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“God is Dead” but not Forgotten: ***Horkheimer’s Critique of Nietzsche’s Philosophy of Religion***

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Abstract

The various writings of Max Horkheimer indicate that on the one hand he maintained a deep animosity for what he surmised was the elitist thought of Friedrich Nietzsche, even once calling him in his *Notizen* the “philosopher of the ruling class.” On the other hand, he affirmed Nietzsche’s insights into man’s nihilistic condition in a *godless* world, and thinks that even Nietzsche’s concept of the *übermensch* can make a positive contribution to the emancipation of the proletariat. What are we to make of these conflicting sentiments? Although both Nietzsche and Horkheimer were rooted in the metaphysical pessimism of Arthur Schopenhauer, they nevertheless each developed a distinct way of answering the bleak reality of human existence that Schopenhauer forwarded; Nietzsche by the embrace of the Dionysian life and the will to power, and Horkheimer by the rescue of certain semantic and semiotic potentials still found in redemptive religion. This essay demonstrates that while Horkheimer shared much of the Schopenhauerian presuppositions as Nietzsche, he nevertheless rejected Nietzsche’s anachronistic essentialization of Christianity as mere slave morality, and attempted to answer godless nihilism through a *determinate negation* of religion, i.e. the *translation* of emancipatory and liberational aspects of religion into secular *critical* philosophy. Like Nietzsche, Horkheimer accepted the death of God, but unlike Nietzsche, according to his own writings, he *philosophically* believed in the God that remained after Nietzsche’s God of theology was dead.

Keywords: Critical Theory, Theology, Arthur Schopenhauer, Determinate Negation, Bilderverbot.

Introduction: Diagnosing the Problem

Max Horkheimer, the director for the Institute for Social Research, i.e. the Frankfurt School, indicated in a variety of his writing that he was greatly influenced by Nietzsche’s critique of bourgeois society, especially its loss of genuine individualism, while at the same time he maintained a deep animosity for what he surmised was Nietzsche’s elitist thought, even once referring to him as the “philosopher of the ruling class” (Horkheimer, 1978: 33). Curiously, Horkheimer affirmed Nietzsche’s insights into man’s nihilistic condition in a *godless* world, and even thought that Nietzsche’s concept of the *übermensch* could make a positive contribution to the emancipation of the proletariat – if only by exposing that in order for the age of the *übermensch* to come about the masses must be kept in an *untermensch* state – a situation, Horkheimer believed, Nietzsche was more than willing to support (Horkheimer, 1978: 33). Indeed, in a 1969 letter to Mrs. Anna Steuerwald-Landmann, Horkheimer even states his dislike for Karl Marx, due to his anti-Semitism (which Nietzsche did not share). He subsequently stated that “Nietzsche is much closer to me... He is one of the few great philosophers who would have been sent to a concentration camp” (Horkheimer, 2007: 353). This is a strange admission for a Critical Theorist – to praise Nietzsche and denounce Marx – as Critical Theory is generally understood to be a neo-Marxists school of thought with only cursory influences originating with Nietzsche.

On the face of it, it appears that Horkheimer had a lovers’ quarrel with the self-declared anti-Christ. Whereas on the one hand, Nietzsche provides the most honest and penetrating insights into the nihilistic conditions of the modern West and all its potential barbarity, on the other hand, his *transvaluation of all values* – his abandonment of the prophetic, emancipatory and liberational qualities of Judaism and Christianity – leaves Horkheimer with an uneasy suspicion that Nietzsche contributes to what Horkheimer called the *totally dark world* – a world where Auschwitz is possible – where Hegel’s logic is defunct: negation no longer reveals the positive. In light of this conflicting appreciation and reproach of Horkheimer towards Nietzsche’s *anti-religion* corpus, the purpose of this paper is to (1) demonstrate the common bonds of Horkheimer and Nietzsche within Schopenhauer’s diagnosis of modern man’s nihilistic crisis, while at the same time, (2) demonstrating their departure from each other on how to properly address such a crisis of modernity. I will demonstrate that whilst Nietzsche happily rejects the “slave” morality of Christianity, Horkheimer *determinately negates* (*bestimmte negation*) or *sublates* (*aufheben*) religion in an attempt to rescue its liberational, emancipatory and prophetic elements, by allowing such elements to “migrate” (to use Theodor W. Adorno’s term) into secular critical

philosophy. Thus, the “atheist” Horkheimer, whose atheism preserves the most radical anti-idolatry elements of Judaism and Christianity, stands against the anti-Christ Nietzsche while simultaneously standing by his side in his critique of Bourgeois society.

Horkheimer’s Early Reception of Nietzsche

According to the historian John Abromeit, Horkheimer’s early intellectual development took a definitive turn with his new found friendship with Friedrich Pollock, whom he’d met in their local *Gymnasium* in 1911 (Abromeit, 2013: 46). Together with Suze Neumeier, Horkheimer and Pollock attempted to realize their utopian artistic ideals, partially rooted in Nietzsche’s notion of the *übermensch*, in what they called the *isle heureuse* (island of happiness), wherein Horkheimer wrote short expressionistic novellas that were concerned with modern “antagonism[s] in the human spirit” (Siebert, 2014: 29). These short stories were often about young and frustrated artists attempting to realize their non-conforming ideals within a dominating bourgeois society, which reflected Horkheimer’s great dissatisfaction with the “well-ordered” society that his assimilated Jewish parents embraced and prospered from (Abromeit, 2013: 46). This contempt for the homogenized society was partially rooted in Horkheimer’s early embrace of Nietzsche’s *lebensphilosophie*, which forcefully rejected the same homogenizing force that ensured conformity to such a society. Nietzsche’s disdain for the “herd,” the anonymous mass that leveled down social greatness and heroism in the name of equality, conventional morality, and collectivity, and who pathologically obeyed the dictates of their superiors, animated Horkheimer’s rejection of the Bourgeois society of Germany in the 1910’s, forcing him to seek refuge in his non-conformist novellas and friendly associations of like-minded artists. For Abromeit, the phrase “Nietzschean contempt” best describes Horkheimer’s rejection of the assimilated Jewish lifeworld he was raised in. However, something in Nietzsche’s response to the advent of nihilism struck Horkheimer as being overly cruel and retrogressive in light of the travails of the modern western world. Whether the source of this *unbehagen* (uneasiness) was formed from within his Jewish background and its morally-infused worldview (*weltanschauung*), we cannot say for sure – at least not for that time period. Nevertheless, we do know that the formation of his critique of Nietzsche began with his reading of Nietzsche’s own teacher: Arthur Schopenhauer (Abromeit, 2013: 46; Nietzsche, 2014: 92-98).

Schopenhauer as Critic of Nietzsche and Horkheimer’s determinate negation of Schopenhauer

While the disdain for Bourgeois society that he shared with Nietzsche never abated, Horkheimer’s study of Schopenhauer’s response to the reality of nihilism – that pessimism has been elevated to a metaphysical principle – forced Horkheimer to reassess how he would respond to the growing depth of the “totally dark world” (Horkheimer, 1978: 124). Something in Nietzsche’s philosophy of “overcoming” struck Horkheimer as being too individualistic, and too accommodating to the prevailing brutality of the already existing society – that which truly ruled behind the hypocritical veneer of bourgeois Christianity. In other words, it left behind too many innocent victims. In Hegelian terms, the freedom of all was abandoned for the freedom of the few, the already existing *übermenschen*.

Unlike Nietzsche, whose contempt for Bourgeois society led him to believe that the *übermenschen* should leave behind the *untermenschen* in the dustbin of history, Schopenhauer, in all his sober-madness in the face of his theodicy and entrenched pessimism, embraced an ethic of compassion that Horkheimer understood to be a more appropriate response to the depth of nihilism in modernity. While he accepted Schopenhauer’s principle of the world’s inherent negativity, as well as his claim concerning the necessity of rejecting the optimist philosophies of history, especially that of Leibniz and Hegel, as well as their positive theodicies, seeing no proof of such positivity within the context of the butchery of World War I, Horkheimer nevertheless did not follow Schopenhauer into his existential resignation (Abromeit, 2013: 47). For Horkheimer, the critique of *world-as-it-is* (*Weltlauf*), with all of its Golgotha-history, or as Hegel would describe it, the “slaughter bench of history,” Horkheimer refused to retreat into a Buddhist-like inner-resignation in the face of suffering, ala Schopenhauer, but rather embraced a different form of compassion: radical philosophy and politics. In doing so, he returned not only to Kant, Hegel, Marx, and Freud, but also to Moses – the emancipator of slaves, law-giver, and destroyer of idols. Another “hammer” philosopher (if you will).

Divergence over Religion: Nietzsche and Horkheimer

In his *Notizen*, Horkheimer gives us a definition of religion that serves as the key to his critique of Nietzsche *non-dialectical* philosophy of religion. Horkheimer writes,

What is religion? What is religion in the good sense? To sustain, not to let reality stifle, the impulse for change, the desire that the spell be broken, that things take the right turn. We have religion where life down to its

every gesture is marked by this resolve. What is religion in a bad sense? It is the same impulse but in its perverted form, as affirmation, prophecy, that gilds reality in the very act of castigating it. It is the lie that some earthly or heavenly future gives evil, suffering, horror, a meaning. The lie does not need the cross, it already lives in the ontological concept of transcendence. Where the impulse is honest, it needs no apology. No reason for it can be advanced (Abromeit, 2013: 163).

This passage seems to me to be vital in understanding Horkheimer's critical theory of religion, and thus his critique of Nietzsche's philosophy of religion. It expresses not an ambivalence towards religion, nor a commitment to an *abstract negation* of religion, as one has in Feuerbach, Marx, Lenin and Freud, but rather a recognition of the *dialectical* nature of religion; religion is both a weapon of domination and one of emancipation, just as there is philosophy that serves, affirms, and legitimizes the world-as-it-is, and philosophy that seeks the transformation of the status quo.¹ There is a "good" religion – a *negative religion* that sustains the individual from succumbing to the oppressive coordinates of the given and motivates their revolt against such domination, and there is an *affirmative religion* – one that integrates, solidifies, justifies and therefore serves an apologetic ideology for contemporary power relations and systems of exploitation. For example, Christianity, especially since the reign of the Emperor Constantine in the 4th century, has been divided within itself, and therefore struggles against itself in this matter, the emancipatory nature and the enslaving nature, between the prophet and the priest, to use Erich Fromm and Ali Shariati's formulation (Fromm, 1981: 47-57; Shariati, 2003: 31-32).² Additionally, Horkheimer writes,

In its symbols, religion places an apparatus at the disposal of tortured men through which they express their suffering and their hope. This is one of its most important functions. A respectable psychology of religion would have to distinguish between its positive and negative aspects, it would have to separate proper human feelings and ideas from an ideological form which falsifies them but which is also partly their product... These days, Christianity is not primarily used as a religion but as a crude transfiguration of existing conditions (Horkheimer, 1978: 58-59).

