in this condition and kills her faces imprisonment for between six months and one year; if he injures her, he will receive a prison sentence of between eight days and two months.

¹⁰⁹ Honour killing is common practice, particularly in traditional Iranian communities (some parts of Iran, especially in the south, still practise honour killing, despite government efforts to restrict these practices). This is a punishment strategy to control women's sexuality (ref. Chapter 2).

¹¹⁰ Women and girls are not allowed into a football stadium. There have been many debates and arguments about this in Iran recently; see *Zanan* magazine, vol. 129, March 2006.

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.

Others' views regarding the roots of domestic violence

In contrast with male judges, Mrs K., the female consultant, believed that the inherently unequal treatment of men and women in legal and cultural terms is at the root of violence. She started by criticising Iranian society's belief system regarding childcare, and the differences in raising girls and boys. She believed:

“Our women don't have enough confidence. For instance, when they come here they don't know how to explain their problems to us. It's so difficult to judge between a wife's and a husband's account. When the woman cannot explain her problems, she can't prove her claims and that can lead to injustices against her.”

According to Mrs K., lack of confidence on the part of women plays a crucial role in the failure of their cases in court. Her experiences have led her to the conclusion that society does not value women enough, and regards them as the second sex. Women cannot obtain important jobs. Even those who have received higher education, such as doctors or teachers, are not safe from beatings by their husbands. She informed me of incidents where such women had been beaten or humiliated in front of their clients or patients. She observed that professional women generally tolerate the situation better than women of a lower social class, through a fear of scandal and loss of reputation, or *abero-reezi*. *Abero-reezi* is a powerful discourse in common circulation in social interactions, with its associated normalisation and inclusion/exclusion codes coupled with fears, and ways of being and seeing, inscribed in the sense of selfhood. Mrs K's argument is in line with the literature. It is a well-known and well-documented fact that domestic violence does not belong to any specific social or economic ranking: it is experienced by women in a wide range of occupations all over the world (ref. Chapter 1). Furthermore, according to some studies, women of a higher social ranking tend to report domestic violence to a lesser extent than other women in similar situations (ref. Chapter 1).

Mrs K. tried to explain the process through which girls acquire low self-esteem and low self-confidence in society:

“Our society doesn’t only discriminate between girls and boys – it also tries to generate fear in girls, while giving more freedom to boys. Society offers specific gender roles, which lead men to be violent against women. Human beings learn to be afraid. Girls learn to be afraid of everything – they are told ‘You should be protected. You are like flowers, and you are weak, vulnerable and helpless’. That means simple activities, like travelling on your own or going out at night, become very frightening. Even at my age¹¹¹, I am afraid of going to another city alone.”

Differences in raising girls and boys are common practice worldwide. In most cultures, boys are considered the superior gender, and the use of violence by men in heterosexual relationships is considered natural and immutable. Men are categorised as being assertive, sensation-seeking, risk-taking and aggressive; females, in contrast, are described as passive, nurturing, caring and victims (Hird, 2002).

Mrs K.’s personal experiences of her own culture led her to believe that:

“Women aren’t taught how to think rationally. Instead, they are restricted as much as possible. Boys and girls are separated, and this provokes children’s curiosity. Parents bring their 13-year-old daughter to be married because they are afraid of scandal. The policy-makers put too much emphasis on sex-segregation policies, and this affects men’s and women’s minds. It is frequently said that women cannot be good bosses or judges or managers because they are emotional, and that is why society doesn’t take them seriously, and has a negative image of women in general. For example, I’m a consultant here – the judge asks my opinion, but he’s the one who gives the verdict. That makes me feel inadequate.”

She was pointing out the role of discourses of gender difference, fear of scandal and gender segregation, which are widely practised throughout Iran to justify unequal gender relationships. Overall, she concluded that:

“Everything in our society is problematic. We have lots of problems everywhere. When asked, ‘Which part of your body is not crooked?’, the camel answered, ‘Nowhere.’”

¹¹¹ She was 55 years old.

The female lawyer's account was very similar to Mrs K.'s argument. She also believed that women are not self confident. A number of her clients who were trying to obtain a divorce were women of a higher social rank than their husbands, who still suffered from their husbands' bad behaviour. She told me that the husband would sometimes go to his wife's workplace, and beat her and verbally abuse her in the presence of her colleagues, clients or students. But in her opinion and experience, one of the most problematic issues in her cases was *mahrieh*. She firmly believed that if the system eliminated *mahrieh* from the marriage contract, and replaced it with another law such as the equal division of wealth after divorce, most of the problems regarding domestic violence would be solved. The issue of *mahrieh* will be discussed in the next section.

Gender roles and gender differences embedded in the rulings of the orthodox jurisprudence and reflected in the current laws implicitly impact on people's thinking. Like Mrs K., Mr R., a liberal university lecturer in his early forties who teaches law at his university, believed that the inherent inequality in the law sends messages to both men and women, and that this has serious consequences for women. His argument is in line with feminist theories of interpersonal violence of the 1960s and 1970s. These stated that patriarchy manifested a system of power relations which maintained the power of men over women. MacKinnon held the idea that, "[Gender] is...a question of power, specifically of male supremacy and female subordination"(1987: 40). What Mr R. was most concerned about was the influence of these laws on people's mindsets. For him, that is far more important, and could eventually work against women in the long term. In earlier chapters I argued that the orthodox jurisprudence has two functions of law-making and image-making specifically in relation to women's lives (ref. Chapter 2).

The representative of *velayat-e faqih*, Mr P. explained the reasons behind domestic violence as follows:

"... There are two issues here which need to be taken into consideration: *faeliyat* (agency) and *ghabelyat* (capabilities)."

He explained that the man is the one who commits the act (beating), and the woman is the one who paves the ground for that act. Thus, in his view, her behaviour and attitude provoke the man to behave violently. The man's actions

depend on the woman's behaviour. She can cleverly, he believes, guide her husband to the right path by obeying him, being kind to him and comforting him. Essentially it is a matter of behaving politically. She is the one who is responsible for anything that happens. He asserted that:

“Women who behave badly should be punished.”

Meanwhile, he added that the reasons behind domestic violence rest in the premise that:

“Society isn't Islamic enough. People don't follow the holy rulings ... That's why men beat and women get beaten.”

Mr P. employed a very important discourse, the discourse of un-Islamism. Loyalty to authentic religious teachings, alongside adherence to customs and traditions, could, in his opinion, put a stop to violence against women. He gave the example of sacrifice. Women will not sacrifice their desires and whims for the greater good of the family, and do not forgive their husbands for their shortcomings or bad behaviour. That, for him, is the cause of the problem:

“Women should sacrifice. Injustice in society is a result of not being Islamic enough. That's why divorce rates in the villages are very low. Women stay in a relationship, because if they get divorced they will be in more trouble – society will punish them. They will become victims of more assaults. Toleration as an Islamic value is good.”

Thus, in Mr P.'s opinion it is better to stay in a difficult relationship and try to resolve it by being tolerant (*sabour*) than coming out of it and confronting other problems in the society at large. Another Islamic value and a good tradition which is forgotten these days, according to him, is the division of labour and the differences between men and women. He asserted that inequality between men and women is the result of flawed ideas imposed by westerners. Such ideas lead people to forget their own cultures and values. Women must play their part and men theirs, according to God's orders. He put his understanding of equality in the following terms:

“There has to be a balance in life, and that's the division of labour. We destroyed this balance by saying that a woman can do whatever a man does.

She will suffer as a result... There should be common sense. I go and earn money, as a man, and you work at home. That's equality. Men and women should be considered as equal, but in practice there has to be a division of labour. We should allocate work according to each person's capabilities. The mistake is when we give a job to the wrong person. We cannot put something weighing 20 kilos in a bag which is designed to carry only 5 kilos... In practical terms, Islam offers the quality model. We created you from one soul. God gave different roles to men and women. Women aren't designed for difficult jobs, either psychologically or physically."

Mr P. was not the first (in my group of interviewees) to point to gender differences. 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. He believed that women are highly emotional, and even think emotionally rather than rationally:

"Women's intelligence is emotional, and its function is greater than men's rational and economic wisdom."

Mr P. meant that women's emotionality serves a significant purpose in the great scheme of things. He intended to valorise women's emotionality in his discursive conception of femininity. But in his opinion a woman's body is not as strong as a man's, and she is designed to bear and raise children. He admired women for their kindness and sweetness:

"One cannot live without them. They are sweet and delicate, and are fragrant like flowers [*reihan*]¹¹², and men should treat them nicely."

Mr P. constructed his argument along these lines. He had 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. The essence of his argument regarding the root causes of violence may be summarised in the following propositions:

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

¹¹²*Reihan* means "basil".

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 difference¹¹³.

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 ... On the basis of the physical, psychological and social structure of men and women, God designed a division of labour, and based on these differences He assigned them different tasks ...”

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

¹¹³Motahari (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 (ref. Chapter 2).

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 postmodern 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.

In Mr P.'s opinion, women are powerful, and should use their own feminine power instead of trying to be like men, since, all in all, they cannot achieve men's status, and if they strive to do so, they will ultimately lose their own power and functions too. Women should take the initiative into their own hands. They have the power to change men by tolerating their bad behaviour, accepting their own God-given gender roles, trying not to compete with men (this view was shared by two judges), not arguing with their husbands, being very careful in bringing up their children, especially their daughters, and always acting politically and diplomatically. In the model he was proposing, there is equality and tranquillity between men and women; no-one is in charge, and women are not followers. However, there are ambiguities and contradictions in his statements. It seems that women's partnership with their husbands within this model requires them to invest drastically more than their husbands. They must sacrifice, tolerate and submit. They should also be wise,

diplomatic, tough “like a rock” and “resilient”. Only through these skills can they attain what they want: “power”.

As a married woman myself, I have found it really difficult to acquire all these skills. I asked Mr P., “How about those women, like me, who do not have these qualities and skills?” His response was that we should follow some courses with him; he would teach us some of the skills, starting with how to make your husband work for you like a horse in the farm. He used a specific local term for this: *deraz-e lafand*, a long rope farmers often use when grazing a horse. The length of the rope provides the horse with a false sense of freedom, as the rope is in fact firmly tied. Mr P. used this metaphor to show how women can cleverly control their husbands: a man in the marital context (the field) can only remain faithful and behave nicely if the woman fulfils her husband’s needs with love, tenderness, and obedience (as a result keeping him in her sphere of control). He also offered an Islamic model for women, different from the model offered by “polluted feminists and westerners”:

“Our model should be Fatemeh, the prophet’s daughter, not a western woman. Not only did she raise two children who became charismatic leaders later on in their lives, but she also defended her husband and Islam. If you want more, look at Khadijeh and Zeinab.”

Mr P. was trying to anchor the feminist concepts in the historical narrative of the nation; the narrative of three generations of women Khadijeh-Fatemeh-Zeinab. Khadijeh was the first wife of the prophet, Fatemeh was the prophet’s daughter, and Zeinab was Fatemeh’s daughter. These three charismatic historical personalities are frequently presented as role models for Iranian women (Shari’ati, 1990, 1980). Each character opens up new narrative space, and exemplify a new avenue for women to develop themselves and invest in the spiritual and religious experience of the golden age of Islam, so that they may establish their worth and attain their capital gain in this world and the next. As Marx maintained, human beings “continue to live in the narratives of the past” (Murray, 2004, p. 181), which shows that without the innovative, powerful, imaginative and heart-and-mind-capturing narrative of the past, women cannot be freed from the subject positions assigned to them by the orthodox narrative of the past. The gendered subject positions designated to women by the narrative of Khadijeh-Fatemeh-Zeinab are strongly grounded in wider,

cosmic narratives related to the corresponding three holy men Mohammed-Ali-Hossein, narratives all firmly positioned in the “history of salvation” as coined by Arkoun (2002), and manifested in endless series of sayings, praying, rituals, ceremonies, processions and festivities engaging and engulfing the whole beings of women (and men). Regarding the far-reaching and deep influence of these discursive and non-discursive practices in shaping women’s beings, and inscribing in their hearts and minds the subliminal messages of the orthodox philosophy of creation, Afary and Anderson (2005, 47) report that “Peter Chelkowski, the foremost scholar of *Ta’ziyeh* [a theatrical representation of the events of martyrdom of Imam Hossein, similar to Christian passion play], writes that neither time nor place is real and definite [in *Ta’ziyeh*]. What happened in the year 61 of the Muslim era (680 AD) on the battlefield of Karbala becomes a reality today: “*Ta’ziyeh* breaks the boundaries of time and space.” The past and the present meet, and “[The] audience is both here and in the desert of Karbala” (Chelkowski (1991: 220) cited in Afary and Anderson (2005: 47)). The past becomes the kernel of the present and formative of the present.

Another point emphasised by Mr P. was that partial liberalisation, without the widespread circulation of liberalised views and beliefs, may act against women, as men sexually use girls who are available, but go searching for socially well-respected and sexually virgin girls when they wish to marry. Mr P. was pointing out that the price of girls diminishes in proportion to their ease of availability. He deemed this against women’s interests, and elaborated his point using the following example:

“If one wants milk one has to buy a cow, but if it’s easily and cheaply available in the market, one doesn’t go and buy the cow.”

According to Mr P., the false liberalisation of the market for sex and marriage, without associated changes in discourses of honour, chastity, and morality, generally has an adverse effect on women’s lives. Another important factor which could in his view create conflict in a girl’s future life is the mother’s bad influence:

“If a mother brings up her daughter in ways that teach her not to trust a man, whatever her future husband does for her, she cannot believe his good intentions.”

His point was that girls' pessimism, suspicion and mistrust in relation to their husbands is generally the result of their mothers' teachings. But the question is: why do women feel that they cannot trust their husbands? The role of the father in raising children is very trivial in his perspective. A mother has a central role in the family; she has the power to make her aggressive husband calm. When I asked him about the violence women use against their children, he distinguished between two types of violence based on gender: feminine violence versus masculine violence. Men are not, in his view, able to control their anger due to their rough nature, and their aggression is more severe than women's. Women's violence is less severe, and they can control it:

“Due to their sensitive nature, they regret it later, and in order to control themselves they fast, for instance, and make a promise not to repeat it again.”

The cleric was trying to valorise the role of woman as a hidden power centre in the family, and as a nurturer. The discourse of motherhood is a protective strategy of traditionalists to keep the core of the orthodox jurisprudence-based formulation of marriage intact, and to attract women and give them something to be proud of, so that they feel validated and valued. One of the Islamist feminists (Azam-e Taleghani) has questioned the role of motherhood and the significance attached to the family in traditionalist views. She believes that there is no real importance of family or motherhood in this model, as the law of immediate divorce or polygamy destroys the basic foundation of family. Mothering and the role of the family are reflected in the constitution (article 10), while at the same time laws such as the unilateral right of men to divorce, or the right to multiple wives or temporary wives, reveals that the orthodox jurisprudence does not truly appreciate motherhood or family. Motherhood is secondary to the main role of women in the marital transaction of sex for financial protection. We know that in the traditional context, the tribe was responsible for taking care of children, and this was replaced by the extended family rather than the mother (who was deemed important after the emergence of the nuclear family). The importance of the family is also secondary as: the father is the centre around which the whole set of laws revolves, including the law which gives the father the right to kill his child.

As a cleric, Mr P. was the representative of the leader (*velayat-e faqih*), and by using a number of discourses (such as gender differences, motherhood, sexuality) he made an effort to demonstrate the rationale behind the orthodox jurisprudence model of gender relations. He believed that the road to power for women lay in the careful management of men using emotions, obedience and sexuality. He wanted to encourage women to take this road, and not to pay any attention to “feminist junk” (he became very angry here, and his soft tone changed to a very hostile one). He was on the road taken by some feminists in stressing the differences in male/female constitutions and psychology. He was valorising the feminine and ridiculing the masculine. Men, in his belief, were set to be the social labourers handling the tedious tasks in social life with its apparent glory and status versus the women who were assigned to do apparently thankless and unappreciated tasks while being truly mysterious and wondrous (this was his interpretation of the famous Nisa verse). Women, in his view, are the fountain of power and humanity, the symbol or prototype of humanity; he invites them to “invest” in the subject position of ideal woman as constructed in the image of the traditional jurisprudence and protected by revolutionary discourses of motherhood and family.

The next section will deal with another important component of the orthodox formulation of marriage, *mahrieh*, which emerge in the participants’ accounts.

***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*, saying, ‘I abandon my *mahrieh* and set myself free [*janam azad mahram halal*].’”

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 reluctant 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, because as she said:

“After all, what's the use? Most of the women can't have it because either their husbands can't afford it, or even if they can they won't pay it. Plus they are always asked to obey, or they have to reduce it to an affordable figure based on the man's financial situation.”

Instead of *mahrieh*, she believed that it would be more practical “to divide the wealth at the time of divorce for all women”. 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.

In line with this argument, one of the 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. She referred to one of her female clients, a doctor, whose husband severely beat her in the presence of her patients and colleagues.

Mr R., who also opposed *mahrieh*, regarded himself as someone who sympathises with women’s ordeals in society, but women should in his opinion be reasonable and clear about what they want; otherwise they lose the support of people, like Mr R., who sympathise with them. He thinks 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). Another judge who was present in our meeting agreed. Mr R. continued:

“We have some female students in law who come and criticise: “Why do men have to be our bosses? Why is our inheritance half that of men? Why is our blood money half ...?” From a hundred girls, not even one asks why there is *mahrieh*. Boys ask me, “Why do these girls never ask themselves why we should pay *mahrieh*, and why they are not after abolishing it?” I invited them

to think rationally. We can approach the problem from other dimensions: when a man offers a woman 200 or 300 gold coins and she insists on having 500 or 1,000 coins and may demand it at any time, then the man should have the right of divorce. Otherwise, she can have the money (1,000 coins) and get the divorce and say goodbye. That's very unfair."

Here Judge A., who was present at the meeting, pointed out that this is "women's violence against men".

Mr R. continued:

"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. There are some young girls who go after rich boys and they get the divorce right, but after a short while they divorce their husbands. Especially, these days it has become fashionable that the girl's family don't agree to the marriage until they have the right to divorce. The price of *mahrieh* has gone sky high. For instance, nowadays girls demand golden coins according to their year of birth: if it is 1363 [solar calendar] they receive the equivalent of 100 million *tomans* and tomorrow they can get a divorce and leave. That isn't rational. The only way is to have a mutual contract like western countries where there is no *mahrieh* at all. Approaching the subject from only one side isn't right. Girls can say on the wedding day, for instance, I don't want *mahrieh* – I want the divorce right instead."

The model Mr R. and the other lawyers were suggesting, a mutual and equal relationship, is reflected in Saidzadeh's, a reformist clergyman viewpoints, and supported by Mojtabeh-Shabestari, an influential reformist cleric. Gender equality is established as a principle of inference of God's Rulings (see Chapter 2).

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 (see Chapter 2); 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

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. In addition, the law stays silent on some violent acts, such as rape or unwanted sexual relations in marriage. By definition, rape in the marital context is not recognised, as the concept of *tamkin* or obedience in sexual matters is inherent in the orthodox formulation of marriage. Furthermore, unwanted forms of sexual intercourse (such as sodomy) are not unambiguously addressed in law. As one of the judges said, complaints are generally overlooked, since these matters are highly private and women rarely complain about them. This hints at the possibility of sexual violence being largely unreported to the courts.

The tension between the orthodox jurisprudence, law and social reality

“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”. These statements were frequently made by some of the judges and lawyers; this reflects the tensions between sharia, the 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 Judge H. stated, in this study, 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 (there are famous sayings from the Infallibles declaring the divine entitlement of men to their wives' sexual faculties even while riding a camel, or encouraging women to prioritise performing their sexual duties even over prayer), 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.

Overall, the marital model 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. The formulation of marital relationships proposed by traditionalists 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: men are seen as aggressive, tough and in control of their emotions (but not their anger), while women are regarded as caring, soft and hasty.

The judges in the Iranian judicial system are overwhelmingly male, and their gender often affected their decision-making in relation to women's lives. This is central to the problem of domestic violence in Iran. While the male participants (except Mr R.) attempted to justify the differences between men and women on the basis of their nature using essentialist discourses, the two female participants viewed the problem from a different angle. They placed the emphasis on the socially-constructed nature of gender, and familial structures and communal relations. They firmly believed that if girls have lower self-esteem and are less

experienced and more emotional, it is because of their upbringing rather than their nature. They stressed the role of family, and the ideology of gender segregation and gender differences, fuelled by the religious establishments in defining and fixing the subject positions assigned to girls and boys. The female consultant viewed herself as a victim of such policies of gender discrimination.

The major problems are the demand for women to obey their husbands, giving the headship of the family to the husband, the specific formulation of marriage, the exchange of money (*mahr*) for selling or renting the woman's body, and the notion of gender differences. All of this may lead to violence against women. More importantly, the kind of image this formulation introduces could put women in a more vulnerable and inferior position. Regarding women and their role in the orthodox order, the image-making function of orthodox jurisprudence is critical. This function refers to the image of the woman projected by the rulings pertaining to women and gender relations. The image projected by the orthodox jurisprudence rulings is the logical implications of its rulings on women's rights and obligations in the orthodox (Mir-Hosseini, 1999). This is what is taught to people and shapes and organises gender relations, the vast majority of these teachings does not reach the legal system and functions through social relations. This influence of the orthodox jurisprudence is beyond law and beyond the legal system, as a philosophy organising gender relations and life in general.

Chapter 5

Women's Experiences, Perceptions and Understanding of Domestic Violence

Introduction

This chapter is based on field interviews conducted with 40 women (ref. Chapter 3). The concern of this chapter is to explore local conditions and factors leading to domestic violence against women in Iranian society, with Islam in its *Shia* version as the mainstream discourse. This is done by analyzing the narratives of women and their understandings and perceptions of the roots and causes of violence. It was a quest both for me and my interviewees to delve into their lives and try to understand the reasons behind their difficult relationships with their husbands and partners. The following sections consist of the themes and sub-themes that emerged as a result of the analysis of their accounts. Inferring from the women's own interpretation and understanding of the reasons for being abused by their husbands, as becomes apparent, the most important cause of conflict between couples was the men's tendency and desire to exert "power" and "control" over their partners.

However, this need for control was found to be applied in different forms by different men. In the first section, I discuss the different types of domestic violence reported by women. Subsequent sections deal with the factors involved in domestic violence, based on the women's accounts.

Types of domestic violence

I asked each of the women interviewed a few questions related to the type of violence their husbands used. On the basis of their accounts, I divided their experiences of domestic violence into four categories – physical, psychological, economic and sexual violence – as demonstrated in Table 5.1:

Table 5.1: Types of violence used by men against their partners

Type	Violent behaviour
Physical	<ul style="list-style-type: none"> .Hard punches or slaps, kicks .Beating with a stick, club, belt or other instrument .Cutting or stabbing with a knife, dagger or scythe
Psychological	<ul style="list-style-type: none"> .Imprisonment at home .Isolation (not being able to talk to (or see) anyone) .Threatening to kill or hurt the woman, or ruin her reputation (blackmail) .Threatening to set fire to the house .Husband's self-beating .Burning clothes .Humiliating the woman in the presence of others .Threatening divorce .Damaging her self-worth .Playing with her emotions (manipulation) .Verbal abuse by swearing, insults, insulting late relatives .Negligence .Deliberately delaying carrying out repairs at home .Throwing her out of the house .Boasting about paying <i>nafagheh</i> or having money .Ignoring her
Economic	<ul style="list-style-type: none"> .Cutting off maintenance and abandoning the woman .Starvation .Taking her money by force .Banning her from going to work .Making her work long hours on the farm .Ignoring her decisions over her personal property or joint property
Sexual	<ul style="list-style-type: none"> .Forced intercourse, either by physical coercion or psychological intimidation .Marital rape .Sodomy or oral sex without consent .Unwanted pregnancy .forced abortion .Sexual harassment .Exposure to pornographic films .Accusing her of having an illegitimate relationship with men

Physical Violence

In this study, physical violence was always accompanied by other types of violence (sexual, economic and/or psychological). The findings are in line with those reported in WHO (2005) publications. Kelly also pointed out the close

association between sexual and physical violence (in Hanmer and Maynard, 1987). MacKinnon (1982) explains how men establish their power over women through sexual coercion. I decided to divide violent acts into four categories for the purpose of analysing women's different experiences. Women who had experienced physical violence stated that they had often been punched, slapped, kicked, or hit with a club. Here are some examples:

“My husband beats me with a stick, punches or slaps me, kicks me.”

“He beat me so hard with his fists that he hurt himself and wore himself out.”

“He used to beat me with a stick, and I wouldn't dare look at him or move.”

Some of the women affirmed that they had had miscarriages as a result of being severely beaten:

“When I was five months pregnant he kicked me, and I lost the baby because he wanted me to make his food ready and I was praying. I buried the baby with my own hands and he never asked where the baby was. Can you call such a man a husband?”

“Every day we had fights and he used to beat me severely; once, when I was four or five months pregnant he beat me and I lost the baby as a result of being kicked and punched and beaten with a stick.”

“He did a lot of bad things. He had an affair. I saw them together, he wanted to kill me, he made me have an abortion, and my womb is now damaged forever.”

The use of a dangerous instrument such as a dagger, hammer or scythe was reported rarely, in only a few cases related mainly to women farmers, who generally work with such tools either at home or on their farms.

“He beat me with a scythe [*das*] and a stick. Once he beat me with a hammer and broke my cheek bones and I pretended that my toddler did it to me. He threatened that if I applied for a divorce, he would cut my head with a knife or would stab me. I was petrified.”

“My husband beat me... and threatened me with a knife and closed my mouth to stop me shouting, and I was nearly suffocated.”

Psychological violence

As can be seen in Table 5.1, psychological violence is more diverse. Although women suffered a great deal from physical injuries, they reported that psychological violence caused them more pain. The most prevalent was the man accusing of his wife of infidelity (by shouting loudly). Women explained that this could damage their image as a pious woman among the neighbours and within the community:

“He shouted loudly in the yard that I’m a bad woman who sleeps around, and all the neighbours could hear him and he knew that”.

Men, consciously and intentionally, use this effective strategy to keep their wives quiet. There is a strong tendency among people to avoid public scandals at any price, and the pressure to accumulate and safeguard a good reputation as social capital is very intense. Men know how important it is for a woman to keep her reputation in the community. The discourse of *effat/haya* (chastity/modesty) has a powerful grip on women’s subjectivity, and is actively strategised by men in order to advance their own agenda. Women’s selfhoods are constructed by these orthodox discourses in such a subliminal way that they “own” the discourses, and actively seek to be known as respected members of the community in order to protect their social relations. Those who had young daughters were particularly concerned:

“Nobody would marry them thinking that their mother is a bad woman.”

“I don’t argue with him any more, and whatever he says I don’t pay attention any more – my daughters are quite big now. I don’t want my children and my neighbours to hear such nonsense.”

“He even accuses me of having relationships with men who are younger than I am, even though I now have two grandchildren and it hurts me a lot... Because I’m scared of the neighbours I keep quiet, because they might think I’m the kind of person my husband says I am.”

Insulting late relatives was found to be a very effective way of hurting women’s feelings. One woman said:

“When he swears at my father, who’s dead, I get really upset and it makes me cry. He knows it too, and uses it a lot to hurt me. I tell him ‘You can beat

me a hundred times a day, but please don't say any bad words about my father.'”

Psychological violence towards women also included imprisonment at home, forced isolation and deprivation, and a ban on talking to (or seeing) friends and relatives. These cases were reported by many of the women in my study. One, whose name was Parvaneh, said:

“Nobody was allowed to come to our house, and I wasn't allowed to go anywhere. He imprisoned me, and to convince me of his goodwill he told me, ‘It's out of too much love for you. You're so beautiful, if other men see you they'll fancy you.’”

She, however, thought that he did not want her to go out because her social relations could lead her to wise up by obtaining information and advice from her family and friends, which could endanger his position: he was a drug addict, and it was not in his interest for that to be known publicly. By imprisoning his wife and formulating his interests in the framework of the widely legitimate concerns arising from the discourse of sexuality (being sexually attractive to other men), he was protecting himself. This demonstrates the powerful role the force of fantasy and the gaze of imagination play in gender relations in Iran. The force of fantasy is deployed by men to remove the veils of the *hejab* from the female body. As we see, the use of the *hejab* is not enough to protect women's modesty and chastity; their mere presence in the social realm unleashes the powerful forces of male imagination¹¹⁴. The logical implication of this dynamic process of strategy and counter-strategy (faced with restrictions imposed by orthodox jurisprudence on gender relations by imposition of the *hejab* and the will to sex segregation in all spheres of social space, the discourse of *Mahrமைat*¹¹⁵; men's strategy to have unfettered access to the forbidden female body is through gaze; the counter-strategy is more *hejab*, covering the whole body from top to toe; the next-round male strategy is fantasy) is, in order to ensure the safeguarding of women's dignity and chastity, the fact that total seclusion and segregation are the “best” option.

The fact that some men actively and dishonestly abuse this set of discourses further reveals their grip on people's sense of selfhood, and their widespread

¹¹⁴ In Chapter 2 I provided a coherent argument supporting the powerful relation between fantasy, eroticism and sexuality on the basis of social psychology research.

¹¹⁵ See Chapter 2 of this thesis for elaboration on the interconnectedness of these notions.

currency. Of course, these discourses do not per se inflict violence on women. Violence emerges at the interplay of modernity and orthodox jurisprudence, as there are two sets of opposing forces at work here. While orthodox jurisprudence places women at home, modernity invites their active participation in the sphere of social life; each has its coherent structures of power/knowledge/subjectivity, and each promises rewards and warns of severe adverse effects. Most women (and men) want both, and as a result become victims of the tension between them. If all submitted to one or the other, these types of violence against women would not emerge in the Iranian context. All in all, this part of the interview demonstrates the strong interconnection between the realms of knowledge (set of specific discourses on modesty, reputation etc.), power (normalisation associated with social sanctions due to the loss of reputation, or rewards due to the gain of piety) and subjectivity (fear of loss of reputation and sense of pride associated with piety, and shame associated with lack of it, in women and men's sexual jealousy or suspicion depicting the powerful formative forces of structures of power and knowledge in the architecture of the self)¹¹⁶. As Arkoun (2002) puts it, mind is a social institution. One of the logical implications of this whole dynamic is male sexual jealousy, constant suspicion and a strong sense of mistrust. Parvaneh stated that her husband was undeniably a suspicious person:

“When his friends were in our house in order to smoke [drugs], he would ask me to stay in another room because he didn't want anybody to see me. He was a very suspicious man.”

In addition to these forms of psychological violence, women also reported having been threatened with divorce, removal of the children, murder or burning. Other abuse included burning a woman's clothes, damaging her self-worth and self esteem, playing with her emotions, delaying household repairs, throwing the woman out of the house, and boasting about paying *nafagheh* or having money and neglecting her. Some husbands used self-beating as a way to scare their wives. As Faranak, another of the women, stated:

¹¹⁶ See the exposition of the Foucauldian framework in Chapter 1 of this thesis.

“He used to break the dishes, or bang his head against the wall. That made me think he was mad. But he wasn’t. Because I was much younger than him, and was scared of him, he was doing it to scare me off.”

Two women reported that their husbands hit their own heads against the wall very hard. This behaviour made the women extremely worried even petrified.

Another woman reported:

“When he beats himself I get really scared, and I scream and beg him to stop.”

Eventually one of the husbands confessed to his wife:

“You’re so naïve. Next time when I tell you I am going to burn the house or bash my head, don’t be so frightened. I only want to scare you.”

The above example shows that the husband is using self-beating as a conscious act to control his wife’s behaviour. Threatening to burn the house down or killing them in a car accident were other strategies adopted which proved very effective. Faranak was frightened to protest, and her husband eventually took control of the matter himself; Faranak’s nervous breakdown and panic attacks as a result of being constantly anxious made him stop employing such tactics.

Economic violence:

According to the orthodox formulation of marriage, if the woman does not obey her husband he can beat her, stop giving her *nafagheh* or starve her. Many women reported that not only did their husbands stop giving them money, food and clothing, but also removed their own money with force. Kobra, a woman farmer, reported that:

“Many nights I had to sleep with my shattered body as a result of being beaten and working hard. I was left hungry in the stable below the building with animals, and I wouldn’t dare come out in case he saw me and beat me again.”

Some men made their wives work for long hours, either on their farm or on their parents’ or other people’s farms:

“I worked very hard. While my husband was sitting in the village coffee shop I was looking after the animals in the farm and planting rice in the fields, taking care of the children and the housework – cooking, cleaning etc.”

This woman was 68 years old, with 12 children, and was still working to provide her daughter’s *jahizieh*¹¹⁷ because, she said:

“My husband doesn’t care about it. He doesn’t want her to marry – he wants her to stay here and work for him.”

She was shaking, and was in a very bad shape. She showed me her arms, which were bruised. She said that her husband had beaten her with a stick only three days earlier. All the woman farmers I interviewed reported similar stories:

“Some days he wouldn’t give us anything to eat. Once, my children starved for four days until I could work and provide some food for them... We didn’t have enough to eat, and to feed the kids I had to give them my husband’s and his friends’ leftovers. Once I hid some rice for my children, but he gave it to his friends and when I complained he slapped me very hard. Did I say something wrong? We were eight hungry people, and I worked very hard to get that bit of rice.”

Those interviewees who were not farmers and did not have any income were more dependent on their husbands’ generosity. By not paying, or delaying, the payment of maintenance costs, the husbands had a strategic tool at their disposal to teach the women a lesson. Loss of maintenance devastated the women completely. Many complained that their husbands’ arrogance hurt them and brought them humiliation, especially those whose husbands overtly and constantly reminded them that *they*, with their money, were in charge at home. Most of these men demanded that their wives obeyed them. Middle-class women I interviewed told similar stories. Irin explained:

“It was humiliating for me to be ignored by him – he played with my emotions. That was more difficult for me than the financial problems I have with him. He wouldn’t buy me anything, despite the fact that he’s well off. He asked me to be a totally obedient wife, and then he would provide for me. I told him to go and get a rope and put it around my neck. He says a woman’s *afsar* [rein] should be in the man’s hands [a man must control his

¹¹⁷ A newly married girl should be provided with the furniture of her future’s house, or *jahizieh*, by her parents.

wife's affairs]. If he says 'Die', she should die. She must do whatever he demands. He says 'This is my culture [he is from the south], and I'm very proud of it.' He thinks a man should be the breadwinner – a woman's place is in the home, and her job is looking after the children. I told him, 'We're not chicken and chicks.'”

Most of these women were educated, and a number of them had worked before marriage, but they were not allowed to have any job outside the home after their marriage, because, as they said:

“He believed that a woman's place is at home and she shouldn't go out.”

“He didn't let me work in the office because he thought other men might fancy me.”

“He didn't let me go to work. He thinks I should stay at home.”

“He threatened that if I went to work, he would come to the office and ruin my reputation.”

Why these women decided to listen to their husbands and not seek a job is another issue for investigation. Did they themselves believe that a woman's place is indeed in the home, or were external circumstances not ready for them? Some explained to me that the outside world is not welcoming for women, or for their participation in the workplace, and that they would not earn enough and did not want to ruin their families' happiness and peace for a little money. Those who decided to challenge the obstacles (the women shopkeepers) resisted the pressure, persevered and worked really hard (with their husbands' permission), and they were successful. However, they claimed sexual harassment, but could not report it to any official authority because nobody would believe them, and they could lose their reputation and profits. One said that if she had decided to complain, she would have needed to provide four witnesses, which was not possible. Even if she could find witnesses, nobody would be willing to go to court to give evidence. The women would then have lost out, because nobody would have gone to their shop any more, fearing possible accusations. Additionally, the women could not tell their husbands about the abuse because they would accuse them of not being cautious enough, and eventually they could stop them working. One of the women, who had recently opened her shop, had to wear the chador in order to go to work, as her husband suggested that if she wanted to sell underwear she should behave piously and should

not look like a vulgar woman wearing make-up and improper clothes. These sets of interwoven strategies and counter-strategies adopted in homes, streets and workplaces neatly and vividly demonstrate that the whole social order is geared up to keeping women at home, and to sending them constant messages that home is the right place; the ideal situation of total sex segregation through seclusion is sought. The dynamics of gendered social interactions in all realms of life point in one direction only: home.

Sexual violence

Discussing female sexuality was not always easy. I preferred to wait for an appropriate time to broach the subject. However, sometimes I asked the question in a very delicate way, and if they did not want to talk about it I did not pursue the subject further. In Iran, sexual matters remain an extremely sensitive issue, except as the subject of jokes and humour, or in private conversations based on mutual trust. Marital rape within the orthodox marriage is not defined. Sexual obedience and satisfying the husband's desire is a woman's duty according to the jurisprudential rulings and the law.

Generally speaking, I found it easier and more fruitful to talk about sex and sexuality with those of the younger generation. There were some differences between the young upper-middle-class interviewees and the rest of the women (most of them working- or middle-class) in this study. The former reported that their husbands did not use force or put further pressure on them when they did not want to have sex with them. This was partly due to the women's willingness to have a sexual intercourse as frequently as possible. Moreover these young women believed satisfying their husbands' sexual needs was part of their deal in the marriage contract. However, the latter group were in a different situation altogether. For them the sexual relationship was defined in an old-fashioned way: the husband wants it, and whether the wife wants it or not, she must "give it to him". A number of the women reported that their husbands forced them to sleep with them, and they suffered a lot both psychologically and physically. Unwanted pregnancy and abortion were often reported by these women. The most severe case was the sodomy reported by a 68-year-old woman:

“He sodomised me for a few years, and now he’s too old for that, and I’m not afraid of him any more.”

I met a young woman in court who reported (in her letter to the judge) that she had been severely abused by her husband vaginally, orally and anally. Alongside beating her, the husband was doing this to place more pressure on her to give up her *mahr*. Eventually she agreed to abandon her claim to *mahr*, and the judge agreed to grant her a divorce.

Some women did not report any forced sexual contact. They never questioned their husbands’ demands for sex. They had to sleep with their husbands because they themselves were thinking that it was their duty, and not submitting was a sin:

“I’ve heard that if one doesn’t satisfy her husband, the angels curse her hundreds of times till morning.”

Overall, most women reported unwanted sexual relationships; in addition they said they were sexually cold (frigid). Zari said:

“I am cold, and during my married life I was cold most of the time. I hated having a sexual relationship. I didn’t like men at all. Any time he wanted me it made me upset. I would do it reluctantly.”

A number of women asserted that if they did not submit, their husbands would not talk to them, or would find an excuse to start a fight. Using sexual intercourse as a means to achieve something was found to be women’s instrumental approach to sex. Having sexual desire was not an option for these women. One of the women in a focus group was very surprised to hear that women could have desires:

Parisa: Are there any women who like sex? Do they exist?

Narges: Yes.

Parisa: Ah!

Either the women submitted to their husbands purposefully because they wanted to keep their husbands quiet, or they did it in order to gain access to resources or favours. One of them said:

“If he wants to sleep with me, I ask him to do something or buy something for me. It’s the only weapon we women have. We don’t have any other resources or income. That’s also good for them (benefits men).”

These remarks points to the strategic use of sex by women as a means to gain access to power. On the other hand, there were a few women who did not believe in obeying their husbands in every way. One woman found it difficult to identify with the fact that a woman must obey her husband in sexual matters:

“I can’t believe it’s Islam or God who orders us to obey our husbands in every way, or the claim that men are superior to women. I believe in God firmly, but I think it’s unfair. He doesn’t give me any money, so I have to look after my own body and health to prevent getting ill... I ask him, ‘If you want me to satisfy your sexual needs, will you agree to treat me when I am ill?’”

Her husband did not support her financially for her medical treatment. I asked some women what they thought about their desires. One of them said:

“I always constrain my desires. I’m not sure whether I’m doing the right thing or not. I’ve heard from my husband that it’s better if a woman waits for her husband to ask for it. That makes men love women more... Whenever I show my desire he’s cold with me. I think if I showed some resistance and pretended I wasn’t interested, he would want me more.”

For this woman’s husband, controlling and constraining one’s desire was sexy. However I cannot help thinking that he intended to construct a discourse of “constraining and controlling” to teach his wife to restrain her desire to protect her chastity, in order to avoid any possible disloyalty in future.

The younger generation claimed to be more open-minded regarding their desire and their husbands’ sexual needs. However, they also admitted that while sex was very important for men, they preferred love. They had their own concerns:

Parisa: Really, why do men constrain us?

Homa: Because God put the instinct in them, and that’s why sex is important for them.

ZT: Isn’t it important for women?

Homa: Not as much as for men. I prefer love to sex.

Others together: Yes, we do too.

