

I TURNED TO THIS BOOK with great expectations. An Iranian-born, US trained human rights lawyer and anthropologist, telling the unlikely story of women's rights in Iran, on the basis of perhaps unprecedented fieldwork – what a killer-combination, I thought. Only in America! My enthusiasm was cooled by prose of the kind, “Understanding the presence of preexisting codes permits space to be both read and constructed” etc. But let us leave it aside as tenure-relevant bowing to an anthropology that has run out of ideas. Because the book struggles with admirable intensity and honesty with an intriguing puzzle: the origins and contents of “rights talk” in a regime that has not been known for encouraging that sort of thing. And it does so on the basis of a gold mine of original interview and participant observation data that is laid out in fascinating detail and with a good sense for narrative – when not treading in muddy theoretical waters, the author is an excellent writer and sharp observer who shows a long nose to Stanford's “vibrant intellectual community” that luckily did not manage to kill her better instincts.

The book is set up in the standard mold of anti-Orientalist reasoning, which – not unreasonably so – eschews the “binaries” of traditional *vs.* modern, East *vs.* West, Islam *vs.* modernity, and so on. Though I wonder who, except your reviewer of course, still fits the bill of “Orientalism” – why fight this fight once more? Osanloo wants to show that “rights”, that quintessentially Western gadget, may be at home in many a culture, so that there is the possibility of “Islamic liberalism”.

The question is whether the roots of such liberalism are really to be found in Islam. This the author does not show, even by her own admission. On the contrary, she identifies in contemporary Iran an “unusual mixture of liberal republic and Islamic principles” (p. 206). If that is the case – and her own uniquely rich observations of female Qur'anic reading groups, Tehran Family Court proceedings, and multiple other formal and informal settings that have hitherto been closed to the outside world seem to confirm it – then liberal rights talk cannot spring from “Islamic principles”. Because otherwise there is no need for a “mixture” with the “liberal republic”. In slightly woollier prose, “republicanism” and “Islam” are, indeed, “two dominant modes of

\* About ARZOO OSANLOO, *The Politics of Women's Rights in Iran* (Princeton, Princeton University Press 2009).

social production” (p. 81) and thus not one, as much of the politically correct scholarship on contemporary Islam wants to make us believe. If trusting her own observations, and not the fantasies of “post-structuralist” writers, from Bakhtin to Butler, who receive undue accolade in the reflective portions of this book, Osanloo forcefully “challenge[s] the notion that women’s rights in the Muslim context are born solely of Islam” (p. 107). In fact, the book provides plenty of ammunition for the old-fashioned view that, whatever liberalism is, it is something that is universal and procedural, and not itself a culture.

Where do the rights, particularly in the sensitive domain of family law, which contemporary Iranian women are claiming with surprising vigor and openness, and often successfully so, come from? Why would a regime that had started, to this reader in an eerily similar vein to German National Socialism, with making “women’s virtue” the “virtue of the nation as well” (p. 148), while relegating women to the status of “wives and mothers” (p. 133), come around to legal changes in favor of women’s divorce, economic maintenance, and child custody rights that a decade earlier would have been considered inopportune in the “ideological fight against imperialism and Western decay” (p. 148)?

Several explanations appear in the book, not necessarily competing and best conceived of as cumulative. The one intra-Islamic explanation is Islam’s constitutional reference to “justice”, which can be traced from the Qu’ran to contemporary Islamist movements. As Noah Feldman (*The Rise and Fall of the Islamic State*, 2008, p. 20) observed, there is an “extraordinary capacity of Islam to generate a language of justice”. However, this was also Communism’s virtue, and one that was in no single variant of it conducive to “rights talk”. Not unlike their Communist brethren, the Iranian theocratic leadership, from Khomeini on, had rejected an adoption of Western-style institutions of democracy and parliaments as “vulgarity” to Islam (Khomeini quoted by Osanloo on p. 168), precisely because Islam’s essence was “justice” so that there was no need to formalize and entrench it in secular institutions. The student of communism revisits familiar ground when meeting the rhetoric of Islamic states: “Islam has everything we need. We are in the process of updating it”, says a local judge interviewed by Ozanloo (p. 174). “Our system is foremost a system of justice and the goal is to have a just society. This is what Islam teaches and our human rights emerge from this point”, rattles down a (female) ministerial official (p. 176). Like a communist state, where justice is by definition in place, an Islamic state does not need “rights” because in the good society there is no need for such paltry

matter. The Islamic Human Rights Declaration, devised in rivalry to the UN Declaration, may seem to an attorney of the Iranian Islamic Human Rights Commission (IHRC) as “insignificantly” different from the UN Declaration (p. 181); what she does not volunteer is that IHRC contains a clause that obliges Muslim women to marry Muslim men, with no reciprocal obligations on the other sex. Considering their similarities as justice-decreeing truth doctrines, putting the “rights of society” (p. 34) (totally meaningless and cynical formulation this!) over those of individuals, Communism and Islam have one or two things in common indeed. If Communism was “The Islam of the 20th Century” (Jean Monnerot, *Sociologie du communisme*, 1949), it is time to look at Islam as the communism of the 21st.