Again, from this dialectical approach to religion, one can get a better grip on Horkheimer's critique of Nietzsche. Horkheimer's understanding of religion, suggests that Nietzsche falsely *essentialized* Christianity – that he remains blind to its

historical development – that it went from a rebellious non-conforming movement of earthly transcendence to an ideology of control, conformity and mediocrity, and that it maintains its own inner-critique. The form of Christianity that Nietzsche seems to be reacting to is the hypocritical Bourgeois form of Christianity – one that is thoroughly functionalized for the benefit of those invested in *weltlauf*. However, for Horkheimer, the genius of Nietzsche’s critique of Christianity was in its honesty; it attacked the very disfigurement that Bourgeois “Christians” had made out of the Jewish sect that was once critical and revolutionary. As such, Horkheimer’s appreciation of Nietzsche’s critique of religion suggests that he thought that Nietzsche knew better than most observers the perverse nature of Bourgeois religion. If main flaw, however, was his inability to distinguish the negativity of Christianity from its bourgeois positivity.

Nevertheless, Horkheimer rejects Nietzsche’s *transvaluation of values* – his *abstract negation* – of Christianity, which rejects the core principles of social justice that Christians historically abandoned. For Horkheimer, the question is not how do we *abstractly negate* religion within the darkness of nihilistic condition, but whether or not anything within prophetic religion, especially Christianity and Judaism, can be salvaged via a sublation (*aufheben*) after it has been thoroughly disfigured in the West.

Bilderverbot vs. Übermensch, or Judaea vs. Rome

For both Horkheimer and Nietzsche, there can be *no return to religion* in the western world. “God is dead, and he remains dead. And we have killed him” Nietzsche wrote, and Horkheimer subsequently agreed (Nietzsche, 2007: 89; Horkheimer, 1978: 184-185). Yet, what can be done to rescue the occidental man from the coming existential, political, and social crises that both Horkheimer and Nietzsche saw on the horizon, that in many ways, the effects of which are still determining much of our lifeworld today? A world without the kind of morals imbedded in Judaism and prophetic forms of Christianity is not a world Horkheimer wished to *repeat* after Auschwitz.

It is not in the *diagnosis*, but rather it is in the *prognosis* concerning the advent of modern nihilism that Nietzsche and his student Horkheimer depart ways; Nietzsche sees the condition as an opportunity to “be an annihilator and shatter values,” embrace the freedom of the aristocratic individual, to re-appropriate the powerful values of ancient Rome, which had been destroyed by the Judeo-Christian “slave values” of Abrahamic faith – a historical collapse that Nietzsche rages against in his *On the Genealogy of Morality*, when he reminds his readers that Rome now bows down to

“three Jews” and “one Jewess” (Nietzsche, 2007: 89; Nietzsche, 2014: 242-244).³ The principles of (1) equality, (2) that the last will be first, (3) the sacredness of poverty, and (4) the elevation of weakness and humbleness to a universal value, defeated the once mighty Empire of Rome. “Rome has succumbed” Nietzsche laments, “beyond all doubt” (Nietzsche, 2014: 243). And even though Martin Luther ruined the last best chance to revive the values of ancient Rome during the Renaissance, modern nihilism presents us once again the opportunity to seize the chance Luther previously foreclosed on. Yet for Horkheimer, modern nihilism does not present us with a chance to return to the heroism of pagan values; it is not time to return to pagan Rome, the *übermenschen* society of the ancient world. Rather nihilism, especially as it is expressed within the context of neoliberalism, paradoxically impels us to return to Judaea, the prophetic and liberational message of Moses and Rabbi Jesus of Nazareth, and the same prophetic and emancipatory values that Nietzsche rejected, which are the same emancipatory values embedded within Islam.

Yet, we just said that both Horkheimer and Nietzsche agree that there can be no “return to religion.” How then can Horkheimer look to religion in the face of nihilism when traditional religion, with its revealed sacred texts, cultic practices, and obscurantist beliefs, within the context of modern epistemology, science, autonomous reason and multiculturalism, only moves us backwards – into the trap of reactionary conservatism, literalism, and authoritarian fundamentalism? Adorno reminds us in his essay entitled *Reason and Revelation*, such modern attempts to return to religion are primarily based in the fulfillment of human “need,” not in the genuine belief of religious truths, and therefore can be easily replaced with other systems of thought and ideologies, such as nationalism, fascism, and communism, as they fulfill those same needs (Adorno, 2005: 135-142). How then would the values of Moses help us in the face of modern nihilism?

Horkheimer himself did not retreat from modernity into a conventional religious life, nor did anyone else in the Frankfurt School. However, they did not *abstractly negate* religion in the same way as Marx, Freud and Nietzsche. Rather, their dialectical understanding of religion led to towards a determinate negation (*bestimmte negation*) of religion in which they rescued the most recalcitrant and prophetic aspects by allowing it to “migrate” into Critical Theory. Thus Critical Theory takes upon itself the task, within a secular form, that once was the task of the prophetic religion – to exposes and denounce the lies and domination of the unjust given society. In this way, the *negativity* of prophetic religion is preserved within the “good religion” of Critical Theory. Thus, the God of apophatic theology remained preserved within critical

philosophy long after the God of cataphatic theology had died. As for Nietzsche, is it not time, especially in the age of the American president Donald J. Trump, to *determinately negate* his *Lebensphilosophy*, and thereby rescue his contempt for the stifling conformity of Bourgeois society while rejecting his praise for those who embody “master morality” in the political-economic realm? For those in the West who can no longer believe in a traditional religion follow the Frankfurt School into a secular philosophy, or even secular religion as Horkheimer explains it, that embodies the prophetic emancipatory and liberational qualities of Judaism, Christianity and Islam? If in the West we fail to do so, and fall further into the trap of Nietzsche’s meaningless nihilism, we only make ourselves and our societies more open to a new Auschwitz: barbarity resurrected.

Note

1. According to Horkheimer, the dominant note in Nietzsche’s philosophy was its uncompromising stance against its integration into the dominant ideologies. As Horkheimer writes, “Indeed, the denial of such harmony was the core of [his] work.” Max Horkheimer, *Eclipse of Reason*. (New York: Continuum, 2004), 58.
2. 1 Ali Shariati wrote that, in regards to Shi’a Islam, the struggle is between the prophetic Islam of ‘Ali ibn Abi Tālib and Safavid Islam, the Islam of the clerics.
3. 1 Those Jews are Jesus of Nazareth, Peter the fisherman and disciple of Jesus, Paul of Tarsus – the apostle to the gentiles, and Mary the mother of Jesus. I do not think Nietzsche objection was to the Jew’s ethnicity, tribal affiliation, etc., but rather to them being the harbinger of values that were antithetical to those of Rome. Nietzsche was not an anti-Semitic. In fact, he often condemns anti-Semites for their stupidity. Therefore, to remind his readers that these three were “Jews” is not to point out their biology, but rather their “slave” morality.
4. One should note that it is not Said Nursi who posits reason and revelation as being particularly antagonistic, but rather it is the Frankfurt School who sees the distinction between the two to be a problem for the modern world. However, it is not true that Said Nursi privileged reason above faith. Rather, faith and/or belief in Allah, Muhammad’s Prophethood, and the Qur’ān, were “objective truth” regardless of whether reason could demonstrate and/or prove their objectivity to anyone’s satisfaction. In other words, had Said Nursi’s attempt to prove the necessity of revelation via reason gone awry, he would not have rejected the divine origin of Islam, but would have attempted to rethink (via reason) his arguments. Therefore, for Nursi, the objective truth of Islam remains objective regardless of whether or not he or anyone else can prove it via reason. We can only conclude from this that Said Nursi privileged revelation over reason; as reason was but a tool to understand the truth of revelation and can be fallible unlike the Kalam Allah (God’s word).

References

- John Abromeit, *Max Horkheimer and the Foundations of the Frankfurt School*. New York: Cambridge University Press, 2013.
- Theodor W. Adorno, "Reason and Revelation" in *Critical Models: Interventions and Catchwords*. New York: Columbia University Press, 2005.
- Erich Fromm, *On Disobedience and other Essays*. New York: The Seabury Press, 1981.
- Max Horkheimer, *A Life in Letters: Selected Correspondence*. Edited and Translated by Manfred R. Jacobson and Evelyn M. Jacobson. Lincoln: University of Nebraska Press, 2007.
- Max Horkheimer, *Dawn and Decline: Notes 1926-1931 & 1950-1969*. New York: The Seabury Press, 1978.
- Friedrich Nietzsche, *Beyond Good and Evil – On the Genealogy of Morality*. Translated by Adrian Del Caro. Stanford: Stanford University Press, 2014.
- *Ecce Homo*. Translated by Duncan Large. New York: Oxford University Press, 2007.
- *The Gay Science*. Translated by Thomas Common. New York: Barnes & Nobles, 2007.
- Ali Shariati, *Religion vs. Religion*. Translated by Laleh Bakhtiar. Chicago: ABC International Group, Inc., 2003.
- Rudolf J. Siebert, *Early Critical Theory of Religion: The Island of Happiness*. Edited by Dustin J. Byrd. New Dehli, Sanbun Publishers, 2014.

Iran Human Rights Politics

Shifting Paradigms from Absolute Receptionism to Radical Rejectionism

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Abstract

During the drafting processes of the Universal Declaration of Human Rights (UDHR), Iran belonged to the Western Bloc in terms of political orientation and voted in favor of the UDHR. The regime was hoping to exploit the UN human rights program as an instrument for gaining international prestige, therefore, it ratified the International Covenants of Human Rights. Following the victory of the Islamic Revolution, Iran demonstrated its firm determination to challenge the universality of human rights and even called for the revision of the UDHR. Not surprisingly, the rejectionist policy also did not last long and subsequently Iran once again considered the ratification of some human rights conventions.

This paper seeks to examine the complicated aspects of Iranian human rights politics in various periods and to explore the Iran exceptionalism in human rights discourse in the light of competing paradigms from receptionism to rejectionism. The first part of the paper deals with Iran human rights policy from the lens of receptionism, while the second part of the paper discusses the rejectionist policy which was adopted following the Islamic Revolution. And the third part shall focus on the paradigm shift to reservationism in the course of second and third decades after the Islamic Revolution. Then, the next paradigm shift resulting from the dichotomy is scrutinized in view of the political changes in the country. Finally, the paper concludes that the

paradoxical Iranian policies towards human rights might be explained through understanding the specific characteristics of the legal system of Iran.

Keywords: Iran, Muslim states, Islamic revolution, Islamic human rights and Universal Declaration of Human Rights.

Introduction

During the drafting processes of the Universal Declaration of Human Rights (G.A. Res. 217 A (III), U.N. GAOR Res. 71, U.N.Doc. A18 10, 1948, hereinafter: UDHR), Iran belonged to the Western Bloc in terms of political orientation and voted in favor of the UDHR. In view of the reputation of human rights discourse, the regime attempted to exploit the UN human rights program as an instrument for gaining international prestige. Hence in 1975, it ratified the International Covenants of Human Rights without reservation. Following the victory of the Islamic Revolution in 1979, not only did Iran abandon its pro-Western policy in the international community, but it demonstrated its firm determination to challenge the universality of human rights. While ignoring the obligations resulting from the ratification of the International Covenants of Human Rights, the Iranian delegation in the UN questioned the legitimacy of human rights standards and even went further to call for the revision of the UDHR (UN Doc. A/C.3/37/SR.56, §53-55).

Not surprisingly, the rejectionist policy also did not last long and eventually it was replaced by another approach which sought to reduce the level of tension by holding a series of human rights dialogue with Western countries. This paradigm shift led to the interaction with international community, and subsequently it considered to put the ratification of some human rights conventions on the agenda.