One of the issues that concerned the women was the role of pornography in their husbands’ sexual preferences. The men became too demanding, expecting their

wives to perform, act and dress just like the women in the films. Some of the women said:

“I feel jealous whenever he watches those movies, but I’ll do everything and I don’t try to stop him watching them. But truly I don’t like it.”

“He married me because I was a very hardworking, pious girl and I was always dressed up like this (very conservative), and now he wants me to be more fashionable and wear sexy clothes. Even my mother-in-law told me about it. But I found it hard to wear short skirts and sexy clothes. I don’t feel comfortable.”

“At night he always watches the movies – he has access to 700 channels – and I don’t like it at all.”

Tolerating sexual harassment

As mentioned in previous sections, women revealed that they had to tolerate a wide range of abusive behaviour in public due to the harassment they receive from men. In reaction to these cases of harassment women reported to keep quiet most of the time because, they believed, society would blame them if they make a fuss about it. There is a cultural belief that a good, pious, and covered woman will not get harassed, and men will only do it to those who are provocatively dressed, or wear inviting make-up. If a woman complains to her family or her husband that somebody is harassing her, before exploring all possibilities he is likely to start by blaming her for not being careful enough. Here are some examples:

“If we walk across the street and someone looks at me, he blames me.”

“Once we were walking across the street and someone stared at my sister’s chest and said something very rude to her. Her husband blamed her for not covering herself properly.”

“Once somebody said something bad to me, and my husband was with me. He attacked him and tore his shirt apart, and later blamed me for not covering myself properly, though I was wearing my chador.”

There are no official statistics in relation to sexual harassment in Iran. However in one report (Ghadimi, 2005), it was stated that a number of women had reported that they had either suffered from sexual harassment themselves, or witnessed others suffering from it. However, the majority of women in that study

were unwilling to talk about it. Sexual harassment in Iran is not defined accurately. Iranian men and women's perception of sexual harassment is not clearly defined; they only take it seriously when there is physical contact. However, there is a tendency to blame women rather than men, and consequently more burdens are placed on women. There are different approaches to this subject. There are men and even some women who blame women for provoking men into harassing them (Ghadimi, 2005). This group believes that if women behave appropriately in the workplace or in the street, they will not attract men's attention. This approach is defended by a number of academic and religious scholars, who maintain that some women create a suitable circumstance for sexual harassment. They think these women are emotionally deprived, and are attention seekers (Ghadimi, 2005). This approach could be based on traditional attitudes, which demand women to be chaste and virtuous, and to behave responsibly in order to safeguard their piety. Women should not behave sexually (by behaving or dressing up loosely, or by wearing make-up), and if they do they invite trouble, and are therefore "asking" to be harassed. This argument is used frequently by rapists (Kelly, 1997-2000). Others, however, are against this idea, and regard women as the victims of the system (Ghadimi, 2005). A number of women blame the unjust economic situation, where the distribution of jobs and wealth is not in favour of women, and they are forced to accept such harassment in order to keep or find a position (Ghadimi, 2005).

Reluctance on the part of women to report sexual assault and sexual harassment is reported by Kelly (in VIP Guide); however, this is even more extreme in countries with a traditional background. Saidi, a sociologist at Tehran University, believes that this is rooted in Iranian culture, where any events with sexual connotations are seen as taboo (Ghadimi, 2005). He believes that there are very few words and phrases in Persian indicating different kinds of sexual harassment. Even if there are a few, he, as a lecturer, has found it difficult to teach them in his classes, as students regard them as shameful and ridiculous; they think it is rude and degrading to discuss such things publicly (Ghadimi, 2005). The most vulnerable group of women in terms of sexual harassment are widows and divorcees, followed by unmarried girls, and lastly married women. The reason for this problem, one academic, Eghlima (Ghadimi, 2005) believes, is cultural deprivation and gender segregation; he suggests that there is a need to create more posts, and improve job security (Ghadimi, 2005). Saidi views the problem in another perspective; he is in

favour of bringing the issues regarding sexuality into the public arena, and reconstructing the relationship between the sexes in organisations and in marriage (Ghadimi, 2005).

A woman lawyer I interviewed counted four reasons why women do not complain about sexual harassment: “Women don’t complain because they are afraid to lose their reputation. Society views women as the guilty party. They stay silent because they don’t want to lose their jobs, due to economic difficulties. The victim must have a witness or strong evidence. The fourth reason is the system, which is male-dominated from police to the court rooms, and the legal procedure is prolonged (Ghadimi, 2005).

According to article 637 of the Islamic penal codes, the punishment for those who commit sexual harassment, in the absence of adultery (*zina*), is 99 lashes, and because it is not defined as predetermined Qu’ranic ruling (*hadd*) it can be converted into a cash payment. If it results in rape, proof is very difficult, as there is rarely a witness and medical procedure cannot prove it very effectively. If the woman’s case is proven, the man will get 99 lashes, and she will be fired as soon as she goes back to work. And if she denies having a consensual relationship, she is the one who will be punished. According to Arzani (a woman lawyer) (Zanan, 2005), when a woman is raped in her workplace, she herself will be asked why she placed herself in difficult and dangerous conditions¹¹⁸.

Women’s understanding of the reasons behind domestic violence

To deconstruct the women’s accounts of the reasons behind violence and analyse them, a thorough and focused coding of the narratives and a categorising of them into themes and sub-themes has been conducted. The first category consists of the women’s perceptions and interpretations of their own feelings, thoughts and behaviour; the second their perceptions of their husbands’ feelings, thoughts and

¹¹⁸ If both parties agree to have a relationship and this leads to sexual intercourse, they have committed *zina*, and the punishment if both are single is 100 lashes. If one of them is married, they have committed *zenay-e mohseneh* and will be punished by stoning, or, if there is no intercourse, by 100 lashes each. If the relationship is not consented by the woman, the intensity of the punishment will vary: rape is punished by execution, and if intercourse did not take place the man will receive 100 lashes.

behaviour; the third their perceptions of society; and the fourth their perceptions of the communities they are living in. These are presented in the following table (Table 5.2). There are some sub-themes, which emerged in the process of the interviews.

Table 5.2: Women’s perceptions of themselves, their partners, society, and their communities in relation to factors causing violence

<p>Personal relations: Women’s perceptions of themselves and of their partners</p>	<p>Mismatch in their opinions/ expectations/ local cultures/ education</p> <p>Lack of family support / experience/ money/ power/ job/ their husbands’ love and care/ self-esteem and self-worth/ courage</p> <p>Acting passively/ too much tolerance/ too much silence and being naïve/ forgiving and sacrificing/ not being political enough</p> <p>Having difficulties with mother-in-law/ husband’s infidelity</p> <p>In relation to their husbands: Women’s frustration at being ignored and not being taken seriously/ men’s authoritarian behaviour/ men’s self-righteousness/ husband’s short temper/ husband cannot tolerate criticism/ men’s nature: they are “born angry” and have less self-control/ consuming alcohol/ failure to pay the bride price (<i>mahr</i>) and/or maintenance/ misogynistic ideas/ men being suspicious/ bigotry (<i>ta-asob</i> and <i>gheirat</i>)</p>
<p>Women’s perception of their society</p>	<p>Society’s biased views of women/ not having legal and social protection/ society giving more advantages to men/ discriminatory rules against women</p>
<p>Women’s perception of their community</p>	<p>Gossiping about a woman’s behaviour/ sexual harassment/ stereotypical views about women divorcees/ lack of social support/ legitimising the use of violence to punish women</p>

A broad range of data was generated in interviews, with women talking about their thoughts, feelings and behaviour in response to violence. I divided the women’s accounts into different categories. I discuss these in the following section.

Women’s perception of their own thoughts, behaviour and feelings in relation to violence

Women identified the factors at the root of their difficult relationships with their partners. These could be divided into four groups: social (kin relationships), cultural (coming from different regions), economic (not having jobs, experience or social security) and personal (difficulties with mother-in-law, husband’s infidelity,

lack of love or respect). These themes and sub-themes will be explored in the next section. Women's behavioural strategies and their feelings in relation to their partners' abusive behaviour will be discussed later in this chapter.

The role of kin relationship as a social factor in moderating violence

According to kin-selected altruism theory, women use their own strategies to resist the physical and economic power of their men; one of these is using social support from their kin group such as family, friends, and relatives (Hrdy, 1981). However, to be effective, this social network must be accessible and available.

The oppression of women and the prevalence of domestic violence were found to be related to the family structure, and might be moderated by the proximity of male relatives (brothers, father, and uncles). Having a close relationship with one's natal family is a protective factor against spousal abuse. Community and family relations also play a significant role in permitting, sustaining, and preventing domestic violence through their attitudes towards women and family life and conflict management. The socio-cultural beliefs and values within a local community or extended family underlie theoretical, empirical, and pragmatic approaches to conceptualising and interpreting conflicts, interests, and power in a social network. In the case of Iranian women, as Friedl (1992, 1994, and 1989) has pointed out in her studies of sources of Iranian women's power, having close family relationships can be considered a buffer against the abusive behaviour of husbands and their families. Without the implicit or explicit support of the close family network, women's "disobedience" (or flouting of male rules), either directly or subversively, was found to be provocative and to lead to increased conflict and violence.

On the basis of evidence from studies of primates and human ethnographic literature, Smuts (1992) generated five major hypotheses regarding the possible factors responsible for the variation in women's vulnerability to wife beating and sexual coercion. Accordingly, male aggression towards women will increase when female alliances are weak and they do not enjoy the support of their families (the proximity of the family network), and when male alliances are strong, male relationships are less egalitarian and male control of resources increases (leading to a female's absolute dependency on her husband).

The data generated by this study is in line with the literature. The majority of women interviewed stated that if they had family support, it could help them to stop violence, or at least at the time of the conflict they could have somewhere to go and someone to talk to. Most complained that they did not have any family support. One said:

“My father told me, ‘You’re going to your husband’s house in white [wedding clothes], and you’ll come back here in white [*kafan*].’”

This statement was replicated by other women interviewees. The term *kafan* means “shroud” – the white cloth used to wrap a dead body for burial. This means that whatever happens to them in their marital homes, they should stay and tolerate it until they die. This statement had a profound effect on some women’s lives. Those who were married when they were very young (under their families’ pressure) said they had found it very frightening. One said she could not even think about filing for divorce or returning and seeking help, because she always remembered her father’s advice:

“I’ve always been so scared of divorce. My father told me it’s the worst thing that can happen to a woman.”

The women’s families, in general, were against divorce. Although they knew that their daughters were suffering, they still encouraged them to be tolerant, and stay with their abusive husbands. A number of my participants told similar stories:

“I only ran away once, to my father’s house, and they sent me back and told me to tolerate his bad temper.”

“My father sold me to him when I was only 9 years old....I was really scared of him [her husband]. I didn’t know anything but I knew my father didn’t want me back, so I had to tolerate it.”

“My father didn’t help me at all. He forced me back to my husband whenever I ran away. He said it’s evil to keep a young woman without her custodian at home.”

The above quotes refer to a very important concept, which is closely linked to the perception of people in relation to marriage. A married woman is considered someone who is managed by her husband. An unmarried woman, or a woman who

is separated from her husband, is regarded as custodianless (*zan-e bi-sarparast*). She is an easy target for the male gaze and men's unwanted sexual advances. In a traditional society like Iran, the idea of an independent woman living on her own is viewed as a threat to the family and society at large; she must either remarry or return to her father's house. The father of the woman above was fearful of keeping his daughter in his house due to the fear of scandal, and for the sake of respectability. She is now a potential danger, who might put the family's reputation at risk by becoming sexually corrupt. Mahbubeh, a highly-educated woman who had the experience of being a divorcee, told me how her life changed for the worse as soon as she became a divorcee. The intense pressure from her family made her jump into another marriage:

“My family was totally against my divorce. My mother threatened that I wouldn't be welcome in their house any more. She was more concerned about the family's reputation than my situation. She was worried about what they could tell people, and that I brought scandal and shame to the family. My cousins, who had been very close to me since childhood, wouldn't receive me in their homes. They were afraid I might seduce their husbands. Everybody rejected me. I couldn't undo my action. The only way that remained for me was to remarry...”

Remarrying did indeed improve Mahbubeh's relationship with her family. She was accepted once again, and reconciled with her cousins. For all of the women who found themselves in a similar situation, the parental home and family were the only sanctuary. Yet most of them were deprived of it, because their own family could not afford to have them, or could not tolerate the social pressure. Even when they were well-to-do, the families did not believe they should support them. They thought it was quite normal to be beaten by one's husband, and one should tolerate it:

“My father didn't care. My brothers did, but there was nothing they could do. They couldn't have me in their houses because their wives wouldn't feel comfortable, so I had to go back to my husband again, and tolerate his bad behaviour. What else could I do?”

“My mother told me that she was beaten so many times, but she stayed and tolerated the situation, and she says I should do the same.”

“I was beaten all my life from the age of 13 or 14, and when my daughter

comes to me and complains about her husband's behaviour I tell her my stories, and ask her to tolerate it.”

The situation is even more difficult for women who marry men from other cities and towns. A man in court, while ridiculing his wife, said to her:

“You poor woman! Where do you want to go in this strange city? You don't have anybody here.”

There was only one woman in my study group who said she felt more secure from physical violence because she had a very close relationship with her family, and lived near them:

“Once he slapped me, and I told him if he ever did it again I would tell my father and brothers, and he never did it again.”

There were some individuals who had their families' support at the last stages of their married life, when they were about to get a divorce as a result of their husbands' addiction to drugs, or their absence. However, one of these women had to leave her child behind because her own father did not want the child in his family. He strongly believed that the child belonged to his father, and that his family must take responsibility for him.

Cultural differences

Cultural variations between different regions were believed to be very important in causing conflicts, according to a number of women. Some of my interviewees were married to men from other regions of Iran such as Khuzestan, located in the south-west, which is mainly under the influence of Arab culture and customs, or Azarbayjan, situated in the north-west (a Turkish area), with its specific norms and customs. Iran is very diverse in geographical and cultural terms; although the majority of people share more or less the same belief system, there are some important differences in local customs and cultures which affect women's lives. For instance, in the southern area, the dress code and general codes of behaviour for women are more conservative than in the north, where women are more relaxed in

terms of their clothing and socialising with the opposite sex. Those from other parts of Iran perceive northerners differently, especially in relation to gender relationships. There are a vast number of jokes and comic stories about a northern husband's relaxed attitudes and feelings towards his wife's behaviour. These jokes contain sexual terms referring to a northern (Rashti) man not caring about his wife's vulgarity and infidelity. A northern woman is often portrayed as an omnisexual woman who is having multiple sexual relationships with almost everybody. In reality, however, northerners are not very different from their brothers and sisters in other regions of Iran regarding issues surrounding women's sexuality. A man from the north can be as *gheiraty* or jealous as men from any other part of Iran. But the difference rests in the scope of the freedom given to women: in the north, women have more space in terms of their social relations. Irin, a 40-year-old Rashti woman said:

“Once, we were invited to a wedding where men and women were mixing and dancing and having fun. My husband's friend from the south, who has a bad reputation (he sleeps with prostitutes) was there. He said to my husband, ‘These women who are dancing with men are all *fased* [corrupt]. If I asked them to lie down [to have sex] right here, they'd do it right away’. My husband, who knows our culture, warned him: ‘Don't you dare say anything to them! They'll kill you right here! This is their culture, and those men they are dancing with are their brothers, sons, husbands and relatives.’”

Nevertheless, Irin's husband (a southerner himself) was in the same dilemma over his wife's lifestyle. Irin added:

“He thinks that if a woman talks to a man, it means they have a sexual relationship, while here in Rasht it's normal. Once, after our reconciliation, he came home and told me angrily, ‘You are like your vulgar cousins. You are like a whore who can have ten men on top of you at the same time.’”

Irin's husband was an engineer from the south. Irin pointed out that these differences caused a colossal crisis in her life, as she had to “change herself from top to toe”. She reported that her father, who had worked in the south and knew about people's lifestyles, warned her about the cultural differences. He told her she could not possibly live in that condition, but she overlooked his advice due to her husband's convincing behaviour and manner:

“He has two sides: *zaher* [overt] and *baten* [hidden]. At the beginning he seemed very modern and open minded. He had travelled to many western countries, but after marriage he changed.”

There was a sharp contrast in her life before and after marriage. While before marriage she was a free girl working independently, after marriage her husband rejected her lifestyle, demanding a total change:

“From the beginning he gradually started to restrict me. He told me that I must wear my chador in every city in Iran, and only in Tehran and Gilan region can I take it off. I wasn’t allowed to use make-up, my hair wasn’t to be seen, and I wasn’t allowed to go to mixed parties. I shouldn’t receive any male guest. He said, ‘This is our custom and culture in the south, and it isn’t appropriate for a man to carry a baby around, or do the housework’. In their region some of the women wear *borgha*. Their parties and weddings are segregated. The women cook and do everything in their own segregated section of the party, but in our region [north] we don’t have the facilities. I have to cook and serve my guests while I’m wearing my chador, which is very difficult... If we go to a wedding, I have to sit isolated and must wear the hejab – no laughing, no dancing. He controls me with his eyes. If he looks me in the eye then I have to remove the eye make-up, and if he looks at my lips I should wipe the lipstick off. He controls everything, whether I am looking at another man or someone else is looking at me. I have to cast my eyes down all the time.”

Although the above passage shows how cultural differences within different regions in Iran can be a determining factor in women’s lives, a close examination of the narratives reveals that these function within a wider background (a symbolic order, a regime of power and a regime of subjectivity), encompassing a set of legitimate discourses on what being a good woman constitutes. Irin’s husband is merely applying the legitimate policies and discourses such as those governing the hejab, sex segregation and the *gheirat* effect, which are inscribed in him by the orthodox discourses enshrined in everyday conversation and in the formulation of marriage and other social institutions. If Irin were a man, he would, almost certainly, perform the same set of discursive and non-discursive practices. Of course, there would always be a shade of difference related to biography and specific local situations, but the difference would be in degree and not in type. Irin’s husband

justified his authoritarian behaviour by telling her that he was “sensitive about her”, while as Irin said:

“When I ask him why he doesn’t show the same sensitivity towards his own sisters when they don’t take good care of their hejab, he says that they are other men’s responsibilities, and their affairs are in their husbands’ hands.”

Irin’s husband believed that his sisters were not in his realm of responsibility and jurisprudence once they were married¹¹⁹. The issue of *gheirat* is not applicable here; a man only shows *gheirat* in relation to his wife, who is under his custodianship (of course he has *gheirat* towards his sisters as well, but it is dormant and can only be activated when her sisters’ husbands’ mechanisms are off for whatever reason). The fact that Irin’s husband does not think the same way for his sisters shows the custodian nature of marital relations, where men feel that the women they marry are under their surveillance and in their custody. Therefore, it is their duty to control, protect and guard them. In particular, women’s sexuality is considered highly important, and needs to be taken care of by any means. This set of beliefs is strongly supported by the mainstream discourses in the culture and society at large, and cannot be changed or replaced easily – as Irin’s husband indicated:

“He says, ‘I can’t change myself. It’s in my blood – these are my family’s values. They’re shared by my brothers, my father and my tribe – all of them think like me.’”

He was referring to the ossified constituent components of subjectivity; how the orthodox discourses acted as formative and integral parts of his self. However, after ten years of marriage, with two young children, she was seeking divorce because she said “I can’t do this any more”. Her bad experience led her to the belief that:

“I don’t think a girl should marry – she should stay single. Marriage means two people loving each other and living with each other equally [*hamsar*], not this kind of Islamic marriage, which is a kind

¹¹⁹ The situation for an unmarried girl is different. She carries the honour of the whole family, and her male relatives have a huge responsibility in guarding their honour. In southern Iran, honour killing is still practised.

of slavery. A wife must become a man's slave... not marrying is like having one sorrow [*gham*], and being married is like having thousands."

Irin's perception of marriage did not match the nature of most marital arrangements in Iran. In theory, the orthodox-based formulation of marriage does not rest on love. It is a commercial act, which is based on a contract. As discussed in Chapter 2, both husband and wife have a set of rights and obligations as soon as the contract is conceived. Orthodox marriage is not even for the creation of family (as supported by the relevant references in Chapter 2 of this thesis). There is no theoretical place for love or family in the orthodox formulation of marriage; these are secondary to the sexual satisfaction of the believer, freeing him from sexual tension to worship God. However, in practice, people tend to believe that marriage is the cradle of love and is there mainly for the purpose of creation of the family. Conflict between these two different conceptions of marriage (the tension between the orthodox jurisprudence and popular culture), people's expectations of marriage as love and creation of family and the actual formulation of marriage, sex (*nekah*) for money (*mahrieh*, *nafaghe* and *ojratol-mesl*), causes tension, dissatisfaction and violence.

Other women interviewees stated that their cultural differences created some difficulties for them. Three were married to Turkish men. They reported that their husbands were highly stubborn and authoritarian in comparison to their fathers and brothers, who were northerners. They thought this was due to their being Turkish¹²⁰:

"He's pigheaded – he's a Turk. Although he's lived in Rasht for 30 years, he's still a Turk, very stubborn, *gheiraty*, patriarchal and arrogant."

These women's problem was that their husbands were so inflexible that they made their lives unbearable:

"Nothing can change their minds when they put their minds to something."

According to these women, their husbands believed in a gender division of

¹²⁰ Iran has different regions with Turkish populations, mainly in the north-west of the country. Turkish people are also called *Azari*.

labour in the home; they did not want their wives to go out to work or to take part in making important decisions. In their husbands' opinion:

“Women are only made to be in the house and do the housework and take care of the children.”

One of the women told me her husband wanted her to be more like his sisters and his mother: submissive and obedient. Fariba, 42, complained that:

“Whatever I do he isn't happy, but when he's with his family his laughter shakes the house. I thought it was just because I don't know his language, but he denies it.”

Mona stated that, unlike her in-laws, she could not behave submissively. In contrast, there was a Turkish woman who had married a Rashti man for love. But she was seeking divorce because her husband, in her opinion, was an irresponsible man who did not think about family, and who only cared about having fun and using drugs. She also thought his behaviour had something to do with being a Rashti man. She described Turkish men as family men who:

“... [feel] responsible and care about their families. They work hard to provide for them. My father told me he's just a sloppy good-looking boy.”

She was envying her sisters, “who have Turkish husbands, and they've provided them with a fantastic life – they have lots of jewellery”. Although she admitted that they are stubborn and authoritarian, nevertheless, she wished to be married to one of them. She said:

“My sisters found their ways to deal with them in a diplomatic manner. They listen to them and make them happy and in return get what they want.”

However, later in her interview she said her father did not support her when she was severely beaten by her husband, since he believed that once married she must stay and tolerate the abuse. He did not approve of her divorce. He felt strongly about family values, manhood and womanhood. He even rejected his grandson:

“He doesn't want my two-year-old son in his house. He says he already has 10 mouths to feed in his household, and he doesn't want someone else's

child.”

In his opinion, the child belonged to the husband’s family. It is clear that, generally, her father as a Turkish man was feeling, thinking and behaving like other Iranian men. She sadly had to leave her two-year-old son in the care of her husband’s family, and has never seen him again. She was deeply hurt, and tearful.

Although these women believed their husbands’ regional customs and practices or their difference in language caused them pain and misery, they overlooked the fact that their Gilani sisters who are married to Gilani men have more or less the same problems. Marrying a Turk or an Arab could make their lives more complicated, but that is not the only factor involved. This triggering factor functions through and is embedded in a bigger set of existing discourses in relation to the nature of the relationship between a husband and wife, designed and portrayed by the historical force of orthodox jurisprudence which is widely established everywhere in Iran.

Economic factors

Women often complained that they do not have enough resources. They repeatedly mentioned that they do not have money or jobs to be able to support themselves financially. They could not leave the house and sleep rough in the street at the time of conflict. They did not know what to do if their husbands stopped giving them maintenance. Those who could work, however, often admitted they were powerless to keep their money, since their husbands often forced them to relinquish the control of their income to them. One of the women told me that she and her four children had to starve for four days when her husband refused to give them food; all the resources at home were under his control. She had to work secretly so that she could earn something and feed her starving children. Economic deprivation has resulted in women’s powerlessness in relation to their husbands, and that their financial dependency on their husbands damaged their self esteem and their self-worth, causing more frustration and anger for themselves and their husbands.

There was only one exceptional woman amongst all my interviewees who

did have a separate bank account, albeit in secret. She was highly educated, and had the support of her employer, who offered her a loan to buy a house; this empowered her enormously:

“I wish I’d been knowledgeable before. Then I wouldn’t have let him affect me and ruin my happiness. I am happy now, I am educated and I have a job and income and the house is in my name, so he can’t hurt me. If he wants to go away or have an affair I don’t care any more... If a woman has financial security, it helps her to have more confidence and power. When I was weak and afraid he took advantage of me, but as soon as I started believing in myself and became fearless, he stopped beating me... He threatened me with divorce. I went to court and complained that I didn’t have any job or financial security. Now he can see that I’m able to do anything. If a woman start working before marriage the husband cannot stop her from going to work but if she finds work after getting married he can.”

She was a civil servant in Tehran, and in her workplace she had had the opportunity to meet a number of writers, academics, feminists and women activists, who had informed her of her rights and encouraged her to be independent. This had had a profound effect on her personality. She had studied Sociology as a mature student with two children, and gained her BA. She told me: “As Shahla Lahigi¹²¹ has said, “Justice has to be earned, it is not given”. Although her husband’s violent behaviour had, to some extent, diminished her success added new complications to her situation. He could not cope with the fact that his wife was better educated than he was, and earned more, and he felt inadequate and threatened:

“My husband was against my education, and he wanted to make me pregnant just to stop me from going to university, but ‘If you set a trap for someone, you could be caught in it yourself’¹²². Perhaps he thought it’s very bad if his wife studies – when I express my opinions he thinks I’m showing off, because I have a BA... Basically, he has a problem with my job. At the beginning, he threatened he would come to my office and ruin my reputation. But I carried on.”

This interviewee had found some ways to reduce his resistance by being diplomatic:

“I respect my husband, and I make him believe that he’s the boss. Whatever he is, he’s my man, and I let him be the boss at least in name [*esman*].”

¹²¹ A woman activist in Iran.

¹²² Proverb: *chah kan hamisheh jayash tah-e cha ast*.

The above statements demonstrate that although financial security, a job and education can have a very strong impact on women's lives in terms of empowering them, it can also create further tensions in the family. In the current system, a man is expected to be the main breadwinner, and this legitimises and maintains his authority in the household. When his ability is challenged and threatened by his wife's financial autonomy, the conflict resurfaces in other forms and shapes. A 21-year-old woman who was seeking divorce at court said:

“You [she was referring to all women activists and journalists] think, if a woman works her condition gets better? You are wrong. On the contrary, her life becomes even more difficult. My husband didn't let me work outside. I decided to get some training in embroidery and work at home. I earned lots of money, but that made me suffer a lot – every night we had a fight because he wanted my money.”

Later on, she told me that her husband was a highly suspicious man, and one night, when she was late home, he burnt all her clothes in the bathroom in order to stop her going out again. However, she had money to buy new clothes for herself and to go to university, and that led her husband to force her (by beating) to hand over her money.

As mentioned earlier in this chapter, women farmers reported the same problem when their husbands made them “work like slaves”. Empowering women economically, in and of itself, cannot guarantee a reduction in violence if it does not change the whole structure of marriage contract and the associated supporting discourses. Research has been carried out on the impact of credit programmes on violence against women in the home. These studies (Kabeer 1998, Goetz and Gupta 1996) suggest that violence increases when women have access to credit. In their study on micro-finance and women's empowerment, Hunt and Kasymatham (2001) reported that women who were given credit were beaten by their husbands. One husband threatened to demand more dowry payments unless his wife could secure more credit (Hunt and Kasymatham; 2001).

Women in Islam are endowed with financial independence; they are allowed to keep their property or sell it. However, in reality, women's rights are overshadowed by the overwhelming power of men, bestowed upon them by the orthodox structure of marriage. In most cases, husbands have control over their

families' resources, including their wives' finances. Women often easily accept their husbands' authority in family affairs; traditionally they are brought up in this way. They believe that by assisting their husbands in their financial difficulties, they are helping the whole family: "After all, we are a family and he's a hard-working man," Raana (57) said. Raana's husband, however, had control over every aspect of her life. Later in her interview she mentioned how this created much tension in the family. She mentioned that there were times when she wanted to give some money to her children, but had nothing, or to make a simple telephone call to her children, and could not. She said she had to save gradually, and hide her money under the carpet, and when she had enough she would give it to her children or her sister, who was a widow with three young children.

Some husbands did not approve of their wives spending their money on their own family (sisters, brothers or parents); this was found to be a cause of tension. Other women reported the same problem with their husbands' unwillingness to help family members; however, they all mentioned that they saved whatever money they have, in secret, so that they could give it to brothers and sisters in need. Another interviewee told me that her father gives her money secretly, to buy clothes, because her husband will not buy her anything. These stories show that these women adopt secretive ways to avoid tension and conflicts, rather than falling into quarrels about their rights in Islam.

The role of powerful women: mothers-in-law

The role of the mother-in-law in generating, increasing and encouraging violence was critical, according to many women in this study. Women farmers who, due to their family structure, have direct contact with their in-laws appear to suffer more. One of the women, Khadijeh, complained that she was severely beaten not only by her husband, but also by her husband's brothers, as a result of her mother-in-law's interference: only because she did not want to work on her mother-in-law's farm. She wanted to be independent and earn some money by working on other people's farms¹²³, and this made her mother-in-law furious. Khadijeh, 42 and a mother of five children, described her situation:

¹²³ Working in the rice fields is a way of earning money for girls and women in Gilan.

“Because we were very poor we didn’t have food or money, and I started working for people on their farms or gardens and earned money, but my mother-in-law wanted me to work for them. I asked them, “What about my life?” I want to manage my own life, and when I didn’t listen to her she complained to my husband a lot, and made him beat me very badly... Once, when I was going back home after a long day’s work, my mother-in-law saw me and she caused a huge fight – my brother-in-law beat me very severely in front of her and everybody else. She accused me of having an illegitimate relationship on the farm. I was five months pregnant, and I lost the baby afterwards because of being kicked, it was just because I refused to work on their farms and worked independently.”

Those who did not have close day-to-day contact with their husbands’ families reported less intensive intervention from their mothers-in-law. However, they believed their mothers-in-law influenced their sons’ behaviour and attitude towards their wives indirectly from a distance, normally by telephone calls or short visits. One of the women told me that her husband had encouraged her to terminate her pregnancy because her parents-in-law did not want her or her child. She had to go through a very unsuccessful illegal operation¹²⁴ which resulted in the removal of her womb. Gilan¹²⁵ told me how the event ruined her life and her relationship with her husband:

“They ruined my happiness – they turned my husband against me, and they’re still doing it. My husband beat me severely, and threatened to kill me when I saw him with another woman in the bathroom. All because I cannot give him a child, and he thinks he can have a relationship with whatever woman he wants, because his mother wants him to have a child and to bring her a grandson...”

I also had the opportunity to interview a number of mothers-in-law. Roghayeh, a 75-year-old woman farmer, was one. She told me that her own father had “sold” her to her husband when she was only nine, and she had been taken to her husband’s family. She had given birth to 14 children, three of whom had died. She told me how she had worked on her in-laws’ farm: “[they] put the children on our back, and we worked like slaves from dawn to dusk”. It became apparent to me

¹²⁴ Abortion for non medical reasons is illegal in Iran, according to Islamic law.

¹²⁵ As well as the county name, Gilan is also a girl’s name.

that she expected her daughters-in-law to work for her in-laws for free of charge and as a duty, just as she had always done. She could not tolerate the fact that her daughter-in-law (Khadijeh, the woman mentioned above) was not willing to do the same. In Roghayeh's eyes, Khadijeh belonged to her husband and consequently to them; she was a rebel, and it was her fault if she was being treated violently by her brothers-in-law. The other mothers-in-law also admitted that they worked with their mothers-in-law without any protest:

"I was 12 when I got married. My mother showed me the work, and made me work a lot, to be prepared for life. I used to work with my mother-in-law in the farm from early morning to late in the afternoon. We used to eat our lunch at 3 or 4 p.m. I was starving, but I wouldn't dare say anything, I couldn't stand up properly due to my backache, and then when it was time to eat I couldn't eat my dry bread... My mother-in-law verbally abused me a lot, and said many awful things about me, and made my husband beat me."

These women farmers were married very young, and had to stay in their relationships. They said there were times when they could not bear all the pain and pressure, and ran off to their parental home, but their fathers took them back. The perceptions held by the mothers-in-law of the marital relationship, and of their daughters-in-law as property or labourers, led them to justify their abusive behaviour. Similarly, in her study Yoshihama (2005) reported how in-laws' reaction to their sons' abuse (against their wives) "constitute a key component in the patriarchal clan system" in Japan, which supports violence and furthermore, reinforces "a pervasive ideology of male superiority" (Yoshihama; 2005: 1254). Yesterday's daughters-in-law (powerless) are today's mothers-in-law (powerful)¹²⁶. They themselves were in the same situation when they were young, and are now co-perpetrators in their sons' abuse of their daughters-in-law. In their interviews, they reported exactly the same difficulties they had with their mothers-in-law. However, their painful past did not prevent them from maltreating their daughters-in-law, who, they were convinced, were in a better situation than they were, and were "living in heaven" by comparison. They simply believed, "One should tolerate and be patient. We did the same thing, after all." They were mainly referring to the economic situation (having cars, carpets,

¹²⁶ Judith Baxter (2003: 39) argues that "Feminist inquiry should take an interest in 'discourses in the making'", and continues: "... how important it is to promote an understanding of the complex and often ambiguous ways in which women and girls are simultaneously positioned as relatively *powerless* within a range of dominant discourses on gender, but as relatively *powerful* within alternative and competing social discourses... In other words, oppressed groups are not permanently trapped into silence, victimhood or knee-jerk refusal by dominant discursive practices...".

gas, electricity and other things), while underestimating the physical and psychological injuries to their daughters-in-law. By minimising the pain and misery of their daughters-in-law, and maximising their own suffering, they had found a way to justify themselves.

The question is, why is yesterday's battered woman today's batterer? Why do these powerful women commit acts of violence against others who are powerless? Perhaps the case of black-against-black violence can shed more light on these questions? In his autobiography, McCall sought to explain why the rate of "black against black" violence exceeded that of "black against white":

"The irony was that white folks constantly disrespected us in ways seen and unseen, and we tolerated it. Most blacks understood that the repercussions were more severe for retaliating against whites than for doing each other in. It was as if black folks were saying, 'I can't do much to keep whites from dissin' [slang for 'disrespecting'] me, but I damn sure can keep black folks from doing it.'" (McCall's autobiography, 1994: 52, reported in Wilkinson, 2005: 150).

If we replace whites with men and blacks with women, a similar dynamic appears to be at work. The mothers-in-law cannot confront or question the established power of men in the system; thus they adopt the policy of "If you can't fight them, join them." Moreover, they cannot tolerate their brides' (perceived) disrespectful behaviour, and make "damn sure" that they can keep their daughters-in-law from disrespecting them. McCall describes it as follows:

"The struggle for respect is a struggle for human recognition, for social existence itself, and violence is the mother tongue of dominance" (McCall's autobiography, 1994: 52, reported in Wilkinson, 2005: 151).

Other factors are also involved in empowering the mothers-in-law. One of these is ageing, which is highlighted by some researchers (in Counts, et. al, 1992: 235; Brown, 1982); for these women, growing old has some advantages. First, as mothers they gain their children's support, especially if they have sons, as sons will protect them against their powerful husbands. However, once they join the establishment and become powerful, they become abusive to their daughters-in-law. The abused becomes the abuser.

In addition, religion and culture together help women to earn their offspring's caring attention and respect. Respecting mothers and taking care of them is a very powerful message enshrined in stories, poems and religious texts. It is also recommended to believers in the Qur'an.

As mothers-in-law, they have control over the young brides. As middle-aged women, a new stage in their life starts to emerge; they lose their youth, beauty and sexual attraction, and become free of their husbands' suspicion. Raana, 57, told me that she is now free to go wherever she wants, because she is old and her husband is not suspicious any more:

“... For 16 years I lived in that village, and I never went to any weddings or parties. He was very suspicious... he imprisoned me. I had to stay in the house and work all the time with my mother-in-law... Now that I'm old he lets me go out, but I don't know anywhere – I can't go anywhere alone.”

The strategies the mothers-in-law were using to influence their sons' attitudes towards their wives were varied, but shared some features. They frequently used the discourse of motherhood provided for them by the available discourses. Soraya was a young woman in her late twenties and she had a BA. She was so desperate to save her marriage, against the will of her mother-in-law, who wanted her son to divorce her. Soraya was introduced to me by some friends, who were very concerned about her health. She was on the edge of a nervous breakdown. She told me her mother-in-law interfered in everything, even in her intimate relationship with her husband: “She's afraid that this [sexual intercourse] might make my husband love me.” When she fell pregnant, her mother-in-law forced her to have a termination. Her mother-in-law was a clever woman, who used legitimate religious language to brainwash her son. In this battle Soraya felt defeated:

“She interferes in my life a lot. She feels very jealous because she loves my husband so much, and she's also economically dependent on him. To influence him she tells him some stories or *ahadith*¹²⁷ from the Prophet, that he must make his mother happy, and she emphasises some particular verses from the Qur'an that require believers to be kind and caring towards their parents. She threatens her son that she will curse him [*shiram ra halalat nemikonam*]. So psychologically she makes him feel guilty. He's confused. Sometimes he turns back to me and takes my side, and sometimes he takes his mother's side – on those occasions he starts beating me because I stand

¹²⁷ Religious sayings from the Infallibles.

up to him. She shows him lots of affection, and gives him lots of attention. Once, he beat me in front of her. That made her very pleased. When I became pregnant she wanted me to have an abortion, and in one incident when I was 7 months pregnant my husband beat me hard and I fell down the stairs. She's threatened to kill me if I don't get divorced. She's doing all this because she wants me to hand over my *mahr* and leave the baby for them. She wants to take my son away from me, and that's the only reason I'm not getting a divorce."

According to Soraya and her mother and a very close family friend, Soraya had been placed in a situation in which she did not have enough power against her powerful mother-in-law. One reason she alluded to was that she did not have enough information about the religious discourses to use them strategically to influence her husband. It can be said that she was clearly suffering from "discursive homelessness", when she needs "discourses in the making" as Baxter (2003) argues. Heidegger and Gadamer (in Alvesson and Skoldberg, 2000) pointed out that human being resides in language. There are not adequate discursive resources and narrative repertoires available to her to legitimise her opinions of conjugal relations, and if there are any, they are not as widespread and powerful as the discourses of motherhood. As she said, her husband was so fearful of God, the Prophet and Judgement Day that it made him easily susceptible to the influence of his mother. As discussed in Chapter 2, the motherhood discourse is a very powerful one in Iranian-Islamic culture. One of the interviewees told me that she asked her husband to explain the difference between her and his mother in his eyes. He told her:

"One should take care of one's mother – I can easily find any woman I want in the street, but there is only one mother."

That was his reason for being more concerned about his mother than his wife. In addition, Soraya pointed out that her husband would not listen to her because he was afraid of becoming weak and *zan-zalil* (hopeless or powerless in the presence of women; the person who heeds his wife's advice too much, or is very mindful of her).

"He doesn't like to listen to me because he thinks if he listens to me then I am going to have power over him and he will turn into a weak man (*zan-zalil*). He thinks he never makes mistakes."

Overall, there are three demonstrable categories at work here. There is a cycle of violence. The mothers-in-law, as reported in this study, were beaten by their husbands and their in-laws, and they, in turn, beat their daughters-in-law or incite their sons to do so. The daughters-in-law beat their children (as I witnessed on some occasions). The victims of violence are very often violent themselves. Sometimes men who beat their wives have been beaten as children (ref. Chapter 1). There is a general understanding that violence breeds violence. Straus (1990) used systems theory to explain wife abuse. He argues that there is an association between wife abuse and physical violence toward children. In his work on a national random survey in the USA, Straus reported that fathers who used severe forms of violence against their wives were more likely to beat their children. This was also true of women who were beaten. Straus also concluded that those who were abused physically as children were more prone to be engaged in child and wife abuse as adults. Systems theory views physical retribution as a fraction of the continuum of physical violence against children, “with child abuse at the far end in terms of frequency and severity of the violent act” (Counts et. al, 1992: p.241). Severe corporal punishment of children in countries such as Iran (Hegland, 1992) and among the people of Bun, a village in Iran, (Campbell, 1992) was noted by some researchers.