So trying to find in Islam a source for “rights” is a futile exercise, and despite a tokenist affirmation that “faith in Islam [...] actually necessitates (a notion of individual freedom)” (p. 95) – Osanloo talking the talk – there is not much evidence provided for such a stance in this book. Already more plausible is a second explanation, which is that a regime that initially put women on a pedestal as “spiritual saviors of the society” could not let them down in the face of an undeniable reality of men mistreating women, the disturbing minutiae of which are laid out in this book almost page by page. “Since it was state actors who deployed women’s status as a trope to advance the cause of the revolution”, argues Osanloo, “the status of women’s rights later became a real recourse by women to make claims on state officials” (p. 39). Note that such an explanation makes no claim about Islam as a rights-generating culture. Instead, a simple mechanism of reciprocity and living up to one’s promises is invoked that may occur in any culture.

Closely related to finding in reciprocity a root cause of women’s rights is a third, more strategic and conflict-type of explanation: such rights are the result of group compromise. The revolution had also been fought by forces other than religious ones, and they had to be accommodated in the new Islamic republic. Particularly the “combination of shari’a and civil law was a reflection of the compromises among various groups” (p. 129), secular ones having to be given their due.

This conflict argument points to a fourth, perhaps even more important explanation for not only rights *talk* but rights *reality* in Iran. From the start, the post-revolutionary regime had left largely intact the Belgian- and French-modeled civil laws, which date back to the old Shah regime. Family law, of course, was the exception, and one of the first acts of Khomeini, upon returning from exile in very bourgeois Neauphle-le-Château, was to abolish the Family Protection Law of

1967 (revised in 1975), which had imposed certain limits to on men's unilateral right to divorce under Islamic law, had restricted polygamy, and had qualified the man's presumptive right to child custody. Already in exile Khomeini had shot against these women-friendly measures as "destroy(ing) Muslim family life" and as "against Islam" (p. 123). No wonder that, just two weeks after his return, he ordered the excision of this malicious thing. However, step-wise and often under different title many of the earlier institutions and protections of the repudiated family law reappeared. The most fascinating passages in Osanloo's book depict claims-making women's socialization into what she calls "islamico-civil formalism", which is a "merger of the shari'a with a civil legal process", and which "ultimately brought about the end of the traditional system of Islamic justice" (p. 126). Many of the cases before the Tehran Municipal Family Court, recounted in this book in gripping detail, revolve around stipulations in civil law, successively (re-)introduced after 1979, which counter-balanced one of the main affronts to Muslim women, abrogated not even under the "feminist" Shah regime: men's unilateral right to divorce under Islamic law. To cite only one such remedial stipulation, by 1999 women were again entitled to file for divorce should a husband take a second wife without receiving the permission of the first. And while the shari'a principle that men are not required to provide a reason for divorce could never be touched, new laws came to compel men to seek arbitration before the court and to provide post-divorce maintenance and equitable property division. The interesting matter is that as women and not men were required to seek redress in court, it was women and not men who acquired the requisite knowledge of the legal process that allowed them to emerge as "rights-bearing subjects" (p. 120). "Women do not know their rights; that is why they do not get their rights", Osanloo heard a famous female lawyer say at a jaleseh-ye, a Qu'ran reading group, a statement that struck her as "strikingly liberal" (p. 99). It summarizes well the legal production of "individuated subjectivities" (p. 110) that is impressively documented in this book. At the same time, as Osanloo concedes, such subjectivities do not travel easily into other domains, such as the family sphere and everyday life. Rather, these are "transient subjectivit[ies]" (p. 149), as court-going women tend to be denounced as "bad" women.

The brilliant and very hip female Muslim anthropology of Saba Mahmood (*Politics of Piety: The Islamic Revival and the Feminist Subject*, 2005, p. 14) advocates "uncoupling the notion of self-realization from that of the autonomous will", in order to justify women's freely

chosen yet, in effect, male-submissive “politics of piety”. Sadly, post-structuralist obfuscation is by now the dominant way of reading emancipation into Islam. While not deaf to its tune, Osanloo’s message is a good deal less sentimental and more clear-headed than this. Because what transpires as the ultimate source of rights claims by Muslim women is a kind of ontological liberalism, which does not need any particular culture to thrive. In fact, it seems to be a liberalism that thrives best where it is most at risk. Only seemingly circular, she argues that “the questions of rights were emerging from a perception among these women that they were autonomous individuals endowed with rights” (Osanloo, p. 46). Take the answer of Sahar, one of the women seeking divorce before the Tehran Family Court, to the question of “what are your rights”: “My rights are mine. That which is mine and no one can take away from me, such as my education or my son” (p. 120). There is patently no Islam in this. Having observed many a Qur’anic meeting, at which very often not Qur’anic verses but the nuts and bolts of seeking redress in court from abusive husbands was the topic, Osanloo finds that “personal responsibility” tended to be a key theme, the “important lesson to be learned [...] that each woman was an independent being with free will because of her ability to reason” (p. 106). This sounds very much like “individualism”, which obviously is not limited to the West but a “manifestation of broader globalization processes” (p. 168). Here is a fifth (though in its “global” reference underdeveloped) explanation for the emergence of rights talk by women in Iran.

Having reviewed at least five explanatory strands in Osanloo’s *The Politics of Women’s Rights in Iran* (a “theory” worthy of the name would have tried to bring order into them), let us return to the initial question: Is there “Islamic liberalism”? No, because few of the sources of women’s rights listed above have much to do with Islam – the “justice” strand, perhaps, but then consider the caveats attached. Osanloo may have got it right that in today’s Iran there is a “confluence of Islamic principles and republicanism” (p. 4). But then her central notions of “mixture” and “confluence” have to be taken at face value. They imply the original separateness and independence of its composite elements. One sees the old “binaries” that are mechanically “contested” in this otherwise impressive work are not as passé and left behind as its author would like us to believe.