This article seeks to study various aspects of human rights policy of Iran in different periods and investigate the reasons for adopting these contradictory positions in the light of receptionist, rejectionist and reservationist approaches based on chronological order. The first part of the paper covers the pre-Islamic revolution era when the Shah regime attempted to gain recognition by adopting a receptionist policy in human rights. In the second part, we shall assess the human rights policy of Iran in the light of rejectionist approach which was adopted in the first decade after the Islamic revolution. Then, we examine the paradigm shift of Iran human rights policy in the light of dichotomy and reservationist approach in the second and third decades of the Islamic Revolution. We will examine the reason why Iran human rights policies seem to be contradictory and paradoxical. Finally, we conclude that Iranian

human rights policies can be illustrated in the context of the specific characteristics of the legal system of Iran.

1. Absolute Receptionism

As mentioned earlier, at the time of drafting processes of the UDHR from 1946 to 1948, the Iranian government was among the pro-Western countries in terms of political attitudes. Considering the political environment surrounding the international community in the post-World War II, the Iranian delegate voted in favor for the UDHR along with a number of Islamic countries.¹

While the Shah regime used to suppress the political and religious oppositions inside the country and the torture, cruel and inhuman treatment were widely used against the political prisoners by SAVAK, the secret police,² the regime was being depicted in the international arena as the pioneer of human rights. Subsequently, when the UN decided to organize the first World Conference on Human Rights on the twentieth anniversary of the UDHR in 1968, the regime was prepared to pay the costs of an international conference if it was to be held in Tehran.³ Despite the fact that human rights and fundamental freedoms were meaningless for SAVAK, the regime which had been among human rights campaigners at the UN accepted to pay the costs of the UN Conference on Human Rights (Schechter, Michael G. 2005, Chapter 2: Setting the Pattern). In return, Ashraf Pahlavi, the twin sister of the Shah who dedicated herself to the advancement of human rights at the UN, was chosen as the chairperson for the conference. However, the UN secretariat ensured that the director of Human Rights Department of the secretariat be the executive secretariat of the conference (Reinalda, 527).

In fact, the regime was fully aware that under the pretext of human rights diplomacy, it would be able to hide the grave human rights violations inside the country. Hence, they seized every opportunity to deface the UN human rights program and exploit it as a means of depicting a positive image of the regime and gaining international prestige. The security was ensured by the SAVAK which had a reputation for torture when the three week-long Conference on Human Rights was inaugurated by the royal presence in the Majlis. In his introductory remarks, U Thant Secretary General of the UN expressed "warmest appreciation" to the Shah for his hospitality and praised the fitting location of the event.⁴ Thant also mentioned the symbolic significance of holding a celebration of the UDHR in Iran and also thanked the honor of the Royal presence and his "most inspiring and moving address".⁵ However, the conference instead of celebrating the UDHR turned to a forum for

celebrating the Shah's "White Revolution". Even, Nasrollah Entezam the Iranian delegate to the conference considered the "White Revolution" as a guide to human rights policy of the country. Burke stated in a sense of irony that soon after the conference closed, the regime abolished even the "cosmetic multiparty democracy and established a formal one-party state"(Burke, 100).

The financial support and the generous donations that regime extended to the UN human rights program have already come to fruition by the appointment of Ashraf Pahlavi to the chairperson of the first UN human rights conference. Soon after the conference in 1970, Ashraf who was the head of Iranian delegation at the UN, was appointed the president of the UN Human Rights Commission.⁶ When assumed the position in the Commission, she used her influence and took important steps to promote the principles and values of human rights in Iran in order to show that the regime was firmly committed to the promotion of human rights in Iranian society.

The Establishment of the Iranian Committee for Defending Human Rights by the royal decree was the next step taken for the enhancement of human rights in Iran. Ashraf, the chairwoman of the Commission on Human Rights, was also appointed to the secretariat of the Iranian Committee for Defending Human Rights (Mirtorabi, 71). She made every efforts to pave the way for early ratification of International Covenants on Human Rights. In fact, Ashraf's enthusiasm towards human rights agenda and her unique position in the Iranian royal family had an extraordinary influence on speeding up the ratification of International conventions on human rights. There is much irony in the fact that while human rights violations were widespread across the country, she even employed nepotism to compete other nations in the human rights race. She intended to prove that the regime efforts for the advancement of the UN Human Rights Program were not limited to financial donations. These measures rapidly brought remarkable results by which Iran outdid the Western counties in the ratification of human rights conventions. Her leadership never ceased to surprise the human rights activists at the UN when the Senate of Iran ratified both International Covenants on Human Rights in a single day without a single reservation.⁷

The extraordinary measure of the regime in ratifying both International Covenant on Economic, Social and Cultural Rights (ICESCR)⁸ and International Covenant on Civil and Political Rights (ICCPR)⁹ without a single reservation was a disguise to hide the widespread human rights violations inside the country. She reached the zenith of fame and glory in her tenure at the UN when she submitted the instruments of ratification of International Covenants on Human Rights to the UN Secretariat. Her

fame and generosity tempted her develop the ambition of becoming the first lady to assume the Secretary General of the UN.¹⁰ When the regime was trying to please the UN by ratifying human rights conventions, it increased the suppression of political dissidents. After the ratification of human rights Covenants by Iran, Ashraf the Secretary of Iranian Committee for Defending Human Rights celebrated the glorious conduct of the regime in the following words:

Thus far, a few countries have been able to accede to these Covenants and this measure of our country reveals that Iran have reached to a high position in terms of observing individual rights which our glorious culture deserves (Mirtorabi, 76).

The significance of human rights diplomacy of the regime can be discovered if it is compared with the conduct of other countries. For instance, not only did the United States of America and the United Kingdom exhibit their reluctance by their delayed ratification of ICCPR, but also they made several broad reservations which literally ruined the integrity of the Covenant. The enormous reservations showed that the ratifying states were not willing to accept the international monitoring system of their human rights conduct (Brown, 53). Moreover, the United States still decline to ratify ICESCR as it refuses to recognize the norms enshrined in ICESCR as human rights standards (Senarclens, 141-142). Moreover, it is worth pointing out that until October 2004, 153 countries have ratified the ICCPR, out of which 149 countries have entered reservations.¹¹ Moreover, by 18 April 2008 the parties to the ICCPR reached to 161 countries (Ibid.). A study on the status of the reservation of various countries on the ICCPR shows that by setting aside 5 general reservations which are not concerned a specific provision and ignoring 6 reservations which inserted upon procedural provisions of the Covenant in Articles 47 to 50, the ratifying states have inserted 162 reservations to the Convention. Only 11 European countries inserted 86 reservations which means over half of them belong to European countries (Hampson, 2002/17).

It goes without saying that the states that have inserted enormous broad reservations to human rights instruments are in fact reluctant to accept international obligations of the conventions which are efficiently equipped with monitoring system. This is the reason why international human rights conventions have not been accompanied by effective enforcement mechanisms. On the other side, the early and unconditional ratification of human rights instruments by authoritarian regimes does not necessarily mean that the international obligations in the field of human rights are respected and observed. The formal ratification of human rights conventions would have legal consequences if ratifying states intended to observe the obligations

contained in the conventions. Nevertheless, the despotic regimes refuse to respect human rights standards which they have officially consented to observe. In addition, they essentially intend to ruin the human rights conventions by not respecting their obligations. Adamantia Pollis in a compelling argument convincingly notes that:

For many States their acceptance is a symbolic gesture attesting to their membership in the world community, but devoid of substance (Pollis, 9).

The regime seized every opportunity to depict Iran in international stage as the pioneer of human rights. On the occasion of the royal speech that was delivered by the Shah of Iran at the General Assembly of the International Labor Organization (ILO) on 8 June 1972, the regime rushed to sign four important ILO conventions to celebrate the historic event (Kayhan , 18/3/1351). It immediately took the necessary steps for the urgent accession of Iran to the conventions in several days and the surprise accession process took place on 20 June 1972.¹² It is worth noting that the accession to the ILO conventions also was made without any reservation.¹³

During the Shah reign it was a common procedure that the Department of Political Affairs in the Ministry of Foreign Affairs would decide on human rights issues. While security issues used to be transmitted to SAVAK and the response received from SAVAK would directly be sent to the inquiry bodies at the UN. Then again, when Ashraf devoted herself to the Human rights program at the UN, she also confiscated the whole human rights project inside Iran from the Ministry of Foreign Affairs. Thus, the Ministry of Foreign Affairs made every attempt to contain the efforts made by Ashraf as there was a real concern that her enthusiasm for human rights might put the vital interests of the country at risk. For instance, after the ratification of International Covenants, the then Minister of Foreign Affairs in a meeting with the General Secretary of the Iranian Committee for defending Human Rights expressed his concerns in the following words:

Human rights issue and the decisions taken at the United Nations about it is a very sensitive matter. Iran which was among the founders of human rights played a dynamic and effective role on issues related to human rights at the UN, but the Ministry of Foreign Affairs is concerned that because of extreme opinions on occasions, it might be perverted from its logical and principled routine (...) In view of the sensitivity of human rights issues, political aspect prevails over any other aspect and therefore all of the measures related to human rights should be taken with the guidance of the Ministry of Foreign Affairs

(Doc. Ministry of Foreign Affairs, file no: 333/2996 dated 1355/4/30, found in: Mirtorabi, 116).

Thus, ratification of human rights conventions is not an appropriate criterion for assessing the conduct of the states. Some regimes regarded the ratification of human rights conventions as a sign of progress and modernity as the constitutional-making was a strategy for them to appease international community. Perhaps it is naive to believe that constitutionalism and the rule of law would prevail when an authoritarian regime formulated and adopted a constitution at national level. In reality, instead of constitutionalism and rule of law, the main objective was probably to show to other nations that they were also a civilized and progressive member of the community of nations (Ginsburg and Simpser, 170). Yet, they would not hesitate to violate the norms and provisions of the constitution that were written and adopted by themselves. Needless to say, the regimes which do not respect their own constitutions, they will definitely ignore human rights standards if they wish to do so. This is the reason why the oppressive regimes such as Saddam Hussein in Iraq and Shah of Iran were competing and racing with each other to sign and ratify human rights conventions. Despite ratifying both International Covenants in 1975 without a single reservation, the Pahlavi regime pursued a policy of repression inside the country and blatantly violated the rules enshrined in human rights conventions in domestic affairs (Forsythe, 130-131). Given the real intention behind the ratification of human rights conventions by the authoritarian regimes was not to respect and observe the provisions of international human rights, but it was intended to uphold their membership in the international community and to gain recognition from other states in order to maintain their self-celebrated prestige.