The second reason that mothers-in-law use violence is that it is the only form of power they have. They use force to establish their authority. If they cannot do it they incite their sons to do it. They need to establish authority and control, in order to put the daughter-in-law “in her place”. In particular they need her submission for the very clear reason that they (as well as other members of the extended family) need her labour. If the daughter-in-law concentrates on her own household, she leaves the mother-in-law without help. Thus, the mother-in-law uses her son to impose restrictions on his wife.

On the third level are the views of the daughter-in-law. First, she considers that she is beaten for not working for her mother-in-law. The next stage is also the question of power and authority. The daughter-in-law believes that her mother-in-law is jealous of her because she is young, desirable and able to work. She also spends her son’s money and resources. Her mother-in-law cannot enforce her power and authority by communicating with her; the only way is to hold her hostage to violence. The mother-in-law sees violence as a legitimate means of establishing the

norms; the daughter-in-law sees violence as an act of desperation. The mother-in-law says, "I was beaten", so it is normal to beat; the daughter-in-law says "She's beating me because otherwise I wouldn't do what she wants". The daughter-in-law is well aware that it is illegitimate to beat. She does not think it is fair. The mother-in-law claims that she thought it was fair at the time when she was beaten. What is interesting about the daughter-in-law's view is that she thinks that it is unfair to be beaten, yet she beats her own children. The use of force continues, and she beats her children for the very reason that the grandmother has her husband as a proxy beat *her*, so this again may well exacerbate the cycle of violence. There is a kind of collusion between mother and son, but also between wife and husband. The physical force of the son is used in order to impose authority. While the daughter-in-law believes her mother-in-law's utilisation of her husband is illegitimate, she thinks using him to beat the children is fine.

There are two categories of mothers-in-law here. There are the rural mothers-in-law who want to use the labour of their daughters-in-law labour (to keep them in the household). An urban mother-in-law who beats her daughter-in-law so that she will leave her husband's house, possibly because of the way the daughter-in-law behaves, or because she is jealous, or resents losing her son, falls into the second category. There seem to be similarities between the two categories: both are trying to shape the daughters-in-law in their own image. The question of jealousy and economic needs comes down to "power". They are using their power to extract submission.

Moreover, the mothers-in-law feel that they have the right to control the household. There is a cultural assumption that the son belongs to his mother, and the mothers-in-law see themselves very much as the guardians of the family, for securing the future of the family; this cultural discourse is sometimes employed strategically to incite the son into acts of violence against their wives. Why does the son allow himself to be used as a proxy? Not all sons are willing to conform to this pattern. Some men see violence as part and parcel of their negotiation in the marriage. The mothers-in-law may be instrumental, but some men have actually internalised the notion of violence as a means of negotiation, while others have not. Some men commit violence because they prove their love by jealousy; for them it is part of the language of love. In the next section, the question of love and the discourse of male sexual jealousy and suspicion will be discussed.

Suspicion and the discourse of male sexual jealousy: *gheirat*, *ta-asob* and love

Suspicion was found to be one of the main causes of violence against women in this study. All types of women, old or young, literate or illiterate, housewives or farmers, employed or unemployed, reported it. The Persian term for suspicion is *shak-kardan*; and *shakkak* is the one who is suspicious. A number of terms relating to suspicion emerged in interviews with the women. Due to close proximity of meaning, women used some of these terms either separately or jointly. This family of terms was utilised to cover the psychological territory of the battle of sexes culminating in violence against women. They overlap with and are distinguishable from each other. These terms are *gheirat* (jealousy, protectiveness); *ba-gheirat* (jealous protectiveness); *bee-gheirat* (indifference); *ta-asob* (bigotry, narrow-mindedness); *moto-asseb* (bigot, narrow-minded). In the first section I will elaborate on women's accounts of the factors leading men to suspicion. In the following section I will reflect on a number of themes that emerged in my interview with a group of young and highly-educated women; one was newly married, another had a fiancé and three were in relatively stable boyfriend-girlfriend relationships. These young women belonged to high middle class, moderately conservative merchant families.

Suspicion

Most of the women in the study drew attention to the profound role of suspicion in their lives. I asked them what they thought of their partners' suspicion. Their answers varied. Some believed that because men themselves were not loyal and were after other women, they believed that either their wives were disloyal, or other men had their eyes on them:

“Because they look at other people's wives, they think everybody else is looking at their wives.”

“Because he's like that, himself. He used to betray me. He goes out and talks to every woman he wants, but, if he sees us [the woman and her daughters] talking to a man, we are in huge trouble. He even accuses me of having relationships with men who are younger than I am, even though I now have

two grandchildren and it hurts me a lot... he thinks all women are *kharab* [corrupt]”

“At work he only sees criminals [he is a policeman]. He thinks all men are either murderers or burglars, and all women are hookers. Because of that he’s very suspicious of me. He told me ‘You have to prove to me that you are a pious woman.’”

“My fiancé slept with many women. He doesn’t believe girls and women are trustworthy – he thinks they are *kharab* [corrupt].”

There are two main points here. First, men perceive women as being *fetneh* (chaotic) or *kharab* (corrupt), as the embodiment of sex; their mere existence per se is an invitation to sex. Sex is seen as a degradation and corruption of masculine integrity and strength. There is a sense of uneasiness with sex, which transfers to a sense of uneasiness with womankind. These men, according to my women interviewees, had relationships with other women, and because the women with whom they had relationships became corrupt by submitting to them, they generalised this to other women including their wives, sisters and daughters. They were expecting their women to be loyal to them while they themselves were disloyal. Secondly, the powerful moral discourse of corruption supports the legitimacy of orthodox formulation of marriage that allows polygamy, enshrining unequal right of access to sexual partners. It is legitimate for men to have relationships with other women, while it is unlawful for women to do the same according to the orthodox structure of marriage.

One of the interviewees said that her husband obliged her to prove to him that she was a pious woman. Only then would he give her permission to go to work. She explained that he was highly suspicious towards everything and everyone. On occasions when she had calls from her male colleagues from the office, she was in trouble for a couple of weeks. She had come to the conclusion that because she had a well-paid job and was well-educated compared to her husband, and “He doesn’t like it”, he was intentionally using “being suspicious” to prevent her from going to work.

The fact that men can use the discourse of suspicion and *gheirat* as an effective weapon against their wives reveals the importance of this discourse in the social reality of gender order. If a husband feels danger in relation to his wife’s moral corruption and chastity, he may use his power to stop her becoming corrupt;

as his wife's custodian, he can forbid her to go out to work or travel abroad¹²⁸. Technically speaking, the law does not give a man the right to stop his wife from going to work if she worked before she was married. However, in practical terms, in the name of *namus/sharaf* (reputation/decency) and *gheirat* and the fear of his wife's moral corruption, the husband can win his case in any court. There is a tension here between the law and the orthodox jurisprudence. In this case, the latter is more influential in shaping the social reality of gender order.

Some women said their husbands were suspicious because they were young and beautiful. Their youth and sexual attraction could put them in other men's gaze and finally lead them to corruption. They pointed out that their husbands were very sensitive and *gheiraty* (jealously protective), and did not want their wives to be seen by any non-relative man (*na-mahram*):

“He was very suspicious. Because before marrying him, there were a number of young men who wanted to marry me but, later on, I married him and he didn't want me to see them at weddings and parties. That's why he imprisoned me in the house for years.”

“My husband asks me to take good care of my hejab when required. With the male relatives we don't have a real problem, but with strangers we have...”

“He has said he doesn't want other men to see my beautiful body, because I am only his...”

“He didn't let me go out to work, because he was very suspicious. He would stalk me for a while to find out where I was going. I was quite a lot younger than him [20 years] and he felt insecure...”

“Exclusivity” and “promptness” conditions of the orthodox formulation of marriage (ref. Chapter 2) oblige a woman to remain faithful to her husband. Moreover, men believe it is their job to make sure that their territory (their wives' bodies) remains intact. To do this, men use the discourse of *gheirat* and *ta-asob* and their associated tool kit (such as veiling and its mannerism) to ascertain their wives' piety. Veiling (hejab) was used extensively to guard men's exclusivity right. This sometimes came up during the interviews:

¹²⁸ Women in Iran need to have their husbands' approval and permission to travel abroad.

“He feels jealous if I wear see-through clothes or short and sleeveless dresses. When we go to his family or they come to our house he asks me to wear my chador in front of his brothers and other male relatives – they are very strict. When he isn’t with me I feel a bit more relaxed, but he told me that if I don’t cover myself the way he wants me to, he feels betrayed and he won’t be happy with me, and I’ll be punished in the other world...”

“If I wanted to go out, for instance to my mother’s house, he would ask me to wear my chador because I had to cross the shop where men used to sit. Then at night he would have a fight with me and beat me severely... he was very suspicious.”

Sometimes, women themselves willingly and voluntarily wore the hejab and behaved piously. They believed that of all of the rules they were obliged to submit to, the wearing of the hejab was the most practical and the easiest, because as Fariba said:

“We are brought up like this [to wear the hejab] in our family, in schools and in the outside world. We always had to dress appropriately... but we ourselves take good care of these things. We have some red lines for ourselves; we don’t leave this for them (husbands) to boss us about! That’s the way we were brought up. Sometimes we women criticise a woman who dances with a man at a wedding or a party. We say, ‘Look! How vulgar she is!’”

To prevent further and constant interference in their everyday lives women would anticipate what their men’s expectations of them are and comply to those standards of behaviour (before being reminded of them). Moreover, they intended to gain their husbands’ trust by using a proper hejab. They told me their husbands gradually learned to trust them, and as a result, did not impose such harsh restrictions. Here are some examples:

“God forbid, if he finds out anything about these things [issues related to infidelity] it will be really nasty, but we are very careful about these things in our family. He’s convinced that I’m very pious.”

“He was suspicious at the beginning, but I was/am very cautious. Later on, he told me he trusted me completely, and he said that if he sent me all naked into a town full of men I would definitely come out clean and nothing would happen to me.”

“I always take good care. I never wear short things, and try to cover my body properly. Apart from my father’s and brothers’ houses, he wants me to be covered (just now, before he went out he looked at me gravely, but I don’t care anyway because I am hot)¹²⁹. He uses his body language (his face and gestures) to show me his dissatisfaction.”

All the above statements indicate that women take the initiative into their own hands. First, they said that they were “brought up like this”. “This” refers to issues such as the wearing of the hejab, chastity and knowing where the red lines are in their society and family. In the process of girls’ socialisation, families ensure their female members behave appropriately, in parallel with their societal norms. Similarly, boys are socialised according to the dominant discourses available to them. Men are expected to have *gheirat* or jealousy towards their wives, and are expected to control, guard and constrain their wives’ behaviour. A number of women pointed to factors such as social and family norms to explain their husband’s *gheirat* and *ta-asob*. Male sexual jealousy, in the feminist view, is believed to be “an expression of societal norm that women are the property of the men” (in Campbell, 1992, p. 234). The idea that men own women, and notions of female chastity before marriage (virginity or *bakeregy* as a critical criterion in evaluating a woman’s worth) and obligatory sexual intercourse in marriage, constitute the core of male ownership of women in Iran. Campbell reported that in some societies (Iranian, Indian and Indo-/Fijian, for example), a relationship between severe wife-battering and male sexual jealousy was evident (Campbell, 1992: 235).

Some women pointed out that their husbands were brought up in the way that they were because of their families:

“He’s very *gheiraty*. It’s in their family... his father, mother, uncles and brothers are all the same.”

“His family is very *moto-asseb* – his father, brothers are all like that. They have strong religious values...”

“Every man has *ta-asob* like our brothers or fathers. It’s because they are brought up like that and have learnt to have *ta-asob*. It isn’t out of love.”

Others believed that men are naturally jealous:

¹²⁹ The interview was conducted in the beach house on a very hot sunny day, and the interviewee clearly felt relaxed, even though her husband was annoyed and irritated by her incomplete hejab.

“It’s in their character.”

“They’re born like that.”

“It’s in their blood.”

Some pointed out that *ta-asoby* men are psychologically disturbed:

“He was suspicious just because of a telephone call. If any man talks to me he gets suspicious. He’s sick. People like him are sadistic – they enjoy hurting others.”

“He was extremely suspicious. It’s because he was mentally ill. He always thought I was up to something wrong and somebody was following me.”

It can be seen that some of these women believe suspicion is related to specific character traits of certain types of men (the psychologism approach). Others connect it to the innate nature of men (the biological approach). However, at the root of suspicion in the marital relation is the unequal structure of marriage, in which men are superior and women are subordinate. Suspicion comes about in any hierarchical relation of human relations in social space. The question in the mind of the superior ensures that the subordinate (who has a will of her/his own) acts according to the will of the superior. Suspicion is the character of the structure, not an individual trait.

The intensity of the husbands’ suspicion varies throughout women’s lives. The worst period was reported to be the early stages of marriage; gradually the husbands become moderate in the middle of the marriage, and eventually stop being suspicious in their sixties or seventies. Some women in the later stages of their lives declared themselves free of their husbands’ suspicions. But they said they had suffered a lot at the beginning and through most of their marriage:

“He was very suspicious before, but not now. When I was younger he was very strict in letting me out. I wouldn’t dare to give a glass of water to a stranger.”

A 75-year-old woman told me that her husband had been suspicious from the beginning, and only stopped beating her for it a few years before he died:

“My husband was terribly suspicious. He stalked me everywhere. He was

always scrutinising me, and he used to beat me a lot... Once, I was late coming back home from seeing the doctor, when I'd had a miscarriage. He accused me of having illegitimate relationships with other men. He beat me a lot. I couldn't go for treatment, and when my doctor asked me the reason I told her everything. She asked me to take him to her office next time. I didn't tell him why the doctor wanted to see him. Anyway, he came and the doctor told him that either he should stop beating me, or must divorce me if he had any doubts about me."

However, the doctor's advice did not work and he kept beating her and did not let her go to the doctor for treatment. Her husband was a lot older than she was. The age difference had already been reported by other women as a determining factor. Perhaps an age difference (men being older) intensifies men's suspicion and consequently their violent behaviour. But the age difference, in turn, acts as a catalyst to a deep-rooted problem. The notion that men must be in charge of female sexual activities leads to suspicion and violence. In a hierarchical and unequal relation, the superior falls prey to suspicion and the inferior is plagued by shame and low self-esteem, and the dynamics of the situation undermine the quality of the relationship and cause tension and violence (Wilkinson, 2005). In addition, men's subjectivities are constructed by a discourse of masculinity, which expects them to guard their sexual territory fervently (*gheirat*). Any sign of failure in a given task is an attack on their masculine identity. They are protecting their own masculine subjectivity from the mind and gaze of the other. The slightest doubt about their ability to guard their sexual territory sends them into a rage and then violence. *Gheirat*, suspicion and violence are part of the same package, and an inevitable consequence of a structure of superiority and inferiority endemic to the orthodox formulation of marriage.

Another 70-year-old woman stated that after the revolution, due to the Islamisation of the nation, she had had the opportunity to join *Basij-e khaharan* (Sisters' Organisation). She used this legitimate organisation to go out and about, but her husband accused her of having an illegitimate relationship with some of the *Pasdaran* (revolutionary guards). Nobody paid any attention to her husband's accusation, partly because they were a highly religious and strict group and partly because her sons were *Pasdaran* too. By attaching herself to the mainstream religious discourses, she could set herself free of the "political prison" (as she put it) made by her husband who was using the same discourses.

Sometimes other people were involved in making the husbands suspicious. According to Soraya, her mother-in-law attempted to “sow the seeds of doubt” in her son’s mind about his wife’s behaviour, to make him divorce her; she told him all sorts of stories – how vulgar his wife was, how she might betray him, and how she might go out when he had left the house, in order to make him suspicious. As a result of these attempts, the husband decided to test his wife’s piety:

“Once, he hid behind the wall, pretending he’d gone to work. He stalked me for a while until it became clear to him that I wasn’t meeting anybody. He couldn’t believe his mother in this matter because he trusts me – it’s because I myself was brought up that way. I don’t take any telephone calls, I don’t go alone anywhere, I don’t talk to strangers, and when I walk I keep my head down. Overall, I am so scared of men, and my husband knows that. He, however, doesn’t like me to see or talk to his friends when they come to our house – he wants me to leave the room.”

Although the mother-in-law’s attempt did not result in her divorce, it was a good excuse for the husband to punish and intimidate his wife. He instilled fear in her in order to extract the required correct behaviour and prevent any possible future attempts to defy him. The mother-in-law’s action shows how a woman’s sexual infidelity is highly risky, and how an Iranian man’s mind is susceptible to doubts about his wife’s fidelity. In a stratified society like Iran, women who commit infidelity pay a very heavy price, sometimes their lives (always subject to official or communal harsh punishment). The jurisprudential rulings regarding adultery, murder and divorce are sex-biased and generally tolerant of male sexual jealousy and not females¹³⁰. Strategies such as gender segregation, veiling and periods of engagement are adopted to ensure the exclusivity condition and assure certainty in paternity. Wilson and Daly (1992) suggest that much homicide and wife beating results from male sexual jealousy, and that the punishment for adultery on the part of women (and not on the part of men), such as beating and murder, has been tolerated in most societies. One 43-year-old woman stated that much of her problem with her husband was related to his illegitimate relationship with her own sister, which had existed for years (she had married at the age of 13, and they had continued their relationship throughout the marriage). Although this kind of relationship is neither legal nor religious, everybody turns a blind eye. The

¹³⁰ See the *Ahkam-e Mojazat-e Islami* (Islamic penal codes).

neighbours did not go to court to testify against the husband, and the relatives kept quiet and advised the woman to go to the holy shrine and pray to God. She herself did not want to complain because she was afraid of the consequences: her sister and her husband would be stoned. This was a very heavy price that she was not willing to pay. Fear of scandal or *abero-rizi* made her tolerate the situation because “I have daughters of my own ready to get married.”

Altogether, women gave different reasons for their husbands’ suspicion. As mentioned above, that to tame their husbands, they employed a number of strategies, such as covering themselves conservatively and behaving piously in private and in public, in order to tame their husbands. It could be said that these women consciously or unconsciously internalised the dominant discourses, and in addition there was no way out for them. Some of them even said that they themselves would reject those women whose behaviour and appearance were not up to the norms. They told me they had been brought up in that way, and it was easy for them to comprehend their husbands’ apprehension.

In the next section, I discuss some of the issues raised by the young, highly-educated women regarding *gheirat*/chastity discourses. These discussions were highly illuminating in terms of the issues surrounding suspicion and its relation to *gheirat*, *ta-asob* and love.

Gheirat, ta-asob or love

In this section I report the discussion with one of my focus groups. These women were in their twenties, and had been in higher education. Their ideas are highly important in relation to themes such as suspicion, *gheirat*, *ta-asob* and love and their relation to violence. The discussion was very fruitful and informative in terms of finding out their definitions, understandings and interpretations of the terms mentioned above. To find out how they perceive or define these themes, I quote part of our conversation here, starting with the women’s own definitions of the term *gheirat*:

...ZT: So you say men should have *gheirat*?

All of the women together: “Of course they should!”

ZT: What is *gheirat*? How do you define it?

Homa: *Gheirat* is a good moral characteristic for men. It's different from *ta-asob*. He must have pride, and shouldn't be like a nerd. It means pride, personality.

Negar: Reliability: one could rely on them and need not be afraid. Security: I want to feel safe when I am with him.

Homa: It means he shouldn't be somebody who's out of character, negligent and imprudent.

Parisa: It's not like telling me, "Do this and don't do that".

Negar: He shouldn't sit at home and do nothing. He must have the guts to go to work. He must be decisive and be like a man.

Neli: Restricting the access to something precious.

Negar: That's jealousy.

Homa: It's a good character.

Nasrin: It's feeling responsible.

On the basis of these accounts, *gheirat* means responsibility, reliability, personality, security and pride. These young women perceived *gheirat* as a positive trait. For me it was puzzling at the beginning, but further conversations revealed their active endeavour to reconstruct the territory of *gheirat* in their own image and interest; which further provides a good example for the dynamics of language as explicated in the Derrida's *differance* (the process of deferring and differentiation in the construction of meaning). For them, a man with *gheirat* is a man with good qualities: he is someone who can provide for them and give them security, and who cares about them. He is not an irresponsible, negligent and lazy man. He is a man who "...has a feeling for us – we want to be different from any other woman in the street, and when we see our husband cares about us and that we are important to him, it's very enjoyable."

However, they sometimes mix up *gheirat* with *ta-asob*, and apply the two terms interchangeably. In their eyes either is a sign of love. One went even further:

Negar: "...I think *ta-asob* is a sign of love. I sometimes, on purpose, wear some revealing clothes to make him jealous, and when he tells me off I enjoy it. When he tells me that he doesn't want anybody to see my beautiful white legs I feel his *ta-asob* is a sign of immense love."

But Nasrin, a qualified nurse, disagreed with Negar's definition of *ta-asob*:

Nasrin: "I disagree. Every man has *ta-asob*, like our brothers and fathers. It's because they're brought up like that and learned to have *ta-asob*. It's not out of love."

Nasrin was referring to a very important concept. According to her, men learn to have *ta-asob*. It is not in their blood or their genes, but a result of the special social context in which they are situated. Societal and familial structures support, allow and facilitate such discourses as *gheirat* or *ta-asoby* for young men whose identities as men are being shaped. Campbell and Humphreys (1984) pointed out that in societies where there are no preventative strategies in communities, and definitions of masculinity promote aggressive behaviour and dominance over women, the rate of wife-beating and battering is high.

However, all of the women agreed that being *moto-asseb* is only good to some extent, and should not lead to suspicion and jealousy. The extreme version of *gheirat* and *ta-asob*, in their opinion, is suspicion. The following passage shows that these women expect their husbands to apply their *gheirat* occasionally, and not everywhere:

ZT: Should he have *gheirat* everywhere? If you go to western countries and you want to wear a bikini on the beach, do you want him to have *gheirat*?

[Everybody laughs.]

Nasrin: No, I wouldn't want him to be like that!

Homa: I like to be the same as others in any environment.

Parisa: I agree, he shouldn't tell me, no.

ZT: So your husband has to change his feelings?

Homa: Yes, he needs to know when and where to have it. [She laughs.]

Negar: If you don't want to be into trouble, you need to be like others [*khahi nashavi rusva hamrang-e jamat sho*].

Nasrin: He must be a cultured man. [She laughs.]

ZT: So a husband must have “it”, but not everywhere?

Homa: He must have it here, where men harass us, but when we go somewhere like Europe where nobody bothers us, and everybody is the same, it isn't appropriate to be *gheirat*.

ZT: So, *gheirat* is most about security and men feeling responsible for your safety.

All of the women agreed.

For these young women, *gheirat* and *ta-asob* are different from suspicion. For them, a man with *gheirat* is someone who cares about them, loves them and cherishes them. He secures them from danger and keeps them safe from others' greed and assaults. He is a bodyguard. This demonstrates that in Iranian society women feel a strong need for protection in public spheres. Moreover, as the above passage reveals, in their opinion *gheirat* should only be used occasionally, and the husband needs to be flexible. *Gheirat* is not fixed and rigid; men must know when it is appropriate. The women were basically trying to redefine *gheirat* in their own image, to serve their own social need. Meanwhile, Negar differentiated *ta-asob* from suspicion:

Negar: *Ta-asob* is different from being suspicious. When we wear something, for instance, men tell us, “You're wearing that because you want to show yourself to others”, but sometimes they say, “When you wear that, I don't want others to see things that belong to me.” That's more pleasant to hear than the first sentence.

In Negar's opinion, the former was alluding to the suspicion; it has a strong tone, which is not pleasant to hear, whereas the latter was referring to *gheirat*. It means that the man cares about her and does not want to constrain her; if he says this it is because he loves her, and he thinks she belongs to him. This sense of “belonging” seems to be very fulfilling for these women, and is taken as a sign of love. Nasrin said the same thing:

“... If I wear something short he doesn't say anything, but if I wear something a bit longer he becomes very happy and he loves me more, or he tells me, ‘It suits you a lot.’ Or if I wear a little scarf he says it doesn't make me beautiful (while my friends tell me the reverse).”

Some of these young women were in pre-marital relationships, which are clearly not as solid and stable as marriage. They were not obliged to listen to their boyfriends, and their boyfriends (or fiancés) were not in a position to enforce rules and demand their submission. These men were using soft language to convince them. They were encouraging them, and seemed to be very tolerant with them. The women still had time to break the relationship and move on easily. It was reported earlier in this study that a husband's suspicion and *ta-asob* is a painful reality for those who are in a permanent marital relationship. An Iranian family consultant and expert in domestic violence (Ahmad-vand, 2005)¹³¹ pointed out that in pre-marital relationships, girls view men's preventative behaviour as a sign of immense love. Later on, in the early stages of their marriage, they assume that it is a sign of jealousy, and feel happy. However, these preventative measures gradually become agonisingly painful. One of the women reported that her sister's behaviour changed dramatically after marriage:

Nasrin: My own sister has been married for two years now, and her behaviour has changed a lot. Her husband puts lots of restrictions regarding her hejab and her general code of conduct. He manages to convince her that if he says this or that, it's for her own good... Sometimes she really wants to wear a colourful scarf or a handbag, and begs us to buy one for her, so she can make an excuse to wear it...

The blurred differences between *gheirat* (as love) on the one hand and suspicion and *ta-asob-e bija* (senseless bigotry), which in their opinion lead to violence, on the other, resulted in the formation of some doubts about Negar's future. Negar (no matter how hard she was trying to convince herself and others that her fiancé is right) had some anxiety that he might interfere more in her life. To reassure herself, she acknowledged that this is a problem for any women whose husbands are interfering and opinionated:

“It's always the same for women. There's a man in my life who's from Mashad, and because I am from Rasht he's very *ta-asobi* (bigoted) about me, because Rashtis and Mashadis are at opposite poles. I always ask myself, ‘What if he interferes in everything too much?’ But then I think all women have these sorts of problems in their lives. Men like their women to behave in the way they want. No man would ask his wife to dress immodestly – most men want their wives to cover themselves. They say, ‘If you want to wear sexy clothes, then do it for me.’”

¹³¹ http://www0.bbc.co.uk/persian/specials/162_violence/page22.shtml 10/11/2005

So we're no different from other women, and if a man doesn't demand it from his wife, it means he's with other women."

The above passage indicates that Negar believes in social determinism. This is the norm that every husband, whether one wants it or not, is authoritarian. More importantly, it is socially acceptable. As Campbell (1992: 242) reported in Iran, "The community encourages husbands to keep their wives submissive and disapproves of men who fail to do so". If a man does not ask his wife to behave in a certain way, there is something wrong with him. For Negar it means that he does not love her. Marriage is an inevitable fact of Negar's life, sooner or later: she must marry, and it is a unilateral right reserved for her future husband to impose his will on her. Her fiancé insisted that she change her lifestyle, and as a *gheiraty* man he is expected to do so. He told her that he loved her, and that she was different from any other women he had dated or slept with, and that she belonged only to him, etc. etc. She felt that these were all signs of love. Nasrin's experiences, however, led her to believe that:

"This feeling that he has about you is because you didn't have sex with anybody before. It fulfils him, and makes you different from other women. But you have to work hard and satisfy his [sexual] needs a lot, to stop him betraying you or being attracted to other women."

Here Nasrin is referring to the very important concept of "virginity" and its importance in marriage. She stated that being a virgin could be a determinant factor in a man's willingness to marry a girl. She was in a very fulfilling relationship with her boyfriend, but the only obstacle they had to getting married was the fact that she was not a virgin any more. In the past she had had another relationship, and she told her current partner "everything":

"Before I had other opinions, I had the intention to marry my boyfriend. I thought if I shared everything and opened myself up honestly, I could hook him to myself and we'd be happy and trust each other. I told him the whole thing, then I realised that it wasn't working..."

A romantic and loving relationship for Nasrin was based on reciprocity, trust and honesty. She was unaware that her honesty might cause a colossal change in her

boyfriend's decision to marry her. She said that he could not come to terms with the fact that she had already had intimate relationships with other men. Her boyfriend was highly educated (studying medicine), and seemed very open-minded; she herself was a professional nurse, an independent woman with a good job and a strong personality. All of these qualities had attracted her boyfriend to her in the first place. Despite the fact that he loved her, he decided to have her as a partner and not as a wife. This hurt Nasrin a lot. He had had other relationships with women in Iran and abroad, but he could not tolerate the thought of his girlfriend even thinking about somebody else:

“He told me that men like diversity. He has had other relationships, but he tells me that it's different. He loves me, but has sex with others, and now he doesn't want to marry me – he thinks this way is better. I give him the right to have sex with girls, but not to love them... I am faithful to him, but if I wanted to think about someone else he would finish with me. He wouldn't forgive me.”

Modern Iranian men still have contradictions in relation to female sexuality; although they believe they are westernised and open-minded, and believe in equality, when it comes to sexuality they feel and act traditionally. They want to have their cake and eat it: a paradoxical combination of sexual freedom and the holy cow of virginity. The term “unequal egalitarian” (Hepburn, 2003) can be used to categorise their positions; the unequal egalitarian characterises the position of those who defend the equal rights of women in theory, and resort to practical difficulties to justify unequal treatment of women in practice. Men can sleep with as many women as they like, but they demand that their women are modest, faithful and virgin. Moreover, the fact that men have other available options such as polygamy, provided by the orthodox formulation of marriage, confirms women as those who have to serve. This shows that the orthodox jurisprudence constitutes an integral part of the regime of truth for the vast majority of Iranian men.

These women, however, tried to justify their partners' contradictory positions. They seemed to accept their partners' discourses. They admitted that while it is a necessity for men to have as many relationships as they desire before marriage, they do not reserve the same right for themselves. They are convinced that they must do their best to make their men happy and satisfy their needs, because

they do not want to lose them. They have strong competition (all the other women who slept or could potentially sleep with their boyfriends or husbands):

“He told me, ‘If you love your husband dearly and you don’t want him to be attracted to other women, you must do your best to satisfy him. Then he won’t be attracted to any other women.’”

While they should serve their men wholeheartedly, they must resist submitting to any temptation themselves. They are well aware that this makes men love them, and at the same time they have managed to persuade themselves to deal with their boyfriends’ infidelity and multiple sexual preferences:

“A man who doesn’t have relations with women before marriage might think he’s missing out on something, and he might want to try it after marriage. I think he loves me because I resisted him. He couldn’t get access to my body – all his efforts to have sex with me failed because I resisted, and now he’s madly in love with me because of that. He told me that he wanted to seduce me and exploit my body, and because I didn’t submit to him it made him love me even more...”

Negar was also giving a message to her fiancé that she was a virgin, and had not submitted to anybody else. This reveals that even young and apparently liberated and modernised women are deeply attached to the mainstream set of discourses on the nature of femininity, masculinity and the ideal of gender relations. They seem to have found no coherent alternative to the orthodox jurisprudence, and in their rebellion against it have returned to it. Ultimately, Negar decided to change her lifestyle as her fiancé wished. She decided to reshape her life: initially, she dressed more conservatively, and used less make-up. She constructed a discourse and justified her actions as follows:

“If after my marriage I dress as I used to dress before, there is no difference between a prostitute and me. It means that I’m after other men. I have to be *arasteh* [smart] for my husband only inside the house, and not outside for others. [This is one of the main ingredients of the orthodox discourse on a woman’s duty towards her husband.] After marriage, we cannot live the way we used to, we have to change. The only reason that I sometimes want to dress as I used to dress (before marriage) is because I’m afraid of losing him. What if he sees a chic girl in the street and is fascinated by her? I always ask him, ‘You saw me like this from the beginning – why do you want to change

me? You might go and find someone else like me again... Why don't you want your wife to be chic?"

Negar asked very important questions. Her fiancé's answers were mentioned above. But it seemed she was not yet fully convinced. Throughout the interview she attempted to persuade herself and others to confirm her fiancé's rationalisation. Meanwhile, Nasrin felt Negar should not change her lifestyle:

"I don't agree. Because I was always the way I am now, right from the beginning. I can't change myself after marriage, the way I dress or the colour I choose... If my husband trusts me, he shouldn't think I'm unfaithful to him. I really don't have any agenda in dressing the way I like. That's because I've got used to doing it, and if he wants to interfere that much, it may result in a lot of disputes between us."

As is apparent from this discursive exchange, the women's dress code, make-up arrangements, beautification strategies and codes of walking, talking and socialising are the cause of constant arguments, challenges and violent reactions in the public and private spheres. They constantly see-saw between the discourses of modernity on these themes and the corresponding discourses and practices associated with the orthodox jurisprudence.

In another part of the focus group discussion, the women stated that if they wore sexy dresses or make-up, or behaved seductively, it was because "We want to find a husband". Their ultimate aim was indeed marriage. These young women were all graduates, but wanted to be housewives. They all believed that it is not appropriate for a married middle-age woman to wear make-up and behave seductively, because she is married. If she does, she is corrupt (*fased, kharab*). It was appropriate for them because they were trying to find a husband. However, Negar contradicted herself by stating that she still wanted to look beautiful when married, in order to save her marriage (her future husband is an obsessive womaniser, and she was well aware that she would have many rivals in the future). She dismissed the idea that middle-aged women whom she and others regarded as corrupt might have the same dilemma: if they dress like young women, it is because, in order to save their marriage, they too wish to compete with younger women who might attract their husbands' attention. This female competition over men may also, to a large extent, be restricted to the economy of attention and validation, rather than

the possibility of actually losing their husbands. Due to the polygamy right for men (designed by the orthodox jurisprudence, which opens all possible options for them), women are challenged to save their marriages by trying to beautify themselves all the time. They engage in a wide range of activities which modernisation has provided for them, such as cosmetic surgery, make-up, dieting, dressing up beautifully and so on. Modernity has also introduced pornography, which in turn has added more trouble for women. A number of women complained that their husbands compared them with beautiful women in pornographic films, placed more demands on them and degraded them, and how all of these things hurt them psychologically.

There is no arrangement for premarital relationships in the orthodox construction of marriage. This produces tension between modernity and the orthodox jurisprudence in the realm of marriage. With the force of modernity, both sexes' lives have been transformed dramatically. For instance, women, by going to universities and leaving their communities, gain a degree of autonomy. Modernity provides a suitable context for constant contact between the sexes, while orthodox marriage makes it impossible for girls to develop strategies to make themselves attractive and find their future permanent partners; for them, the only long-term sanctuary in life seems to be marriage. Women who are out of wedlock suffer from discursive homelessness.

It is women's coping strategy to make themselves attractive, to use make-up and to flirt with men. However, later on, employing these strategies leads them into trouble, since they are accused of acting seductively and producing chaos. This reinforces and provokes society's prejudice against women, which drives men to turn to violence against them. Although modernity challenges the traditional arrangements, it does not offer any legitimised alternative. Pre-marital relationships, losing one's virginity, becoming pregnant, being a single mother and having an abortion are not recognised as acceptable practices in Iran.

The conversations above show that there is enormous pressure on these young women to settle down as soon as possible, and to stay in marriage as long as possible. Psychologically speaking, it is a matter of life and death. The possibility of not finding a husband, or losing the husband, strikes fear in their hearts. Not only do they have to come to terms with the changes in their lives; they must make sure that their partners would not lust for and pursue other more desirable women. They believe that it is appropriate for a man to have *gheirat* and *ta-asob*, and that this

means love, while “for women it means jealousy”. Women seem to have reconciled themselves conveniently and safely with the available discourses and narrative repertoires. They have internalized the mainstream discourses regarding the nature of masculinity and femininity and natural gender division of labor. They have accepted the rules and norms imposed on them, and have neither the will, the need nor the discursive resources to challenge these rules. This does not mean that they do not have questions or their own agendas or policies. They are well aware that they do not have enough power to challenge their social reality:

Homa: “Men can *sigheh*¹³² a thousand women, but women should not move from their place. It’s always like that.”

Nasrin: “If I complain about it, he says, ‘You know that I’m with others and sleep with different women.’”

Negar: “My boyfriend has had a lot of women – every night he sleeps with one. But he doesn’t want my ex-boyfriend to see us together, as he thinks he would say to him, ‘What a *bee-gheirat* [inept], she was my girl once.’”

Nasrin: “They say, ‘Because we are boys, whatever we did or do isn’t important, but *you* shouldn’t.’”

Therefore, these women were consciously using other practical strategies to enhance their power and change their lives as much as they could. To keep their love alive, they employed these strategies to create an emotional suspension: holding their love, giving ardour to their men’s sense of honour, and stirring men’s jealousy. Although they did not like their husbands to be suspicious (as mentioned above), to keep their husbands’ or partners’ love they believed one should use suspicion strategically:

Negar: “I don’t think a man should be left to trust his wife totally. We have to leave some room for them to have doubts about us. If they trust us completely, it makes them indifferent to us.”

Homa: “As soon as a man finds out that his wife loves him 100%, he becomes indifferent. She should always leave her husband in some doubt – then he becomes cautious and afraid of losing her love. If you tell him, ‘I love you and I’ll die for you’, then he relaxes. But if he thinks you might love another man, then he tries harder to attain your love.”

¹³² *Sigheh* is temporary marriage. A man may *sigheh* as many women as he wishes, for any period from 1 hour to 99 years.

Nasrin: “He trusted me too much, and I looked after him like a mother. But it didn’t turn out to be interesting for him. He doesn’t have any worries [*del va pas*] for me – he doesn’t care where I am now. He shouldn’t just assume that I’m sitting at home and only thinking about him.”

She wanted him to propose to her, and the only way that remained for her was to pretend that she had another lover, in order to make him *ta-asobi* or “competitive”. These young women were therefore sowing the seeds of suspicion in their partners’ minds (they were not yet their husbands), consciously and intentionally:

Negar: “Don’t you get annoyed that your man doesn’t have any consideration for you?”

Nasrin: “Yes, it hurts me, but it has been proved to me that men are like that.”

The women were, however, unaware that these strategies could lead to more restrictions imposed on them later on. It might be a way of making sure that they were at the centre of their partners’ attention, but in the very near future this could result in more tension, restrictions, and eventually violence. They were implicitly sending messages that women can be as powerful as men, that power cannot be hierarchal and that they can control their controllers. They believed that a woman should be more political, sacrifice more, be more knowledgeable, and be able to find a way to prevent any quarrel; and if she cannot, “It’s her fault”. We have “girl power”: smooth talking, diplomacy, sexuality, desirability, and acknowledging the supremacy of men. Their power can be exercised through the politics of relationships (as the personal is political). These are the arts of resistance and the strategies of the weak (Scott, 1990). However, one cannot deny that this puts too much pressure on women, psychologically and physically (Wilkinson, 2005); they cannot tolerate the pressure all the time, 24 hours a day, and may suddenly snap:

ZT: Then you have to be busy 24 hours of the day, making a lot of effort.

Nasrin: No, it’s only for a while (kill the cat at the time of *hejleh*) [bride chamber]¹³³. Then the husband will realise that you’re not going to retreat.

¹³³ A common proverb, indicating that in a strategic interaction one must establish one’s authority at the very beginning (establish your strategic supremacy at the beginning of the relationship).

Negar: In the best period of our life, we have to work hard to rebuild our men. Men have all these strategies to tame women, and if women don't have policies they'll lose the battle.

Nasrin: I consider myself a clever girl when I defend my rights by being stubborn. I give him a message that I'm not backing down, and my boyfriend likes that – he likes to see that I'm powerful too. They realise that you value yourself.

Negar: You shouldn't degrade yourself in front of a man. Once, my boyfriend verbally abused me and I warned him, "Watch your mouth", and that scared him off. A woman shouldn't let her man break her, and should maintain the red line.

ZT: What if a man breaks her?

Negar: Then the woman should pretend that she's heartbroken. Why should a woman undermine her husband's pride in front of everybody else? She shows others, "I have a dominant male figure in my life, and I do as he tells me", but I know I'm the really powerful one who is managing everything and running my life. A man shouldn't be put in a position of feeling his pride being undermined."

Therefore, a woman cannot be herself. She must always perform a role in bed (when she is tired, she must still perform her role), in the house, in dress (she must wear the clothes her husband tells her to wear) and in society (she must act, talk and walk as required). She must sacrifice her "self" and the desire to avoid subordination, social inferiority and dominance. Moreover, men are not the passive receivers of women's diplomatic behaviour. By maximising their own self-interests (being able to have other relationships, the possibility of marrying an adoring virgin girl, demanding submissiveness) and minimising the risks (the women's infidelity), they are actively involved in this "battle". In the battleground, one party (the man) is using the threat, and actual exercise of threat of going back to market for sex, and the other party (the woman) is using sex as a strategic weapon to gain favours. This ultimately creates dissatisfaction for both, who become "rational fools condemned to self-defeating choices and self-destructive social relations" (Hollis, 1996: 6).

