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

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We know that the velayat-e faqih lacks a rational justification. The justifications based on narrated accounts of the sayings of the Shi'i Imams are also dubious, which is why historically most fuqaha have not subscribed to the theory. So why is political control over Iran in the hands of the fuqaha? What justifies their rule? According to those subscribing to the theory of the velayat-e faqih, a faqih has authority because he is well-versed in fiqh (Islamic jurisprudence). Fiqh has to be implemented so that human beings can achieve felicity in this world and the next. The implementation of fiqh requires two things: first, someone who is well-versed in fiqh (a faqih) and, two, the establishment of a state and the handing over of supreme control to a faqih so that he can implement the Sharia.

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

Incomplete implementation of Sharia

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

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

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

Lack of security

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

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

Incomplete implementation of Sharia

When “the destruction” of so many precepts of fiqh is unproblematic, why are the hijab and precepts relating to women so important? Because the political system is naked and exposed, it needs a cover to cause the political system is naked and exposed, it needs a cover to"... "}"... "}
by religious intellectuals, of a modernist reading of Islam as opposed to the prevailing fundamentalist reading of Islam; c) The universality of democracy and human rights as values that legitimize political systems with which other ideologies are unable to compete; d) The fact that various sections of the population are turning away from the system's religiosity versus irreligiosity but rather democracy versus dictatorship,

The centrality of justice

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

Dressing codes and naked ideology

It goes without saying that men and women do not walk around totally naked in any society. Convention and law have accepted a minimum of clothing. But this minimum is the product of long, historical experience in conditions of freedom. In Iran, people know that morality and religiosity have the last word. A despotic political system cannot decide on the dress code on women norms that suit the ideological preferences of ruling elites. The state is opposing women's demands because the only thing that justifies their authority is the implementation of fiqh and the only precepts that remain are the precepts that rule out freedom and equality for women. So, the quasar is essentially not religiosity versus irreligiosity but rather democracy versus dictatorship, since equality is the shared foundation of democracy and human rights.

Repression in Iran

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

Notes