2. Radical Rejectionism

In contrast to the Shah regime which employed human rights agenda as an instrument for gaining international prestige, the Islamic Republic of Iran not only did not use it to maintain the prestige of the country, but also the Iranian delegate to the United Nations was determined to challenge the legitimacy of human rights and called the universality of human rights into question (UN Doc. A/C.3/37/SR.56, §53-55). It is noteworthy that many revolutionary leaders were among the victims of merciless torture and gross violations of human rights in the former regime and they had experienced the practical consequences of the ratification of International Covenants on Human Rights in the SAVAK prisons. Moreover, they believed that not only the standards articulated in Human Rights conventions were not legitimate in their

culture, but also the ratification processes failed to genuinely fulfil the necessary requirements of the national legislature. Undoubtedly, the hasty ratification of the International Covenants on Human Rights without any reservation was mainly based on personal ambitions of the sister of the Shah who was then the chairperson of the Commission on Human Rights and Secretariat of the Iranian Committee for Defending Human Rights. Also, it is undeniable that the accession of the country to the four crucial ILO conventions without a single reservation had merely to do with the royal speech of the Shah at the General Assembly of ILO. However, neither Iran did invoke to the invalidity of International Covenants on human rights on ground of lack of acquiescence, fraud or corruption, nor did they withdraw from them on ground of fundamental change of circumstances.¹⁴ Although the Iranian delegates at the UN continuously denounced the legitimacy of the human rights standards, they never intended to withdraw from International Covenants on Human Rights, nor can it be ascertained from the conduct of the state.¹⁵

When faced with this difficult situation, many idealistic revolutionaries who found themselves trapped in the human rights agenda, came to the conclusion that they had to return to their own rich culture and religious traditions, instead of relying on Western achievements and international standards of human rights. Hence, we are not surprised to learn that even though all fundamental rights and freedoms are ensured in the constitution of the Islamic Republic of Iran, nevertheless it makes no reference to any international human rights instruments. For example, Article 2 of the constitution explicates the fundamentals of the Islamic Republic. These principles include: "faith in God, divine revelation, resurrection, justice of God in creation and legislation, Imamato, and the dignity and intrinsic value of man and his freedom coupled with responsibility before God." Consequently, the juxtaposition of dignity and liberty of man with the basic religious doctrinal creeds has elevated the place of human rights in the constitution. The association of the dignity of man to religious doctrines ensured the basic rights and fundamental freedoms of the people in a revolutionary and innovatory fashion.

Moreover, being suspicious about the sincerity of the United Nations human rights program and the faith in the superiority of the norms which are rooted in the rich culture and religion of the people led the Iranian delegate to the United Nations to call international human rights standards into question. It should be noted that the victory of the Islamic Revolution in Iran coincided historically with the finalizing process of drafting the Declaration on the Elimination of All Forms of Discrimination and Intolerance Based on religion or Belief in the Human Rights Commission (G.A.

res. 36/55, 36 U.N. GAOR Supp. (No. 51) at 171, U.N. Doc. A/36/684, 1981). After the adoption of the Declaration in 1981, Sa'id Rajai Khorasani, the then representative of the Islamic Republic of Iran to the UN at the 36th session of the UN General Assembly affirmed that the UDHR could not be implemented by Muslim states and in the event of contradiction of between human rights standards with national legislation, Iran would not hesitate to ignore the human rights provisions (UN Doc. A/C.3/37/SR.56, §53-55).¹⁶

There can be no doubt that Iran's fundamental paradigm shift obscured its obligations regarding human rights conventions as it did not withdraw from the International Covenants on Human Rights. Also, it challenged the UN program of Human Rights when Iran joined other Muslim states in a front which had already emerged in the human rights battle within the UN. Furthermore, the developments which took place in the Commission on Human Rights strengthened the position of the Iranian delegation and eventually led to the emergence of an Islamic camp within the United Nations. Thanks to the ideological divide in bipolar system of the Cold War, Western states were determined to adopt the Declaration on the Elimination of All Forms of Discrimination and Intolerance Based on religion or Belief in spite of Socialist states' opposition. The adoption of the draft in the Commission on Human Rights and the Economic and Social Council had proved that the socialist countries would be the most important obstacle to the adoption of the Declaration and therefore, the Western delegations could not accomplish the task without the help of Islamic countries. Consequently, they made every attempt to convince the Muslim states to vote in favor of the Declaration. Finally, after 20 years of work on 25 November 1981 they were able to adopt the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief with the help of the Muslim States.

Although the Western states gained a political win in ideological differences with Eastern bloc by motivating the Islamic countries in human rights discussions, but the collaborative process eventually led to the formation of an Islamic camp within the UN in human rights debate. With the arrival of the revolutionary Iran into the front, the position of the Islamic camp was reinforced and they were then more vigorous in their opposition to the UN human rights program and were willing to express publicly the view that was being hidden in their mind for several decades. Although Muslim states were not congruent in a variety of topics and even sometimes they had conflicting views in political and international issues, but it was apparent that in spite of disparities that existed among them, human rights debates within the UN had forced them to join together in a united front.

Subsequently, after the adoption of the Declaration on the Elimination of all forms of Discrimination and Intolerance based on Religion or Belief, the delegation of secular Ba'athi regime of Iraq entered a collective reservation on behalf of the Organisation of the Islamic Conference concerning the applicability of any provision or wording of the Declaration which might be in contradiction with Islamic Shari'a or to the provisions of national legislations or Acts which were based on Islamic jurisprudence (Walkate, 150). Despite the aggressive war which Saddam regime had waged against Iran during those years, the Iranian delegate also confirmed the reservation along with other Muslim states (Year Book of the United Nations 1981, Vol. 35, p. 880).

However, it should be kept in mind that during the drafting and adoption of the Universal Declaration of Human Rights and International Covenants of Human Rights, Muslim countries were in a defensive position and the delegation of Saudi Arabia had never claimed to represent the Muslim world. In the most extreme case, when Jamil Baroudi of Saudi Arabia attempted to resolve the potential conflicts of draft provisions of the international human rights covenants with the principles of Islamic Shari'a, he claimed that his delegation speaks on behalf of the Muslims of the world, rather than representing the Muslim states:

[A]lthough his government did not claim to speak on behalf of the Muslim world, it was in a position to know the mind of the Muslims. The Holy places of Islam which each year attracted pilgrims from many countries were situated in his country and his delegation was in a favorable position to interpret Muslim opinion on the question (Bossuyt, 357).

Despite the fact that the Iraq aggressive war against Iran had been escalated at that time and also keeping in mind that Saudi Arabia supported Iraq in the aggressive war against Iran, yet the representative of the Islamic Republic of Iran stood firm in supporting the position of Islamic states led by Saudi Arabia in human rights campaign. It seems that the deep political incongruences in regional affairs not only were not an obstacle for Muslim states to cooperate in the area human rights at the United Nations, but the victory of the Islamic revolution of Iran even strengthened the position of Islamic countries in human rights discourse. The Representative of the Islamic Republic of Iran had expressed that the United Nations is a secular organ and secular institutions are not competent to deal with religious affairs (UN Doc. A/C.3/37/SR.56, §53-55). It is worth mentioning that these statements should not be considered as a rare and surprise stance that happened once over the time. Time and

again, on December 7, 1984 Sa'id Rajai Khorasani at the Third Committee of the General Assembly, referring to the statements cited earlier reiterated the official position of his country. He had expressed that certain concepts contained in the Universal Declaration of Human Rights needed to be revised "through sincere dialogue and honest scholarly endeavor" and if the observance of Islamic values requires the violation of human rights standards, Iran will not hesitate to do that:

[C]onventions, declarations and resolutions, or decisions of international organizations which were contrary to Islam had no validity in the Islamic Republic of Iran. (...) The Universal Declaration of Human Rights, which represented a secular understanding of the Judeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions, since it had to choose between violating the divine law of the country and violating secular conventions (UN Doc. A/C.3/39/SR.65, § 91-95; Santoro, A. Michael; Profits and Principles: Global Capitalism and Human Rights in China, 2000, pp. 127-128).

In Fact, The Iranian delegate was aware of the fact that certain provisions of human rights conventions were in contradiction with some Articles of the constitution and in the case of a conflict between the constitution and the provisions of international treaties which have been ratified by the legislature, the conflict will be resolved by giving the upper position to the constitution. Since, Article 9 of the civil code of Iran stipulates that the provisions of the treaties which have been, in accordance with the Constitutional Law, concluded between the Iranian Government and other states, they shall be considered as the law of the country. Therefore, the government of Iran was stuck in a trap that could not easily make a legal scape from it. This is the reason why the Iranian delegate in the above cited quote, expressly declared that if Iran had to choose between violating the divine law of the country and violating secular conventions, would not hesitate to choose the latter.

3. The Emergence of Dichotomy

By the end of Iraq aggressive war, Iran pursued a reservationist approach to human rights discourse in an attempt to cooperate with the outside world. The ratification of Convention on the Rights of the Child in 1991 and initiating the process of the ratification of CEDAW in 1993 were indicative of this paradigm shift. However, it is not always possible to mark off a sharp line in classifying different approaches in

chorological order, thus we will deal with the reservationist approach in the next part of the paper, since as will be exemplified, it was the omnipresent approach with varying magnitude which never left human rights politics in the post-revolutionary Iran.

In 1997, when the reformist government came to power in Iran, the domestic political environment of the country experienced drastic developments and radical changes which were not congruent with previous human rights policies of Iran. When the representatives of Iran to the UN still continued to insist on the rejectionist policy of denouncing human rights standards, on contrary, various state departments and executive agencies of the government avidly adopted contradictory policies for the promotion of human rights principles across the country. Although the Iranian delegate at the UN was criticizing the UN human rights program, certain state agencies in the opposite direction inside the country initiated the process of ratification of the Convention on the Elimination of Discrimination against Women.

Nonetheless, the dichotomy that began to emerge in the executive agencies was not exceptional in the past as there existed precedents of inconsistency in the old regime as well.¹⁷ However, during the reforms era there was not a vigorous contenders such as Ashraf any more in political scene of Iran to steal the human rights agenda from the Ministry of Foreign Affairs and by an eye signal gesture ratify human rights conventions such as SEDAW without a single reservation. Human rights issues nonetheless were not any more under the exclusive jurisdiction of the Ministry of Foreign Affairs. Perhaps, due to disagreements that existed between different executive agencies or because of the lack of consistency in government human rights policies, there were not coordinated actions at national level. While Ministry of Foreign Affairs had pursued to revise the UDHR at the United Nations, Ministry of Science and Higher Education enthusiastically provided the necessary infrastructure to advance human rights standards across the country. These measures even were not limited to the Ministry of Science and Higher Education and therefore many members of the Parliament even had opined that all problems of the country would be resolved if human rights conventions were ratified. In fact, the minister's precise prediction has been once again realized that radical views strayed the work from its logical environment and principled manner (Mirtorabi, 125). Time and again, extremist groups who were unacquainted with the techniques of international law intended to ratify human rights treaties without reservation.

It appears that the government agencies such as Ministry of Foreign Affairs which did not underwent much changes as a result of domestic developments in Iran

persisted on the continuance of previous human rights policies. Iran foreign policy concerning human rights correspondingly continued to pursue the rejectionist approach for outside Iran in opposite direction to policies which have been implemented within the country. For instance, in response to the questions raised by Human Rights Committee, Sirous Nasserri the ambassador of the Islamic Republic of Iran in Geneva on 30 October 1992 stated:

"It should be borne in mind that certain Islamic countries - and by no means the least important - had not subscribed to the Universal Declaration. An even larger number had not yet acceded to the Covenant. There were reasons for that. It was easy to reject the argument that the representatives of Islamic countries had participated in the discussions that had led to the elaboration of the Universal Declaration and the Covenant, for it was clear that at that time the Islamic countries had not carried the political weight they deserved - which was still true at the present time. The Islamic countries had therefore elaborated an Islamic Declaration of Human Rights (UN ICCPR), 1996, Vol. 1, 46th session, 1196th meeting, paras. 55-59).