Overall, *gheirat* and *ta-asob* were used as synonymous terms most of the time, and were conceptualised as signs of love and care for this group of women. For other women, however, the terms represented a painful reality they were living

with. For them, suspicion was found to be a very important factor in causing violence. Dobash and Dobash, Wilson and Daly (2005, 45) maintain:

“... [Marital] violence occurs around recurring themes, especially male sexual jealousy and proprietariness, expectations of obedience and domestic services, and women’s attempts to leave the marital relationship.”

Overall, women themselves came to a solution: tolerance, the will to sacrifice, and being “political”:

“The only way for women is to tolerate the situation, because nobody listens to them, and going to court is a waste of time.”

Another factor which surfaced from women’s accounts was men’s gender attributions. These were found to be highly influential in men’s behaviour towards women. This is discussed in the next section.

Women’s perceptions of their partners’ gender attributions and their relation to violence: misogyny

Men’s misogynistic ideas

This section is dedicated to discussing an important theme which emerged in women’s interviews, “the husbands’ misogynistic ideas”. This is done by examining women’s perception of their husbands’ gender attributes, their husbands’ expectations of them and their perceived entitlements, which could lead to violence. In 1989 Joan Smith published her book *Misogynies*, in which she argued:

“The discrimination and denigration and violence that women suffer are no historical accident but linked manifestations of this hatred [hatred of women]; I inhabit a culture which is not simply sexist but *occasionally lethal* for women. Misogyny wears many guises, reveals itself in different forms which are dictated by class, wealth, education, race, religion, and other factors, but its chief characteristic is its pervasiveness... in this culture, the penalty for being a woman is sometimes death”(1989: xi).

Women in this study reported their husbands’ misogynistic prejudices: terms such as “You don’t understand”, “You don’t know”, “You’re irrational” or “You’re an idiot” were frequently used by the men. They admitted that their husbands

generally believe women's ideas and opinions should be overlooked. They said their husbands thought of women as inexperienced, irrational, and not socially intelligent enough to be able to handle and manage the affairs of the outside world. Moreover, for them, men generally deemed women "men's property", inferior, emotional, corrupt (*fased*) and chaotic (*fetneh*). Mahnaz, 43, stated:

"My husband says all women are *fesad* [corrupt] and *fetneh* [chaotic], and they're not human beings."

Men also thought of women as naïve, shrewd, disloyal and untrustworthy, and as having no worth: "He doesn't value women, in general." Overall, according to the majority of women, their husbands believed that women must be controlled and supervised because they cannot be decisive, and are not experienced and intelligent enough:

"He doesn't think women have any social intelligence – even if they are highly educated, they're not experienced enough, they don't know how to behave and they're easily fooled."

These men viewed women as their property. Shaghar had a BA in English, and her husband had a BA in Law. He told her:

"... He said to me, 'A woman is only the servant of the child, and you are my property.' According to him, when I said 'Yes' at the time of contracting marriage I became his property, and I must listen to whatever he says... He reads these negative things about women in his theology [*elahiat*] books, and believes that women marry men because they can't make decisions in their life, and men marry them because they need somebody to do their work: cooking for them, washing their clothes... My husband and his family believe the child belongs to them. If I want a divorce, they'll take my child away. They think, in an old-fashioned way, that the mother doesn't have any role in creating the child, and the baby comes from the man. My husband's family believes that the owner and the guardian is the father, even if the law gives the mother the right to look after her child for the first seven years."

Mahin, a 55-year-old woman farmer, said:

"My husband says I became his property when we contracted our marriage, and I am rightfully his [*hagh-e man hasti*], and he can do whatever he

wants... We have a saying: They asked a man, ‘Who can you dominate in the market?’, and he said, ‘I dominate my wife at home’¹³⁴.

The above examples show that husbands’ perception of their wives lies at the heart of violence against women. Mahin’s husband thought that he owned her and could do whatever he wanted with her. He believed it was his right to beat, abuse and even kill her, to keep or divorce her, and “It’s nobody’s business”. As mentioned earlier in the context of male sexual jealousy, from a feminist viewpoint (Dobash and Dobash, Wilson and Daly, 2005), viewing women as the property of men is recognised as an expression of a societal norm, which in turn is accompanied by other ways of imposing control on women’s lives. Mahin’s husband’s view of her as a “piece of land” appeared to be one of his main reasons for using violence against her, and his perception of marriage as the “ownership” of his wife provided him with justification. The famous saying, quoted by Mahin above, reveals the very important concept that it is culturally legitimate to beat your wife, even though you may not beat other people, such as colleagues and friends. Mahin reported that she once disobeyed his order to work on his parents’ farm:

“...He put a knife to my neck and said, ‘Why didn’t you wash my mother’s clothes?’ Another time he would say, ‘Why didn’t you go to my father’s field to work?’”

According to these women, men’s perception of marriage revolved around their sense of ownership. The same perception, however, was not held by women. They viewed marriage as a partnership – *hamsary* – eating, working, spending and sleeping together, and even sacrificing one’s own needs in favour of the other. For instance, when the women were asked, “What is the meaning of marriage to you?”, they said:

“It means sharing everything together – happiness, sadness...”

“...If I sacrifice things for him he should do the same for me. It must be two-sided...”

“...They agreed to live under one roof.”

¹³⁴ See glossary for the Persian equivalent of this proverb.

“I said to him, we are husband and wife and happiness means working, sleeping, laughing, and living together.”

Only one of the young women regarded marriage as ownership:

Negar: “Putting someone’s name in your contract and feeling that he belongs to you.”

Negar was alone in viewing marriage as property; however, it is important to note that she used the word “belonging” and not “owning”. What I could infer from her views, in general, was that it was very important for her to ensure that her future husband (her promiscuous present fiancé) would belong to her one day by signing the marriage contract. This is so different from men’s point of view. While for women marriage means belonging, partnership, sharing each other’s happiness and miseries, loving one another, eating, sleeping, working and earning and spending together, men perceive marriage as owning, or viewing and using women as their property. Negar came to the conclusion, however, that men think differently:

“...He has to make sacrifices for me too, but it isn’t always like that. Some men are really stubborn and they don’t listen to you.”

Moreover, as reported earlier, in the section addressing their roles, a mother-in-law also views her daughter-in-law as her son’s family’s property. It is reported in this research that these views could lead to violence against women.

Women also reported their frustration at being ignored, and being viewed as cheap labour. This made them angry and ultimately led to more arguments:

“...He thinks a woman should be thinking about her own business – her job is taking good care of the house, keeping the kids quiet and when her husband comes home she must prepare a good meal and be warm and pleasant.”

Marital relationships are not perceived as a mutual partnership as much as women would like:

“...So, why do they call it *hamsary*...?”

The above question was raised by a number of women. Their expectations of the marriage implied being a *hamsar*, or an equal companion. They complained that they suffered from being excluded and ignored by their husbands. Having a degree or being educated and working hard did not improve their husbands' way of thinking about their nature. One of the women found it very unfair; she told me:

“I can't believe it's Islam or God who says, 'Obey your husband in every way', or that men are superior to women. I firmly believe in God, but I don't think it's fair at all.”

The above statement was from an educated housewife who was interested in reading articles and magazines about women. She acknowledged that her reading helped her a great deal in raising her awareness¹³⁵. She said she sometimes even shared her information with her husband, which helped her a great deal because he seemed interested, and occasionally listened to her and admired her. He was interested in intellectual arguments:

“He likes intellectual people – he wants to know what they are saying...”

By reading and gaining information and sharing it with her husband, she impressed him and gradually earned some respect. After she had tolerated his abuse for a number of years, he finally admitted that he had behaved badly:

“He said he doesn't know why he did what he did in the past. He asked me why I didn't leave him. He confessed to me that he did everything to scare me off: banging his head against the wall, threatening to kill me or burn the house down, and beating me severely... He told me he could prevail over me because I was very gullible and naïve. When I married him I was only 16, and he was 15 years older than me. How could I know...?”

She had gradually learnt not to believe him easily. He eventually decided to transfer part of his property into her name, in order to prevent his wealth passing to his own family. He did it because he did not want his wife to be destitute or remarry,

¹³⁵ She said, “We need people like you [she was referring to me] in Iran very much”. Her statement made me feel really guilty, although I had made it clear before the interview that I could not do more than listen to them, and they had accepted that. After the interview, in any event, they were happy that they had found somebody to listen.

which could lead to her loss of the custody of their only daughter. Marrying a young girl has some advantages for mature men, including, as shown above, greater scope for controlling women, who are “gullible and naïve”. This attracts some men to the option of marrying younger women. To justify their action, they argue that due to their wives’ naivety, they must have total control over the affairs of the family, and women must submit to them. Any resistance from the woman leads to the use of violence by the husband.

Only recently, since the raising of some debates in relation to women’s rights in Iran by feminists and women activists, there has been a movement towards rethinking misogyny in the interpretation of the religious texts, and calling these negative images of women un-Islamic. Islamist feminists argue that men and women are equal in the eyes of God, according to a number of verses in the Qur’an, and stress the Prophet Mohammed’s dear love of women. There has been a movement to clarify the rights of women in Islam through the media, especially radio and television. Those who were able to read magazines and newspapers told me how these helped to raise their awareness of their rights. In one particular interview, a 54-year-old illiterate woman told me that she had learnt many things from the radio. That, however, had not pleased her husband because she wouldn’t do her job as usual; she demanded her maintenance and *ojrat-al mesl* rights. Although this gave her a little negotiating power, her husband’s authoritarian regime in the household generally remained intact. He still had total control over her earnings (she had some rice fields), lifestyle and personal relationships with her own family; for her it had been like that since the beginning. While women’s awareness of their rights brought them small victories, raising these issues created more arguments and tensions in some families¹³⁶. Another woman who had the same experience said:

“I heard on the radio that I could ask for my *mahr* at any time. I just wanted to scare him off – that’s why I tried to claim it. It made my husband really furious, and he didn’t talk to me for a while and ordered me to change my mind, and finally I did. He threatened me that he would go and get a second wife, or he would travel to Syria and sleep with Syrian girls¹³⁷. He got worse – that’s why I stopped pursuing my rights, because at the end of

¹³⁶ As a result, there were some attempts to ban the raising of these issues in the media.

¹³⁷ Travelling to Syria is very common in Iran, as the Shrine of Hazrat-e Zaynab (a holy female figure in Shia Islam) may be found there. Those who had travelled to Syria told me that a number of brothels can be found where men can have easy access to women. Brothels are illegal in Iran.

the day I want my marriage to work, and I don't want to get divorced. I have to think about my daughter – who will marry her if they know her mother is a divorcee?”

There are other examples of this kind, where women's attempts to attain their rights failed. There are a few points in order here: first, although there were numerous attempts by feminist Islamists to challenge the patriarchal system by arguing about women's rights in Islam (Afshar, 1998, 1994), their efforts did not necessarily improve conditions for women. Moreover, these arguments created an environment of false conceptions of women's authority, or *zan-salary*. This will be discussed in the following sections.

It has been argued in Chapter 2 that there is quite a large body of sayings (*ahadith*) which implicitly or explicitly express negative and misogynistic ideas regarding women (for instance Ghazali or Imam Ali's sayings as quoted in Chapter 2).

From the above examples, it becomes clear that men's misogynistic beliefs lead to violence, and moreover, men act in their institutional roles. The conformity to male sex roles, as Scully and Marolla (2005) argue, "...encourages males to associate power, dominance, strength, virility, and superiority with masculinity, and submissiveness, passivity, weakness, and inferiority with femininity".

Furthermore, the concept of "polarity", the belief that men and women are inherently different and on two opposite sides was employed largely by men to justify their actions. In their husbands' view, women are weak and wicked, which leaves men strong and right.

On the other hand, according to the women's accounts, their husbands' authoritarian behaviour and interference in every detail of their lives, their self-righteousness, and lack of self-control, short temper, and inability to take criticism were significant factors in creating tension and violence. The women acknowledged that they did indeed have "different opinions", but "lack of communication and negotiation", "misunderstanding or not understanding" and "not feeling comfortable" with their husbands led to "big arguments", "disobedience" and finally violence.

Women's misogynistic ideas

During my work, young women who were in the early stages of their married lives frequently told me that women can and must use their feminine power to prevent conflict. In their opinion, women who cannot do so are not competent or clever enough. More particularly, a group of young women in their early twenties, with whom I had the chance to have more lengthy conversations, talked about their points of view in this regard. From the beginning and throughout their conversations, they were trying to make the point that, all in all, it is women's fault if they get beaten, and "They deserve it", either, in their belief, by "not leaving the situation", or by "pushing men to the edge" and "not knowing when to stop the argument", or for "not being political enough" to handle the situation. Some believed that women are "simple-minded", "corrupt", "traitors" and "untrustworthy". One, Negar, said:

"If a man is suspicious about women, it's because some women are really corrupt, and that's why boys marry very late – because women are getting corrupt."

As Joan Smith has pointed out (1989: xi), misogyny can also be seen in some women. She maintains: "Nor is woman-hating found only in the male half of the human race. We are all exposed to the prevailing ideology of our culture, and some women learn early that they can prosper by aping the misogyny of men; these are the women who win provisional favour by denigrating other women, by playing on male prejudices, and by acting the 'man's woman'".

Moreover, as I discussed in the relevant section, mothers-in-law sometimes incite their sons against their wives "by playing on male prejudices".

These women believed that however bad the situation, it is up to women to take the initiative into their own hands. They had some ideas about how that could be done. They called it "female politics" or, in Persian, *siyasat-ha-e zananeh*.

Women's actions: female politics

Throughout this chapter, in different sections, the ways in which men use violence against their wives to coerce and intimidate them, and to establish control

by conveying rules to regulate female behaviour, have been discussed. According to the women's accounts, what men wanted to control was not limited to a particular behaviour, but varied from going to work or to their parents' house, parties or weddings, to the way they were dressing, using make-up and socialising with their friends or other male friends and relatives. The degree of men's control, however, depended on the women's reactions to it. In response to this regime implemented by men, women reported a variety of emotions and feelings: anger, resentment, low self-esteem, low self-confidence, frustration, sadness and depression (some were on medication). The women adopted different behavioural strategies pertinent to their circumstances, such as silence, resistance, submission, seeking help from outside such as going to family, seeking refuge in holy places, going to experts and/or obtaining prescriptions for anti-depressants. Some of the women decided to leave, and to terminate their marriages. These women's husbands were either addicted to drugs or convicted and serving jail sentences. Most, however, were ready to tolerate and sacrifice. Some actively, or, as they put it, "politically", attempted to control their controller by pretending to be submissive, and by being political and diplomatic. Connell (1987) calls this "emphasized femininity". As Hird puts it, "[This] form of femininity includes gender boundaries. When girls and women pretend they are stupid in the company of males, they are practicing emphasized femininity" (Hird, 2002: 116). The young women in this study agreed that they used their own "emphasised femininity":

Zivar: "A woman should behave politically: fool the husband and do whatever she wants. We leave the big decisions to the men. We pretend that they're very important, and we listen to them and do what we want. Look, we're at the seaside now. We left them at home [with laughter]!"

Negar: "A woman always has to pretend, "Yes, you're the master" – that makes men happy and then they do whatever you want."

Nasrin: "Sometimes it's good to get permission for trivial things, just to give them the feeling that they're important."

These women strongly believed that women are so powerful that they can find cures for all the ills of the family, and are capable of taming their men. As Nasrin said,

"A woman has enormous power. She can change everything – she just needs to be very clever."

These young, well-off, educated women believed that since men “naturally yearn for patriarchy”, their “sobriety and totalitarian behaviour” could “lead to violence”; therefore “women need to manage it”. Women must use their own power to create “peace and quiet”. They explained it as follows:

Homa: “A women must be well-mannered, kind and diplomatic. She should treat her man with love, and she must enjoy it too. It’s really easy to create a comfortable life, even if you have to live in a little cottage. A woman can really do that...”

Nazi: “A woman should sacrifice a lot, and ignore lots of her own needs. it is the woman who has to forgive and forget.”

Homa: “But a woman should keep the boundaries, and mustn’t let her husband beat her. Some women are stubborn and won’t come down, and they make their husbands beat them. It’s because they’re out of character and incompetent... A woman who has an adulterous husband should leave him immediately. It’s her fault – she can’t satisfy her husband. Even if you’re very ugly, you can keep your husband happy.”

As Homa, a 23-year-old newly-married woman, stated above, women must not be so demanding, and must accept less; otherwise, it is they who are “incompetent”. No matter how hard the situation is for the woman, she is the one who can control it, and it is “her fault” that her husband treats her badly. She can “cure” him. In my women participants’ opinion, women should seek and gather adequate information before marriage, and must not put too much pressure on their husbands. If the situation gets out of hand, they must get a divorce. Moreover, they must ensure they do not become pregnant. This group of young women agreed:

“...It’s the woman’s fault, never mind how bad her husband is...”

Moreover, they believed that a woman must take the initiative. It is her job to find out her man’s boiling point as well as his weaknesses, and prevent the argument advancing further into violent conflict:

“One could find out soon that each man has a weak point as well as a boiling point. A woman needs to know when to stop, and not to make him very angry, triggering his aggression. I can understand this in my partner. I stop before he gets really mad. He thinks I’m very diplomatic [by not revealing her anger when she is really angry].”

However, these women did not have a clear idea of the role of men. They believed that men's authoritarian behaviour and stubbornness are in their nature. By adhering to this idea, they dismissed men's active participation in trying to avoid the conflict. Women, however, must not be the passive receivers of men's natural aggression. They should be actively involved, and use all the different strategies available to them, even if that includes ignoring or hiding their intelligence or pride. It is not important if a woman breaks her pride to save her man's pride in front of others:

“The woman should pretend she's broken. Why should a woman break her husband's pride in front of everybody else? Explicitly [*zaهران*], she shows others that she has a domineering male figure in her life and obeys her husband, but, implicitly [*باتenan*], she knows that she's really the powerful one, who is managing everything and running her own life. A man shouldn't lose his pride.”

“I'm going to marry soon. I asked my boyfriend whether he would ever help me with washing up etc. He asked me, ‘What do you do all the time at home and what about being a “patriarch” [*mard salar*]?’ I told him, ‘You're the master, and washing the dishes doesn't damage your supremacy.’ Then he said to me, ‘You know how to fool me. Fine! I'll wash the dishes and do the hoovering.’”

By not challenging the dominant discourse, the one that perpetuates the mainstream structure of power/knowledge, institutional arrangements and discursive formations, women leave the regulatory ideals of gender identity and gender relations intact. The more women talk in terms of these discourses and show belief in them, the freer they become; this shows the paradox of *zansalari* alongside *mardsalari*. I frequently came across people (men and women) who declared, with a sense of irony, that Iranian society is dominated by women, rather than men. This statement might have been an attempt to convey the message that women are not mere passive victims in the field of gender relations, or it could reflect a social fact. As long as daughters, wives and mothers show their allegiance to the main discourses of *gheirat-effat*, use their feminine charm and sexuality in a subtle and political manner and do not challenge the headship of men directly, they are left to rule, even in many big decisions. One of the women, Faranak, said:

“I respect him, and convince him that he’s the man of the house, and I appreciate his authority. Then he becomes softer and gives me some credit, such as putting things (house, land) in my name. I use a bit of psychology – if I asked him for something directly he wouldn’t give it to me.”

Faranak, however, was not at ease with her double identity. She did not have any respect for her husband in her heart. After many years of abuse she did not feel love for him; she was mainly concerned about her only daughter, whom she was trying to protect. To justify herself (and possibly to convince me, as her listener) she stated:

“...In this country women are miserable – men are the ones who have all the rights and we are all victims.”

Faranak, like any other woman in this study, wanted to be a partner or *hamsar* for her husband. She, however, had to be a subservient wife. At the same time, she was a mother who was obsessed with maximising her only child’s chance for success in life. She also had another identity, as a woman who felt uneasy with her own dishonest feelings for her husband. To sustain a stable, coherent identity from these disjunctive identities, she was experiencing conflicts and anxiety. As Hird argued, “Individuals usually attempt to assimilate, compartmentalize, or ignore the disjunctions in performances, which silences diversity” (Hird, 2002: 117).

In the spirit of the necessity of acting politically and attempting to subvert the power structure of marriage to serve their own interests, young women in particular attempted to develop a strategy where the woman, according to the role envisaged in the orthodox formulation of marriage, fully plays the part of a sex provider. But in order to be a high-class and up-to-date sex provider, they convince their husbands that they need to stay fit and fresh. For this to be achieved, they fully embrace not working outside the home, and formulate a package that requires them to attend fitness clubs, spirituality and yoga classes and swimming sessions. They will routinely use the services of make-up and hairdressing shops, stay highly fashion-aware and use the latest entertainment gadgets in music and films, to be like stars of the entertainment and pornography industries: fresh, sexy and young. This lifestyle requires funding by the husband, who is expected to be the sole provider according to the orthodox marriage. For this, he may need to work long hours,

sometimes in two or three different jobs. This in turn puts enormous pressure on men, exhausting and consequently desexualising them.

Parisa, a well-educated 25-year-old woman, said:

Working is good because it makes you sociable and fills up your time...I worked before and I don't like to work again, it's very difficult for me. I don't like to be restricted. I had to be at work at 8 in the morning till 3 in the afternoon. I don't like it. I like to spend my time in the gym, or in art or fitness classes... I can't stay at home.

ZT: What if he has financial difficulties?

Parisa: He has to give me money.

ZT: How do you know he will give you money?

Nasrin: There's no guarantee. You just have to fool him all the time, and give him a kiss! [Everybody laughs.]

Other women in the group reported that they do not like working, and prefer to spend their time beautifying themselves. Additionally, they need to decorate their houses and bedrooms according to the latest fashions in home-making. Satellite channels, illegal western mainstream channels, and pornographic films set the standards of what a modern sexual woman needs to have, to become and to do.

Pornographic films, watched widely in Iran by people in all walks of life, have paradoxical effects on women. In the vast silence of mainstream social and public life in Iran, notions of a good and satisfying sexual life have changed; these films now set the standard, and men expect their women to be and act like mainstream film and music stars and female "porn" stars. While the younger generation of women tries to fully embrace the standards of female beauty and sexuality set by western entertainment and pornography industries, these put too much pressure on some middle-aged women, who are not mentally equipped to behave like "porn" stars in bed. For these women, satellite channels and adult films are a source of trouble (a 40-year-old woman told me that her husband watched 700 television channels every night, until morning); they create expectations in their husbands of a pleasurable sexual life and an ideal female body. For them, the West is a source of continuous tension and friction in their marital life. Western products exert corrupting influences on their husbands and sons, and this is translated into their increasing religiosity. This in turn leads them to embrace the orthodox-based

version of Islam with even more enthusiasm, as there is no other widely elaborated, developed and accessible version of Islam. The orthodox jurisprudence, on an individual level, acts as a “channel” through which an approved behaviour can be endorsed. It is a plan for acting on an attitude: it makes the transformation of an attitude into a behaviour. On a collective level, the orthodox jurisprudence provides an institutional support for making things happen, utilises procedures for achieving social goals, and inspires “gatekeepers”¹³⁸ willing to execute policies: symbolically and practically, orthodox jurisprudence stipulates the use of violence against women.

Bizarrely, this interplay of modernity and the orthodox jurisprudence results in highly beauty- and fitness-conscious and sexualised women, alongside men who feel objectified (some said they felt they were treated like “pockets” in their family lives), exhausted, desexualised and ultimately unhappy, which in turn puts considerable strain on marital life. This enduring stream of pressure on women to be fully modern and highly sexualised, with a heightened sense of bodily appeal, and on men to fund their wives’ fashion lifestyles, creates violence in marital relations. While it works for some women who have succeeded in attaining an easy and chic lifestyle away from the pressures of social and work life, for many others the strategy of embracing the role of the sex provider creates double disappointment and dissatisfaction. The heart of the matter is that in the structure of the orthodox formulation of marriage, in which women exchange sex for money, the nature of “sex” and “money” is not fixed but determined dynamically by modernity. The paradoxical situation is that the structure was designed by orthodox jurisprudence, while the content is determined by modernity, which, as it reaches the indigenous population through consumerism and the entertainment and pornography industries, defines the meaning of both sex and money.

Conclusion

Due to the complex picture of the social reality of gender relations in Iran, in which the orthodox jurisprudence discourse is the official discourse in currency and

¹³⁸ Nisbett and Cohen, 1996: 72

its supremacy is continuously challenged by modernity and popular culture, there cannot be a simple solution to the problem of domestic violence against women.

It seems that the orthodox jurisprudence serves as the breeding ground and a priori of social interaction through providing sanctions. In this context other factors can act as triggering factors. As women themselves pointed out, it could be an early childhood experience of violence (a circular argument), dire economic conditions, a tense situation following the birth of a child, family complications, the interference of others and, maybe most important of all, the disharmony between the mindset of wife and husband – a mismatch of expectations and ideas caused by other models of marital relations originating from modernity and popular culture. Furthermore, women referred to the mismatch in cultural differences (Rashti versus non-Rashti), gender differences (irrational, emotional versus rational, logical) and differences in social status (cultured versus uncultured) as the triggers of violence.

On the basis of women's distinct experiences, three types of women could be identified in this study. All experienced violence in different forms and shapes. Some, especially the farmers, were exposed to brute forms of physical violence. Others, mainly middle-class educated women, reported that they had been beaten a few times, but not battered. Most of the women viewed battering, but not beating, as violence. Physical violence was always accompanied by psychological violence, which was found to be more complicated and more diverse. While economic violence was also reported by a large number of interviewees, sexual violence was only reported by a few. This could be partly due to the difficulties in conveying and discussing matters related to sexuality and partly due to women's attitude to sexual submission and shame. They thought sexual forcefulness was part of the deal. One group of young, upper-middle-class and highly-educated women were very open and alert to men's sexual needs, and to the importance of sex for men. These women embraced sex wholeheartedly; they were aware of their own sexual needs, and actively sought sexual adventures with their partners. They were also trying to stay fit, and were obsessed with beautification and cosmetics. These women, who attempted to beat men at their own game as a coping strategy, and who turned men into "pockets", are the "porn generation".

In the light of male supremacy, supported widely by legitimised discourses, however, there is no physical sanctuary and no discursive sanctuary provided for women. The discursive homelessness is at the root of the helplessness and

hopelessness of Iranian women; at the root of lack of social and institutional safe houses is the lack of discursive homelessness. In the event of lack of sanctions and sanctuary, and in the face of utter despair and hopelessness, women vent their frustrations and anger in different ways, according to their different contexts and individualities. The coping strategies available to them included self harm, suicide attempts or suicidal thoughts, frigidity, silence, diplomacy (*deraz-lafand*¹³⁹) and secrecy. The associated range of emotions and feelings emerging in them were *sabr* (tolerance), sacrifice. They gained power through these strategies. Women gain power through redirecting the official discourse in their own favour. They creatively employ the available discourses of piety, beauty and motherhood in different contexts in their own favour, while leaving the formal structure intact. Nevertheless, as soon as men feel their formal authority is challenged, the boundaries of their tolerance are transgressed and they are taken for a ride, they can activate that structure in their own favour. Sometimes the major implication of these subtle “battles” over power is mutual dissatisfaction with the lack of love and absence of mutual adoration, and many incidents of petty crime and misdemeanours against each other, with the sudden eruption of a huge, explosive magna of violence. The mere outcome of the mutual manipulation is dissatisfaction in family life, where there are no or few cases of genuine mutual validation and respect. I witnessed so many cases of couples in a state of cold war, which eroded their quality of life, who had become accustomed to the situation, naturalised it and saw no alternative to it.

¹³⁹ This term was introduced to me by a cleric. It means “the long rope”.

Chapter Six: Men's Perceptions and Understanding of Domestic Violence

Introduction

One of the aims of this study is to investigate domestic violence from the different viewpoints of the main parties involved: women, men and the judicial system. This chapter explores the viewpoints of the male participants: their thoughts, feelings and actions regarding domestic violence. I felt that the experiences of men would increase my understanding of the issues highlighted in my research with women. In the first section I deal with different types of violence utilised by men, according to their accounts. The reasons behind domestic violence are discussed in the next section. Men touched upon the different factors involved in generating, legitimising and sustaining conflict in domestic life. I categorised these themes, which were found to be common amongst male participants in this study, into two groups: external (social and cultural) and internal (personal) factors.

Physical, psychological and economic violence

An analysis of the interviews revealed that the men used physical, psychological, and economic violence in order to control their wives. Of the 14 men I interviewed, nine told me that they sometimes beat their wives, while the other five did not mention anything regarding physical violence; however, two of these men's wives did state in their interviews that although they had not beaten them in recent years, they had beaten them in the past, and instead now inflicted psychological and economic violence on them. In previous chapters, it was clarified that physical violence under the rulings of the orthodox jurisprudence is considered unlawful when it leads to paying *diya* as a result of the infliction of visible injuries. In the men's interviews (as well as in the women's interviews), however, it became apparent that men were careful not to leave any bruises or marks. A technician said:

ZT: How do you beat your wife? Do use your fists or...?

S: No, if I beat her like that I have to pay *diya*. When I beat her I'm careful not to leave any bruises or injuries behind, and not to spend money as a result [with laughter].

ZT: How?

S: One should find the right way, and discover her weak spots. Every person has her or his own way – if you find it then you can have a ride.

ZT: How do you beat her without leaving bruises?

S: Beating doesn't mean that you smash her.

ZT: So, violence is not only beating?

S: Sometimes I use other ways, for instance denying her money so she can't go to parties, buy clothes, or go to her parents' house.

Mr S. had a history of a violent relationship with his wife throughout his married life. They even ended up in court, his wife complaining about his infidelity, his violence and his attempt to murder her. Although there was a charge against him, he was set free on bail, and his wife was persuaded by the court and family members to drop the charges against him and go back to her life. Mr S. uses not only physical violence to intimidate his wife, but also economic violence by not providing for her needs. In addition, he puts psychological pressure on her by not letting her go out of the house, even to visit her parents, go to a party or go out shopping. He stated that most of the time he ignored his wife and did not listen to her:

S.: ...One ear is *dar* [door], another is *darvazeh* [gate]¹⁴⁰. I don't care and don't listen. She gets used to it.

ZT: So you ignore her.

S: Yeah, and she gets tired of it.

The range of psychological violence reported by Mr S. and other men in this study varied from not letting the woman go to her parents' house or to parties, ignoring her (not talking to her or letting her participate in his decisions), not taking her out to dinner, threatening to divorce her or marrying another woman, delaying small jobs at home (such as repairing things), and so on. Women interviewees reported these forms of behaviour too.

Mr S., along with other male participants, described common forms of economic violence such as not giving money to his wife to buy personal things, ceasing to pay her maintenance, not allowing her to work even though she is qualified, and stealing her money.

¹⁴⁰ This is a proverb: "Letting something in through one ear and out through the other."

With regard to sexual violence, I could not ask my participants to talk about it directly. When interviewing the participants' wives, I heard that this is often a cause for tension, and men become agitated when their wives are not sexually available to them. Only one of the men discussed sexuality, and his uneasiness with his wife's cold behaviour. He believed that:

“If a woman satisfies her husband sexually, there won't be any perverted behaviour... She normally uses sexual matters to upset me. She did so right from the beginning of our marriage, and still does, but I do my best to please her. If she isn't happy with it, she must say so.”

No other man talked about his problem. This shows that women generally counter men's disregard and disrespect for them by being “cold” in bed. In order to open up a discussion on sexuality, I mainly used the word *tamkin*, which was widely known by men (and not by women). In one case, a man told me that he did not have any problem (his wife said the reverse), but at the end of an interview he told his wife:

“If you don't *tamkin* [submit], I shan't give you your maintenance, and I shan't give you permission to go out.”

He told me proudly that he knows his rights very well.

The reasons behind violence, from men's points of view

In response to my question on why they use violence, men's answers often referred to the “control” of women:

ZT: What do you think about beating women?

S: If you don't beat them, you can't keep them.

In the above passage, Mr S. is referring to his reasons for beating his wife: to “keep her quiet” and “put her in her place”, and then to “have a ride”. Or, as someone else said, to “teach her a lesson and show her who's boss”:

“I beat her to teach her a lesson, to make her afraid of me, to make her *grow up* [*adam beshavad*].”

The person who made the above remark said that beating his wife had a pay-off for him:

“She came around later and even loved me more. She didn’t even get upset – it’s as if I needed to do it to make her grow up. Perhaps she thought I’m a nerd and not a man.”

For the mentioned person, beating a woman was proof of his manhood and a sign of masculinity. More importantly, he was surprised that his partner did not even “get upset” and “even loved [him] more”. He might perhaps have exaggerated the story, but it is likely that women’s attempts directed at normalising the relation quickly, and minimising the pain of the violence, send the wrong message to men: that violence works. Women desperate to save their relationships may unwittingly encourage men to use more violence as a strategic tool for control.

Some of the men, however, did not directly admit that they used violence as a means of keeping their wives quiet. Violence was not used instrumentally to achieve women’s submission; rather, men were made to use violence because of economic, social and cultural factors, they claimed. Some of the external factors highlighted in the interviews were women’s high expectations (*cheshm va ham-cheshmi*) for a prosperous life, families’ interference in couples’ affairs, women’s irrationality and so on. These men sometimes alluded to internal factors such as lack of self-control, stress, tiredness and a lack of mutual understanding. As these cluster concepts are inter-related, I shall discuss them in an integrated manner.

The role of societal norms regarding the legitimacy of violence

A number of men in the study placed the emphasis on religious teachings in their attempts to justify beating their wives. One man told me:

“In the Qur’an, it is said that men can beat their wives, while women aren’t allowed to beat their husbands.”

Religious teachings, as H. said, were found to be a determining factor in men’s attitudes and behaviour. When interviewing men, I have noticed that whenever they wish to give legitimacy to their views, they generally employ Islam

and Islamic discourses. I also found a sharp contrast between their knowledge of their own rights and women's knowledge of theirs. Here are some examples:

H: Look, we have differences. We men think that we must have the first and the last say – we always think like that. If we want to say to a woman or a girl that we like her or like looking at her, despite having a family of our own, we allow ourselves to do that, but we don't give the same right to our women.

ZT: Why is that?

H: Because it's in our nature. They consider themselves superior. I tell my wife that I'm free to go to another country to seek other women and have a good time, but she can't.

ZT: So a woman can't because she has no right and isn't free?

H: Correct, women don't have the right. Law, *urf* (customs) and sharia tell us so, don't you agree?

ZT: Well, that's interesting!

A: But there are some other points, these characteristics (mentioned in the above passage) are natural [*ersi*]. For instance Islam gave us the right to have four wives [his wife interrupts angrily, telling him to go to hell], I know these things. In addition, we can have 70 temporary marriages. I'm not really sure about the number [laughter] – an indefinite number perhaps!

H: It is said to men that you can have four wives, but women are told, "You don't have the same right. You only can marry one man." The law says it, Islamic law says it.

ZT: I've read the Qur'an. It says you can, but the verse doesn't end there. It says you have to act justly. Do you think you can be fair to all your wives?

H: No, we can't, especially when it comes to managing women and children's affairs. We don't accept that law. But the point is, despite not being practically feasible the interesting point is that the right itself is fully recognised for men, and not women, by our Islam. If a woman looks at other men, she can be killed. If my wife looks at a strange man with lust, in my opinion, I can kill her – but I have the right to look at another woman lustfully."

The extent to which men's negative attitudes about women and their role-expectation in intimate relationships can influence their behaviour is an ongoing debate. A number of authors suggest that too little attention is given to changing attitudes regarding the permissibility of violence against women (Davis, 1987; Gondolf & Russell, 1986; Hart, 1988); instead the focus is more on the role of

cognitive styles and their mediation on women battering. A feminist analysis criticises the cognitive approach by arguing that men are “socialised” into power and control over women. Moreover, violence is a central device to fortify and cement the hierarchical relations of power and control (Bograd, 1988; Walker, 1981). Eisikovits, Edleson, Guttman and Sela-Amit (1991), in their study, showed that abusive men held more negative attitudes than non-violent men towards women.

Within the process of socialisation, religious discourses play a central role in forming the hearts and minds of believers. As reported in the above passage, H. and A. alluded to their rights to practise polygamy, to be lustful towards other women and to kill wives they suspect of adultery. They believe these rights are “well recognised” by “[their] Islam”, and are given to them by “law, *orf* and sharia”, and they emphasise that “Islamic law” does not bestow the same rights on women. In saying, “The law says it, Islamic law says it”, they were trying to shrug off any responsibility, as if it was not their fault that Islam recognises these rights for them, that they were not the perpetrators here, that when it comes to practice they do not exercise their preserved rights. They instinctively distinguished the image-making functions of the jurisprudential rulings and customs from the law-making functions. What they would use strategically in their daily negotiations with women was the emphasis on their own superiority in marital relations; otherwise they would not wish to act upon them. They shrewdly appreciated the symbolic value of this set of rights, rather than their practical values. In the complex context of Iranian social reality, the symbolic value, ironically, offered them more strategic advantages and practical benefits than the practical value per se. By resorting to the legitimate discourses of religious teachings, they would attempt to solidify their privileged and superior positions, and establish the unquestionable right to have “the first and last say”, and to silence any hints of resistance.

The role of popular culture in men’s gender attribution and violence

In another interview, H. also alluded to the process of socialisation of the men in tea-houses:

“Our culture is produced in the tea-houses¹⁴¹ where men talk about women, especially those who are vulgar and go astray, or have done something wrong or go out a lot and things like that. I personally don’t want to hear anything about my wife in there – it’s embarrassing. That’s why she has to be careful about the way she talks, walks, dresses and other things.”

In this passage, Hashem touched upon the role of tea-houses in the subjectification of men through discursive practices. As he said, women’s manners, acts, looks and behaviour, all of which are closely related to their sexuality, are the focus of discussion in these male gatherings. The tea-houses are the public gaze which controls and regulates women’s activities outside their homes, and which could spawn men’s suspicion and provoke aggression towards their wives, daughters and other females in the household. In the previous section, I also reported how Hashem and Ali employed the concepts of sex and sexuality to make their points. It is evident that men’s conception of sexuality coupled with its associated series of rights and obligations play a major role in inciting violence against women.

There are, of course, other places and occasions where men congregate, such as mosques, religious processions, and family talks. In these gatherings, men exchange information and ideas on different subjects, including, as Hashem said, women’s affairs in general and their personal problems in particular. Meanwhile, they practise and reinforce different discourses on femininity, masculinity, and gender positions. Hashem said that he did not like to hear any unpleasant news about his own wife as it was “embarrassing”, and he would therefore place more restrictions on his wife, to ensure that she behaved more “chastely”. He believed that he was under pressure and surveillance from society, and he in turn would put pressure on his wife and children. This reveals the power of gossip in keeping women on the right path of the gender division of labour envisaged by the structures of power and knowledge in Iranian society.

Another man, Hessam, said that although he likes to be kind to his wife, as he put it, “The masculine world rejects us if we are nice to our wives.” For him, men like himself were the mere conduits of pressure from society to women. Hessam believed that these pressures and restrictions on women at the beginning of the marriage create many disputes between couples. As he said,

¹⁴¹ A tea-house is a place where men gather to drink tea and smoke cigarettes.

“At the beginning of the marriage, life is so sweet and the husband and wife are so happy together, but gradually, as a result of men constantly ordering their wives about and dictating what they can do and what they can’t do on such issues such as dress code, manners of sitting manner, laughing and walking, and families’ interference in these matters, they become cold towards each other. The husbands do 90 percent of the ordering, and women only object when they’re humiliated in front of others. Imagine a world away from family relations and all these troubles. Men and women could live in perfect peace, tranquillity and harmony.”

Between the romantic beginning and the tragic end in the tale of marital relations, Hessam put most of the blame on the outside world for the restrictions imposed by wider society on both men and women, which generate rows between husbands, wives and their families, and ultimately kill the passion in an intimate relationship. As we see from these assertions, the marital relation in Iran is mediated by powerful others, families and tea-houses (representing the wider community). He, however, did not endow any agency to himself or any other force regarding the task of making the desired changes or reversing the doomed destiny of marriages in the orthodox order. He felt more like a victim and passive receiver of societal rules, and was afraid of being rejected by the masculine world if he deviated from the norms. For men there is, however, something to be gained in this show of passivity to the forces of history: the reward is social superiority over women; as Brittan argues, “[Men] are not simply the passive embodiments of the masculine ideology” (1989: 68).