Moreover, they seized every opportunity to adopt the Declaration of Human Rights in Islam in cooperation with other Muslim states in order to make an escape and to evade from its international obligations resulting from human rights conventions which it had been already ratified. The concerted efforts made by the OIC members ultimately came to fruition and the Declaration of Human Rights in Islam was passed by the Organization of Islamic Cooperation.¹⁸ Also, on March 17, 1998 on the occasion of golden jubilee celebration that was held on the fiftieth anniversary of the Universal Declaration, Seyed Kamal Kharrazi, the then foreign minister of Iran called for a revision of the Universal Declaration (UN Summary record E/CN.4/1998/SR.2, para. 9).

Contrary to the human rights policy of the Shah regime which used human rights project for gaining recognition and prestige, the Islamic Republic of Iran has adopted a dual contradictory strategy by attempting to promote human rights inside the country, while rejecting the same outside. Although Iranian delegates were insisting in the UN that human rights standards are in conflict with the certain provisions of Islamic Sharia and demanding strongly for the revision of UDHR, at the national level the government spared no effort to promote the same standards in Iranian society.

The most noticeable measures of the government for the promotion of human rights were commenced in the Ministry of Science and Higher Education. Human

rights project was so important for the authorities at the Ministry that within a few years resulted in a profound transformation in the advancement of human rights in the country and once again Iran surprised the world in the field of human rights. Despite the insufficient funds to implement the projects in the Ministry of Science and Higher Education, they implemented a variety of projects in the academic and research centers across the country which astonishingly established the necessary infrastructure for the advancement of human rights across the country.¹⁹ In addition, these measures were not limited to academic centers and public universities. Irrespective of the accomplishments that achieved in the public sector from providing human rights education in graduate institutions to human rights courses, private universities also struggled to compete public universities in the human rights race.²⁰

Furthermore, several NGOs were established across the country to promote and protect human rights. The creation of the Islamic Human Rights Commission of Iran was another move which was taken by the Judiciary to function as a national human rights institution. Since the establishment of human rights centers in the graduate institutions, hundreds of students have been graduated and several hundreds of doctoral theses have been developed in the field of human rights which might be a rarity in other parts of the world. The significance of these achievements will be comprehensible only when we compare the level of human rights education with the country at the size of the United States of America. It goes without saying that promoting human rights abroad is among the objectives of the foreign policy of the United States and the Department of State annually produce a country report on human rights situation for all countries of the world except the United States of America. Although there are more than one hundred and fifty Schools of Law at the universities in which human rights professionals are educated and human rights defenders are trained to assume those careers in order to run the human rights factory in the Department of State, human rights education is provided only in twenty Faculties (Symposium on Teaching Human Rights, 13 New York University Journal of International Law and Politics; p. 893.).

The paradoxical policies in the area of human rights both within Iran and abroad were instigated in the opposite directions. Whereas the Islamic Republic of Iran challenged the credibility and legitimacy of UDHR abroad and the official positions neglected the binding obligations resulting from the ratification of the International Covenants on Human Rights, various government agencies seized every opportunity to promote and disseminate the same principles across the country which have been denounced abroad by Iran. Thus, it might sound shocking that several human rights

centers have been established in public and private universities in a very sophisticated process and the public fund have even been allocated to cover the expenses of dozens of experts and administrative staff who were employed at the centers every year in order to promote the very Western values that are blatantly rejected abroad by the Iranian delegates.²¹

National human rights institution

As we already know, during the Shah regime any decision about human rights issues were made within the Political Department in the Ministry of Foreign Affairs. Thus, for a long period of time the human rights section coordinated between the government agencies and international organizations with regard to human rights matters. The human rights section in the Ministry had the competence to respond to the questions raised by treaty bodies such as Human Rights Committee as well as the preparation of national human rights reports. With the establishment of the Iranian Committee for Defending Human Rights in 1978, it assumed the tasks related the dissemination of human rights principles within Iranian society including the education of human rights concepts and principles, research in the field of human rights and promotion, fostering and disseminating of the principles of the Universal Declaration and International Covenants of Human Rights in the society (Majalleh-e Hoquq-e Bashari, 1356, 11). However, since Ashraf was the then General Director of the Committee as well as the head of Iranian delegation at the UN, the Iranian human rights file, both within the country and abroad used to be simultaneously given to her and the Ministry of Foreign Affairs therefore, rarely had the audacity to challenge her prerogative power.

With the victory of Islamic Revolution the decisions concerning human rights matters once again returned to the original channel in the Ministry of Foreign Affairs. The Iranian Committee for the Defense of Human Rights in Iran was in fact a monarchical agency belonged to Ashraf. Thus, the Committee instantly disappeared when its director was dethroned. However, the surprise stance of Iranian delegates at the UN immediately turned human rights issue into a challenge for the foreign policy which eventually placed Iran in a political confrontation with the Western states. Finally, the Ministry of Foreign Affairs in collaboration with scientific and cultural centers tried to lower the level of tension arising from revolutionary positions by holding a series of critical or constructive talks with the Western countries.

The Islamic Human Rights Commission of Iran was established in the winter of 1994. The establishment of the Islamic Human Rights Commission of Iran was an

initiative taken by the judiciary to demonstrate that it was not lagging behind the executive organs in human rights race. Although in the early stages, the Commission was not found to be qualified for the requirements stipulated in the Paris Principles²² regarding the creation of national human rights institutions, but it gradually started to fulfil the essential terms and ultimately the United Nations in a resolution in 1995 welcomed its creation. In addition, the specialized agencies of the United Nations have frequently recognized the Commission as a national human rights institution and in a number of reports recommended to the Iranian authorities to cooperate with the Commission.²³

Time and again, the Judiciary made the next unexpected move which took everyone by surprise. In spite of the fact that the specialized organs of the United Nations have already recognized the Commission as a national human rights institution, in a surprise move the judiciary decided to establish another Human Rights institution in order to investigate the human rights issues in various government agencies. In reality, the tasks regarding human rights were distributed between the Ministry of Foreign Affairs and the High Council for Human Rights.²⁴

With the transfer of the functions regarding human rights to the High Council of Human Rights, human rights section in the Ministry of Foreign Affairs was not any more involved in policy-making in the area of human rights and transformed actually into a correspondence vehicle between international organs and the Human Rights Council. As a result, the Ministry of Foreign Affairs turned its attention to international dimension of human rights and tried to settle the human rights challenge that existed between Iran and the Western states in cooperation with the Organization of Islamic Cooperation. During those years, the authorities in the Ministry of Foreign Affairs were very much optimistic about the OIC initiative which resulted in the adoption of a series of resolutions regarding the prohibition of defamation of religions at the United Nations (Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination, U.N. Doc. E/CN.4/1999/L.40). They were of the opinion that it would be plausible to adopt a Human Rights Convention on the prohibition of defamation of religions through the cooperation with Islamic countries and ultimately the current secular human rights norms would be transformed into religion-friendly norms in a revolutionary fashion (Statement of Mr. Ekmelledin Ihsanoglu, OIC Secretary General, UN Human Rights Council, 4th Sess. (March 12, 2007). The initiative finally settled through the dialogue between Muslim States and the Western delegations.

3. Reservationist Approach

By the end of Iraq aggressive war against Iran in 1987, there was a political shift in Iran foreign policy which tried to broaden the engagement with the outside world. The paradigm shift also resulted in cooperation with Western states on human rights matters and the atmosphere was receptive for dialogue and interaction with international organizations.

Since the Islamic Revolution, Iran had not ratified a single human rights convention and there were voices within the government agencies and from the NGOs calling the ratification of certain human rights conventions in order to show to the world that Iran did not lag behind the other states in human rights race and it was also included in the long list of the states that ratified human rights conventions. Below we will study the process of the ratification of two human rights conventions that were put on the agenda.

Convention on the Rights of the Child

In August 1990, upon the signature of the Convention on the Rights of the Child,²⁵ the representative of the Islamic Republic of Iran entered a general reservation indicating that "The Islamic Republic of Iran is making reservation to the articles and provisions which might be contrary to the Islamic Shari'a and preserves the right to make such particular declaration upon its ratification". In January 1993 the Parliament of Iran passed an Act approving the Convention with a general reservation signifying that any articles and provisions of the convention which might be contrary to national legislation or Islamic Shari'a, would not be binding on the reserving state. However, the Guardian Council in a contentious opinion No. 576 on 24.1.1994 rejected the general reservation of the Parliament and entered specified reservations by affirming that paragraph 1 of article 12, paragraphs 1 and 2 of Article 13, paragraphs 1 and 3 of Article 14, paragraph 2 of Article 15, paragraph 1 of article 16 and paragraph (d) 1 of Article 29 of the convention are contrary to Islamic Shari'a (Mehrpour, 147-148). Nevertheless, on 11 March 1993 when the Convention was approved by the Islamic Consultative Assembly (Majlis), not only did it disregard the specific reservations which were formulated in the contentious opinion of the Guardian Council, but it was substituted with an expanded general reservation. In reality, the Guardian Council which functions as a constitutional court has the right to approve or reject the Act of the Parliament. It seems that the amendments made by the contentious opinion of the Guardian Council in the content of an Act enacted by the Islamic Consultative Assembly (Majlis) are not binding on the Parliament. Thus,

in spite of the fact that the Islamic Consultative Assembly (Majlis) disregarded the amendments suggested in the contentious opinion, the Guardian Council confirmed the Parliament general reservation as follows:

*Convention on the Rights of the Child consisting of a preamble and 54 articles as attached has been ratified and the government of Iran is permitted to accede to it provided that in any event and whenever its content is or will be in contradiction with domestic laws or Islamic Sharia's, the Government of the Islamic Republic of Iran is not obligated to observe it.*²⁶

Finally, at the time of ratification of the CRC the same general reservation was repeated in the following words: "*The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and its national legislation in effect*" (Abiad, 69).

Some European states, in alignment with a habitual practice have expressed their objection to the general reservation of Iran and other Islamic countries. They expressed that general reservations are incompatible with the object and purpose of the Convention. For example, on August 11, 1995 the German government declared that it will apply the same objection that has already been transmitted regarding the reservation made by the Syrian Arab Republic upon ratification of CRC which considers the reservation inadmissible in view of its indefinite nature. Nonetheless, this objection will not prevent from the entry into force of the Convention on the Rights of the Child in relations between the two states.²⁷ Additionally, on 5 September 1995 the Irish delegate also declared that the reservation poses difficulties for the State parties in identifying the provisions of the Convention which the Islamic Republic of Iran does not intent to apply.²⁸ While objecting to the Iranian reservation, Western States have expressed that their objections would not preclude the convention from entry into force between them and reserving state. It is therefore in the common interest of the ratifying States to respect the object and purpose of the treaties they have chosen to ratify.