Hessam knew that if he wanted to make any change at all, he must disobey the rules governing his life and reinforced by families and communities, and was fully aware of the consequences of such choices (such as being ostracised and isolated), for which he was not ready to pay such a high price. He chose not to be rejected by powerful others. The only avenue open to him was to adopt a double identity (to be kind to his wife at home in secret, and tough outside), and he left the task of finding “perfect peace, quite and harmony” in marital relations to the imagination, which of course “cannot be found in this world”.

The fascinating question for me is the matter of individual agency and responsibilities. For Foucault, responsibility stems from freedom that is discursively situated: it exists in discourses that offer tools and vocabularies that persons can utilise in creating themselves as responsible, ethical and political, but always

discursive, subjects. Foucault thus reintroduces ethical and political agency without falling back upon notions of human essence and Truth. He creates a theoretical framework within which to conceptualise ethics and politics in terms of a critical, creative ethos (Taylor and Vintges, 2004).

Foucault is careful to stress that subjectification (the process of creating a subject) and subjectivisation (the active process of making a new subject out of what is inherited from the process of subjectification) are not to be distinguished in terms of unfreedom and freedom: the “passive” subject of subjectification is not, he claims, “unfree”, but is “constituted as a subject in relation to and over against” discursive procedures of normalisation and individualisation; similarly, the “active” subject of subjectivisation, who “constitutes itself ... through practices of the self, “is beholden to “practices [that] are nevertheless not something invented by the individual himself. They are models he finds in his culture and are proposed, suggested, imposed upon him by his culture, his society, and his social group” (Foucault, 1997: 291, cited in *Exit Woolf* by Stephen M. Barber, in Taylor and Vintges (ed.), 2004: 61).

All the men I interviewed were trying to tell me that their belief system and identity is built upon their culture (the orthodox jurisprudence), their society (*orf*) and their social group (peers). They were actively resorting to a form of historical determinism, perhaps to free themselves from the guilt associated with responsibility and autonomy and to portray themselves as reluctant kings in the kingdom of men. They, the sympathetic ones who expressed at least a faint desire for change, were using the historical analysis of the social order to deny themselves any effective forms of agency¹⁴². Ironically, they were demonstrating their agency in an active and reasoned denial of agency. I also sympathised with them to some extent, as they were not equipped to make such a revolutionary change in their lives. What I detected was again a sense of discursive homelessness operating at this juncture in the honest men (and women) who had some vague hints of a better world of gender relations but could not envisage a realistic way out of their predicament, and did not find a coherent alternative powerful enough to act as new regime of truth enshrining their whole social beings and social interactions. This was a fascinating and puzzling

¹⁴² They could not be kind to their wives because the “masculine world” would reject them. It is not clear how much these men were fully aware of the regime of truth of their symbolic world. What is clear is that they were not making any effort to change the situation, perhaps because they were, overtly or covertly, delighted by the fact that they have the power to rule.

discovery for me. I will come back to this difficult but critical topic¹⁴³ in the concluding chapter of this thesis.

Male threatened-ego: being a *zan-zalil*

In my interviews with some of these men (and later on when I was transcribing and analyzing the interviews), I noticed that what really hurt men more than anything else is their threatened-ego. Men admitted that they were afraid of women taking control, being in charge, or even wanting to have a voice. They reported that they were very concerned about women wanting to put their feet into men's traditional and well-kept territory:

SH: "In the old days there was only one voice in the family, and that was the man's, but now I think women want to have a voice. I had some problems at the beginning of my marriage, and then I realised that my wife wanted to express herself. Women of the old generation, like my poor mother, had no control over their own lives – even their marriages weren't in their hands."

SH was referring to one of the challenges facing Iranian men in the new era. A traditional man did not have the pressure of today's modern man. Women of his mother's generation did not have too much choice: their marriages and their lives were, in effect, always in someone else's hands. But the modern generation of women, like his wife, want to have a voice, and this makes men even more frustrated, challenged, and threatened. The orthodox model ordains man's headship of the family as divine, while modernity denies them such a position. That seems to be at the heart of men's threatened ego.

In some interviews, men tried to convince me that they are under pressure from the society at large. If they are tough, rough and macho it is because:

H: "... Society looks down on a man who helps his wife to do things at home such as cooking, washing, looking after the children, or who even just shows signs of caring about his wife. Showing respect to her is a sign of weakness – they call such a man *zan-zalil*."

¹⁴³ This is not merely an academic curiosity for me. I realised that the position one takes on the issue of agency has practical implications for the lives of many men and women on the ground.

Zan-zalil (or the current version of it, *zizi*) is a label given to men who are under the control of their wives, and is used widely to humiliate those men whose wives are in charge. Both men and women who are not following the traditional power relationship in the family must be careful in presenting themselves as such. In the orthodox formulation of marriage in Iran, there are no legitimate discourses for women to have power. Legitimacy has been bestowed in our culture historically through orthodox jurisprudence, which in turn functions through religious rituals, ceremonies and religious practices, which are deeply rooted in people's hearts and minds. The image inscribed by the orthodox jurisprudence is one of the gender division of labour. Modernity comes as a challenge and as a destabilising force: modernity per se cannot and did not replace the incumbent regime of truth in Iran. Equality between men and women must have deep roots in religious practices¹⁴⁴.

Almost all of these men believe that women are not made to have power. For them, a number of factors are involved in making women lose ground in society. First, women's deficiency in holding on to power:

“... If you care about them or give them power, they get spoilt and they don't know how to handle it, and it ends in disaster.”

According to these men, women's inadequacy in using their power when they have it leads them to abuse it, and that is what men said they were most afraid of.

Secondly, it was claimed that women are not as experienced as men in managing social affairs. A 47-year-old man (Kamran) who had a high degree in politics told me:

“No matter how highly educated a woman is, due to her lack of experience in public life, she cannot be as efficient as a man. She just doesn't have the courage or knowledge to manage the affairs of society.”

He ended his argument by saying, “A woman's place is either in the bathroom or in the kitchen”.

The above passage shows that men are generally highly sceptical or even cynical about women's ability in managing the delicacies of power in the social realm. Women are the prisoners of their historical deprivation, and their under-privileged past further deprive them of running “the affairs of society”. Thus,

¹⁴⁴ I shall address this issue further in the conclusion of this thesis.

women should once again return to their traditional, historical “spaces” of kitchen and bedroom. Kamran referred to the “bathroom” rather than the “bedroom”; it is very important to note that according to Islamic purification rituals, men and women must purify themselves after having intercourse. This is due to the need to become clean for praying. Therefore, in Kamran’s subconscious, these two spaces are closely associated.

Overall, Kamran employed the dichotomy of “time” and “space” to demonstrate women’s inadequacy for any social engagements. Other men held the same idea. They believed that women, in general, are not only inefficient due to being inexperienced, but are also “fooled easily – they get seduced and become morally corrupt”. Furthermore, they are deemed more emotional, irrational, less experienced, and conservative, with no appetite for risk taking. However, the men also believed that women perform their duties at work more effectively than men, and are not easily corruptible. This is because, as H. and A. said:

“... They’re scared to take risks – they’re rule-orientated even when the rules work against their institutions or government bodies. They don’t care – they do their jobs without any flexibility.”

The same women, however, can become corrupt morally. This shows that men are more concerned about their wives’ morality in terms of sexuality than their financial corruption. While women do not become corrupt socially, are not “flexible” and do not bend on demand (due to their being afraid and having low self-esteem), they would do so if other men in the workplace tended to fool them and abuse them sexually. H. reported that one of his female colleagues, whose beauty was “very impressive”, had to leave her job because “her boss’s” eyes were after her” and she did not want to be disgraced. Mr H. was trying to justify his decision not to allow his wife to work outside the home:

H: “I have my own justification for that. In our office, for instance, we have some secretaries who are working for a number of reasons, to help their husbands or to take care of their elders, and they need the money, but she is somehow under pressure by her superior [meaning that her boss had some sort of direct or indirect sexual advance towards her or she was left with that impression or had the feeling that she was pursued by her boss] and that stops them from working.”

Mr H. (and other men in this study) reported their consuming concerns about social insecurity (sexual harassment, fear of rape and abduction) and fear of scandal in public (*abero-reezi*), and how, due to their sense of *gheirat* (honour) and *ta-asob* (jealousy), they imposed more restrictions on women. In earlier chapters I discussed men and women's concerns on various news items and rumours in their communities in relation to the rape and abduction of women and girls. It is not clear whether the fear of crime had any substance, but a report on the objective rate of sexual crime in Iran in 2005 stated that the county of Gilan has the fourth highest incidence (after Tehran, Gazvin and Semnan) of the defloration and rape of virgin girls (*ezale-h bekarat* or *tajavoz-e be onf*)¹⁴⁵. In total, as a result of the family, 17,000 Iranian women were tested, amounting to an annual rate of five in every 10,000 women experiencing this hideous crime. In Gilan, eight out of 10,000 girls were reported to be tested for this particular crime. However, the report did not include any statistics on the rape of other women (non-virgins).

Distrusting the government security forces, men take the initiative into their own hands to protect their *namus* (honour). Some resort to very strong measures such as forbidding, punishing, and confining their wives and daughters. Men reported that they liked their wives to wear "a good hejab", and not to be "provocative" by wearing bright, tight, or see-through clothes. News, or rumours, allowed men to put pressure on their wives to cover themselves for the sake of their own security. One of the men in this study demanded that his wife wore a full hejab, and would not let her go anywhere alone. He believed it was too dangerous for her. He told me the most gruesome stories about women being kidnapped, raped and murdered. He had heard these stories from his friends, all taxi drivers (the widespread discourse of danger). It appeared that even a few cases would provoke the whole community into taking strong measures to restrict women even further.

As society becomes more westernised and liberal, as demonstrated by the widespread use of make-up, the emergence of loose forms of the hejab and widespread use of pornographic films, and the visible presence of women in all walks of social life, fear of crime and lack of public safety for women is becoming a growing concern for families. Fear of public violence (rape, abduction, harassment, and so on) is rapidly becoming part of the public discourse on women's freedom of movement and social interaction. I encountered it time and again in people's

¹⁴⁵ <http://mag.gooya.ws/cgi-bin/gooya/mt-tb.cgi/29327> (Tuesday, 23 Esfand (Persian calendar), 1384)

assessment of the ever-changing social atmosphere of the country. People would frequently express their assessment of the situation in statements such as “Things are turning for the worst”, or “Things are becoming scandalous”. This has profound effects on the further confinement of women: families resort to the logic that if female members of their families are not accompanied by a male relative, they are likely to be exposed to grave danger. In parallel with the fast-growing liberal and modern discourses in the country, women demand more freedom of movement, autonomy, and independence. These two opposing and mutually interdependent discourses (the discourse of public danger and the discourse of women’s emancipation) cause tension and rows within families. These tensions in turn translate the actual and perceived fear of public violence against women into domestic violence against them, as families demand and introduce tighter restrictions on women’s dress and freedom of movement.

This trend is toward minimising women’s presence in social life, unless it is in safe familial networks. Shahin, a 38-year-old businessman, said that because police forces or security guards are incompetent to protect women, it is up to men to take action. Shahin wanted his wife to dress more conservatively and use little or no make-up, and not to behave in a loose manner. Even all these precautions may not work, according to him:

“In our society, everything got mixed up. Before, you knew who was a bad woman and who was good. Now, even if a good woman stands by the road waiting for a taxi or *savari*¹⁴⁶, at least fifty cars stop for her. A good woman doesn’t feel secure.”

There are important points in the above passages revealing the dynamic nature of gender relations in Iran, and how it produces public and domestic violence against women. In the new public atmosphere, the clear demarcation between “good” and “bad” women is increasingly blurred, and this exposes all women to public crime and impropriety. According to men, this makes the public sphere a minefield for women. Shahin claimed to be a liberal man. In his early youth he enjoyed having several relationships with different girls. For marriage, though, he preferred to marry a “quiet girl”. He stated that he dislikes women who are

¹⁴⁶ There is a tradition of ordinary people using their cars to serve as taxis, and economic hardship seems to have opened new avenues for gender relations laden with unprecedented hazards and opportunities.

outspoken and forthright. His wife was a highly-educated nurse. However, he did not like her to go to work. He did not let her go to friends' parties (it emerged during my interviews and observations that going to parties is becoming a constant source of familial tensions and quarrels). Wherever she wanted to go, he would drop her off and pick her up at a specific time and place. He put the blame on the government's incompetence to create an atmosphere of public safety. In his opinion, he was protecting his wife from danger. Another interviewee reported similar patterns in his protective and obsessive measures.

These men claimed that in another time and place, they would have behaved differently, and would have given their wives more freedom. However, the issue of male sexual jealousy (*gheirat*, *ta-asob*), *namus* (honour, to ensure the exclusive use of one's wife's sexual faculties) and fear of scandal (*abero-reezi*) were found to be far more important for men in demanding and imposing more restrictive forms of hejab and more conservative mode of women's participation in social life. Men employed the moral-psychological discourse of *gheirat-effat* (jealousy/modesty) largely to explain why they demanded "appropriate hejab"¹⁴⁷. A. explained this as follows:

ZT: Do you let her go out?

A: It depends where she wants to go. Not everywhere. She can go with her father, brothers, or I can drop her off because I want to protect her from danger.

ZT: Do you have any problem with her hejab?

A: It depends on how well she covers herself. If she wants to wear something that exposes her body, I have a problem with that, because of my *gheirat* and my reputation within our community, ... but I trust her, because she isn't like that.

Earlier in this chapter I discussed how men reported their concerns over social scandals and the centrality of reputation (*aberoo*) in the social interactions. Men were deeply concerned to keep their wives and daughters from the harm of being the talk of the town for imaginary or real reasons, which could endanger their individual and familial reputations.

¹⁴⁷ The form of hejab worn in Iran varies from a garment which covers its wearer from head to toe to a loose gown.

Like every other man in this study, Mr. A. felt obliged to look after his *namus*. Another man in his early sixties also explained to me that he “became very *gheiraty*”, and found it hard when he saw his wife (in her late fifties) greeting their young sons’ friends at a gathering. He told me that he knew his wife acted innocently and did not have any “evil thoughts”, but he still felt jealous.

Sexual differences

Why is the hejab so central to the social presence of women in Iran? One of the reasons men always touched upon was the notion of gender differences in sexuality. In their opinion, because women are sexually attractive and provocative, they should wear the hejab. Only in this way, they thought, could women protect themselves and society from moral corruption. (They, however, dismissed any idea that men might be sexually attractive to women, and the need for them to behave equally chastely.) Throughout my interviews with women and men, I was confronted with the dichotomy of bad woman/good woman. I was told about some “bad women”, who were lustful and who were after men to sleep with. Thus there were some women who, despite having to face extreme difficulty and hazards, were ready to take risks and follow their desires. My male participants never thought that women could have sexual desires as strong as men’s. One of them expressed his sense of surprise and shock at such a suggestion. Generally, these men believed that pious women would not have such feelings; only some “bad women” who are lustful do. While they maintained that it is only natural for men to be attracted to women sexually, they could not reserve or imagine the same desire or right for women. The image of a lustful woman fills these men with rage:

E: It’s very natural for men to be attracted to women. A man wants his wife to be loyal to him, and if he finds out that she is committing *haram* [a religiously illicit act], he can take appropriate action.”

When I asked these men what they thought about their wives’ duties towards them, they always referred to sexual matters by alluding to the term *tamkin*, or “satisfying their husbands’ needs”, in one of their answers. But when I asked them about their duties towards their wives, they said something along these lines:

E: “A man should provide for his wife, as far as possible, things such as clothing, food, and entertainment. If he doesn’t, he is irresponsible.”

The men believed that a man’s duty to his wife is to pay her *nafagheh*. They never felt that they should satisfy their wives’ sexual needs. Sexual relationships to them were a one-way street. While men are needy and selective, women do not have too many sexual feelings; they are passive, and do not think or feel sexually. Mr E. believed that a woman should cover herself in order to stop men’s lustful gaze and ensuing harassment. To prove his point, he recalled a recent event:

“I was sitting on the back of my friend’s motorbike, and we saw a girl with a red and tight *mantu*...”

He described how the “girl’s buttocks” grasped their attention, and how these were “grabbed” by his friend while they were riding the bike. In his opinion, his friend (in his late fifties) was not the guilty one; she had provoked him, and it was therefore “her fault”:

“If a girl goes out in tight and bright-coloured clothes¹⁴⁸ and gets men’s verbal or sexual abuse, it’s her fault. It’s like when you make kebabs – the delicious smell makes you want to eat them.”

The contradiction was in the fact that while people are ready to pay for “kebabs” or wait politely and patiently to be offered them, they would not do the same to gain access to an attractive women. They give themselves the right to sexually abuse her. Meanwhile, I wanted to know whether men’s fascination with female beauty could be prevented by the hejab. Mr E. believed the answer to be “No”. He said:

“Men still use their imagination – you’d be very surprised if you knew what sorts of things go on in men’s imaginations.”

The logical implication of the traditional model requires women to be secluded, segregated, or desexualised in social interactions. However, modernity challenges this model by introducing women’s active participation in society. This ideal desexualised social order, and the fact that modernity has a strong presence in all aspects of life in Iran, represents a source of perpetual tension in social life,

¹⁴⁸ Recently, tight and coloured *mantues* have become fashionable and widespread in Iran.

which in turn translates into domestic violence against women. The ubiquity of sexual fantasy, and the fact that men hate their wives and daughters to be the subjects of other men's sexual fantasies, has a significant effect on the ideal model of social order. One of the reasons these men were not willing to send female members of the family to work was that they did not want their wives to be the prey for men's lustful thoughts, gazes, or acts. They believed this could create tension in their personal and social lives.

Mr N. recalled a case where one of his female colleagues, despite not by any stretch of imagination being categorized in any sense sexually attractive, was subjected to an assault by one of the married men. This shows the presence of sexual harassment in the workplace, and how this, in the context of the prevalent discourses of morality and honour attached to the presence of women, can become problematic for society at large, the family, men and women themselves.

Consequently, the women in this study had to stay at home and become dependent on their husbands. Women accepted their roles as housewives, and men were expected to deliver their part of the deal: being their households' sole providers. This in turn created new problems for the family. Men complained that women's needs and demands were too high, and that they became very materialistic. It was perceived that a vicious circle of competition over possessions between people, especially women at work. They called it *cheshm va ham-cheshmi* ("keeping up with the Joneses"). This takes us to our next theme.

Cheshm va ham-cheshmi ("Keeping up with the Joneses")

One of the most important themes that emerged frequently as one of the sources of rows in the family was *cheshm va ham-cheshmi*:

"H: ...*cheshm va ham-cheshmi*, because they see some of their friends having these things. The friends have sisters, and they borrow *their* jewellery, or hire it from the jeweller's. Women who don't know that go home and start a row."

Men strongly believed that this was one of the major problems in their lives, ultimately resulting in marital quarrels. I wanted to explore further what men

thought of the roots of this particular behaviour on the part of their wives. They pointed to some of the reasons:

H: Because they want to show off.

A: I think people who have weaknesses in terms of scientific achievements tend to compensate for them by showing off their dresses and jewellery, but we have a lady doctor who doesn't wear pearls or even an ordinary gold necklace.

In these men's view, the women wanted to shine, and because they were not qualified academically¹⁴⁹ they used other available strategies. They disregarded the fact that independent, qualified working women did not need to show off, but others might. Mr A. explained:

A: "I think those who are well educated and good earners can afford it. They're not dependent on their husbands."

The above passage shows the contradictions in Mr A.'s way of thinking. Earlier in this chapter I reported that neither Mr A. nor Mr H. allowed his wife to work independently. If they allowed their wives to work, the women would not have to show off. Nevertheless, men blamed their wives' inadequacy for not being independent, and for relying on their husbands' wages, and women's natural jealousy towards others, which makes them want to "keep up" and demand more from their husbands. When interviewing women, I encountered the same argument. Women complained about their husbands' competition over "more manly things". Inspired by that observation, I asked them:

ZT: Don't you think men also have *cheshm va ham-cheshmi*?

A: It's like when I don't have a new car I really want to have one, but when I buy it it's not very precious for me. We men don't talk about our wives' gold and jewellery, or about our clothes. When I see Hossein, for instance, I tell him about the new property I bought, or something like that.

ZT: So you mean men and women talk about different things?

A: That's right. Men care about cars, mobiles and real estate.

¹⁴⁹ Acquiring academic qualifications is considered respectable and valuable for men, and in particular for women. It even facilitates girls' marriages.

H: That's right. When I see one of my colleagues in a Zantiya¹⁵⁰, I feel jealous. We'd like a better car or a better house. But we try to get them. We don't have a row about it.

ZT: Because you work and have money, you can afford to buy whatever you want.

H: Correct!

ZT: What about your wives? How can they get what they want?

In answer to my question, H. and A. attempted to back up their arguments by referring to available discourses on gender differences and men's superiority and advantages over women, as bestowed by "sharia, *orf* and law" (I discuss their arguments in other sections of this chapter). Meanwhile, as the sole earners of the family, they were required to manage the family finances. They did not, however, like to share resources with their wives (a matter also rose by women: see previous chapters). Only *they* could decide how much money could be spent, and where and when. This was one of the main causes of fights between spouses. Since men held the power, the only strategic tool in the women's hands was either constant nagging, or trying to save up by asking for more jewellery.

Women's obsession with jewellery was not just for beautification. In the context of Iran's embryonic financial market, the purchase of jewellery is seen as a financial investment for the future. By acquiring gold, women believe they can guarantee a secure future for themselves. Their economic insecurity leads them to demand more precious stones from their husbands. It is culturally acceptable to buy gold at the time of marriage, and at any time during married life. Women use their gold in different ways, either for their children's education or for their husbands' financial investment; or they may keep it as an insurance policy against unpredictable events such as divorce or their husbands' death. However, men in this study formulated their wives' behaviour not in terms of female subject positions or insurance policies, but in terms of their inherent irrationalities and constitutional weaknesses, in order to further enhance, either consciously or subconsciously, their position in the family as the only guardian of sense and reason and their grip over the major affairs of the family.

¹⁵⁰ A desirable (and expensive) model of car currently sold in Iran.

Men subconsciously applied Butler's performance theory (1990), according to which the subject positions on offer to men are totally different from those available to women. While women are obsessed with clothes, jewellery and so on, men are not passionate about them. Instead, men have strong desires for masculine items such as cars, electronics, gadgets and so on. The gender division of labour determines the subjects of interest in men and women. Due to their gender roles, men are more involved in economic and financial activities in the outside world, and women are generally more concerned with tasks within the home, such as decoration of the house, the appearance of family members and so on. Meanwhile, these men believed that women were naturally jealous, but rejected their sense of competition as jealousy or "keeping up with the Joneses". There is asymmetry between men and women; while women rarely chastise their husbands for their competitiveness or *cheshm va ham-cheshmi*, men do find fault with their wives. In contrast to women's perception of themselves, men maintained that women do not think about the future, and accused them of being myopic and unrealistic. They described their frustration and anxiety:

A: Men's natures are different from women's. Iranian men always worry about financial security, among other things. All these 25 years, I've never had a peaceful mind... We don't have psychological and financial wellbeing [he talked about high costs of living and difficulties in finding work]. I have all these problems, and you expect me to be calm and talk nicely to my wife and children! Is that possible? There's no stability in our country – we can go bankrupt overnight.

H: We're living below the poverty line. My question is, as we earn so little, and do our best to provide for our families and do everything for them, why do women demand more and more things from us – more than we can afford? Why do they expect so much? Why don't they calculate how much we earn and how much we spend? We have all these pressures in our workplace – why don't they even thank us?

The men's wives explained that their demands were not excessive, and that they did appreciate their husbands' efforts, but, they had some good reasons to believe that their husbands were not telling them the truth about their income, and had other priorities, such as investing their money in economic activities without even consulting them. The women were left in the dark over the financial affairs of the family. Men were afraid that if they told their wives the truth of their financial

position, the women might react unsympathetically. This shows the strategic management of information by both men and women in the marital interaction:

A: We don't tell our women everything, because they can't digest it. If I told my wife how much I earned in my business, she would demand something, while I have to think about another business. Secondly, if we tell them everything, then they use it against us and blame us. Sometimes women hide things from their husbands too, such as how much property they have, their savings, the people they helped. Women do things behind their husbands' backs that men can never imagine.

F [A's wife]: Don't you think you made us do this and hide things from you?

H: That's true. It's because we're unable to take the truth.

H. admitted that when it comes to digesting the truth, even men find it hard.

Men frequently deprive women of the information they share with other men. For instance, A. said:

"I don't want to say this in front of my wife, because she might wise up... We men have some information we don't want to share with our wives. Because we're working outside, we hear about different events. I swear to God that I saw with my own eyes one of our friends beat his wife with a cable – he broke her arm. I got upset and told him, "It's unfair [*bi-ensaf*]! Are you an animal, beating your wife like that?" We told her to go to court – we couldn't advise her in front of her husband. He was being unfaithful to her, didn't give her any maintenance [*nafagheh*] and beat her severely – he was very cruel. The court convicted him because we were witnesses [A. and another man]... Then the judge put him in jail."

By telling this story A. became worried that his wife might use this information against him, and immediately added:

"But if my wife goes to court and complains, the court will ask her and me to bring three witnesses. I can prove that I pay *nafagheh* and don't beat her severely. There are different types of beatings, mild or severe, beating or battering. Overt injuries mean leaving some bruises or marks on the body as a result of beating, such as breaking, ripping, slitting. Now, my wife can go and demand her *mahrieh*, but in return I'll tell her, 'I know my rights, I studied them, and you're not allowed to go outside without my permission, or do this or that.'"

The above passage shows A.'s knowledge of his rights and his wife's rights (*mahrieh*, *nafagheh*). He mentioned different types of physical abuse, and

understood their respective legal significance. He also demonstrated an understanding of how to strategically approach the current system of rights and obligations, in order to maximise his own interests while keeping his wife's in check. Moreover, the above passage shows that while men are quite aware of their rights, and demonstrate the dexterity to employ resources available to them in their wider social setting (as a result of working outside, and socialising with other men and women), women instead are left to their inferior positions in the structure of marriage and, in turn, try to employ the resources available in family life. Men use women's lack of information as a way of controlling them (the politics of information): whoever has more strategic information can take charge. Women instead try to improvise, and, without touching the current marital structure, to subvert the power relations in their own favour, or to shape the family's affairs in their own image. Mr A. described the marital structure in his culture, and its differences from western culture, as follows:

ZT: You think your wife is under your supervision, then?

A: Yes, we're not living in a European country where women can live independently. In England, men and women live as partners – they don't even get married, they can get divorced easily, or they separate. In this country, things are connected firmly together. A man can get separated, but it certainly isn't easy for a woman. She must have something to rely on. Only then can she avoid trouble.

ZT: Why do you think men and women have different duties, and why is your wife under your supervision?

A: Because I'm paying her maintenance. I'm giving her expenses – not somebody else – not her father, or my father – and she needs me to give her maintenance. The same is true with me. I need her to prepare lunch and dinner for me.”

Mr A. was drawing attention to the cultural differences between his society and a western one. This constant comparison is itself a fact of life in Iran, where it has become a constant source of tension there. In his belief, one must play according to the role one has been allocated. Because he was living in Iran under sharia rulings, he must live according to expectations comparable with his society (his symbolic order). In his opinion, an Iranian woman cannot live independently under current conditions: she is not as free as a western woman. According to him, an

Iranian woman must have someone to support her (a husband, brother or father). Mr A. identified himself as a liberal, westernised man; however, he found it difficult to import some elements of liberal western order into the orthodox symbolic order. He felt it was fair to expect his wife to fulfil her duties (*tamkin* and submission) because he was doing his as he was taught: paying her *nafagheh* and living expenses. According to men, the only way for women to attain peace and security in marital relations was to employ female strategies, and keep to their designated traditional gender roles.

Lack of female politics: sex, food and pleasure

One of the themes that repeatedly emerged in this study was that men wanted their wives to be more “political” or “diplomatic” in their relationships. If women want their husbands to heed their wishes, they must entice them to do so. According to men, women must be sweet, loving, and sexy. When I asked one of the men to tell me why he did not care about his wife’s demands, he said:

My wife is very stubborn. She isn’t political at all. If she knew how to fool me (*kharam konad*), I’d do whatever she wanted. She just has to know how to say, *Pishi, pishi, kharam mishi?* (‘Pussycat, pussycat, will you be my donkey?’)¹⁵¹. Then I’ll be a good donkey [laughs].

Therefore, women should not request something directly from their husbands. A number of women also reported that they usually get whatever they desire after having sex. Women said that sex was the most effective and often the only weapon to get whatever they desire. Men often complained that women’s coping strategies (selling sex for favours, strategic use of sex) were childish. Mr N. pointed to those women who frustrate men in their sexual desire by not submitting to them. He believed:

“She has to serve me and keep me happy. Men have other options – they can get it from other sources.”

Mr H. added:

¹⁵¹ A literal translation of a Persian expression which means something like “Tell me you love me, and I’ll do anything for you.”

“Men always have more opportunities to do these things. There are many beautiful, chaste, rich, and honourable ladies who only want to have a husband, don't you agree?”

This perception of having options (for sex) confirms women as those who must serve, while this option is not available to them. The cost and benefit of sex appear to be calculated according to the formula that one side uses the threat and actual course of action of returning to the market for sex, while the other uses sex as a strategic weapon to gain favour. This ultimately creates dissatisfaction and tension. As Hollis believes,

“... to make rational agents into what Amartya Sen has termed ‘rational fools’ condemned to self-defeating choices and self-destructive social relations” (1996: 6)

In the context of gender relations, institutional marriage and supportive and associated discourses act as historical forces in formulating men's and women's sexual roles. However, women react differently to their designated roles. While some resist the unrelenting demand of their husbands for sex, others migrate to this side of the line, and instead of resisting it embrace it wholeheartedly. These women are managing to defeat men in their own game. Why this difference in strategy? Why have different generations and types of women resorted to different types of coping strategies in the management of marital relations? It appears that the widespread consumption of pornographic films has managed to stimulate part of the new generation of women to free themselves from the shackles of modesty in the marital relation, and to take charge (this, however, needs to be investigated further). Paradoxically, pornography has also assisted in perpetuating the orthodox structure: the orthodox jurisprudence and the pornography industry become mutually beneficial. Orthodox marriage has restrained sex in private relations, while pornography has helped to bring the details and importance of sex into a wide range of Iranian households, and especially to women, many of whom watch adult films and exchange them. This seems bizarre, but shows the dynamism of social life generating new alliances and forging new forms of co-existence and co-operation deemed impossible theoretically. In my discussion with a 45-year-old man, he referred to society's obsession with sex. I asked him what the reason behind this was:

N: Our society has become obsessed with sex since these *akhonds* [clerics] came to power. They broke the social taboos by actively introducing people to the possibility of *sigheh* [temporary marriages], using public platforms to promote the *ahkam* [religious rulings] in relation to sexual relationships.”

Although Mr N. focused on the role of religious teachings, he may have disregarded the fact that throughout history, public platforms such as mosques were used widely to propagate the sexual ethics of orthodox religion. What is new is the widespread consumption of pornographic films introduced by modernity and capitalism, reinforcing the centrality of sex in the formation of gender relations. Orthodox rulings encourage women to be highly sexual in their marital relationships, to be able to fully satisfy their husbands; this means that the orthodox jurisprudence has sought to free women in intimate relations. Orthodox teachings, however, confronted a strong public wall of resistance. Now pornographic films have broken that barrier, and created highly-charged sexual women who have acted, to some extent, as the orthodox jurisprudence wished: as willing participants in bed, who satisfy the needs of their husbands. But this has not produced the traditionalists’ ideal couple: one the provider of sex, and the other of material security. Two anomalies are still in place here: one is the fact that some women place more weight on their own sexual pleasure, and complain about their men’s inability to fully satisfy them, and the other is the fact that the hardship of providing for a family on a single wage in the modern market system has exhausted men and made the orthodox jurisprudence ideal model almost totally irrelevant to the everyday social reality of both partners working. This dynamism culminates in an endless marathon of mutual marital dissatisfaction, sexual frustration, and spiritual impotence. There is the sense that what you believe in does not work in practice, and what is prevalent in practice has no discursive legitimacy.

Some interviewees came to the conclusion that one of the main factors in creating fights between the couples was their unfamiliarity with each other’s world. The women do not know what normally happens in their husbands’ workplaces, and the men do not know what is happening inside their homes:

A: “Most of our difficulties occur because we don’t know each other’s world. She doesn’t know my working conditions, and I don’t know hers. If I

came home and worked with her at home, I could understand her problems, and if she came to my shop and worked with me, she'd find out about mine. I'm not intentionally avoiding it [housework]. I don't have enough time to do it, and she thinks I'm lazy."

Men, of course, did not like the idea of having their wives around after all; as they said, they had some secrets they did not like to share with their wives. More importantly, they did not want their wives to be in contact with any other males. On the other hand, they found it tough to work at home. As one of them said:

H: "I go to work, and when I come home thirsty and hungry, I expect my wife to cook my favourite meal. I come home for the sake of that food honestly. A man goes home for the sake of something, but if he can't get what he wants, then of course he gets angry. It's not in my hands – it happens automatically. It's in men's natures that sometimes they say something and then think about it, although sometimes they think and then act upon it. It's because they're worn out as a result of working hard. But some women talk first and then think about it, and they don't talk to you for a few days. We're not like that – we reconcile sooner than them. My wife didn't talk to me for about two months."

Hossein said that he finds his happiness in the good food¹⁵² his wife cooks for him. He explained to me that he had a big she wife stopped talking to him for a long time, he could not understand why. He simply thought that it was her duty to cook whatever he wanted, and she had no right not to do so. When it comes to women's rights, some men completely forget about the orthodox discourses and women's rights in the orthodox jurisprudence. Hossein did not know that it is not his wife's duty, according to orthodox law, to cook, clean or even look after the children (women themselves were not aware of their rights). But he mastered the details of men's rights fully. This illustrates that men pick and choose those discourses which serve their interests best, and use them largely to justify their actions and disregard those which are not beneficial to them. H. also used the discourses of gender differences by using dichotomies of rational/irrational and malevolent/benevolent. While men think first and then act, women act and then think; women are malicious because they prolong their reunion after the fight. This makes men rational and women irrational. But H. contradicted himself by saying that when he is angry he acts "automatically" without thinking, because of his "nature".

¹⁵² His favourite dish was *baghili ghatugh*, a local dish in Gilan and a famous meal in Iran.

All of my male participants, except one, maintained that the perfect happiness, for them, was to locate themselves in the traditional gender division of labour: men work outside and women work inside the home. They wanted their wives to be more content, submissive, quiet, supportive, and dutiful: good and compassionate mothers and wives. However, they were surprised that the reality did not match their needs and expectations. Most of these men put pressure on me to give them some advice on “fixing” their relationships. Due to the ethical requirements of the research, I could not do so. The best I could do was to refer them to a family consultant or psychologist. But they generally felt that they would rather not go. Most of them thought spending money on professional help was pointless: they boasted that they knew everything. Moreover, one of these men was very concerned about confidentiality; he thought that if he went to one of these places, they would set up a file on him, and this was a major threat. One of the options for women to obtain a divorce from their husbands is to prove their insanity. Perhaps one of the reasons they wanted me to help them was that I could not pose any danger to them in this respect. Meanwhile, despite all of the difficulties I experienced in listening to their opinions of, and feelings and behaviour towards, women in general and their wives in particular, I was able to listen to them without judging them. This surprised my women interviewees, one of whom asked me, “How could you just sit there and say nothing, when they were talking rubbish?”

Conclusion

In this chapter I have attempted to report and reflect on men’s views in relation to domestic violence against women. More than half of the men I interviewed admitted that they used physical violence as a means to control their wives, to “put them in their place”, to teach them a lesson and to “show them who’s boss”. Moreover, almost all of them acknowledged that they used psychological and economic violence to restrict and punish their wives, and to retaliate against them. They reserved for themselves the right to control their wives. They did not believe, however, that they could employ the same strategies in their public relations with colleagues, managers, friends, and neighbours. They reported a sense of ownership over their wives. The wife belonged to the husband, who had the right to manage her

affairs, her relationships, and her life in general. This was also reported by a number of the women I interviewed, and I have shown how this could lead to more violence against women.

It was interesting to discover that some of these men, who were not even practising their faith, were using religious discourses frequently to legitimise their abusive behaviour. They mainly referred to those sets of rights bestowed on them by “*orf*, sharia and law”. Interestingly, men were more aware of their rights than women. It became clear that men used their knowledge to acquire their wives’ submission, and that they were unwilling to share information in their possession (economics of information), in order to place a halt on their wives’ expectations. In Chapter 2 I discussed the critical impacts of image-making and law-making functions of the orthodox jurisprudence on women’s lives. As the men in this study reported, the law-making aspect of orthodox jurisprudence provided them with certain rights. But as some of them maintained, the mere fact that they were given these rights was “telling us something”, that they are considered superior over women, that women are inferior compared to them. Mir-Hosseini (1999) also inferred the defectiveness or inferiority of women by observing the ways in which the orthodox jurisprudence deals with women’s legal rights and their status in the family and in society.

Meanwhile, men used the gender difference discourses to justify the way in which they viewed women. In their opinion, women are, by nature, less logical and rational and more emotional and unsettling, inexperienced and ignorant, superficial and shallow, seductive and *fetneh*, and gullible and naïve. This negative thinking places women in a more vulnerable position, as it has a profound effect on men’s behaviour (women also referred to men’s misogynistic ideas, and how these affect their perception of women and consequently their behaviour).

Men also referred to the role of their peers and society in determining their behaviour towards their wives, from their concerns over the wearing of the hejab to their relationships at home. They said they were obliged to play the gender role affirmed by social norms, without which they risked isolation or ridicule by the masculine world. They voiced their concern about social scandal (*aberoo-reezi*): society’s ears and eyes are the extended hands of the orthodox jurisprudence in regulating believers’ behaviour. They did not see any agency for themselves. They portrayed themselves as passive receivers of the norms imposed on them, who are

either compelled by women to be aggressive, or forced by society to play according to their gender positions.

Men's perception of the sexual differences between them and women led to a very important notion that, in their belief, women are the main providers of sexual services. While they regarded their own sexual needs as urgent, they generally perceived women's sexual needs as limited. The men's wives, fiancées, and girlfriends are the women who must satisfy them, and if they will not, the men will gain access to satisfaction from other sources legitimised by the orthodox jurisprudence.

The tension between modernity and the current traditional discourses could be detected in the men's narratives. It seems that they were conceptualising the complexity of their lives. The irony is that the more liberal society appears to become in Iran, the bolder and more intense the religious backlash, and the more "westernised" Iranian society appears to become, the more likely men are to return to religious discursive and non-discursive practices.

Most of the findings in this chapter are in line with the data and analysis provided by women in the previous chapter.

Chapter 7: Conclusion

After contemplating the theoretical and empirical aspects of the root causes of domestic violence in Iran at length, I feel that the remarks made by one of my interviewees succinctly capture how the task of explication of domestic violence should be approached in the context of Iranian society. He maintained that disharmony between man and wife, and not economic hardship or any other factor(s), can lead to domestic violence. In the concluding section of this thesis, I will attempt to elaborate on this remark, and demonstrate how it can lead us to a better understanding of the dynamics of domestic violence in the Iranian context, using available theoretical and empirical materials. Disharmony in marital relations emerges as a result of the orthodox model of the marital contract and the conjugal relationship is seriously challenged by alternative models of gender relations. 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. Jewkes (2002) touches upon the way in which women's inability to fulfil gender roles imposed by the regime of masculinity results in violence against women. In the context of the overwhelming power of men in Iranian society (in terms of formal structures and institutions), the tension in the relationship trickles down to the rest of women's marital interactions, more often than not, in the form of domestic violence against women. I hope the theoretical and empirical aspects of this study have shed light on the components and basic assumptions of the orthodox model of marriage, how this comes into conflict with alternative models of marital and gender relations in the minds and hearts of Iranian people, and how all of these tensions manifest themselves in domestic violence against women.

This two-tiered study contributes to the literature on domestic violence in the theoretical realm by applying the economic theory of contracts to the orthodox construction of the institution of marriage in Iran, and in the empirical realm by interviewing three groups of people directly involved in domestic violence against women in Iran. In the theoretical section I critically reviewed the literature on the orthodox formulation of marriage and domestic violence. I endeavoured to demonstrate that 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, 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. The requirements of active female participation may come into conflict with the codes of conduct invoked in the orthodox formulation of marriage. By applying the economic theory of contract (Pateman, 1989), it is possible to predict that the core of orthodox marriage (an exclusive exchange of sex on demand for financial provision) may, in the context of a legalist-based type of historical rationality (Rula Jurdi 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. Compulsory veiling is a perfect example of the far-reaching implications of traditional marriage and its associated discourses acting as a constant source of private and public violence against women¹⁵³, as manifested in the criminalisation of "women's style of dress, hair, make-up and even walking in public" (Kusha, 2003: 251). One of the questions explored in the empirical arm of the study was to investigate the extent to which predictions of the economic theory of contract matched the reality of marital relations in Iran, as perceived by actual participants.

¹⁵³Kusha (2005: 250) reports: "An example is the 'Regulatory Code for Executing the Law in respect of Non-veiling and Mal-veiling and Vulgar Dress' (*Ain-nameh-e Ijraiy-e Mawadd-e Qanuni dar Rabete ba Bi-hijaabi wa Bad-hijaabi wa Lebaashaay-e Mubtazal*): Article 1: Categorisation and definition of types of mal-veiling (*bad-hijabi*) that would engender arrest (*jalb*) and arraignment before judiciary authorities ... : A. Unveiling related to head (*bad-hijabiy-e sar*), 1- Showing part of the hair in a theatrical (*namayeshi*) or vulgar (*zanandeh*) manner; 2- Facial make-up with lipstick, eye shadow in a vulgar fashion. B. Unveiling related to trunk and legs: 1- Wearing dresses that do not cover parts of the body; 2- Wearing net-like or transparent dresses; 3- Wearing dresses that would be provocative (*tahrik-aamiz*) by showing the curves of the body; 4- Wearing tight trousers without a tunic (*manto*); 5- Wearing leg transparent knit stockings without pants or tunic; 6- Wearing dresses that carry signs, pictures or vulgar writings contravening Islamic morals. ... Clarifications: 1- The Shari [Sharia] limit in coverage (*hadd-e pushish-e shari*) is coverage of the whole body other than the facial round (*qurs-e surat*) and the hands up to the wrist; 2- This is applicable to men too, wearing vulgar dress contravening public morals (*iffat-e umumiy*), or expressing vulgar culture (*farhang-e ibtizal*). Cases that would engender warning (*tazakkur*) and imploring (*irshaad*) and finally written reprieves (*taahhud-e Katbi*) and as follows: A. Showing of hair other than those in Article 1; B. If the length of the hair makes it apparent from under head-cover; C. If certain bodily movements (*harakat-e mukhtalifih-e badani*) were to cause unveiling; D. If unbuttoning were to expose parts of the body".

The empirical arm of this study explores the issue of domestic violence along three broad questions: What constitutes domestic violence? What causes it? And what sorts of remedies are plausible and feasible? Utilising the reflexive methodology, the empirical study investigates the nature of violence as it is perceived in its local and specific manifestation, what are deemed the causes of it (what alternative explanations were suggested?), and what remedies are considered possible and feasible.

What constitutes violence?

On the subject of the definition of violence and types of violence, what could be identified throughout the interviews was the distinction made by the participants between beating and battering, and between physical violence and psychological violence. The common discourse was that low-level beating could be either an acceptable or, realistically, an unavoidable part of the social reality of women's lives in an Iranian context, provided it did not reach the level of sustained severe beating (battering). There was a sharp contrast between my perception, as the researcher, of violence (for me, even one single punch or push or slap was a clear example of domestic violence), and that of my participants, who understood my position but found it too idealistic and utopian. I learned to avoid generalisations and universalism, and learned the feminist points on "difference" in women's lives and views, following De Groot and Maynard's identification of the two important concepts of *differentiation* and *variation* among women (1993).

Different women with different educational backgrounds and biographies prioritise different aspects of violence according to their own specific situations. I learned to suspend my judgement and meet each and every one of them in their own territory and their own space and time.

A distinction was frequently made between physical violence and psychological violence. What was deemed the true face of domestic violence was for the most part *physical* form of it. The importance of *psychological* abuse (abusive language, bullying, ignoring...) and its implications for women's mental and physical health (depression, aggression, suicidal thoughts and so on) are disregarded in Iranian legislation. Economic violence in the form of not providing for the family

was fully recognised, but only in cases where women did not stop performing their part of the contractual agreement (sexual submission). Sexual violence, such as marital rape, was not generally conceptualised. Most women view submitting sexually to their husband as part of their deal in the marriage contract. Aggressive sexual relations (for example sodomy) are, however, regarded as unacceptable. Social violence in the form of placing restrictions on women's freedom of movement, association and socialisation was treated with reservations, in the sense that it was doubtful whether it should be classified as a form of violence. If the woman is *nashezeh* (disobedient) and endangers her family's reputation, and her behaviours and manners are likely to expose the family to social scandals imposing restrictions on women's social interactions was deemed acceptable, while excessive and obsessive forms of social constraint were considered unacceptable, and recognised as examples of domestic violence.

In most cases, what is perceived to constitute violence was consistent with the core definition of orthodox marriage and the orthodox legalist approach to the definition of violence, which operationalizes it in terms of visible signs on the physical body and addresses it under the legal topic of *diyeh* (blood money). There were, however, significant deviations too. This leads me to the conclusion that violence is in the eye of the beholder. As different beholders reside in different historically-formed epistemic terrains, the priorities, preferences and measurement of domestic violence may differ a great deal. Violence has no common essence: for different women (and men) in different contexts with different biographical history and at different periods of their lives, violence does not mean the same thing. For one woman, beating was not important, but the verbal abuse of her late father was extremely painful. For another, the constant repetition of "You're an idiot, you don't understand" was unbearable torture of the soul: for an illiterate woman (with highly educated children), these statements by her husband (a teacher) were a constant source of humiliation and degradation. For other women, the constant petty crimes and misdemeanours of their husbands in ignoring their little requests for essential repairs to different parts of the house was a constant source of psychological violence. For others again, the constant interference of their fathers and husbands in their dress and social interactions, and incessant inquiry about their whereabouts, was a source of total despair, leading them to commit suicide or to frequently contemplate suicide. This leads me to conclude that violence is part of the

Wittgensteinian “language game”, taking different meaning and functions in different contexts. Violence, depending on the context, may take subtle forms or brute forms; women can be driven into self-harm and suicide by their husbands through the accumulation of a set of unnoticeable and immeasurable postures and gestures, without any hand being laid on them. The common thread between the multiplicity of violence is only a type of Wittgensteinian family resemblance (Popkin, 2006). The various forms and shapes violence can take, sometimes manifesting itself in subtle and complex forms of meanness of spirit, may lead me to another conclusion that taking a legalist approach and attempts to ban recognised forms of violence such as physical violence or swearing may not work in practice, as long as the fundamental philosophy behind gender inequality and female inferiority remains unchanged. This is so because the spirit of inequality may resurface in new, subtle and unexpected forms: in bullying and teasing postures and gestures, and in being ignored, sidelined or silenced, and other infinite and unpredictable tricks embedded in verbal language and bodily movements which may lead women to despair, self-harm and even suicide.

What causes violence?

The following categories were frequently believed to be the root causes of domestic violence:

Economic hardship

Many participants touched upon the role of economic upheaval in contemporary Iran as the cause of violence against women. For them, too much pressure put on men in the context of economic scarcity is the reason for their anger, which they externalise on their female companions. Similarly, Sartre’s theory of violence seeks the roots of violence in material scarcity (2006: 339). However, material scarcity does not by and of itself lead to violence. It can trigger a wide range of different reactions, from community sharing to extreme selfishness. Many societies pull together at the time of natural or man-made calamities. What seems to condition people and societies to act and react in specific ways is the historical regime of truth comprising archive of discursive formations and discursive practices

(Foucault, 2001). As Arkun (2001) put it, social reality in all its different forms is constructed in the framework of sacred and truth. Historical rationality in the form of the situated realisation of sacred and truth can act as an a priori condition of possibility for everything in social life. For instance, historical forms of rationality can bestow a sense of reverence on cows in the context of Hindu history (where cows are regarded as sacred), and their specific manifestation of sacred and truth allowing nobody to even think of killing and eating a cow, even in a state of extreme hunger. While for others who live and breathe in different epistemic framework with different senses of truth and sacredness, killing a cow in normal times (let alone in a time of economical hardship) is considered legitimized and rational.

In this context, the historical regime of truth in Iranian society allows men to use economic hardship as an adequate excuse to inflict violence on women. The following example directs us to the fundamentals serve as the historical a priori of violence against women.: when I asked one woman whose perception was that economic hardship causes men to beat their wives why men do not beat their cows, for instance, she replied that it is sinful and cruel, as the cow is speechless (powerless) but a woman is not; as she put it: “She at least can swear, beg or cry.” Beating one’s wife is not, therefore, perceived as a “sinful” act.

Cultural and educational differences

Some of the participants in the study referred to differences in the regional background of the marital partners as the main cause of domestic violence. For them, partners from different regions of the country generate different expectations of gender roles and positions, and when these are not fulfilled, the conflict is triggered and violence occurs. Moreover, a number of women believed that where the level of education of the female partner was higher than that of the male partner, his sense of superiority was severely undermined, and he would consequently feel threatened and unappreciated, which in turn would make him lash out and try to restore his authority over her through violence. Many highly-educated women tolerated violence in their marital relation in an attempt to avoid scandal and gossip, and to avoid the breakdown of the marriage and becoming a divorcee, as this would bring shame on them and make them prey to social and familial harassment and mistrust. In the event of divorce, women’s whole social network is likely to break

down, as other women see them as potential rivals and threats to the survival of their own marriages; and men view them as safe sexual prey and lone and isolated figures who might easily become victims of the sexual advancement of men in the family or in wider society. Even when a divorcee builds a high wall around herself, she still cannot avoid the torrent of gossip and suspicion. As it is fairly apparent in this example, it is not cultural or educational difference in itself which makes women's lives miserable and painful, but a chain of causes related to the discourses of masculinity and femininity, regional stereotypes, the discourse of *gheirat-effat*, the sense of shame for a divorcee, and the tolerance of sexual and verbal harassment of women in general and divorcees in particular. What in essence is operating is an entire symbolic order, with its associated structures of power and its constructed subjectivities, which is working against women. Specific contexts provoke specific causes as the triggering factor, while the entire symbolic order serves as the fertile ground for violence against women. This accords with the analysis offered by one of my clerical participants, who made an important distinction between triggering factors and background factors acting as fertile ground for violence.

Gender segregation

A number of participants in the study stressed the fundamental role of the widespread practice of gender segregation in causing violence against women. Gender segregation, implemented from the early stages of life in the family and beyond, mainly through the code of *Mahrameyat* (socialisation without hejab with a legitimate circle of close relatives), forms women's subjectivities as vulnerable and fragile, in need of being protected and being allowed to act in protected and safe spaces. This puts safety at the forefront of a woman's mind, and her family's minds, in a way that conditions them to feel a great need for bodyguards in all realms of public and private lives. A typical example of this in this study was the case of a professional legal female consultant, who even in her fifties felt it was unsafe to travel alone to another city. This prevents women from ever becoming independent, and puts them under the shelter and protection of men. This in turn gives men the power to dominate as the ultimate protectors, and it is very probable that this will lead to their abuse of power and violence against women. Men become the

custodians of women, and women in need of full-time surveillance, supervision and protection. As soon as women step out of their designated territories, they are warned and punished. In a wider context, violence against women is a symptom of the Iranian psyche, and erupts at the interface of two large historical forces. One is related to the history of salvation (Arkoun, 2002), which in its historical realisation demands that women are secluded and segregated from men in order to perform a specific role in the order envisioned by the religious orthodoxy. Another force is associated with globalisation and the growth of global capitalism and modernity, demanding the active participation and presence of women in the social and economic life of the nation, to achieve progress and welfare. In a sense, violence against women is the result of the battle between historical forms of salvation, and progress inside each and every Iranian mind and in its social institutions and discursive practices. Historically determined forms of salvation require seclusion and segregation, while progress and modernity call for integration and participation. Iranian history illustrates that none of these forces can totally dominate the other. While the aim of the Shah's modernisation project was to launch the forces of progress and defeat the forces of salvation, the purpose of the 1978 revolution was to restore the dominant position of salvation in the narrative repertoire and the regime of power of the nation. As social realities of Iranian life in the modern era testify, none of these forces can totally defeat the other, and as a result the one in defensive position always destabilises the other. Violence against women is one of the manifestations of this perpetual conflict in the psyche of the Iranian nation.

Psychologism

Another widely identifiable pattern in the accounts of the participants was the search for the roots of domestic violence in the psychology of the individual, whether in his biography or in her social psychology, or in his nature and instinct, and to remedy it through the education of women.

Individual psychology

A number of participants believed that the roots of violence against women might be traced to the psychology of particular individuals who embark on beating or abusing their wives or daughters. For them, domestic violence was a personal matter and not a legal, political or even social issue; the biography of an individual could explain his tendencies toward violence. For them, the individual psyche was a realm of wilful action in which people decide to become violent or not. According to this point of view, social and religious factors work equally on all. Why, then, do some become violent to their wives and others not? This pushes the scale towards those factors which affect individual differences rather than social or religious ones. I will comment on the merits of this approach further on in this chapter.

Keeping up with the Joneses (conspicuous consumption)

Many of the men and women in my interviews saw the tendency to excessive consumption as the main cause of familial conflicts which culminated in different forms of domestic violence. The chain of events would be: a woman demands a large variety of conspicuous goods and services from her husband; the man either ignores her demands because of the mismatch with his own priorities, or cannot afford them; the woman nags constantly; the man becomes frustrated and feels either inadequate or under constant pressure to earn more money, and this sends him into a rage, which sometimes manifests itself in domestic violence. This explanation ignores the core of orthodox marriage and its implications: men are required to provide for their wives in exchange for a constant stream of sex. As elaborated in the orthodox jurisprudence texts every woman must be provided for financially according to her social and class status. The jurist textbooks and religious orthodoxy stresses that women are entitled to the same standards of life provided for them in their pre-marital settings. This formulation ignores one of the main features of modern social life: vertical mobility. The orthodox formulation presupposes a stable economy where there is no or little vertical mobility, while modern capitalism is based on and fully encourages vertical mobility. The modern market system encourages everyone, including women, to want more. When this force is put alongside the orthodox formulation of marriage, where the man is deemed the sole

or main provider, the meaning of the term “provision” changes all the time, and what was deemed enough a few years ago may not be sufficient now. The fact is that the orthodox presumption of a stable economy producing a stable status for people of different classes is under severe attack from the inherent dynamism of global market economy.

The sum of all these forces culminates in putting extraordinary pressure on men to deliver a better life, while the meaning of “better” is changing all the time. The interesting point to note is that from the other side of the equation of the orthodox marriage, things are also changing rapidly. The force of conspicuous consumption is fuelling a huge male demand for a better sexual life and higher standards of beauty. The force of “keeping up with the Joneses” is changing the standards of beauty and of a good sex life. Women are under pressure to keep up with the standards of beauty set by female models and female singers that are fed into Iran via satellite channels widely available throughout the country, and to “perform” more satisfactory in bed, with the standards of a “good” and exciting sex life set by pornographic films, which are again widely available either in CD and DVD format and through satellite channels. The female interviewees in this study, especially the middle-aged and younger generation, felt they were under enormous pressure to make themselves fitter and more beautiful, and to deliver a better sex life and show an increased appetite for sexual intercourse (away from the frigidity common to “modest” women). While some of the middle-aged female interviewees felt uncomfortable with this trend, and maintained that these things were out of bounds for them and their age, some even found their husbands’ demands outrageous and unethical. The female interviewees from the younger generations seem to have embraced this new trend, and to have dedicated themselves to the arts of beauty and lovemaking, which in turn places more pressure on family resources and ultimately on men themselves.

In some senses, men are becoming the new losers in the unequal formulation of the orthodox marriage equation. Whether you start from men’s duty to deliver a better life, or from women’s duty to deliver a better sex life, the pressure on both sides of the equation is translated into more financial demands on men, forcing many of them to have two or three jobs, so that they become exhausted, and ultimately lose their appetite for the one thing they are supposed to desire most of all: sex. The summary is that “keeping up with the Joneses” is the engine of

economic growth in the modern market system, and can potentially deliver a better material life for all, but is not allowed to perform its magic in the Iranian context because of the inherent inequality in the orthodox marriage. A more equal construction may legitimise women's participation in the workforce and their sharing of the burden of providing for the family, and make both parties strive for a more fulfilling sex life.

The discourse of instinct and desire

One of the most self-evident facts of life for Iranian people, which frequently emerged in the study, is the belief in the fact that God made male and female human beings significantly different in terms of their sexual desires and their physical capabilities, turning men into beasts (literally) in the realm of sex, and women into figures with very fragile and weak emotional constitutions designed to provide sex and care, and to nurture the emotional wellbeing of the family. One is constructed to be a rational beast, rational in the management of social life and a beast in the realm of sexuality, and the other to be an emotional angel, emotional in the familial and sexual life and an angel in terms of being constitutionally kind and sacrificial. The common pattern emerging throughout the study was the endemic discourse placing women at home and men at the heart of social life. This discourse of instinct and desire perceives the modern order, where women are required to participate in all aspects of social life, as a heresy and an unnatural innovation which ruins the welfare and moral health of the nation and humanity at large.

As such, for this discourse the presence of women in social life is unnatural and a forced necessity, and sooner or later they had better go back to homes. This causes some of the most severe conflicts in families, and culminates in men using violence against women in the form of forcing them to give up their jobs, restricting their movement and social networking, and ultimately even using physical violence and psychological violence when the women are perceived to have behaved irresponsibly or, through their manners or conduct, to have placed the family's reputation at risk. The discourse of instinct and desire is a strong part of the conceptual scheme of leading to women's oppression in Iran. It is almost unshakeable, and as self-evident as the fact that night comes after day. What the

feminist movement needs is a well crafted socially-constructed theory of instinct and desire embedded in the religious terms and teachings, to shake the unquestionability of this fundamental discourse.

Un-Islamic behaviour

One of the themes emerged in the study was the incessant attempts to explain the miseries and calamities experienced by Muslims as the result of their own infidelity to the religious codes of conduct and lifestyle. In this perspective, if there is tension and chaos in the family, it is because either one party in the conjugal relationship is deviating from the right path, as set by religious rulings and teachings, or both parties are deviating. In this framework, for the family to work smoothly and according to God's will, and to bring everyone peace in this world and salvation in the next, men are expected to be kind head figures of their families, and women their nurturing and sacrificial followers. The model constitutes two elements: a kind and God-fearing master, and a faithful and obedient follower. If either party deviates from this model, trouble, including violence, will creep in. If the woman, under the influence of "feminist poisons", as one of the interviewees put it, decides to take charge and challenge her husband's headship openly, and loses her traits of forgiveness, patience and gentleness, things will start to go wrong for the couple, the family and society at large. If she decides to confront the wrongs in her husband's character and behaviour openly and straightforwardly, she invites trouble into her family, as, it is claimed, in our culture this is not the way for her to address him. She must show the qualities expected of her, be ready to make sacrifices, and above all be diplomatic in her approach. If she fulfils her role, she can become "the master of the master" (as another interviewee put it). At the same time, if the man forgets to be a kind and generous master and abuses his power in the family, he is clearly deviating from the perfect example set by the Infallibles and the grand religious jurists, who were always kind to the women and children of the household.

Physical violence in this model is seen as the very last resort, and should, even in the event that it is used, take a symbolic form to send a message rather than actual infliction of severe punishment. To force one's wife to return to the right path, ignoring her and starving her should be tried first. This classification endeavours to

keep people in the framework of the literature and the conceptual scheme of the religious orthodoxy and its regime of truth, not bestowing any legitimacy upon discourses such as human rights, feminism and liberalism. Within this type of formulation, conflicts are always resolved using the conceptual schemes provided by the mainstream structure of power and knowledge, which allows people to return to the familiar territory of the religious orthodoxy, to acknowledge their wrongdoings, confess their sins and climb the ladder of existential transformation and fulfilment it provides. Once again, this discourse provides grounds for conflict between modernity and religious orthodoxy. Modernity invites equality in human relations and “truth to oneself”, while the religious orthodoxy views a couple’s marital relations in terms of master and follower: one party is required to be a good master, and the other a diplomatic follower who avoids any open expression of discontent. This clash of models invites marital conflicts, which in some cases may develop into violence against women.

Women’s ignorance or fault

Closely related to the previous theme is another which frequently appeared in my interviews with males and females alike. It was frequently stated that where violence was inflicted on women, the women themselves were to blame, either directly or indirectly: either they totally lost the plot and tried to be like men, or their reactions to men’s misbehaviour were seen as misguided and the key to inviting violence on themselves. Even female interviewees, time and again, blamed women for the domestic violence they suffered. This is an astonishingly stubborn view, expressed by almost of the parties involved, which denies social agency to men but stresses it vehemently for women. For the majority of women I interviewed, women should behave wisely, know the sources and forms of their power, and use it to their advantage. For them, women’s power lies in the realm of sex, and in their ability to “fool” men with their gentle ways. They believe women can indirectly dominate men and make them behave as they wish, provided that they use their “soft” and “hidden” strategies to tame men’s wild and beastly nature. They opined that direct attempts to challenge and change men are a wrong strategic choice for women. They believed that women are adequately equipped to master the master, and need only be

cunning: “Let them believe they are in charge, but allow women to be the real force behind the scenes.” This type of statement was common in the interviews.

Even men invited women to be cunning in their relations with them. They believe this satisfies both men and women, and removes all trace of marital conflicts and disharmony: men feel in charge and unchallenged, and women know that they are the real power behind the scenes. Men and women share power, but in different discursive frameworks. Many feel this is the secret of women’s survival, and thrives in the Iranian context. It is obvious that when the structure is inflexible and rigid, the best way to circumvent it is to attack its content while keeping the façade intact. This is the strategy of the weak when the structure of dominance is felt to be immutable, as when it is connected to the historical manifestation of the sacred and the true.

In this context, one of the most striking and paradoxical features of Iranian social life takes shape: while all the official structures of society are male-dominated, at the same time, many believe that a strong type of female domination also prevails (one of the common themes repeated in this study). This paradox is resolved through the perfect realisation by many women that they may only become the masters of their lives and the lives of their families by pretending that they are the followers, as a result this delicate diplomacy they are left to become the force behind the scene. Thus, one may claim that, Iranian society is formally patriarchal and practically matriarchal. This is true to some extent. We have to acknowledge that the final say belongs to men, and their power is structurally constituted and discursively supported: men can strip women of their hidden power whenever they wish. That is why the discourse of *zan-zalili* was developed to counter the hidden power of women discursively and through the power of humour and stigmatisation, while the formal structure of power is left intact and can be activated when required. Women countered men’s unquestionable discursive and structural power by developing cunning ways of taking charge of the destiny of the family, and men countered this with the discourse of *zan-zalili*, and the reactivation of their God-given rights at will. That is why women’s power is very fragile and without discursive or structural support.

Lack of Education

Closely related to the last two themes was the theme of some women's lack of cunning and shrewdness to find their way in the maze of the marital relationship. Those who advocated that women require education in order to be taught how to behave in accordance with the context in which they live, and to avoid importing lifestyles and ideas alien to it. This approach maintained that many women are easily influenced by the foreign (mainly western) model of marital and gender relations and try to imitate them, and thus invite conflicts into their lives. The women need to be re-educated, in order to become familiar with their own tradition and Iranian society's own specific way of doing things. This lack of indigenous re-education of women was viewed as one of the reasons behind the cases of violence against women.

Interaction between religious orthodoxy, modernity and social reality

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. What seems to be causing domestic violence is the tension between alternative models of gender and marital relations. Ironically, there seems to be a macro level of *cheshm-ham cheshmi* in terms of best models available for gender and marital relations, and comparison seems to be a fact of life and a powerful social force at both micro and macro levels: comparison between the ethico-legal model of religious orthodoxy, the feminist equality model of the west, and the love-based model of Iranian literature (Annemarie Schimmel 2003).

When it comes to the issue of justice in marital relations, the western model looms large, but when ethical issues comes to the fore, the western model loses its attractiveness and the orthodox model dominates. When the quality of the relationship is important, the model of Persian literature becomes the dominant one. The most powerful model, with deep roots in social reality of everyday life appears, however, to be the orthodox model, while the other two constantly challenge and threaten its dominance. As a result, in one context or on one discursive occasion, a person may migrate from one model to the other unconsciously. Living inside the

orthodox model, violence is formulated as the last of the last resorts; the model demands that men respect and cherish their wives ethically, and refrain from using violence against them, although the right to use violence as the last symbolic resort is reserved for them.

The religious orthodoxy has managed, historically, to monopolise the realm of ethical truth, but lacks credibility in the realms of gender equality and love, while the western model possesses truth credentials in the realm of gender equality, and lacks credibility in the realms of morality and love. The marital relation developed in classical Persian literature is based on love, and is deemed weak in terms of morality and equality. All of these models have something to offer the Iranian psyche. It is interesting to note that a number of highly modernised female interviewees in the study wanted (and encouraged) their husbands to perform their regular prayers in the traditional fashion in the hope that they would as a result avoid drinking, lusting after girls, gambling and other vices. At the same time, these women wanted to activate the discourse of gender equality and freedom at any moment when they wanted to be fashionable, or to participate in weddings or other parties. In the latter cases, ironically their husbands wanted them to be observant of the codes of hejab and *gheirat-effat*, and to internalise these codes in order to preserve the family's good reputation. It is also interesting to note that the women desired relations with their husbands based on love, rather than on the exchange of sex for financial security.

The modernized women activated these discourses when the context demanded. These women often wanted their men to be observant of the religious codes of praying and, at the same time, to give them the freedom to pursue social pleasures, while men wanted their wives and daughters to be on the side of caution, to observe the codes of chastity and modesty and avoid being exposed to scandals, and, at the same time, to be open in their sexual attitude towards their husbands, and to beautify themselves for their husbands' pleasure. The nomadic nature of both parties' migration from one discourse to another filled their relationships with tension. Here we replace the objectivist quest for "a transhistorical or transcultural rationality" with "the thoroughly empirical and historical investigations into the many concrete 'rationalities'" that have shaped the contextual understanding of concretely positioned subjects" (Kogler, 1996: 5). Ironically, both the religious

orthodoxy and the West sexualise women, but in historically opposing ways: one by forcing clothes off, in subtle ways, and the other by forcing clothes on.

Are Iranian men responsible? (Whose fault is it?)

One of the main questions regarding the nature of gender relations in Iran in the future is related to the responsibility of men in cases of violence against women. Do Iranian men deliberately and willingly inflict pain and suffering on women, or are they the mere conduits of forces beyond their control? Where is the borderline between the structure and the individual responsibility and agency regarding violence against women? What is the role of individual choice? Do men intentionally decide to become violent towards their wives, or do they only perform the subject positions made available to them? These questions are fundamental in determining the nature of gender relations in Iran. If men were viewed as oppressors, the reaction would be different from when they are viewed as victims. Many in religious circles accuse feminist scholars and activists of instigating a battle of the sexes in Iran, culminating in the collapse of family and the Iranian social fabric. I observed in the media a widespread attack directed at feminist teachings and their immediate danger for the stability of gender relations, the institution of family and the foundations of society at large. The accusation is so strong that many buy into it, and view the feminist approach to social reality as poisonous and destructive. That is why I felt obliged to address the issue here.

Freedom, agency and responsibility

Who is responsible for the prevalence of domestic violence in Iranian society? Are men the perpetrators of vicious acts of violence against women, or are they themselves the victims of a particular regime of truth, and more widely a clash of alternative regimes of truths? “The question whether the ‘executors’ of power are true agents or mere conduits, as [Foucault] sometimes claimed, remains debatable. ... the strategies, the networks, the mechanisms, all those techniques by which a decision is accepted and by which that decision could not be taken in the way it

was” (Flynn; 2003: 246-47). Can we categorise men, or those who teach them to maltreat women, as intentionally and willingly engaging in acts of violence against women? Can we treat them as autonomous and responsible agents of their own narrow self-interests? Can we formulate the issue in terms of conflicts of interest between men and women, and demarcate the line between perpetrators and victims? If men’s wills are at fault here, then as Nietzsche asked, “Who wills the will?” Can we not treat the realm of self, with all its phenomena – will, intention, reasoning and emotions – as the product of the interplay of historical forms of power and knowledge?

The question of the realm of intentions, decisions and who has power was not on Foucault’s agenda. As a result, questions such as these were not at the forefront of his analysis: “Who has power? What is going on in his head?; and what is he trying to do, this man who has power?”(Foucault, 2004: 28, cited in Flynn; 2005: 247). In this framework, the individual is seen as the conduit of power: “The individual is a relay: power passes through the individuals it has constituted” (ibid., 30, cited in Flynn, 2005: 248). The issue of individual intentions, agency and responsibility is secondary to the functioning of the historical field of power/knowledge structures. The notions of individual responsibility and autonomy gain their meaning inside a historical, epistemic structure. The archive of historical discourses in currency in a society determines the meaning and limits of freedom, agency and responsibility. In a symbolic order where homosexuality, for instance, is discursively and structurally condemned, those who deviate from the norms are deemed irresponsible. In classical Greek society, homosexuality alongside heterosexuality was deemed normal, and in that context homosexual relations were not seen as irresponsible. The notions of choice, agency, freedom and responsibility find their actual meanings and real manifestations inside a historical regime of truth.

The logical implication of this logic is that domestic violence is legitimised in the hegemonic regime of truth in Iran. As a result, the notion of men’s responsibility in routine cases of violence against women cannot be applied, as it is framed under the rubric of reasonable chastisement, and deemed legitimate when it is proportionate and is exercised to protect the moral health of the family and society. When the limits are transgressed, as in cases of battering, it is categorised as un-Islamic and irresponsible. Another example is the discourse of reasonable chastisement of children for their own sake. For a person who lives and breathes in a

regime of truth endorsing the use of corporal punishment against children, the act of chastisement itself cannot be viewed as irresponsible, as the person does not find it unacceptable. Humility, another example, was categorised as slavish and weak in the ancient Greek symbolic order, while in the Christian religious symbolic order it has been praised and encouraged; in one order, acting humbly was deemed an irresponsible act for people of power, while in the other it was seen as the height of responsibility.

Charting the topic of violence along each of Foucault's three axes, in an "axial reading" of violence, illustrates the relations between knowledge (an ensemble of rules for the formation of discourses, together with a set of discourses) and violence, power (normalisation, *gheirat-effat* as an enforceable set of moral codes through social and legal sanctions, scandals and reputation) and violence and subjectivity (self-policing, senses of guilt and shame, the internal gaze) and violence and the ways in which men's and women's subjectivities are constructed on the basis of the historical materiality of the structure of power and knowledge. As long as a native and indigenous alternative structure of power and knowledge is not offered, and does not find widespread acceptability and prevalence in everyday life in Iran, it is hard to find Iranian men responsible for acts of violence against women in their lives (unless they transgress the consensual lines drawn for them by the religious discourses). It is wrong to judge a rival form of rationality (the religious orthodoxy in Iran) with standards of western rationality, as the two are incommensurable and there is no universal set of meta-values with which to judge every type of rationality (Kogler, 1996). The religious orthodoxy in Iran accuses the West of moral decadence and cultural imperialism, while the West accuses the Middle East of oppression of women and despotism. Neither is justified in its criticisms of the other, as each is attempting to judge the other on the basis of its own historically-formed and incommensurable internal set of conceptual scheme and regime of truth.

The view that sees men as another victim of the historically contingent but deeply rooted structures of power/knowledge/subjectivity paves the way for a compassionate approach to gender issues in Iran and the players involved, and makes them aware of the historical forces at work in constructing the institution of marriage and associated discursive formations and the power/knowledge structure, and may help to wield forces to change the foundations of the gender relations for

the better, rather than becoming entangled in the “blame game” and the web of mutual hatred and mistrust. It is notable that men may even enjoy the privileges bestowed on them by the religious orthodoxy, but should be notified that they may turn out to be the main losers in this whole game, as they are deprived of quality of life in their marital relations, a quality constructed on the basis of reciprocity, mutuality and love. As we saw in the interviews, in the social reality of contemporary Iran, many men are becoming the main losers in the “sex for money” equation. They are becoming the main losers both in terms of social power and privileges and in terms of their own souls.

Emotional economy

A related issue which has served as a constant source of confusion throughout this study is the internalisation (psychologisation) of the causes of violence: searching for the roots of violence in the individual psychology of couples, men and their childhood experiences, their lack of self-mastery and their indulgence in un-Islamic behaviour, and women’s lack of chastity and shrewdness, naivety and credulity and greed for material wellbeing. In parallel to these blame games, and maybe as a result of them, the women frequently expressed disempowering sets of feelings such as guilt, shame, a heightened ethic of responsibility in regard to the care of others and the maintenance of relationships, harsh self-recrimination, anxiety, depression and hopelessness, and a sense of worthlessness, inadequacy or insecurity, and so on. It is potentially liberating to allow women (and men) to see that their emotional economy and psychological make-up and constitution are the unconscious product of historical forces of power and knowledge embedded in the details of their everyday lives. An alternative regime of truth would allow them to see, talk and act differently, and to enjoy the emergence of a more empowering and joyous psychological make-up. Unfortunately, my observation showed that the widespread use of traditional psychology in Iran may serve as a counter-productive force in the lives of women, with its stress on the individual, the autonomous self and the ethic of responsibility, without acknowledging the power of historical forces in shaping people’s lives both inside and out.

What remedies are available?

Violence as a cluster concept is closely related to a host of other concepts such as self, rationality, truth, responsibility, freedom, morality and religiosity. As Arkoun (2002) put it, societies may have many regimes of truth, and the hegemonic regime of power and knowledge may be destabilised by alternative and rival regimes of power and knowledge, with their corresponding cluster concepts and conceptions. Different symbolic orders prioritise values differently, and conceptualise facts and reality differently. In this context, it is paramount for us, in our enthusiastic and desperate attempts to eradicate domestic violence, to exercise caution, and to be careful to verify what works and what does not work in the context of the Iranian symbolic order. We can categorise the strategies available in two sets: short-term strategies (diplomacy/loyalty, voice, exit) and long-term strategies (a fundamental change in the background of social meaning and interaction).

Short-term strategies

The very short-term strategy can be summarised in one of the main themes that frequently emerged in this study: diplomacy. In the framework of this strategy, one must prove one's loyalty to the hegemonic discourses by formulating one's request in the hegemonic literature. We can call this approach the "loyalty" strategy or the "diplomatic" strategy. In the private lives of Iranian women, this does not mean challenging the power of the men in their lives directly, but working behind the scenes to further their own agenda, and women seem to have some degree of success in this realm. In the realm of theoretical work, the diplomatic approach needs to be translated into reframing feminist demands for gender equality, in the language of the traditional jurisprudence, by keeping the orthodox literature intact. One recent example is the case in the Iranian parliament where the conservative female deputies managed to pass a bill reducing the retirement threshold for women to 25 years of work by using the language of the orthodox jurisprudence. They formulated their campaign in terms of the need for women to go back to their rightful place, home, as soon as possible (*Zanan* magazine, 2005: 21-25¹⁵⁴). Another

¹⁵⁴ 'Let's make sacred the contents of the safe (chaste) houses as well as its names', reporting issues relating to women in the Iranian parliament.

example is the request put to Ayatollah Khomeini (Mir-Hosseini, 1999) to address the plight of many Muslim women who were suffering under tyrannical husbands who abused their powers in the family. The request was not formulated in terms of women's equal rights to divorce, but of the suffering of Muslim and sacrificial women of the Islamic revolution at the hands of many cruel men, who abused and maltreated them. Ayatollah Khomeini strove to come with an innovative solution in the framework of the orthodox jurisprudence, by implicitly offering the annulment option (declaring their husbands insane and annulling the marital contract as a result) in cases of abusive relations, rather than granting women the right to divorce their abusive husbands. Shirin Ebadi, the Nobel peace prize winner and feminist activist, seems to have been working inside this loyalty strategy, as she indicated in her memoir (Ebadi: 2006).

Another short-term strategy which has emerged in the Iranian social reality and has been adopted by those who cannot accept to behave diplomatically and perceive diplomacy in private relations or social exchange of ideas as dishonesty is to raise their voices or to exit (Hirschman: 1972). Those who choose to raise their demands for gender equality through the discourses of feminism and human rights, and through resorting to international treaties, conventions and institutions, and to straightforwardly challenge the religious orthodoxy or question the power of men in their private lives may pay a heavy price for their honesty and bravery. But they may find that when their views become widely popularised, some, in fragments, will be reformulated in terms of the orthodox literature and incorporated in the larger scheme of the religious orthodoxy and mainstream structure of power/knowledge, but with an accentuated orthodox twist and flavour. The exit strategy (adopted by many feminist activists such as Karr) leads to immigration to western countries. This option may have liberating effects for the immigrants themselves but their effect on internal dynamism of the rival discourses inside the country seems to be highly limited.

In practical terms, in the current situation, two policy initiatives come into mind for the short term (both of which must be formulated inside the loyalty strategy). One of the effective components of the diplomatic strategy may be the concerted efforts to persuade religious leaders and clerics to advocate the outright abolition of violence (without any ifs and buts) in marital relations in their audience with people. This can be justified not on the basis of the feminist principle of

equality (which is unintelligible to the religious orthodoxy), but of practical considerations such as the reputation of Islam and the religious order in Iran in the international setting. As we mentioned in Chapter 2 of this thesis, it is an integral part of the methodology of inference in the orthodox jurisprudence to heed practical considerations and temporarily suspend some of the primary rulings. Another effective step might be to persuade the parliament and judicial system to introduce two types of marital contracts to couples who intend to get married: one based on the traditional model, and another on the equality model. In the equality model, every aspect of marital life, from sex to finance, should be addressed in terms of the spirit of equality and reciprocity. This extra option allows highly independent, educated and employed women who believe in gender equality (with future husbands who share their beliefs) to have a footing in the system and a formal structure in which to shape their relationship. Furthermore, this arrangement (offering two options) does not force the equality model on those who still, for whatever reason, wish to live within the traditional model.

Furthermore, priority should be given to women's safety and recovery, rather than the rehabilitation of offenders. In the context of Iranian culture, sanctuaries (safe houses) should be arranged all over the country for women suffering from domestic violence, but crucially they should be under the general supervision of genuinely charitable figures with an excellent reputation; otherwise they may raise suspicion and cause more problems than they solve. Additionally, re-educating and re-socialising the perpetrators to accept accountability for their violence through a formal criminal justice system and informal mediation should be considered (Hamberger and Hasting 1993, Healey et al. 1998). There must be a systematic and proactive co-ordination between the communities and the policy-makers to advance these goals. However, I suggest that for any intervention in the context of rehabilitation of offenders, an interdisciplinary approach should be used alongside the feminist model.

Long-term strategies

In the long term, the spread of the discourse and practice of gender equality in all walks of life will do the most to reduce domestic violence drastically. This

cannot be achieved without a wholesale change in the structure of power/knowledge/subjectivity. Susan Hekman (1999: 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” (Susan Hekman, 1999: 121) as the Background. In the Iranian context, the orthodox jurisprudence is the Background. The drastic change in the Background requires the emergence of a society of “inside outsiders” who practise and believe in gender equality, and are able to legitimise it as an integral part of a wider regime of truth covering all aspects of life, work and language, and gaining acceptance and appreciation in all walks of life. This alternative way of being and seeing debases the religious orthodoxy, and gradually replaces it with a viable alternative. “Such an argument would entail the substitution of one regime of truth for another as opposed to “increasing the sites of resistance” to privileged knowledges” (Law and Madigan, 2004: 100).

One of the preconditions paving the way for the emergence of such a viable alternative, as Hekman (1999) suggests, is the detailed and scholarly analysis of the workings of the religious orthodoxy through rigorous research not in combative but in compassionate spirit. The religious orthodoxy is socially unconscious of the Iranian people, and the complexity of its workings at different levels of social life is widely hidden from them as they live and breathe in its atmosphere (the Background). Religious orthodoxy and its philosophical foundations are largely “expressed both in the oral literature and actions of the people. Thus a great deal of philosophical material is embedded in the proverbs, myths and folktales, folk songs, rituals, beliefs, customs, and traditions of the people, in their socio-political institutions and practices” (Gyekey 1995: 13) The religious orthodoxy, as Foucault puts it, “maintains itself ontologically inasmuch as it has already marked off the framework and reality within which one is capable of responding affirmatively or negatively to something: ‘What makes power hold good, what makes it accepted, is simply the fact that it doesn’t only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse.’” (Foucault, 1980: 119, cited in Flynn; 2005: 99) This kind of effective power “can no longer be (exclusively) analyzed with such juridical concepts as the oppression of the ruled or the rulers’ possession of power; rather a vocabulary is required that is to grasp the pervasive and reality-constitution dimension of power”

((Foucault, 1980: 119, cited in Flynn; 2005: 98). It “invests them, is transmitted by them and through them” (Foucault, 1979: 26-27, cited in Flynn; 2005: 99).