Surprisingly, not only the Iranian government did not respond to the objections and kept quiet about them, but even some legal scholars within the state apparatus had expressed that Iran cannot maintain the general reservation that has inserted on the Convention on the Rights of the Child and considering the indefinite nature of the reservation, the Committee of the Convention has even the competence to declare it inadmissible. For instance, Mehrpour argued that general reservations are incompatible with the object and purpose of the Convention and hence the

government should withdraw its general reservation and amend it in manner consistent with their international rules in the field (Mehrpour, 147). Accordingly, he expressed that if Iran intends in future to accede to other international human rights conventions such as the Convention on the Elimination of Discrimination of Women, there can be no doubt that the Iranian government must identify the provisions which have been recognized as contrary to the domestic laws of the country or ascertained as incompatible with the Islamic principles. This group of Iranian lawyers believe that the scope of the reservation should meticulously be defined so as the nature and extent of the legal obligations of the state party precisely determined. Therefore, Mehrpour argued that it was more appropriate that the Iranian government apply the same considerations that have already been stipulated by the Guardian Council and specifically define the scope of the obligation of state by specifying the provisions of CRC which are considered to be inconsistent with the Islamic Shari'a (Ibid.).

It is much irony in that even the European states do not agree with the opinion mentioned above. For instance, the United Kingdom in a communication concerning the General Comment No. 24 of the human rights committee expressed that it agrees that the integrity of the Covenant should not be undermined by too extensive reservations formulated by the reserving States, but it would not provide a justification for a different regime to regulate reservations to the human rights treaties.²⁹ The author is of the opinion that we cannot make a distinction regarding the compatibility with the object and purpose of a convention between making a general reservation and making several broad reservations. As a result, the government of Iran is not required to accept the objections and prefers the advisory opinion of the Committee or the opinions that expressed by a third party state over opinion of Iranian legislature that stipulated in the authorizing letter to accede to the Convention.

Convention on the Elimination of Discrimination against Women

The paradigm Shift of the Iranian government about human rights treaties also manifested in the process of accession to the Convention on the Elimination of Discrimination against Women (CEDAW). The ratification process appeared in two stages which both turned into a failed promise. In the first stage, during the early years of 1990s the Ministry of Foreign Affairs agreed to the conditional ratification of the Convention. Upon the signature of the CEDAW the representative of the Islamic Republic of Iran had entered the following the signing of a general reservation:

The government of the Islamic Republic of Iran reserves the right not to apply any of the provision or articles of the Convention that are incompatible with Islamic laws and internal legislations in effect (Zemanek, 4).

Thus, in 1995 the then Minister of Foreign Affairs in a letter addressed to the president recommended the ratification of the CEDAW with a general reservation. The letter also pointed out that so far more than 138 countries already acceded to CEDAW. Furthermore, out of 51 members of the Organization of Islamic Conference 30 member states have ratified the Convention. The request for the accession of Iranian government to CEDAW was sent to the Cultural and Social Council on Women at the Office of the President for deliberation. The Council investigated the CEDAW in several meetings and finally decided that the Convention is in contradiction with Islamic Shari'a. However, in spite of the decision made by the Cultural and Social Council on Women, on 28 June 1996 the Drafting Commission of the Bills agreed with the request of the Ministry of Foreign Affairs in general terms. As the question of ratification of CEDAW has been a source of controversy during the past several years in Iran, the government handed over the request to the Supreme Council of Cultural Revolution in order to make a consensus among the government apparatus. After extensive deliberations in the Council and in a number of academic as well as non-academic institutions, on January 24, 1998 the Supreme Council of the Cultural Revolution rejected the request and it quickly went off the table for a while.

When the reformist government came to power in 1997, the controversy over the ratification of CEDAW resurfaced in 2001 in the political scene of Iran when the reformists dominated the Majlis in 2000 election. Consequently in early 2001, the issue of ratification of the Convention resurfaced by the Center for the Participation of Women at the office of the President Center (the successor of the Cultural and Social Council on Women) took the lead of the campaign in the Cabinet. The government this time handed over a bill to the Islamic Consultative Assembly (Majlis). It was sent to the Cultural Commission for detailed study. The Bill was approved by the Commission and transmitted to the Islamic Consultative Assembly (Majlis) for parliamentary proceeding in March 2001 (Osanloo, 188). However, the controversy among MPs became so intensified that each time the campaigners managed to include the Bill on the agenda, the opposition immediately lobbied to hobble the move (Geramizadegan, 10). The women's rights activists in the Islamic Consultative Assembly (Majlis) eventually succeeded in the ratification of the Bill in spite of the attempts of influential opposition groups who were trying to bring the

controversy into the public debates to stop the Bill in the Islamic Consultative Assembly (Majlis). The Bill for the accession of the Islamic Republic of Iran to CEDWA finally was passed by the Islamic Consultative Assembly (Majlis) in 2002. Yet, as expected, the Guardian Council rejected the Bill as inconsistent with Islamic Shari'a and it was returned to the Islamic Consultative Assembly (Majlis) once again. Despite the rejection of the Bill by the Guardian Council, the Islamic Consultative Assembly (Majlis) insisted on the ratification of the Bill with enthusiasm and it was ultimately transmitted to the "Expediency Council» for decision.

Conclusion

In this paper we have examined various aspects of Iran's human rights policies in different periods of time. Although it is not always possible to draw a demarcation line between various periods as indicated in this paper, I attempted to illustrate the complicated aspects of such classification chronologically in the light of various approaches ranging from absolute receptionism to radical rejectionism. We learned that the Shah regime demonstrated a receptionist policy towards human rights agenda and was able to exploit human rights abroad in order to hide away grave human rights violations inside the country. During the Shah regime, the words went one way, but the sticks and stones flew in the opposite direction as human rights used to be considered a commodity that could be used for export only. On the contrary, in a dramatic reversal policy, the post-revolutionary Iran inverted the approach in the exact opposite direction. It was observed that Iran adopted paradoxical and sometimes conflicting policies in various stages. Surprisingly, neither absolute receptionism of the Shah regime in ratification of human rights treaties, nor radical rejectionism of the post-revolutionary Iran followed a logic-based strategy of national interests. However, the policy-makers must have had their own reasons for adopting such contradictory policies. These reasons are shrouded in mystery and need to be unearthed.

It is noteworthy that the ratification of ICCPR and ICESCR without reservation by the Shah regime overshadowed the legitimacy of the human rights conventions in the legal system of Iran, since certain provisions of the conventions were in contradiction with the very ground norm of the legal system of Islamic Republic of Iran as they were not also compatible with the constitution that was in force at the time of their ratification. Obviously, the Iranian delegation at the UN were not in a position to retrospectively extend the reservationist approach to the conventions that

had been ratified by the Shah regime, therefore, they could not extricate the legal system of Iran from the inconsistent obligations.

The paradigm shift from absolute receptionism to radical rejectionism can be justified on the ground of dramatic political changes in the country. However, there can be no justification for the contradictory policies that were taken in the post-revolutionary Iran. The author believes that this apparent contradiction in human rights policy of the post-revolutionary Iran might be attributed to the historical background of human rights in the Iranian legal system. International lawyers and UN human rights rapporteurs who are not familiar with the context of human rights in Iranian legal system may get confused in explaining the contradictory policies of Iran in the area of human rights. Therefore, if we properly understand the historical background that surround them and appropriately identify the characteristics of the legal system of Iran, many of the challenges, I assume, will be settled.

The author is of the opinion that in spite of apparent paradoxical positions of the Islamic Republic of Iran in various periods that were illustrated in this paper, the reservationist approach was the prevailing policy in the post-revolution era. Even when Iranian delegates at the UN in reactionary stands questioned the legitimacy of human rights standards by revolutionary and political statements, it was still possible to discover the reservationist approach when we scratch below the surface of every of those expressions. It must be borne in mind that Iranian delegates to the UN have frequently acknowledged that human rights standards could not be implemented by Muslim states in the event of contradiction with Islamic Shari'a. When the same expressions are transformed into positive statements in legal terms, it can be stated that all human rights standards would be implemented unless they were in express conflict with national legislation in effect. We noted earlier that within the Iranian legal system, the rank of international treaties are determined in Article 9 of the Civil Code, which stipulates that the provisions of the treaties are classified as the national statutory law. Thus, in the event of conflict between certain treaty provisions and the Constitution, they are permissible to be overruled by the Constitution. This may create challenges for the state to fulfil its international obligations which need to be thoroughly addressed in another study.

Note

1. At the time of adoption of the Universal Declaration of Human Rights in December 1948, ten Islamic countries were among the members of the United Nations. Saudi Arabia, along with the socialist countries abstained. Yemen was absent and other Muslim countries voted in favor of the Universal Declaration. For the purpose of this article, a "Muslim country" is a state which is currently a member of the Organization of Islamic Cooperation. The Muslim countries membership to the United Nations in 1940s indicated as follows: 24 October 1945 Arab Republic of Egypt, 24 October 1945 Islamic Republic of Iran, 24 October 1945 Lebanon, 24 October 1945 Saudi Arabia, 24 October 1945 Syrian Arab Republic, 24 October 1945 Turkey, 21 December 1945 Iraq, 19 November 1946 Islamic State of Afghanistan, 30 September 1947 Pakistan, 30 September 1947 Republic of Yemen. See: Basics facts about the UN", DPI, 2000.
2. Sāzemān-e Ettelā'āt va Amniyat-e Keshvar, Organization of Intelligence and National Security was the secret police, domestic security and intelligence service which was established by regime in collaboration with the Central Intelligence Agency.
3. The International Conference on Human Rights was held from April 22 to May 13, 1968 in accordance with UN General Assembly Resolution 2081 (XX) of December 20, 1965 to celebrate the International Year of Human Rights in 1968.
4. Thant was a Burmese diplomat and the third Secretary-General of the United Nations from 1961 to 1971. He was appointed as acting Secretary-General by the General Assembly when his predecessor Dag Hammarskjöld was killed in a plane crash en route to Congo.
5. On the contrary, some human rights activists were of the view that the conference would encourage the Shah of Iran to allow more freedom in Iran as many students were in jail during those years: Burke, Roland; Decolonization and the Evolution of International Human Rights, PENN, 2010, p. 96.
6. In 1965 Ashraf became chairwoman of the UN Commission on the Status of Women. Two years later she was the Iranian delegate to the UN Economic and Social Council and its Commission on Human Rights and in 1970 she became the chairwoman of the commission: Shawcross, William; The Shah's Last Ride, 1989. P. 189.
7. The Iranian human rights diplomacy at the UN during those years is very much similar to the current human rights diplomacy adopted by Saudi Arabia. Although Saudi Arabia is notorious for its blatant human rights violations (beheading political and religious dissidents and killing indiscriminately the civilians in Yemen etc.), it hosts the Independent Permanent Human Rights Commission (IPHRC) of Organization of Islamic Cooperation. See: http://www.oic-iphrc.org/en/press_details/?id=209 Furthermore, Saudi Arabia was elected by the General Assembly to a 2018-2022 term beginning on 1 January 2017 on the

Commission on the Status of Women, a UN agency founded to promote “gender equality and the empowerment of women. See: <http://www.un.org/press/en/2016/ga11848.doc.htm> Also, Saudi Arabia was elected by the UN for a 3-year term on the Human Rights Council. If this trend continues human rights activists must be prepared to be apprised of the news that the next UN High Commissioner for Human Rights could be appointed from Saudi Arabia.