With such a grip on the social reality of Iranian life, the most effective way to address the religious orthodoxy does not seem to be the loyalty strategy of piecemeal legal changes adopted by many feminists in Iran. In confrontation with the legalism of the religious orthodoxy, the Iranian version of feminism seems to have adopted a legalist face, and in its attempts to alleviate the women’s ordeal in Iranian context it has selected the option of putting pressure on religious orthodoxy to gain some ground in terms of legal changes in favour of women¹⁵⁵: examples are the right to divorce, limited right to custody, forcing men to obtain their wives’ permission in the case of a second marriage, and putting pressure on authorities to appoint women judges. This strategy may have limited success in marginally improving women’s lot, especially for those women who already have access to financial or discursive resources and are able to take advantages of the new changes. Some, such as the professional brides who obtain the right to divorce, combine it strategically with the right to demand *mahr* before consummation, and make a career of marrying rich men and divorcing them after receiving *mahr*, may even abuse them. But by and large, these changes would not serve the majority of women, who have no access to good legal advice, or whose cases are not even referred to the judiciary and whose family culture is still shaped by the primary rulings of the orthodox jurisprudence in its image-making functions. As a result, their suffering is mostly due to the image-making function of the default rulings of the religious orthodoxy, which portray women as *namus* (honour), weak and in need of protection. This strategy keeps the unequal nature and structure of orthodox marriage intact.

Furthermore, without a wholesale change in the philosophy and spirit of the law, these ad-hoc changes create conflict between the orthodox jurisprudence as one of the main sources of the law and the new laws passed under internal or external pressures, and therefore generate uncertainty and tension in the legal system. With regard to the decentralised nature of the structure of the religious authority (Mir-

¹⁵⁵ As Ebadi put it, “Women in Iran are terrorized. We are facing discriminatory laws as well as family violence. These laws represent the biggest problem. If laws were just, violence would diminish. This is why the fight against laws that discriminates is given priority.” (‘Iran: Women are terrorized’, in an interview with Ina Tin (2004), editor of AmnestyNytt, Amnesty International Norway’s magazine).

Hosseini 1999), these new restrictions are always deemed inconsistent with the default position of sharia law for some of the *marjas* (top jurists), lacking religious legitimacy as a result. The result is that many of these changes mainly serve rhetorical purposes for the religious orthodoxy in national and international settings, rather than creating a major push for change in the life of ordinary people in Iran. One perfect example (Mir-Hosseini, 1999) is the case where, after facing many complaints from the judicial authorities of the abusive ways many Iranian men treated their wives, Ayatollah Khomeini came up with a legal alibi (outright annulment of the marriage contract, probably by declaring abusive men insane) to free women from the chains of abusive marriages, but could not announce it as a formal legal change due to his fear of the mainstream *marjas* who would probably have ex-communicated him, since he was playing with the fundamentals of the orthodox formulation of marriage. This is just one example of the constant tension between the religious orthodoxy and its set of default rulings on the marriage contract, and new laws with their combination of the orthodox rulings and secondary progressive piecemeal changes in the rulings, due to internal feminist pressures or external international pressures. Without a wholesale change in the religious orthodoxy and the creation of the society of outsiders inside the larger society, the small changes here and there in the law will have limited success in achieving real change in the life of ordinary people.

Another criticism which can be levied at the campaign for piecemeal changes in the law is that it can backfire in the face of the victims, in cases where the philosophy and spirit of the old law or social norms is still alive. The men and women in this study frequently reported that men resorted to ever more complicated and subtle methods to inflict pain and harm on women without leaving any obvious mark on their bodies. These subtle methods could in many cases drive women to suicidal thoughts and madness. Three more examples are provided. One is the case of honour killing in the Iranian county of Khuzestan¹⁵⁶, which the authorities tried to prevent by putting all of those involved in prison, and promising a very harsh punishment for those who embark on such acts. A counter-strategy emerged after a while: families who wanted to embark on the honour killing of their own daughters or wives hired strangers to kill them in contrived car accidents (a form of contract killing). As the legal punishment in the event of a car accident is the payment of

¹⁵⁶ ISNA: Honour killing: <http://www.isna.ir/Main/FullNews.aspx?SrvID=Legal&Ndate=10-06-2004>

diya by the killer, no serious harm would come to the driver, and the opinion of the victim's family in court is also paramount. The families promised handsome rewards to the killers, and killers were set free. While the *namus/gheirat/effat* discourse is still alive, the ad-hoc changes in the law may provoke people to come up with more innovative options to implement their old way of life, and use the capacities of the law against itself. Another example is in Turkey, where due to external pressure from the EU, a law was passed banning honour killing, but the practice re-emerged in a new form, in the case of forcing girls who had had illicit sexual relationships with boys to commit suicide: "A spate of 'honour' killings in south-east Turkey are disguised as suicides" (Time Magazine, 2006¹⁵⁷). Another obvious example is the case of women judges being appointed: even if they officially become part of the judiciary system, if they have to function in a male-dominated and philosophically anti-women organisational culture, they will lose control in practice and become only puppet figures without real and actual organisational power, fulfilling merely a rhetorical function (especially in an international setting).

Voice and exit strategies also suffer from serious shortcomings. Feminists and others frequently raise objections to the injustices inherent in the orthodox jurisprudence. But as touched upon earlier, the orthodox jurisprudence constitutes the Background: a historical a priori for intelligibility and social meaning: making sense of things, giving meaning to categories of sense and nonsense, false and true, just and unjust and so on. The way not to change the Background, as Hekman (1999: 121) put it brilliantly, is to "advocate changing social meanings by claiming that they are in absolute sense 'wrong' and replacing them with understandings that are 'true' and 'right'". She adds, "When feminists proclaim their 'truth', it comes out

¹⁵⁷Time magazine Sunday, May 28, 2006

http://www.time.com/time/searchresults?N=0&Ntk=NoBody&Nty=1&Nr=OR%28p_record_type%3AArticle%2Cp_record_type%3Ablog%2Cp_record_type%3AOther%29&Ntt=Turkey-honor+killing
Time Europe Magazine | World | Notebook | Turkey Dishonorable Deaths

"As part of its bid to meet E.U. standards, Turkey last year approved legislation making 'honor killings' – the practice of men killing their female relatives for perceived immoral behavior – punishable by life in prison. But a growing number of female suicides in southeastern Turkey, the country's poorest and most conservative region, this year has raised suspicion that women are now being forced to kill themselves to spare their male relatives a jail term. In the province of Batman (pop. 500,000) hospital records show there have been 31 attempted female suicides this year, already more than last year's total, and five women have died, although the total number of actual suicides is impossible to document."

'Women are locked away in a room with a rope and put under pressure. Or they might be forced to take rat poison,' says Nebahat Akkoc, founder of Ka-Mer, a women's rights group in Diyarbakir, the regional capital of the south-east. Last week the U.N. sent Yakin Ertürk, rapporteur on violence against women, on a fact-finding mission to investigate the suicides.

sounding like nonsense in the terms of abstract masculinity, which is, of course, precisely what it is in those terms. ... We must first alter the criteria of what it makes sense to say before we can proclaim another 'truth' and expect it to be heard; we must, in Wittgenstein's metaphor, shift the riverbed of thought" (Hekman, 1999: 137). In the context of Iranian society, the only long-term and viable challenge to the orthodox jurisprudence can emerge in the framework of religion: not in the form of new interpretations of the religious texts and experiences, but in the form of a religious-based faith and lifestyle. Hekman opposes the famous dictum that "the master's tools cannot dismantle the master's house", and believes that "... it is **only** the master's tools that can dismantle the master's house. Attempting to fashion our own tools is both unfeasible and counterproductive" (Hekman, 1999: 146, emphasis original). The liberal and feminist discourses and the discourse of human rights are alien to the riverbed of thought in the Iranian context; the essence of equality and justice should be found and formulated and lived in the religious language, literature and life in the wider context of "the history of salvation", as Arkun (2002) puts it. This is feasible because, as Hekman puts it, "The Background, the master's tools, is neither monolithic nor static; there is a lot of 'give' in it" (Hekman, 1999:146).

In summary, the long-term strategy has two tiers: an academic and non-combative analysis of the Background and the development of a viable alternative based on the Background, the Master's tools. Alongside the first tier, the detailed analysis of the myriad ways in which sexuality is conceptualised, normalised and subjectivised in the Background is highly important. As revealed in this study, sexuality is the connective theme between the sacred and the violence. Furthermore, all aspects of the orthodox religious life and language, from rituals to proverbs and emotions, should be the subject of detailed analysis. With regard to its critical significance in the gender relations in Iran, the issue of agency and responsibility versus determinism and blamelessness requires further detailed empirical, theoretical and philosophical analysis. Alongside the second tier, how an alternative can smoothly emerge in the indigenous context can be learnt through a detailed analysis of Sufism, which emerged in the Background and found a widespread following, although in a totally different historical context. Furthermore, ways have to be found to practise new ways of being and living, and to use these new discursive and non-discursive practices in the process of subjectivisation of men and women. What we ultimately need is new forms of structures of power, knowledge and subjectivity.

Appendices

Appendix A: Three-dimensional axes of power, knowledge and subjectivity (next page)

Women

1. Family Background

Tell me about your life in general.

How long you have been married?

Do you have any children?

How old are you?

Have you work?

What does do you?

Are you working?

Does your mother?

What is her name?

How old?

What is her name?

2. Family

Could you tell me about your family?

Could you tell me about your family?

Could you tell me about your family?

Could you tell me about your family?

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Could you tell me about your family?

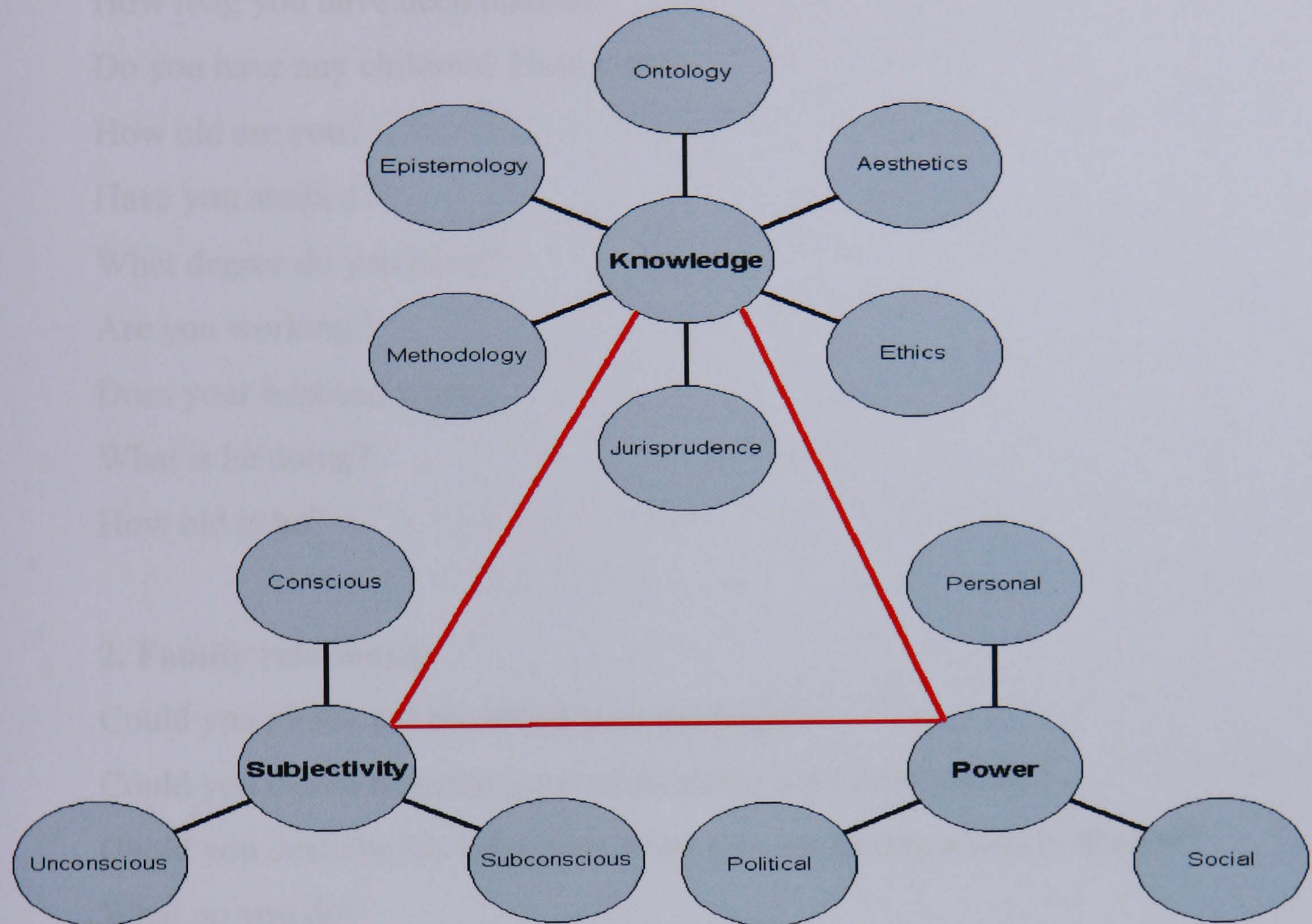
Could you tell me about your family?

Could you tell me about your family?

Could you tell me about your family?

Could you tell me about your family?

Could you tell me about your family?



Appendix B: Interview Guide for women, men and judicial officials

Women

1. Family Background

Tell me about your life in general.

How long you have been married?

Do you have any children? How many?

How old are you?

Have you studied?

What degree do you have?

Are you working?

Does your husband work?

What is he doing?

How old is he?

2. Family relationship

Could you please tell me about your marriage?

Could you please describe your relationship with your partner?

Could you describe his behaviour when you are having a family dispute?

What do you do?

Could you tell me about your understanding of the situation?

What do you think about the reasons behind his behaviour?

How do you feel?

Do you want to add anything at all?

Men

Family background:

May I ask how old are you?

How long have been married?

Do you have any children?

Are you working?

What is your job?

Have you studied?

What is your degree?

Does your wife work?

What is her job?

Family relations

Could you please tell me about your relationship with your wife?

Could you tell me how do you handle the conflict in your family?

Could you describe your understanding, perception of the situation?

How do you feel?

What do you think are the reasons behind any conflict in the family?

Do you want to add anything?

The Judges:

May I ask you about your age, degree and legal experience?

Could you please tell me the court procedure in handling cases in relation to domestic violence?

Is there any specific law regarding physical violence?

Is there any rulings acknowledging the psychological violence? How about sexual and economic violence?

What does court do in relation to those types of violence mentioned above?

What do you think is the cause of domestic violence?

How does the law protect women suffering from their husbands' abusive behaviour?

What are your recommendations in relation to issues raised by domestic violence?

Do you want to add anything?

Appendix C: The women interviewees characteristics

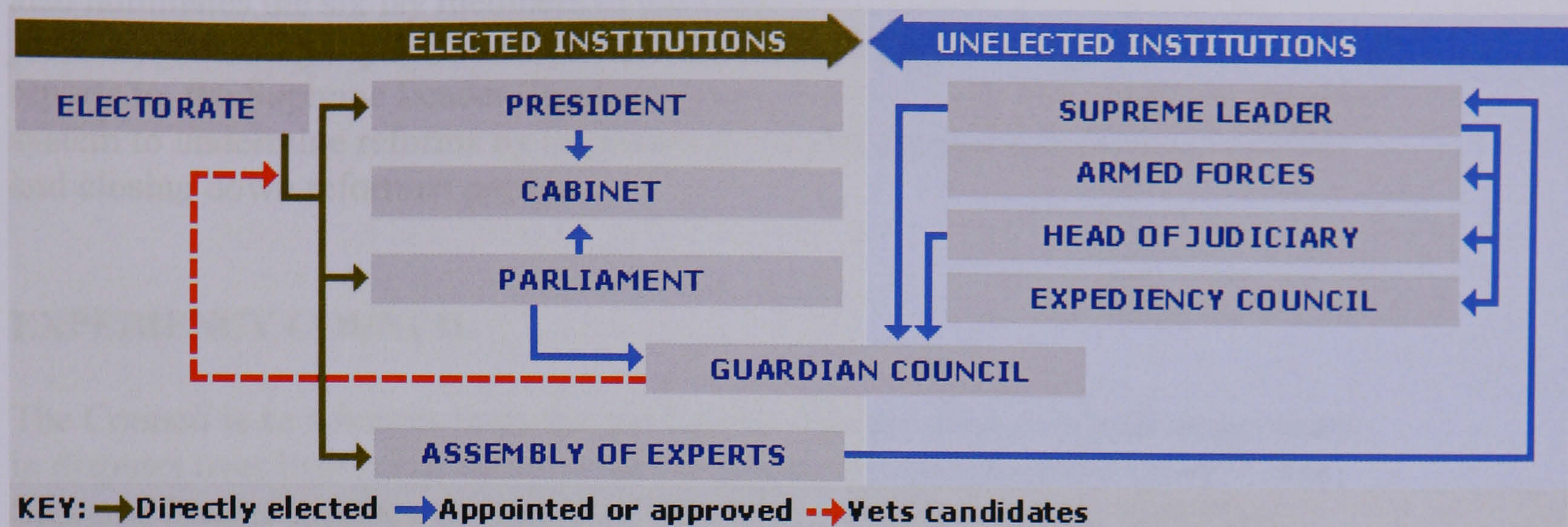
	Name	Age	Marital status	Number of Children	Job	Education	Duration of marriage
1	Rudabeh	30	Married	0	hairdresser	Diploma	10 years
2	Ahktar	15	Seeking divorce	0	housewife	High school	1 year
3	Shahrooz	21	Seeking divorce	0	housewife	Diploma	5 years
4	Parvaneh	17	Seeking divorce	1	housewife	High school	5 years
5	Bahar	25	Seeking divorce	1	housewife	BA in literature	5 years
6	Katayoon	39	Married	2	Civil servant	BA in sociology	?
7	Saghar	35	Married	1	Teacher	BA in English	4 years
8	Yaas	23	Married	0	shopkeeper	Secondary school	8 years?
9	Firoozeh	36	Married	1	shopkeeper	Diploma	14 years
10	Irin	39	Married	2	Housewife	Diploma	10 years
11	Kobra	40	Married	4	Farmer/ housewife	Illiterate	30 years
12	Roghayeh	75	Widowed	11	Farmer/ housewife	Illiterate	60 years
13	Nasrin	25	Engaged	0	Midwife	BA in midwifery	5 years
14	Parisa	25	Engaged	0	Housewife	Upper diploma	2 years
15	Negar	21	Engaged	0	Housewife	Upper diploma	1 year
16	Homa	23	Married	1	Shopkeeper	Upper diploma	3 years
17	Nazi	21	Engaged	0	Student	BA	2 years
18	Gilan	27	Married	0	Housewife	Diploma	8 years
19	Mahin	55	Married	9	Housewife/ farmer	Illiterate	30 years
20	Khorshid	52	Married	8	Housewife/ farmer	Illiterate	40 years
22	Zari	42	Married	2	Housewife	Diploma	20 years
23	Jila	41	Married	2	Housewife/self employed	Diploma	25 years
24	Kolsum	68	Married	12	Housewife/ farmer	Illiterate	57 years
25	Goli	50	Married	4	Housewife	Primary	35 years
26	Shabnam	35	Married	2	Housewife	Diploma	17 years

27	Soraya	25	Married	1	Housewife	BA	3 years
28	Khadijeh	42	Married	5	Housewife	Illiterate	28 years
29	Fariba	45	Married	4	Housewife	Diploma	23 years
30	Shahin	39	Married	2	Housewife	Diploma	14 years
31	Marjan	20	Seeking divorce	1	Housewife	High school	2 years
32	Katy	25	Seeking divorce	1	Civil servant	Diploma	5 years
33	Faranak	38	Married	1	Housewife	Diploma	16 years
34	Fahimeh	43	Married	4	Housewife	Diploma	19 years
35	Farah	21	Seeking divorce	0	Housewife	High school	6 years
36	Raana	57	Married	6	Housewife/ farmer	Illiterate	43 years
37	Mahbubeh	30	Seeking divorce	0	Student	MA	10 years
38	Zivar	35	Married	2	Civil servant	BA	10 years
39	Fatimeh	34	Married	2	Teacher	BA	8years
40	Esmat	25	Married	0	Housewife	Diploma	1 Year

Appendix D: The men interviewee's characteristics

N	Name	Age	Marital status	Number of Children	Job	Education	Duration of marriage
1	Amin	40	Married	2	Businessman	Diploma	17 Years
2	Hashem	41	Married	2	Civil servant	Upper Diploma	21 Years
3	Shahin	38	Married	0	Businessman	Diploma	3 Years
4	Saeed	35	Married	0	Businessman	Upper diploma	6 years
5	Nima	45	Married	1	Civil Servant	BA	5 years
6	Hadad	39	Married	2	Civil servant	Upper diploma	20
7	Hessam	38	Married	2	Technician	Upper diploma	18
8	Aziz	25	Married	0	Taxi driver	Upper diploma	2 years
9	Akbar	34	Married	0	Technician	BA	3 years
10	Golam	57	Married	5	Builder	Elementary	30
11	Egbal	61	Married	5	Teacher	Upper diploma	45 years
12	Kamran	45	Married	2	Lecturer	MA	20
13	Reza	55	Married	2	Taxi driver	Secondary	30
14	Bijan	23	Seeking divorce	0	Unemployed	Diploma	3 Years

Appendix E: The structure of power in Iran



SUPREME LEADER

Ayatollah Khamenei has been Supreme Leader since 1989

The role of Supreme Leader in the constitution is based on the ideas of Ayatollah Khomeini, who positioned the leader at the top of Iran's political power structure.

The Supreme Leader, currently Ayatollah Ali Khamenei, appoints the head of the judiciary, six of the members of the powerful Guardian Council, the commanders of all the armed forces, Friday prayer leaders and the head of radio and TV. He also confirms the president's election. The Leader is chosen by the clerics who make up the Assembly of Experts.

Periodic tension between the office of the Leader and the office of the president has often been the source of political instability. It increased during former president reformist Mohammad Khatami's term in office - a reflection of the deeper tensions between religious rule and the democratic aspirations of many Iranians.

ARMED FORCES

The armed forces comprise the Revolutionary Guard and the regular forces. The two bodies are under a joint general command. All leading army and Revolutionary Guard commanders are appointed by the Supreme Leader and are answerable only to him. The Revolutionary Guard was formed after the revolution to protect the new leaders and institutions and to fight those opposing the revolution. The Revolutionary Guard has a powerful presence in other institutions, and controls volunteer militias with branches in every town. All key army leaders are appointed by the Supreme Leader.

HEAD OF JUDICIARY

The Iranian judiciary has never been independent of political influence. Until early last century it was controlled by the clergy. The system was later secularised, but after the revolution the Supreme Court revoked all previous laws that were deemed un-Islamic. New laws based on Sharia - law derived from Islamic texts and teachings - were introduced soon after.

The judiciary ensures that the Islamic laws are enforced and defines legal policy. It also nominates the six lay members of the Guardian Council. The head of the judiciary, currently Ayatollah Mahmoud Hashemi Shahrudi, is appointed by, and reports to, the Supreme Leader. In recent years, the hardliners have used the judicial system to undermine reforms by imprisoning reformist personalities and journalists and closing down reformist papers.

EXPEDIENCY COUNCIL

The Council is an advisory body for the Leader with an ultimate adjudicating power in disputes over legislation between the parliament and the Guardian Council. The Supreme Leader appoints its members, who are prominent religious, social and political figures.

In October 2005, the Supreme Leader gave the Expediency Council "supervisory" powers over all branches of government – delegating some of his own authority as is permitted in the constitution.

It is not clear exactly how much this will affect the Council's influence, although observers say it is likely to strengthen the position of its present chairman, former President Hashemi Rafsanjani, who was defeated in the 2005 presidential elections by Mahmoud Amadinejad.

GUARDIAN COUNCIL

This is the most influential body in Iran and is currently controlled by conservatives. It consists of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary and approved by parliament.

Members are elected for six years on a phased basis, so that half the membership changes every three years.

The council has to approve all bills passed by parliament and has the power to veto them if it considers them inconsistent with the constitution and Islamic law. The council can also bar candidates from standing in elections to parliament, the presidency and the Assembly of Experts.

Reformist attempts to reduce the council's vetting powers have proved unsuccessful and the council banned all but six of more than 1,000 hopefuls in the 2005 elections.

Two more, both reformists, were permitted to stand after the Supreme Leader intervened. All the female candidates were blocked from standing.

ASSEMBLY OF EXPERTS

The responsibilities of the Assembly of Experts are to appoint the Supreme Leader, monitor his performance and remove him if he is deemed incapable of fulfilling his duties. The assembly usually holds two sessions a year.

Although the body is officially based in the holy city of Qom, sessions are also held in Tehran and Mashhad. Direct elections for the 86 members of the current assembly are held every eight years and are next due in 2006.

Members are elected for an eight year term. Only clerics can join the assembly and candidates for election are vetted by the Guardian Council.

The assembly is dominated by conservatives such as its chairman, Ayatollah Ali Meshkini. Former President Akbar Hashemi-Rafsanjani, who lost the 2005 presidential election to President Mahmoud Ahmadinejad, is deputy chairman.

PARLIAMENT

The 290 members of the Majlis, or parliament, are elected by popular vote every four years. The parliament has the power to introduce and pass laws, as well as to summon and impeach ministers or the president.

However, all Majlis bills have to be approved by the conservative Guardian Council.

The first reformist majority was elected in 2000, but this was overturned four years later in elections in 2004. Many reformist candidates were banned from standing.

In May 2004 the newly-elected conservatives nominated academic Gholamali Haddad-Adel as their speaker. He is the first parliamentary speaker who is not a cleric, although as his daughter is married to one of Ayatollah Khamenei's sons, he has a personal connection to the Supreme Leader

CABINET

Members of the cabinet, or Council of Ministers, are chosen by the president. They must be approved by parliament, which in 2005 rejected four of President Mahmoud Ahmadinejad's initial nominees for his hardline cabinet. Parliament can also impeach ministers.

The Supreme Leader is closely involved in defence, security and foreign policy, so his office also holds influence in decision-making. Reformist ministers under former President Khatami were heavily monitored by conservatives. The cabinet is chaired by the president or first vice-president, who is responsible for cabinet affairs.

Mr Ahmadinejad's cabinet contains only two clerics and no women. Mohammad Rahmati, minister of roads and transport, is the only minister remaining from Mr Khatami's cabinet

PRESIDENT

The president is elected for four years and can serve no more than two consecutive terms. The constitution describes him as the second-highest ranking official in the country. He is head of the executive branch of power and is responsible for ensuring the constitution is implemented.

In practice, however, presidential powers are circumscribed by the clerics and conservatives in Iran's power structure, and by the authority of the Supreme Leader. It is the Supreme Leader, not the president, who controls the armed forces and makes decisions on security, defence and major foreign policy issues.

All presidential candidates are vetted by the Guardian Council, which banned hundreds of hopefuls from standing in the 2005 elections.

Conservative Tehran mayor Mahmoud Ahmadinejad became president in 2005 after he defeated former president Akbar Hashemi Rafsanjani in a second round run-off poll. Mr Rafsanjani complained of an "illegal" campaign to discredit him. Mr Ahmadinejad is Iran's first president since 1981 who is not a cleric.

Mr Ahmadinejad replaced reformist Mohammad Khatami who was elected president in May 1997 with nearly 70% of the vote. He failed to get key reforms through the Guardian Council and was hampered further after conservatives won back a majority in parliament in elections in 2004.

ELECTORATE

Of a total population of about 65 million, more than 46 million people – all those over 15 - are eligible to vote. Some eight million of them were born after the 1979 revolution.

Voter turnout hit a record high at 80% in the 1997 elections which delivered a landslide victory for reformist President Mohammad Khatami. Women and young people were key to the vote.

But with disillusionment growing, only about 60% of the electorate voted in the final round of the 2005 election which brought hardliner Mahmoud Ahmedinejad to power.

His humble background, promises to share Iran's wealth more equally and tough words on corruption proved popular with voters.

This suggests that the desire for political reform expressed by voters in previous elections has been eclipsed by concerns about poverty and job opportunities.

Ref:

http://news.bbc.co.uk/1/shared/spl/hi/middle_east/03/iran_power/html/electorate.stm

Glossary

aberoo (reputation)

aberoo-reezi (fear of scandal in public)

afsar (rein)

ahadith (plural of *hadith*)

amre be maroof va nahy-e az monkar (Leading Muslims to the correct path and preventing them from going astray)

arasteh (smart)

basij-e khaharan (mobilization force for sisters)

baghili ghatugh (a local dish in Gilan; famous meal in Iran)

bad-hejab (poorly veiled)

baten (implicit)

bekarat (virginity)

borgha (body cover from top to toe)

deraz-lafand (the long rope)

del va pas (worries)

diyeh, diya or dayeh (blood money)

effat (chastity)

elahiat (theology)

ezale-h bekarat ya tajavoz-e be onf (defloration of virgin girls or rape)

faskh (annulment)

fetneh (chaos)

fased (corrupt)

gheirat (sexual jealousy, protectiveness)

gheiraty (jealous)

ba-gheirat (jealously protective)

bee-gheirat (indifferent)

gham (sorrow)

ghesas (retribution)

gunahkar (sinner)

hadith (traditions of the Prophet and Shiia imams)

Hejab (veiling)

haya (modesty).

hadd (Islamic punishment)

hamsar (partner)

haram (religiously illegitimate)

ijtehad (independent reasoning)

imams (Shiia infallible leaders)

Jahizieh (a newly married girl should be provided the furniture of her future's house or jahizieh by her parents)

kafan (refers to the white cloth used to wrap the dead body at the time of burial)

khalvat (private space)

kharab (corrupt)

khula (virtually a divorce purchased by the wife from the husband for a price)

kitabia (the people of the book- Christians and Jews , Zoroastrian)

marja' taqlid (source of enlightenment)

mahrmeat (principle of being allowed to socialize without hejab with a legitimate circle of people)

mahram (legitimate circle of people)

na-mahram (non-relative man)

mahrieh, mahr (the contractual payment to the woman for the consummation of marriage)

Majlis (parlimant)

Majlis Khebregan (the Assembly of Experts)

Majlis Shorayeh Eslami (the Consultative Body)

mardsalari (patriarchy)

muta (temporary marriage)

nafaqeh (maintenance)

namous (sexual honor and reputation),

nekah (sex, intercourse)

nushuz (disobedience, rebellion)

ojratolmesl (housework wages)

orf (custom)

pasdaran (revolutionary guard)

ghesas (retribution)

qiyas (comparison by analogy)

ravayat (religious sayings)

sabr (tolerance),

savari (cars to serve as a taxi)

shahvat (desire)

shak-kardan (being suspicious)

shakkak (the one who is suspicious)

sharaf (decency)

sharia (revelation. religious path)

sigheh (temporary marriage)

siyasat-ha-e zananeh (female politics)

sunna (tradition)

ta-asob (bigotry, narrow-mindedness)
ta-assoby or *moto-asseb* (bigoted, narrow-minded).

talaq (dismissal. or setting free)
tamkin (submission)
taslim (submit)
taqlid (follow)

Umma (the community of believers)
Ulama (religious leaders/ scholars)

Velayat-e Faqih (Political leadership– in the absence of the divinely inspired Imam – bestows on the *faqih* or jurist who is the most qualified person to lead the community. This concept was introduced by Khomeini, the first leader of post-revolutionary Iran)

zan-e bi-sarparast (a custodianless woman)
zanan (women)
zaher (explicit)
zanzalil (hopeless/powerless in front of women)
zansalari (matriarchy)
zina (adultery)
zina-kar (adulterous)
zinat (ornament, decoration)

Persian Proverbs

Ye goosh dar ast, goosh-e digar darvazeh: “Letting something in through one ear and out through the other.”

Az shotor porsidand ke kojaye badan-e tu kaj nist? Shotor javab dad hich ja: “When asked, ‘Which part of your body is not crooked?’, the camel answered, ‘Nowhere.’”

Cheshm va ham-cheshmi kardan: “keeping up with the Joneses, or conspicuous consumption”.

Pishi, pishi, kharam mishi: (pussy cat pussy cat will you become my donkey) or “Say you love me, and I’ll do anything for you.”

Chah kan hamishe jash tahe chah ast: “If you set a trap for someone, you could be caught in it yourself.”

Shiram ra halalat nemikonam: “mothers who threaten to withdraw their blessing”

Khahi nashavi rusva hamrang-e jamat sho: “If you don’t want to get into trouble, you need to be like others.”

Gorbe ra dam-e heh bayad kosht: “One must kill the cat at the bride chamber” (a common proverb indicating that in a strategic interaction, one must establish one’s authority at the very beginning).

Az mard porsidand dar Bazar zorat be che kasi miresad? Goft dar khneh be zanam: “They asked a man who you could dominate in the market. He said, ‘I dominate my wife at home.’”

Bibliography

Abisaab, R. J. (2005) *Converting Persia: Religion and Power in the Safavid Empire*. London: I. B. Tauris.

Afary, J. and Anderson, K. B. (2005) *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*. Chicago and London: The University of Chicago Press.

Afchar, H. (1977) *The Muslim Conception of Law*. International Encyclopedia of Comparative Law. J. C. B. Mohz

Afshar (1994) *Why Fundamentalism? Iranian Women and Their Support for Islam*. Department of Politics, University of York,. Working Paper No. 2.

Afshar, H. (1998) *Islam and Feminisms: An Iranian Case-Study*. London: Macmillian Press.

Afshar, H. (1993) *Women in the Middle East*. London: Macmillian Press Ltd.

Ahmad-vand (2005) http://www0.bbc.co.uk/persian/specials/162_violence/page22.shtml
10/11/2005

Allen, A. (2004) Foucault, Feminism, and the Self: the Politics of Personal Transformation in D. Taylor and K. Vintges: *Foucault and Final Feminism*, ED, University of Illinois Press.

Alvesson, M. and Skoldberg, K. (2000) *Reflexive Methodology: Interpretation and Research* (Paperback). London: SAGE Publications Ltd.

Amir, M. (1971) *Patterns in Forcible Rape*. University of Chicago Press.

Amir-Moradi, F. (1996) *Barresiy-e moshkelat-e jesmi va ravani zanan-e mazrub-e taht-e khoshnat-e hamsaran-e morajeh konandeh be pezeshti-e ghanooni-e shahr-e Tehran dar sal-e 1375* [The Investigation of physical and psychological difficulties of injured women under spousal abuse who referred to Tehran forensic team in 1994]. MA dissertation, the Tehran University of Medical Sciences.

Amoli, A. (2000) *Zan dar Aeeneh-e Jalal and Jamal* [woman in the mirror of glory and beauty]. Qum: Isra Publication Center.

Araki, M. A. (1998) *Ketab al-Nehah*. first ed. Qom: Noor Negar.

Arberry, (1982) *The Koran*. Oxford University Press.

Arkoun, M. (2002) *The Unthought in Contemporary Islamic Thought*, Saqi Books.

Arjomand, A. (1988) *The Turban for the Crown: The Islamic Revolution in Iran*. Oxford: Oxford university press.

- 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. In Persian
- Association of Social Anthropologists (1999), British Sociological Association 2002.
- Baber, J (1999) *Contingency in a sacred law: legal and ethical norms in the Muslim fiqh*. Leiden, The Netherlands: Koninklijke Brill NV.
- Bandura, A. (1973) *Aggression: a social learning analysis*. Englewood Cliffs, NJ: Prentice Hall.
- Bandura, A., and Walters, R. H. (1963) Social learning and personality development. In K. J. Gergen and M.M. Gergen, *Social Psychology*, New York: Harcourt Brace Jovanovich.
- Bandura, A. and Rosenthal, T. L. (1966) Vicarious classical conditioning as a function of arousal level. *Journal of Personality and Social Psychology*, 3, 54-62.
- Bandura, A. (1986) *Social Foundations of Thoughts and Action: a social cognitive theory*. Englewood Cliffs, NJ: Prentice Hall.
- Bani-yaghub, J. (2005) The state of violence in the family in Iran in BBC Persian. Com:http://www.bbc.co.uk/persian/iran/story/2005/10/051031_shr-iran-domesticvio...10/11/2005
- Barnish, M. (2004) *Domestic Violence: A Literature Review*. HM Inspectorate of Probation. Ashley Hoise. London, SW.
- Barber, S. M. (2004) Exit Woolf in D. Taylor, and K. Vintges, K. (ed.) *Feminism and The Final Foucault*. Illinois: University of Illinois Press.
- Barrett, M.(1980) *Women's Oppression Today*, London: Verso.
- Barnett, H (1998) *Introduction to Feminist Jurisprudence*. London, Cavendish Publishing Limited.
- Baumeister, R. F. (1999) *Evil: Inside Human Violence and Cruelty*. W. H. Freeman and Company, New York.
- Baxter, J. (2003) *Positioning Gender in Discourse: A Feminist Methodology*. Palgrave Mcmillian: New York
- de Beauvoir, S. (1949) *The Second Sex*. London: Jonathon Cape.
- Behar, R. (1993) *Translated Women: Crossing the border with Esperanza's Story*. Boston: Beacon Press.

- Berg, B. L. (2004) *Qualitative Research Methods for The Social Sciences*. Pearson Education Inc.
- Best, S. and Kellner, D. (1991). *Postmodern Theory. Critical Interrogations*. Palgrave Macmillan
- Birbili M. (2000) 'Translating from One Language to Another', *Social Research Update, Issue 31*, <http://www.soc.surrey.ac.uk/sru/SRU31.html> [Accessed on Feb. 2007].
- Bjorkvist, K. and Niemala, P.(1992) *New trends in the study of female aggression. Mice and Women: aspects of female aggression*. San Diego: Academic Press.
- Bogard, M. (1988) Feminist perspectives on wife abuse. In K. Yllo & M. Bogard (Eds.), *Feminist perspective on wife abuse* (pp. 11-26). Newbury Park, CA: Sage.
- Bohman, J. (2000) *New Philosophy of Social Science: problems of indeterminacy*. In M. Alvesson and K. Skoldberg *Reflexive Methodology: Interpretation and Research* (Paperback). London: SAGE Publications Ltd.
- Bohrani, Y. (1409 Arabic) *Al-hadaegh Al-nazerah Fi Ahkam Al-etrato taherah*. (first edition) Ghom: The Institute of Islamic Publication.
- Bourdieu, P. (2000) *The Craft of Sociology: Epistemological Preliminaries* in M. Alvesson and K. Skoldberg *Reflexive Methodology: Interpretation and Research* (Paperback) London: SAGE Publications Ltd.
- Brittan, A. (1989) *Masculinity and Power*. Oxford: Blackwell.
- Brownmiller, S. (1989), *Against Our Will. Men, Women and Rape* in Hanmer, J. and Maynard, M.: *Women, Violence and Social Control*. MacMillian Press. LTD.
- Brown, D. E. (1991) *Human universals*. Philadelphia: Temple University Press.
- Burton, D. (2000) *Research Training for Social Scientists. A Handbook for Postgraduate researchers*. Sage Publications Ltd.
- Buss, A. H. (1961) *The psychology of Aggression*. New York: Wiley.
- Butler, J. (1990) *Gender Trouble*. London: Routledge
- Byer C. O. et.al, (2002) *Dimensions of Human sexuality*. Sixth Edition, London; McGraw-Hill Higher Education
- Campbell, J. and Humphreys, J. (1984) *Nursing Care of Victims of Family Violence*. Paperback. Reston.

- Chanfrault-Duchet, M.F. (1991) 'Narrative Structures, Social Models, and Symbolic Representation in the Life Story' pp. 77-92 in S.B. Gluck and D. Patai (eds.) *Women's Words: The feminist Practice of Oral History*, London: Flamingo.
- Chelkowski, P. (2005) "Hengami ke Na Zaman Zaman Ast va Na Makan Makan: Ta'ziyeh-yi Imam Hossein." In J. Afary and K. B. Anderson: *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*. The University of Chicago Press, Chicago and London
- Chia, R. (2000) From modern to postmodern, organizational analysis in M. Alvesson and K. Skoldberg *Reflexive Methodology: Interpretation and Research* (Paperback). London: SAGE Publications Ltd.
- Church, A. T. (2000) Culture and personality: Towards an Integrated Culture Trait Psychology. *Journal of Personality* 68: 4. Blackwell Publishers, USA.
- Cicourel A. V. (2001) The social organization of juvenile justice in D. Silverman, *Interpreting qualitative data: methods for analyzing talk, text and interaction*. 2nd ed. London; Thousands Oaks: Sage Publications
- Clark, L. and Lewis, D. (1977) *Rape: the Price of Coercive Sexuality*. Toronto: The Women's Press.
- Connell (1987) *Gender and Power*. Oxford: Polity Press.
- Cooper, Davina (1995) *Power in struggle, Feminism, Sexuality and The State*. Buckingham: Open University Press.
- Coulson, N. J. (1969), *Conflicts and Tensions in Islamic Jurisprudence*. The University of Chicago Press.
- Counts, D. A., Brown, J. K., Campbell, J. C., (eds) (1992) *Sanctions and sanctuary: cultural perspectives on the beating of wives*. Boulder; Oxford: Westview Press.
- Coveney, L. et al. (1984) *The Sexuality Papers*. London: Hutchinson.
- Crawford and Symons, (2001) The sexual balance of power and spousal abuse in Sonoro, Mexico, *Evolution and Human Behavior*, volume 22, pages: 295-328.
- Cunningham, A; Jaffe, P. G.; Baker, L.; Dick, T.; Malla, S; Mazaheri, N. & Poisson, S. (1998) *Theory-derived explanations of male violence against female partners: literature update and related implications for treatment and evaluation*. Ontario: London Family Court Clinic.
- Daly, M. & Wilson, M. (1988) *Homicide*. New York: Aldine de Gruyter.
- Davis, L. V. (1987) Battered women: The transformation of a social problem. *Social Work*, 32, 306-311.

- Davidson, A. (2002) *The Emergence of Sexuality: Historical Epistemology and the Formation of concepts*, Harvard University Press.
- De Groot, Joanna and Maynard, Mary (1993), 'Doing Things Differently?: A Context for Women's Studies in the Next Decade', in *Women's Studies in the 1990s: Doing Things Differently?*, in De Groot, J. and Maynard, M. (eds.), London: Macmillan.
- Dehghani, N. (2005) *Bar-e faghr rooy-e dush-e zanan-e Irani sangintar ast*. [The Burden of Poverty is heavier on the Iranian Women's Shoulder] in BBC PERSIAN. Com: http://www.bbc.co.uk/persian/business/story/2005/11/051106_ra-iran-violence...10/11/2005
- Denzin, N. K. & Lincoln, Y. S. (eds) (2000) *The Handbook of Qualitative Research*. 2nd ed Thousands Oaks; Calif, London: Sage.
- Denzin, N. K. & Lincoln, Y. S. (2003) *The landscape of qualitative research: theories and issues*. 2nd ed. Thousands Oaks; Calif, London: Sage.
- DeVault, M. (1990) 'Talking and listening from Women's Standpoint: Feminist Strategies for Interviewing and Analysis', *Social Problems*, 37(1): 96-116.
- DeVault, M. L. (1996) "Talking Back to Sociology: Distinctive Contributions of Feminist Methodology" *Annual Review of Sociology*, 22:29-50.
- Dey, I. (1993) *Qualitative Data Analysis: A User-Friendly Guide for Social Scientists*. Routledge.
- Dobash, R.E. and Dobash, R. (1978) Wives: the Appropriate Victims of Marital Violence. *Victimology*, vol. 3-4.
- Dobash, R.E. and Dobash, R. (1979) *Violence Against Wives: A case Against Patriarchy*. New York: Free Press.
- Dobash, R.E. and Dobash, R. P.(1998) *Rethinking Violence Against Women*. Sage Publications. Inc.
- Dobash, R.E. and Dobash, R. (1977) Love, Honour and Obey: Institutional ideologies and the Struggle for battered Women. *Contemporary Crises: Crime, Law and Social Policy*, no. 1.
- Dobash, R. P. and Dobash, R. E. and Wilson, M. and Daly, M. (2005) The Myth of Sexual Symmetry in Marital Violence in Claire M. Renzetti and Raquel Kennedy Bergen, *Violence Against Women*. Rawman & Littlefield Publishers, Inc.
- Dowding, K.M. (1996) *Power*. Buckingham: Open U.P.
- Dutton, D. G. (1995c) Male abusiveness in intimate relationships. *Clinical Psychology Review*. 15 (6), 567-581.

- Dutton, D. G. (1995a) Intimate abusiveness. *Clinical Psychology: Science and Practice*. 2 (3), 207-224.
- Ebadi, Shirin (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.
- Ebadi, Shirin (2006) *Iran Awakening: A Memoir of Revolution and Hope*. London: Rider & Co.
- Ebrahimi, Z. (2005) Namayandeh-e toyserkan: mohtavay-e khanehay-e efaf ra ham manand-e nam-e moghadas-e an taghadus bebakhshim [lets make sacred the contents of the safe (chaste) houses as well as its names]. *Zanan magazine no. 129, March*.
- Edwards, D.C. (1999) *Motivation and Emotion: Evolutionary, Physiological, Cognitive and Social Influences*. Sage Publications (USA)
- Eisenstadt, S. N. & Roniger, L. (1980) Patron-Client Relations as a Model of Structuring Social Exchange, *Comparative Studies in Society and History*, 22 (1), pp 42-7.
- Eisikovits, Z. C. & Edelson, J. L. (1989) Interviewing with men who batter: A critical review of the literature. *Social Service Review*, 63, 384-414.
- Eisikovits, Z. C., Edleson, J. L., Guttman, E. and Sela-Amit, M. (1991) Cognitive Styles and Socialized Attitudes of Men Who Batter: Where Should We Intervene. *Family Relations*, Vol. 40, No. 1, Jan., 72-77.
- Ekman, P. (1989) The argument and evidence about universals in facial expression of emotion. In H. Wagner & A. Manstead (Eds.), *Handbook of social psychophysiology* (pp. 143-164).
- Engineer, A.A.(1992) *The rights of women in Islam*. London: C. Hurst and co.
- Ezazi, Sh (2004) Charkheh-e Jahannami-e Eamal-e Khushoonat bar Zanan. [Vicious circle of committing violence against women] In *Zanan Magazine* 13, Vol 109, June. Tehran, Chap Gostar Publications. www.zanan.co.ir
- Feiz al-Islam, A. N. (1972) *Nahjol-balagheh*. Second eds. Vol. 1-6, Tehran: Kalaleh Khavar.
- Ferguson, T. J. and Rule, B. G. (1983) Children's evaluations of retaliatory aggression. *Child Development*, 59, 961-8.
- Finch, J. (1984) It is great to have someone to talk to: the ethics and politics of interviewing women, in C. Bell and H. Roberts (eds), *Social Researching*. London: Routledge.

- Firestone, S. (1970) *The Dialectic of Sex*. London: The Women's Press.
- Flax, J. (1987), Postmodernism and Gender Relations in Feminist Theory, *Signs: Journal of Women in Culture and Society*, Vol. 12, pp. 29-53.
- Flynn, Th. R. (2005) *Sartre, Foucault and Historical Reason: Poststructuralist Mapping of History* v. 2. London: University of Chicago Press.
- Foucault, M. (1979) *Discipline and Punish*, London: Penguin.
- Foucault, M. (2004) *Society Must Be Defended: Lectures at the College De France, 1975-76*; London: Penguin.
- Foucault, M. (2001) *The Order of Things*. London: Routledge, an imprint of Taylor & Francis Books Ltd.
- Foucault, M. (1980) 'Truth and power', in C. Gordon *Power-knowledge: Selected Interviews and Other Writings, 1972-77* (ed.), Brighton: Harvester.
- Franks, M (2001) *Women and Revivalism in the West, Choosing Fundamentalism in a Liberal Democracy*. Palgrave.
- Fredman, S (1997) *Women and The Law*. Oxford: Oxford University Press.
- Frieze, I. H. (1987) The female victim: Rape, wife battering and incest, in G. R. VandenBos and B.K. Bryant (eds) *Cataclysms, crises and catastrophes: Psychology in action*, Washington, DC: American Psychological Association.
- Friedl, E. (1989) *Women of Deh Koh: lives in an Iranian village*. Washington: Smithsonian Institution Press.
- Friedl, E. (1994) in Mahnaz Afkhami, *In the eyes of storm: women in post-revolutionary Iran*. London, etc: Tauris.
- Friedl, E. (1992) *In Sanctions and sanctuary: Cultural perspective on the beating of wives*. Boulder; Oxford: Westview Press.
- Frow, J. (2003) Cultural Studies and Cultural Values. In N. K Denzin. & Y. S. Lincoln, *The landscape of qualitative research: theories and issues*. 2nd ed. Thousands Oaks; Calif, London: Sage
- Gadamer, H. G. (1989a) *Truth and method*; (2nd revised edn). London: Sheed & Ward, first published in 1960.
- Gergen, M.M and Gergen K. J.(2003) Qualitative Inquiry Tensions and Transformations in N. K. Denzin, & Y. S. Lincoln, *The Landscape Of Qualitative Research*. Sage Publications Inc.
- Geen, R. G. (1990) *Human Aggression*. Milton Keynes

Ghadimi, A. (2005) Dar movajehe ba azar-e jensi dar mohit-e kar: zanan, shaki ya motaham?! [In confrontation with sexual harassment in working place: women, accuser or accused?!] *Zanan* magazine no. 122: in Persian.

Gluck, Sh. B. and Patai, D. (1991) *Women's Words: The Feminist Practice of Oral History*. Routledge.

Glucksmann, M. (1994) 'The Work of knowledge and the knowledge of Women's Work', pp.149-165 in M. Maynard and J. Purvis (ed) *Researching Women's Lives from a Feminist Perspective*. London: Taylor and Francis.

Goetz, A.M. and Gupta, R. S. (1996) 'Who takes the credit? Gender, power, and control over loan use in rural credit programmes in Bangladesh', *World Development*, 24 (1), 45-63.

Gondolf, E. W. & Russell, D. (1986) The case against anger control treatment programs for batterers. *Response*, 9, 2-5.

Gooya News (2006) Mizan Shiu-e Jarayem-e Jensi. <http://mag.gooya.ws/cgi-bin/gooya/mt-tb.cgi/29327> (Tuesday, 23 Esfand, 1384)

Gulpaigani, Haj Shaikh Ali (1991) Paivand-i Du Gul ya 'Arus va Damad [The Union of Two Flowers or Bride and Groom]. Qum: Alhadi, 9th edition, p. 53-54.

Gyekey, K. (1995) *An Essay on African Philosophical Thought*. Cambridge: Cambridge University Press.

Hacking, I. (1999) *The Social Construction of What*. Harvard University press.

Haeri, Sh.(1989) *Law of Desire: Temporary Marriage in Iran*. I.B.Tauris & Co Ltd.

Hagemann-White, C. (2001) European Research on the Prevalence of Violence. *Violence Against Women*, Vol. 7 No. 7, July, Sage Publications.

Hakimpur, M (2003) *Hughogh-e Zan dar Keshakesh-e Sonnat va Tajadod: taamoli dar mabadi hermeneutic hoghogh-e zan*. Tehran: Naghmeh Noandish.

Hallaq, W.B. (1997) *A History of Islamic Legal Theories*. Cambridge University Press.

Hamberger, L. K. & Hasting, J. E. (1993) Court-mandated treatment of men who assault their partner: issues, controversies, and outcomes. In Z. Z. Hilton (ed). *Legal responses to wife assault: current trends and evaluation*, Newbury Park: Sage.

Hanmer, J. and Maynard, M. (1989) *Women, Violence and Social Control*. MacMillian Press. LTD.

Haraway, D. J. (1991) *Simians, Cyborgs, and Women. The Reinvention of Nature*. Free Association Books Ltd.

- Harding, S.(1987) *Feminism and Methodology: Social Science Issues*. Bloomington and Milton Keynes: Indiana University Press/Open University Press.
- Harding, S. (1998) *Feminism and Methodology: Social Science Issues*, in C. Seale. *Researching Society and Culture*. Sage Publications Ltd
- Harding, S. (1987) 'Introduction: Is there a Feminist Method? & Conclusion: Epistemological Question', in Sandra Harding, *Feminism and Methodology: Social Science Issues*, (ed.), Milton Keynes: Open University Press.
- Harre, R. (1986) The social constructionist viewpoint. In K. Oatley, & J.M. Jenkins, 1996. *Cultural Understanding of Emotions*. Cambridge: Blackwell Publishers.
- Hart, B. (1988) *Safety for women: Monitoring Batterers' programs*. Harrisburg, PA: Pennsylvania Coalition Against Domestic Violence.
- Hartstock, N.(1983) The feminist standpoint: developing the ground for a specifically feminist historical materialism, in S. Harding and M. Hintikka (eds), *Discovering Reality*. Dordrecht: Kluwer Academic Publishers, pp. 283-310.
- Hassan, R. (1995) Made from Adam's Rib? The Woman's Creation Question. *Al-Mushir (Rawalpindi, Pakistan)* 27 (3).
- Healey, K; Smith, C. & O'Sullivan, C. (1998) *Batterer intervention: program approaches and criminal justice strategies*. National Institute of justice. US Department of justice.
- Heelas, P. (1986) Emotion talk across cultures. In K. Oatley, & J.M. Jenkins. *Cultural Understanding of Emotions*. Cambridge: Blackwell Publishers.
- Hegland, M. E. (1992) Wife Abuse and the Political System in D. A. Counts, J. K. Brown, J. C. Campbell (eds)(1992) *Sanctions and sanctuary: cultural perspectives on the beating of wives*. Boulder; Oxford: Westview Press.
- Hekman, S.J., (1999) *The Future of Differences: Truth and Method in Feminist Theory*. Polity Press. Cambridge UK
- Hepburn, A. (2003) *An Introduction to Critical Social Psychology*. Sage Publications. London
- Hertz, R.(1997) *Reflexivity and voice*. (Ed.), Thousand Oaks, CA: Sage.
- Hester, M., Kelly, L. and Radford, J. (1996) *Women, Violence and Male Power*. Open University Press.
- Hilli (Alameh) J. (1989) *Ghaved al-ahkam*, vol. 2 p. 52. Al-razi Publications, Qom.
- Hilli, A. M. F. (1986) *Al-mazhab Al-bare*. Institute of Nashre Islami
- Hilli (Mohagheh) J. H. (1982) *Sharaye al-Islam fi Masael al-Halal va al-Haram*, *Second eds*. Dar al-Azva. Bayroot.

Hird, M. J. (2002) *Engendering violence: heterosexual interpersonal violence from childhood to adulthood*. Aldershot: Ashgate.

Hirschman; A. O. (1972) *Exit, Voice and Loyalty*, Cambridge: Harvard University Press.

Hrdy, SB (1981) *The woman that never evolved*. Cambridge: Harvard University Press.

Hojatiy-e Ashrafi, Gh (2003) *Ghanoon-e Mojazat-e Islami*. Fifth eds. Tehran: Ganje Danesh Library.

Hollis, M. (1996) *Reason in Action: essays in the philosophy of social science*. Cambridge: Cambridge University Press.

Holstein, J. A. & Gubrium, J. F. (1997) *The new language of qualitative method*. New York: Oxford University Press.

Home Office (2003a) *Safety and Justice: the government's proposals on domestic violence*. London: Home Office.

Horsfall, J. (1991) *The presence of the Past: Male Violence in the Family*, Allen Unwin, Sydney.

Hosseini Tehrani, M. H. (1997) *Tarjomeh-e Resaleh-e Badieye*. Second eds. Entesharat-e Allameh-e Tabatabaee, Holy Mashhad.

Hosseini Nik, A. (2003) *Ghanoon-e Asasi va Madani*. Second eds. Tehran: Majd Publications.

Hughes, C. (2002) *Key Concepts in feminist Theory and Research*. London: Sage Publications Ltd.

Hunt, J. and Kasymatham, N. (2001) 'Pathways to empowerment? Reflections on microfinance and empowerment' *Gender and Development*, 9 (1), March, 42-52.

Hurtburn, A. (2003) *An Introduction to Critical Social Psychology*, Sage Publications.

Indridason, I.H. (2005) A theory of coalitions and clientelism: Coalition politics in Iceland, 1945-2000 *European Journal of Political Research* 44 (3), 439-464.

Jackson, S. (1978) *The social construction of female sexuality*, London: Women's Research and resources centre publications.

Jackson, S. and Jones, J. (1998) *Contemporary Feminist Theories*. Edinburgh University Press.

Jahanfar, Sh (2003) *Zanan-e Bardar-e Irani va Khoshunat-e Khanegi*. [Iranian Pregnant Women and Khushunat-e Khanegi]. Isna

<http://www.isna.ir/Main/11/03/1382>.

Jewkes, R. (2002) Intimate partner violence: Causes and prevention. *Lancet*, 359, 1423-1429.

Jejeebhoy, S. J. (1998) Association between wife-beating and fetal and infant death: Impression from a survey in rural India. *Studies in Family Planning*, 29, 300-308.

Judicial report; BBC Persian site (2005)

http://www.bbc.co.uk/persian/iran/story/2005/07/050723_mf_judicial_report.shtml

http://www.bbc.co.uk/persian/iran/story/2005/05/050504_mf_judiciary.shtml and

http://www.bbc.co.uk/persian/iran/story/2005/07/050724_ra-judiciary

[citizenrights.shtml](http://www.bbc.co.uk/persian/iran/story/2005/07/050724_ra-judiciary_citizenrights.shtml)

Kabeer, N. (1998) "Money can't buy me love?": RE-Evaluating gender, credit and empowerment in rural Bangladesh' *IDS Discussion Paper*, 363.

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.

Katoozian, N. (1998b) *Ghavaed-e omumi-ye gharardadha, vol. 2* [General rules of contracts]. Tehran: Sherkat-e Sahami-ye Enteshar.

Keline, R. (1998) *Multidisciplinary Perspectives on Family Violence*, (ED.) London and New York: Routledge.

Kelini Razi, J. M. Y. (1967) *Al-osul men al-Kafi*. Third ed. Dar al-Ketab al-Islamieh.

Keller, E. F. and Longino, H. E. (1996) *Feminism and Science*. Oxford; New York: Oxford University Press.

Kelly, L. (1988) *Surviving Sexual Violence*. Cambridge: Polity Press

Kelly, L. (1987) The continuum of sexual violence in J. Hanmer and M. Maynard. *Women, Violence and Social Control*. MacMillian Press. LTD.

Kelly, L. in *VIP Guide: Vision, innovation and professionalism in policing violence against women and children Police and Human Rights 1997-2000 Programme*. Council of Europe Publishing.

Khadduri, M. (1984) *The Islamic Conception of Justice*. The John Hopkins University Press, Baltimore and London.

Khomeini, R. (1983) *Zan* [Woman]. Enteshart-e Amir Kabir, Tehran.

Khomeini, R. (1983) *Velayat-e Faqih (Hukoomat-e Islami)*. Published by Elmieh, Qom.

- Khomeini, R. (1988) *Tozih al-masael*. First eds. Tehran: Markaz-e Nashr-e Farhangi-e Raja.
- Kogler, H. H. (1996) *The Power of Dialogue: Critical Hermeneutics After Gadamer and Foucault (Studies in Contemporary German Social Thought)* (Hardcover); Cambridge: The MIT Press
- Komito, L. (1999) Political Transformations: Clientelism and Technological Change. In John Armitage and Joanne Roberts *Exploring Cyber Society Conference Proceedings Volume II*, eds. University of Northumbria at Newcastle.
- Kusha, H. R. (2002) *The Sacred Law of Islam: A Case Study of Women's Treatment in the Islamic Republic of Iran's Criminal Justice System*. Ashgate Publishing Limited.
- Kvale, S. (1996) *Interviews: An Introduction to Qualitative Research Interviewing*. Sage Publications, Inc.
- Law and Madigan (2004) "Introduction: Power and Politics in Practice." Dulwich Centre Newsletter, no. 1, 3-6; cited in Helen O'Grady, An Ethics of the Self, in Dianna Taylor and Karen Vintage *Feminism and The Final Foucault* (ed.) Illinois: University of Illinois Press.
- Lee R. M. and Renzetti, C. M. (1990) Researching sensitive topics; ed. *American Behavioral Scientist*, vol 33, no. 5, May/June. Newbury Park, Sage.
- Litoselliti, L. (2003) *Using Focus Groups in Research*. London: Continuum.
- Liu, J. (2005) *Women Workers of The Unlucky Generation: Gendering redundancy in Urban China*. PhD thesis, University of York.
- Lochman and Dodge, (1994) Social-cognitive processes of severely violent, moderately aggressive, and nonaggressive boys. *J Consult Clinical Psychology*. April, 62 (2): 366-74.
- Longino, H. E. (1990) *Science as social knowledge: Values and objectivity in scientific inquiry*. Princeton University Press.
- MacKinnon, C. A (1982) *Towards a Feminist Theory of the State*. Cambridge Mass.: Harvard University Press.
- Madani Kermani, A. (2003) *Ghanoon-e Khanevadeh [Family's law]*. Third eds. Majd Publications.
- Majlesi, M. B. (1982) *Bahar al-anvar*, vol. 101, second edition, Bayroot: Al-vafa Institute.
- Markus, H. R. and Kitayama, S. (1991) Culture and the self: Implications for cognition, emotion, and motivation. *Psychological Review*, 98, 224-253.

- Martine, S. L., Tsui, A. O., Maitra, K. & Marinshaw, R. (1999) Domestic violence in northern India. *American Journal of Epidemiology*, 150, 417-426.
- Mauricio, A. M. & Gormley, B. (2001) Male perpetration of physical violence against female partners. *Journal of Interpersonal Violence*. 16 (10). 1066-1081
- May, T. (2002) *Qualitative Research in Action*. Sage Publications.
- Maynard, M. (1994) Methods, Practice and Epistemology: The Debate about Feminism and Research, pp.10-26 in M. Maynard and J. Purvis (eds), *Researching Women's Lives from a Feminist Perspective*. London: Taylor and Francis.
- Mclaren, M. A.(2004) Foucault and Feminism: Power, Resistance, Freedom in D. Taylor and K. Vintges: *Foucault and Final Feminism*, ED, University of Illinois Press.
- McWilliams, M. (1998) "Violence Against Women in Societies Under Stress", in Dobash, R Emerson and Dobash, Russell P, editors, *Rethinking Violence Against Women*, Thousand Oaks, London and Delhi: SAGE Publication.
- Mernissi, F. (1975) *Beyond the Veil: Male-Female Dynamics in a Modern Muslim Society*. New York: John Wiely and Sons.
- Mernissi, F. (1991) *Women and Islam: An Historical and Theological Enquiry*, trans. By Mary Jo Lakeland. Oxford: Blackwell.
- Milroy, L. and Gordon,M. (2003) *Sociolinguistics: method and interpretation*. Blackwell Publishing Ltd.
- Mir-Hosseini, Z. & Tapper, R. (2006) *Islam and Democracy in Iran: Eshkevari and the Quest for Reform*. London: I. B. Tauris & Co Ltd.
- Mir-Hosseini, Z. (1993) *Marriage on Trial: A Study of Islamic Family Law*. London: I.B. Tauris.
- Mir-Hosseini, Z. (1996a) Divorce, Veiling and Feminism in Post-Khomeini Iran. In *Women and Politics in the Third World*, edited by Haleh Afshar, 142-70. London: Routledge.
- Mir-Hosseini, Z. (1996b) "Stretching the Limits: A Feminist Reading of the Shari'a in Post-Khomeini Iran", in Yamani, Mai, editor, *Feminism and Islam: Legal and Literary Perspectives*, Reading: Ithaca Press.
- Mir-Hosseini, Z. (1999), *Islam and Gender: The Religious Debate in Contemporary Iran*. London: I. B. Tauris Publishers.
- Mir- Hosseini, Z. (2003) The construction of gender in Islamic legal thought and strategies for reform. *Hawwa*, Brill Academic Publishers. Vol 1, no. 1 March

- Mofid, (Sheikh) M. J. (1989) *Al-moghanaeh*. second edition, Institute of Nashre Islami.
- Moghadam, F. (1994) Commoditization of Sexuality and Female Labor Participation in Islam: Implications for Iran. *In the eye of the storm*, edited by Mahnaz Afkhami and Erika friedl, Syracuse: Syracuse University Press.
- Moghissi, H. (1994) *Populism and Feminism in Iran: women's Struggles in a male-Dominated Revolutionary Movement*. London: Macmillan Press LTD.
- Mohammadi, M. (2004) Tamkin; Ghodrat-e Zanan ya Khooshunat-e Mardan [Obedience; women's power or men's violence] *Ketan Zanan in Women's Socio-Cultural Council Quarterly*, vol. 23. In Persian.
- Moi, T. (1999) *What is a Woman? And Other Essays*. Oxford: Oxford University Press.
- Mojtahed-Shabestari, M (2000) *Naghdi bar Gharaat-e Rasmi az Din* [A Critique of Official Reading of Religion] (in Persian), Entesharat-e Tarh-e No.
- Mokhtari, A. (1966) Zan va Khanedari [Women and Housework], *Zaneh Ruz*, 10 February.
- Momen, M (1985) *An Introduction to Shi'a Islam: The History and Doctrine of Twelver Shi'ism*. New Haven: Yale University Press.
- Moosavi Bojnoordi, M. (1996) *Naghsh-e zaman va makan dar tagheer-e ahkam*, *Kanoon-e vokala* (ns) 10.
- Moosavi Khoiee, A. (1986) *Ketab Al-Nekah*. Dar al-Alam Publications, Qom.
- Motahari, M.(2001) *Nezam-e Hoquq-e Zan dar Islam* [The foundation of Women's Rights in Islam] 29th impression. Qom: Sadra Publications.
- Mottahedeh, R. P. (2003) *Lessons in Islamic Jurisprudence*. Oneworld Publications, Oxford.
- Mottahedeh, R. P. (1995) Traditional Shi'ite Education in Qom. *Harvard Middle Eastern and Islamic Review* 2, no. 1: 89-98.
- Mummendey, A. (1996) Aggressive behavior. In M. Hewstone, W. Stroebe, abd G. M. Stephenson, *Introduction to Social Psychology*, Oxford: Blackwell.
- Murray, M. (ed.) (2004) *Critical health psychology*. Basingstoke: Palgrave Mcmillian.
- Muhaqqiq al-Hilli, J. H.(1982) *Shara-ye al-Islam fi masael al-halal va al-haram*. Beirroot: Dar Al-azva.
- Myra, J. H. (2002). *Engendering Violence: Heterosexual interpersonal violence from childhood to adulthood*. Ashgate Publishing Limited.
- Najafi, M. H. (1987) *Javaher al-kalam Fi sharh-e Sharay-e al-Islam*. Al-maktabat al-Islamiyat, Secon eds. Tehran
- Nasir, J. J. (1990) *The Status of Women Under Islamic Law*. London: Graham & Trotman.

- Nayak, M. B., Byrne, C. A., Martin, M. K. & Abraham, A. G. (2003) Attitudes toward violence against women: A cross-nation study. *Sex Roles*, 49, 333-342.
- Nisbett, R. E. and Cohen, D. (1996) *Culture of Honour: Psychology of Violence in the South: New Direction in Social Psychology: Self, Cognition and Collectives* S. Westview Press Inc., U.S.
- Oakley, A. (1974) 'The Invisible Women: Sexism in Sociology', in *The Sociology of Housework*, Bath: The Pitman Press.
- Oakley, A. (1981) Interviewing Women: A Contradiction in Terms, in H. Roberts (ed.), *Doing Feminist Research*. London: Routledge & Kegan Paul, 30-61.
- Oakley, A. (2000) *Experiments in Knowing: Gender and Method in Social Sciences* New York: The New Press.
- Olesen, V. L. (2003) Feminisms and Qualitative Research at and Into the Millennium in Denzin & Lincoln *The Landscape Of Qualitative Research*. Sage Publications Inc.
- Olweus, D. (1993) *Bullying at School: what we know and what we can do*. Oxford: Blackwell.
- Omid, H. (1994) *Islam and the Post-Revolutionary State in Iran*. London: Macmillan.
- Paidar, P. (1996) *Women and the Political Process in Twentieth-Century Iran*. Cambridge: Cambridge University Press.
- Palmer, C. and Smith, H. (2001) *Refugee Women's Resources Project*. The US Department of State.
- Parker, R. G. and Gagnon, J. H. (1995) *Conceiving Sexuality*. London: Routledge.
- Pateman, C. (1988) *The Sexual Contract*. Cambridge: Polity Press.
- Personal Narrative Group (eds) (1989) *Interpreting Women's Lives: Feminist Theory and Personal Narratives*. Bloomington and Indianapolis: Indiana University Press.
- Plummer, K. (2001) *Documents of Life- 2: An Invitation to a Critical Humanism*. London: Sage.
- Pupkin, R. H. (2006) *Columbia History of Western Philosophy*. New York: Columbia University Press.
- Putnam Tong, R. (1998) *Feminist Thought. A More Comprehensive Introduction*. Westview Press.
- Qaeni, M (1994) Kotak zadan yeki az asar-e ryasat mard [beating is a symptom of the supremacy of man], *Zanan* magazine, no. 18, June-July.

- Raeisi Sartashnizi, A. (2004) Men's Authority in Family Structure: A Case Study in Shahr-e Kord. *Journal of the Centre for Women's Studies, Vol. 1 No. 1, June*. University of Tehran..
- Ramazanoglu, C. and Holland, J. (2002) *Feminist Methodology: Challenges and Choices*. London: Sage.
- Ramazanoglu, C. (1989) *Feminism and The Contradiction of Oppression*. London: Routledge.
- Reinharz, S. (1992) *Feminist methods in social research*. New York: Oxford University Press.
- Ribbens, J. (1989) Interviewing-An "Unnatural" Situation', *Women's Studies International Forum*, 12 (6): 579-591.
- Ribbens, J. and Edwards, R. (1998) *Feminist dilemma in qualitative research: Public knowledge and private lives*. London: Sage.
- Rich, A.(1980) Compulsory Heterosexuality and Lesbian Existence. *Signs*, Vol. 5, no 4, pp. 631-60.
- Richardson, L. (2001) Writing Strategies: Reaching Diverse Audience in D. Silverman *Interpreting qualitative data: methods for analyzing talk, text and interaction*. 2nd ed. London: Sage Publications.
- Ricoeur P. (1983) *Time and Narrative*, Vol.1, Chicago: University of Chicago Press.
- Rule, B. G. (1974) The hostile and instrumental functions of human aggression. In W. W. Hartup and J. de Wit (eds), *Determinants and Origins of Aggressive Behaviour*. The Hague: Mouton.
- 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, No 2*, pp. 229-267.
- Sabbah, F. A.(1983), *Women in the Muslim Unconscious*, trans. By Mary Jo Lake-land. New York: Pergamon Press.
- Sartre, J. P. (2006) *Critique of Dialectical Reason: V2*. New York: Verso Books.
- Shahid Sani (Jabae Al-ameli, Z.) (1986), *Al-ruzat al-bahiy-e fi Sharhe al-Lomehat al-d mashghiy-e*. Jameh-e Dini-e Najaf Publications.
- Schacht; J. (1964) *An Introduction to Islamic Law*. Oxford: Clarendon Press.
- Schemmiel, A. (2003) *My Soul is a woman: The Feminine in Islam*. Continuum International Publishing Group – Academi. London

- Schirazi, A. (1998) *The Constitution of the Islamic Republic: Politics and the State in the Islamic Republic*. London: I.B. Tauris.
- Scott, J. (1992) Experience, in J. Butler and J. Scott (eds), *Feminists Theorize the Political*. New York: Routledge, pp. 22-40.
- Scott, J. C (1985) *Weapons of weak*. New Haven and London: Yale university press
- Scott, J. C (1990) *Domination and the arts of resistance: Hidden Transcripts*. New Haven and London: Yale University Press.
- Scully, D and Marolla, J. (2005) Riding the Bull at Gilley's in Claire M. Renzetti and Raquel Kennedy Bergen, *Violence Against Women*, Rowman & Littlefield Publishers, INC.
- Scwandt, T. A. (2003) Three Epistemological stances for Qualitative Inquiry in N. K. Denzin & Y. S. Lincoln *The Landscape Of Qualitative Research*; Sage publications Inc.
- Seale, C. (1998) *Researching Society and Culture*. Sage Publications Ltd.
- Searle, J. (1995) *The construction of Social Reality*, New York: Free Press.
- Sedgwick, P. (2001) *Descartes to Derrida: An Introduction to European Philosophy*. Blackwell Publishing Ltd.
- Shain, F. (2000) Culture, survival and resistance: theorizing young Asian women's experiences and strategies in contemporary British Schooling and society', *Discourse: Studies in the Cultural Politics of Education*, 21(2): 156-74.
- Shams Esfanabad, H. and Emamipour S. (2004) Prevalence of Wife Abuse. *The Journal of the Centre for Women's Studies (CWS)* Vol. 1 No. 1, June. University of Tehran.
- Shari'ati, A. (1990) *Collected Works of Ali Shariati*. Vol. 21. Zan [Women], Tehran: Bonyad-i Farhangi-yi Doctor Ali Shariati.
- Shari'ati, Ali (1980) *Fatima is Fatima*. translated by L. Bakhtiar, Tehran: Hamadani Foundation.
- Shariati, A. (1973) *Tashayo-e Alavi va Tashayo-h Safavi*, Hosseiniyeh Ershad publications.
- Shaver, P. R., Wu, S., & Schwartz, J. C. (1992) Cross-cultural similarities and differences in emotion and its representation. In M. S. Clark (Ed.), *Review of Personality and Social Psychology*, Vol. 13. Emotion (pp. 1275-2120. Newbury Park, CA: Sage.
- Shayegan, D. (1992) *Cultural Schizophrenia: Islamic Societies Confronting the West*. Saqi Books.

- Sheikh al-Tabarsi (1973) *Majma al-bahrain*. Farahani Publications.
- Shipway, L. (2004) *Domestic Violence: A handbook for health professionals*. Routledge.
- Shrader, E. and Sagot, M. (2000) *Domestic Violence Women's Way Out*. Pan American Health Organization
- Silverman, D. (2001) *Interpreting qualitative data: methods for analyzing talk, text and interaction*. 2nd ed. London; Thousands Oaks: Sage Publications.
- Skeggs, B. (1997) *Formations of Class & Gender*. Sage Publications Ltd.
- Smart, C. (1976) *Women, Crime and Criminology*. Routledge and Kegan Paul, London.
- Smart, C. (1984) *The ties that bind: law, marriage, and the reproduction of patriarchal relations*. London, Boston: Routledge & Kegan Paul
- Smart, C. (1982) Regulating Families or Legitimizing Patriarchy? Family law in Britain. *International Journal of the Sociology of Law*, no. 10, pp. 129-47.
- Smith, D. (1987) Women's perspective as a radical critique of sociology in S. Harding (eds.) *Feminism and Methodology* pp. 84-96
- Smith, J. (1989) *Misogynies*. Faber and Faber.
- Smith, B. H. (1997) *Belief and Resistance: Dynamics of contemporary intellectual controversy*. Cambridge, MA: harvard University Press.
- Smuts, B. B. (1996) Male Aggression Against Women: An Evolutionary Perspective. In D. M. Buss and N. M. Malamuth, *Sex, Power, Conflict: Evolutionary and Feminist Perspectives* (Ed). New York Oxford: Oxford University Press, Inc.
- Solomon, R. C. and Sherman D. (2003) *The Blackwell Guide to Continental Philosophy*. Blackwell Publishing Ltd.
- Sorensen, B. W. (2001) 'Men in Transition': The Representation of Men's Violence Against Women in Greenland. *Violence Against Women*, Vol. 7, July. Sage Publications.
- Stanley, L. and Wise, S. (1983) *Breaking out: Feminist Conciousness and Feminist Research*. Routledge & Kegan Paul plc.

Straus, M. A. (1990) Ordinary Violence, Child Abuse, and Wife-Beating: What Do They Have in Common? In Murray A. Straus and Richard Gelles, *Physical Violence in American Families*. eds. Pp. 403-423. New Brunswick: Transaction.

Stroumsa, S. (1999) *Freethinkers of Medieval Islam: Ibn al-Rawandi, Abu Bakr al-Razi, and Their Impact on Islamic Thought*. Leiden; Boston; Koln: Brill.

Tabatabai Yazdi, A. (1980) *Riyaz al-Masael fi Bayan al-Ahkam Beldalayel*. The Institute of Aal al-Beit, Qom.

Tabatabai, Yazdi. M. K. (1988) *Al-orvat al-vosgha.*, second edition. Bayrut: Al-elmi Institute

Taheri, S. (2000) *Barresi-ye mizan-e khoshunat-e fiziki alayeh zanan dar khanevade dar bein-e morag in be pezashki-ye ghanoni va sayer-e marakez-e darmani-ye sharestan-e Khodabande* [The investigation of the rate of physical violence against women in family among those who referred to forensic and treatment centers in Khodabandeh township]. Zanjan: Zanjan Governor-General's Office.

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

Terablosi, A. (1982) *Al-mazhab*. Qom: The institute of Al-nashra Islamiya.

Tiefer, Leonore (1995) *Sex Is Not A Natural Act*. Oxford: Westview Press

Tin, Ina (2004) Iran: Women are terrorized; *AmnestyNytt, Al Norway's magazine*; translated to English by Laila Belle.

Tusi, J. M. H. (1983) "*Al-nahaya fi Mojarad al-feqh va al-fatavi*" vol. 2. Translated and edited by Sayed Mohamad Bagher Sabzevari, Tehran: University of Tehran Publications.

United Nations Report (1991) *The World's Women 1970-90*. London: HMSO

Valverde, M (2004) Experience and Truth Telling in a Post-humanist world, in D. Taylor, and K. Vintges, *Feminism and The Final Foucault* ED, University of Illinois Press

Van Maanen, J. (1979) The fact of fiction in organizational ethnography. *Administrative Science Quarterly*, 24: 539-550.

Verma, B. R. (1971) *Muslim Marriage and Dissolution*. Alhabad: Published by J. N. Bagga of Law Book Company.

Walker, L. E. (1981) A feminist perspective on domestic violence. In R. B. Straut (ed.), *Violent behaviour: Social learning approaches to prediction, management and treatment* (pp. 102-115). New York: Brunner/Mazel.

Weber, M. (1978) *Economy and Society: An Outline of Interpretive Sociology*, Vols. 1 and 2. Edited by Guenther Roth and Claus Wittich. Berkeley, Los Angeles, and London: University of California Press.

Weston, K. (1996) *Families we chose: Lesbians, gays, kinship*. New York: Columbia University Press.

Whyte, W. F. (2001) The Social Structure of the restaurant in D. Silverman *Interpreting qualitative data: methods for analyzing talk, text and interaction*. 2nd ed. London; Thousands Oaks: Sage Publications.

Wilkinson, R. G. (2005) *The Impact of Inequality: How to Make Sick Societies Healthier*. Routledge, an imprint of Taylor & Francis Books Ltd.

Wilson, M. I., and Daly, M. (1993a) An evolutionary psychological perspective on male sexual proprietariness and violence against wives. *Violence and Victims*, 8, 271-294.

Wilson, M., & Daly, M. (1992) The man who mistook his wife for a chattel. In J. H. Barkow, L. Cosmides, & J. Tooby (Eds.), *The adapted mind* (pp. 289-322). New York: Oxford University Press.

Wilson, M. I., Daly, M. & Daniele, A, (1995) Familicide: The Killing of Spouses and Children. *Aggressive Behavior*, 21, 275-291.

Women Living Under Muslim Laws (2004) *For Ourselves: Women Reading the Qur'an*. Published by Women Living Under Muslim Laws.

Woolf, V. (2005) Three Guineas in *Selected Works of Virginia Woolf*. Ware: Wordsworth Editions.

World Health Organization (2005) *Multi-country Study on Women's Health and Domestic Violence against Women: Initial results on prevalence, health outcomes and women's responses*. Geneva. Switzerland.

World Health Organization (2005) *Researching Violence Against Women. A practical Guide For Researchers and Activists: World Health Organization and Program for Appropriate Technology in Health (PATH)*. Geneva. Switzerland.

Rauste von Wright, M. (1989) Physical and verbal aggression in peer groups among Finish boys and girls. *International Journal of Behavioral Development*, 12, 473-84

Yllo, K. (1993) Through a Feminist Lens: Gender, Power and Violence, in R. Gelles and D. Loseke (eds), *Current Controversies on Family Violence*, Sage, London.

Yoshihama, M. (2005) A Web in the Patriarchal Clan System, Tactics of Intimate Partners in the Japanese Sociocultural Context. *Journal of Violence Against Women*, Vol. 11 No. 10, October. pp1236-1262. Sage Publications.

Zahn-Waxler, C., Radke-yarrow, M, Wagner, E., and Chapman, M. (1992) Development of concern for others. *Developmental Psychology*, 28.