8. Singular Article: The International Covenant on Economic, Social and Cultural Rights which includes a preamble and 31 articles adopted by the General Assembly of the UN on 16 December 1966 and signed by Iranian delegate on November 4, 1968, is ratified and is permitted to submit the instruments of ratification. The above-mentioned Act including of the Singular Article and the attached text of ICESCR which was already been approved by the House of the Representatives on Tuesday meeting 14 Azar 1351 (5 December 1971) is ratified by the Senate on Wednesday 17 Urdibehesht 1354 (7 may 1975).
9. Singular Article: The International Covenant on Civil and Political Rights which includes a preamble and 53 articles adopted by the General Assembly of the UN on 16 December 1966 and signed by Iranian delegate on April 4, 1968, is ratified and is permitted to submit the instruments of ratification. The above-mentioned Act including of the Singular Article and the attached text of the Covenant which was already been approved by the House of the Representatives on Tuesday meeting 13 Aban 1351 (5 December 1971) is ratified by the Senate on Wednesday 17 Urdibehesht 1354 (7 may 1975).
10. In 1965, she was chair of the Commission on Human Rights, and by the time of the conference, she was probably lobbying for the proposed position of High Commissioner for Human Rights. See: Burke, Roland; Decolonization and the Evolution of International Human Right, op. cit. p. 93.
11. Office of the United Nations High Commissioner for Human Rights Status of Ratifications of the Principal international human rights Treaties As of 09 June 2004..
12. The conventions are Equal Remuneration Convention, 1951 (No. 100), ILO Convention on Forced Labour, 1930 (No. 29), ILO convention on the payment of compensation to an accident (1925) and Convention concerning the Protection of Wages (1949).
13. For the list of the ILO conventions that were ratified by Iran, see: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102800 (Last accessed on 22 June 2017).
14. In accordance with Article 45 of the Law of Treaties, a state cannot invoke the invalidity of a treaty on ground of lack of acquiescence, fraud, corruption or fundamental change of circumstances, if after becoming aware of the facts, the state

expressly agreed that the treaty is valid or by reason of conduct be considered of having acquiesced in the validity of the treaty.

15. For the study of legal grounds of invalidity of a treaty, see also: Verhoeven, Joe; *Invalidity of the Treaties: Anything New in/under the Vienna Conventions*, in: Enzo Cannizzaro and Mahnouch H. Arsanjani; *The Law of Treaties beyond the Vienna Convention*; 2011, pp. 297-302.
16. UN Doc. A/C.3/37/SR.56, §53-55
17. Surprisingly, the Shah of Iran in his opening address to the Tehran conference which was held to celebrate the UNHR, even called for the UDHR to be rewritten. He expressed that ‘while we still revere the principles laid down in the Universal Declaration, it is still nevertheless necessary to adjust them to the requirement of our time’ (22 April, 1968): Burke, Roland; *Decolonization and the Evolution of International Human Rights*, op. cit. p. 93. However, interestingly the regime rushed to ratify both ICCPR and ICESCR while calling the adjustment of the principles of UDHR to the requirement of the time.’
18. Cairo Declaration of Human Rights in Islam; The Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development), held in Cairo, Arab Republic of Egypt, from 9-14 Muharram 1411H (31 July to 5 August 1990), Adopted by the Organization of the Islamic Conference in 1990, reprinted in U. N. Doc. A/Conf. 157/PC/62/Add.18 (1993).
19. The Center for Human Rights Studies was established in 2001 as a research institute affiliated to the Faculty of Law and Political Science of the University of Tehran. The main objective of the Center is to raise awareness and understanding about Human Rights through educational and research activities. The Center provides advice and expertise on Human Rights to Governmental and Non-Governmental Organizations, and cooperates with them in the management of various educational projects. Since the establishment of a Master program in Human Rights at the Faculty of Law and Political Science of the University of Tehran, the Center has also served as an academic information center for students enrolled in this program. The Center conducted a four year cluster project in 1999, titled “Strengthening Capacities for Human Rights Training and Research in Iran”, a joint project between Islamic Republic of Iran and the United Nations Development Program (UNDP). Furthermore, UNDP initiated another five year project titled “National Capacity Building for the Promotion and Protection of Human Rights for Greater Access to Justice”, with the collaboration of seven national partners in which the Center acted as the lead agency. For more information, see: <http://ut.ac.ir/en/page/547/about-the-center> (last accessed: 10/05/2017).
20. The UNESCO Chair for Human Rights, Peace and Democracy was formally established in the Faculty of Law at Shahid Beheshti University in spring 2001, following a Memorandum of Understanding signed between UNESCO and SBU. This chair is the sole chair for Human Rights, Peace and Democracy in the Persian

Gulf Region. The establishment of this chair provided the grounds for the formation of the center for Human Rights, Peace and Democracy, and interdisciplinary studies in the SBU Faculty of Law. For more detail, see:

<http://en.sbu.ac.ir/Faculties/Law/Pages/UNESCO-Chair-for-Human-Rights.aspx>
(last accessed: 10/05/2017).

21. For instance, the Center for Human Rights Studies at Mofid University was established in spring 2003 to coordinate and organize different academic activities of Mofid University in the field of human rights. The main mission of the Center is to conduct and commission research activities in human rights with an interdisciplinary approach, and also carry out comparative studies on human rights according to different religions and cultures. For detail, see: <http://www.mofidu.ac.ir/HomePage.aspx?TabID=3968&Site=chrs.mofidu&Lang=en-US> (last accessed: 10/05/2017).
22. Principles relating to the Status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134 of 20 December 1993 available at (last accessed: 10/06/2017): <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>
23. For more information, visit the website of the Commission (last accessed: 10/06/2017): <http://www.ihrc.ir>
24. For more detail , see (last accessed: 10/06/2017): <http://www.humanrights-iran.ir/default.aspx>
25. Convention on the Rights of the Child Convention on the Rights of the Child, 05 Sep 1991 13 Jul 1994, UN human Rights, Office of High Commissioner, available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=81&Lang=EN
26. According to Article 125 of the constitution, the President or his legal representative has the authority to sign treaties, protocols, contracts, and agreements concluded by the Iranian government with other governments, as well as agreements pertaining to international organizations, after obtaining the approval of the Islamic Consultative Assembly. Article 4 also provided for a repugnancy clause indicating that the Guardian Council ensures that all articles of the Constitution as well other laws are based on Islamic criteria.
27. With regard to the reservation made by the Syrian Arab Republic upon ratification: This reservation, owing to its indefinite nature, does not meet the requirements of international law. The Government of the Federal Republic of Germany therefore objects to the reservation made by the Syrian Arab Republic. This objection shall not preclude the entry into force of the Convention as between the Syrian Arab Republic and the Federal Republic of Germany. See: http://www.bayefsky.com/html/iran_t2_crc.php

28. The reservation poses difficulties for the State parties to the Convention in identifying the provisions of the Convention which the Islamic Government of Iran does not intend to apply and consequently makes it difficult for State Parties to the Convention to determine the extent of their treaty relations with the reserving State. See also: Gardner, J. p. (ed.) 'Human Rights as General Norm and a State's Right to Opt out: Reservations and Objections to Human Rights Conventions' London, 1997.
29. The communication states that: "The United Kingdom shares the Committee's concern that the integrity of the Covenant's treaty regime should not be undermined by too extensive a practice of reservations formulated by States on becoming Party to them. The United Kingdom agrees also that individual reservations may on occasion be so widely drawn as to cast doubt on whether their maintenance is compatible with being Party to the Covenant. Regrettable though it may be, such situation is not materially different from that obtaining in other areas of international relations, and would not provide a justification for a different legal regime to regulate reservations to human rights treaties". Observations by the Governments of the United States and the United Kingdom on Human Rights Committee General Comment No. 24 (52) available at: <http://www.iilj.org/wp-content/uploads/2016/08/US-and-UK-Responses-to-the-General-Comment.pdf>

References

- Bindreiter, Uta; *Why Grundnorm?: A Treatise on the Implications of Kelsen's Doctrine*, Kluwer Law International, 2002.
- Bossuyt, Marc J., *Guide to the "Travaux Préparatoires" of the International Covenant on civil and Political Rights*, (1987) p.357.
- Brown; Chris, *Universal Human Rights: A Critique*, Vol.1, No.2, *The International Journal of Human Rights*, 1997.
- Burke, Roland; *Decolonization and the Evolution of International Human Rights*, PENN, 2010, p. 96.
- Forsythe, David P.; *Human Rights and Foreign Policy*; *International Journal*, Vol. LIII No.1/winter, 1997-98., 131-130.
- Gardner, J. p. (ed.) 'Human Rights as General Norm and a State's Right to Opt out: Reservations and Objections to Human Rights Conventions'.
- Ginsburg, Tom and Simpser, Alberto (ed.); *Constitutions in Authoritarian Regimes*, Cambridge, 2014, p. 170.
- Hampson, Françoise; *Reservations to Human Rights Treaties*; Working Paper submitted in accordance with the Sub-Commission decision 2002/17, Sub-Commission on the Promotion and Protection of Human Rights (2002), E/CN.4/Sub.2/2002/34.

- Majalleh-e Hoquq-e Bashar, 1356, 11
- Mehrpour, Hossein; Nezam-e Bainulmelali-e Hoquq-e Bashar, 1377, pp. 147-148.
- Mirtorabi, Sayyed Sa'id; Regime-e Shah va Sazemanhaye Hoquq-e Bashar (1379) p. 71.
- Osanloo, Arzoo; The Politics of Women's Rights in Iran, Princeton University Press (2009) p. 188
- Pollis, Adamantia; Toward a New Universality; Reconstruction and Dialogue; Vol. 16, No.1, Netherlands Quarterly of Human Rights, 1998.
- Reinalda, Bob; Routledge History of International Organizations: From 1815 to the Present Day; 2009. P. 527.
- Santoro, Michael; Profits and Principles: Global Capitalism and Human Rights in China, Cornell University Press, 2000, pp. 127-128.
- Schechter, Michael G. Global Institutions; United Nations Global Conferences, Routledge (2005), Chapter 2: Setting the Pattern, 1968-1972.
- Schechter, Michael G. Global Institutions; United Nations Global Conferences, Routledge (2005), Chapter 2: Setting the Pattern, 1968-1972.
- Senarclens, pierre de; The Politics of Human Rights in: 'The Globalization of Human Rights' United Nations University Press, 2003, pp.141-142.
- Shawcross, William; The Shah's Last Ride, 1989. P. 189.
- Sinclair, Ian McTaggart; The Vienna Convention on the Law of Treaties, 1973.
- Symposium on Teaching Human Rights, 13 New York University Journal of International Law and Politics; p. 893.
- The Persian Journal of the Iranian Committee for Defending Human Rights: Majalleh-e Hoquq-e Bashar, 1356, p. 11.
- Tom and Simpson, Alberto (ed.); Constitutions in Authoritarian Regimes, Cambridge, 2014, p. 170.
- Verhoeven, Joe; Invalidity of the Treaties: Anything New in/under the Vienna Conventions, in: Enzo Cannizzaro and Mahnouch H. Arsanjani; The Law of Treaties beyond the Vienna Convention; 2011, pp. 297-302.
- Walkate, J. A. The Right of Every One to Change His Religion or Belief, Netherlands International Law Review, 1983, p.150.
- Year Book of the United Nations 1981, Vol.35, Department of Public Information, United Nations, New York, p.880.
- Zemanek, Karl; New Trends in the Enforcement of Erga Omnes Obligations; Vol.4, Max Planck Year Book of International Law, 2000.

Documents and International Instruments

- 1) 1925 Convention concerning Workmen's Compensation for Accidents
 - 2) 1930 Convention on Forced Labour,
 - 3) 1949 Convention concerning the Protection of Wages.
 - 4) 1951 Convention on Equal Enumeration,
 - 5) A/C.3/37/SR.56, §53-55)] (1982).
 - 6) A/C.3/39/SR.65, § 91-95)] (1984).
 - 7) Cairo Declaration of Human Rights in Islam; The Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development), held in Cairo, Arab Republic of Egypt, from 9-14 Muharram 1411H (31 July to 5 August 1990), Adopted by the Organization of the Islamic Conference in 1990, reprinted in U. N. Doc. A/Conf. 157/PC/62/Add.18 (1993).
 - 8) Convention on the Elimination of All Forms of Discrimination Against Women, adopted 18 Dec. 1979, G.A. Res. 34/180, U.N. GAOR 34th Sess., Supp. No. 46, U.N. Doc. A/34/36 (1980) (entered into force 3 Sept. 1981), reprinted in 19 I.L.M. 33 (1980).
 - 9) Convention on the Rights of the Child Convention on the Rights of the Child, 05 Sep 1991 13 Jul 1994, UN human Rights, Office of High Commissioner, available at:
 - 10) Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. res. 36/55, 36 U.N. GAOR Supp. (No. 51) at 171, U.N. Doc. A/36/684 (1981).
 - 11) Doc. Ministry of Foreign Affairs, file no: 333/2996 dated 1355/4/30
http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=81&Lang=EN
 - 12) Office of the United Nations High Commissioner for Human Rights Status of Ratifications of the Principal international human rights Treaties As of 09 June 2004.
 - 13) Official Records of the General Assembly, 15th session , 1960, Third Committee 1026th Meeting, at: 26.
 - 14) Official Records of the Human Rights Committee 1992-93, CCPR/12 (International Covenant on Civil and Political Rights), New York/Geneva: UN (ICCPR), 1996, Volume I, 46th session, 1196th meeting, paras. 55-59.
 - 15) Statement of Mr. Ekmelledin Ihsanoglu, OIC Secretary General, UN Human Rights Council, 4th Sess. (March 12, 2007); First OIC Observatory Report on Islamophobia, May 2007-March 2008, Org. of the Islamic Conference, p.8 (March 2008).
 - 16) U.N. Doc. A/C.3/39/SR.65, 95(1984).
 - 17) U.N. Econ. & Soc. Council [ESOSOC], Comm'n on Human Rights, Draft Res.: Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination, U.N. Doc. E/CN.4/1999/L.40 (April 20, 1999).
 - 18) UN summary record E/CN.4/1998/SR.2, para.9.
- Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. GAOR Res. 71, U.N.Doc. A18 10 (1948).

Muslims in Public Spaces: ***Resistances and Counter-Resistances***

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Abstract

Sexual democracy is the inclusion of citizens in the modern state based on their performance of gender norms established by those in power. This article explores sexual democracy in the context of Muslim populations the United States and Western Europe. As the author argues, efforts to control Muslim bodies, including strict ideas about sartorial choices, play an important role in the discourse about Islam and the West. Muslims are often pressured to adopt styles of dress that are deemed “secular” and appropriately “modern,” actions that call into question the freedoms often associated with secular democracies.

Key Words: Hijab, veiling, sexual democracy, modernity, public space

Introduction

The popularity of the anti-hijab and anti-minaret (and mosque) campaigns in North America and Europe highlights the currency of Islamic symbols in the meta-narrative of modernity. The hijab and minaret are ‘contested signifiers,’ connected to differing opinions on gender, but also political ideology and nationalism (Dwyer 2008: 142). Whatever assimilation issues Muslims might have, the ability of non-Muslims to be tolerant of those who do not dress, pray, or talk like them is a serious problem. This chapter examines this problem and asks why we cannot accept people as they are. As we shall see, the answer to this question is wrapped up in narratives of whiteness and nationalism, gender, and colonial power that exclude Muslims from modernity by

insisting they are incapable of making their own decisions and thus must have their agency controlled by the modern state.

To focus on these issues, I examine the most powerful symbol of the perceived Muslim violation of public space—the hijab. In this analysis, I am attentive to the ways in which various parties—Islamists, liberals, Western feminists, and others—attempt to control Muslim female agency. Despite the overwhelming power of these forces and their campaigns to control women’s bodies, I suggest that Muslim women, through the acts of veiling, unveiling, and other forms of protest and agency, challenge colonial subjectivity, Islamist misogyny, and Western feminism.

Islamic architecture also deserves some attention. Islamic religious architecture symbolizes Islamic political power and, by extension, masculinity. Resistance to the construction of mosques and minarets is present in both Europe and America. While the Muslim veil violates secular values, the mosque and minaret present a more complex problem, rooted in anxieties surrounding Islam and power. Religious architecture has often been an expression of imperial power. The evidence is written on maps and buildings—a mosque might be replaced by a church or vice versa. Today, efforts to control public space are represented in campaigns to keep mosques and minarets off the streets of some parts of Europe and the United States.

In this chapter, I explore how Western notions of “correct” public space and gender performance are used to argue that Muslims are anti-modern and violate national identity through their allegiance to public expressions of Islam, which include sartorial choices. Sexual democracy conceptualizes membership in the modern state along gender lines. It insists that one’s body permits or excludes an individual from citizenship in the world and it is often deployed against Muslims. The Muslim female body is the operative symbol at the center of the discourse on sexual democracy. As Judith Butler argues, gender is coerced—the body is a “cultural situation” determined by power structures in force, especially white heteronormativity (Butler 2004: 29). Islam challenges these structures through bodies that will not conform and refuse to be colonized. *Muhajabat* (females who wear the *hijab*) demonstrate a direct challenge to this colonization. Muslim bodies are interruptions to modernity, a reality that is partially constructed around a social imagination regarding public space. To a lesser degree, Islamic architecture also poses this threat.

From a Western perspective, Islam’s identity is defined by numerous social and political forces ranging from Orientalism to Islamism. My focus in this chapter is on the limits imposed on Muslims by the coercive forces of modernity, particularly some

of the efforts made to constrain Muslim bodies, and argue that despite the various efforts to limit or erase personal agency, there is ample evidence of personal freedom that takes many forms, including artistic expression and political activism. The chapter concludes with examples of Muslim agency from Islamic and Western societies to demonstrate the individual's power to define his or her identity and life.

Islam and Public Space

In recent years, scholars have documented a growing anxiety about Islam in Europe and the United States, seen in news channels like FOX News describing fictitious Islamic mini-states in Britain ("no-go" Muslim zones); Internet sites warning of the "spread" of *shari'ah*; political campaigns, including the 2008 U.S. Presidential election in which candidate Barack Obama was accused of being a closeted Muslim (and a Kenyan communist); and in legal battles restricting Muslim dress and worship. All these anxieties revolve around one central idea—that Muslims don't belong in the same space as Europeans, Americans, and other moderns.

Islam is often contrasted with the West, which is described as secular and modern. The West's secular identity is, however, embedded in a Christian history that is linked to colonialism, Orientalism, and empire. Neoliberalism, which has been closely linked with Islamophobia, is one symptom of this matrix of relationships. Numerous links between modernity, secularism, and Western identity exist. For example, a strong resemblance between a dominant strain of Christianity and modern capitalism emerges (Cox 1999: 2-22). Even the so-called "tolerance" that is attached to secularism (an association surrounded by much debate) is a product of Christian history (Coffey 2011: 19).

The critiques against Islam rely on an exclusionary system in which one can be an individual as long as he or she adheres to the style mandated by liberalism. Liberalism is defined as

a doctrine founded on the individual as the basic unit of social organization and the main bearer of rights, on the equal treatment of all individuals irrespective of their particular characteristics, on the universal applicability of liberal rights, and on the need to limit state power over the individual (Hansen 2011: 881).

Ironically, Muslims are the exception to the rule, in some cases forced to follow a state-mandated dress code (France) or restricted from building types of places of worship (Switzerland). In the United States, efforts to restrict Muslims are less

successful (and usually remedied by the courts), but Muslims are tolerated rather than accepted as equal partners in a modern world.

Public space is an arena in which these tensions show themselves. The discomfort surrounding a public Islam suggests an aversion to the public performance and visibility of Muslim bodies—it is a rejection of religious signifiers that violate modern liberal sensibilities about what appropriate religion looks like. Such an outlook is rooted in the religious history of Europe and the United States. Protestantism is the standard, the appropriate measure by which all other religious systems are judged, reflected in attitudes toward Catholicism’s “superstition, magic, worship of the dead” and Islam’s own oddities (Chidester 1996: 114). In part because modernity structures space in a culturally and historically determined manner (constructed on a Reformation standard) that does not accord with Muslim sensibilities, public displays of Islam annoy Western sensibilities.

These problems are exacerbated by the fact that modernity is not a choice, but a coercive condition (Scott 2004: 19). Muslims must live in modernity. Discussions of Islam and modernity are framed in a way that excludes dissent or difference, which is why Islamic articulations of modernity and secularism are rejected. Muslims often offer their own nuanced visions of modernity, even if they fall on deaf ears. As Tariq Ramadan explains, “The will to remain faithful to a religious tradition, to values, and to ethics at the heart of modern times, certainly does not mean refusing to live in accord with one’s time” (Ramadan 2009: 146). Different articulations of modernity, what Ramadan describes as neither “resisting modernity” nor embracing it uncritically, present a problem to the “go along or get out” mentality that prevails in so much of the discourse about modern conditions (Ramadan 2009: 146). There is an edge of intolerance that reveals itself in these debates in which any deviation from Western “values” is disqualified as being “anti-modern” or a representing bad citizenship.

In order to examine the problems in these one-sided conversations about Islam and modernity, it is important to understand the way in which Islam and Muslims are constructed in the West. Popular discourse presents Islam as the cousin who never grew up—the antithesis to modernity, secularism, and progress. Muslim females are seen as oppressed and Muslim men as their oppressors. Islam holds Muslims in a bind, making them unable to grow up or “progress,” a view embedded in the myth of progress so popular today. Situated in a very narrow view of modernity that defines it in terms of Western liberalism, capitalism, and the most extreme forms of secularism, Muslims, even those who live in Europe and North American, are

categorized as “non-Western.” Religious accouterments like the veil and minaret represent an affront to this vision of modernity, which rests on the assumption that Muslims live in a different time and denies them historical progress. According to this logic, people in the West such as white North Americans and Europeans live in the present, moving ahead at a constant speed, while Muslims are stuck in another time.

Once other cultures are fenced off as culture gardens or, in the terminology of sociological jargon, as boundary-maintaining systems based on shared values; once each culture is perceived as living its Time, it becomes possible and indeed necessary to elevate the interstices between cultures to a methodological status (Fabian 2002: 47).

The denial of coeval time is a central part of the discourse about Islam that insists Muslims do not fit into modernity and excludes them from public space. It is based in a racial logic that is antiquated yet remains popular. Everyone lives in the same time, but as Johannes Fabian has demonstrated, it is politically expedient to insist otherwise. “It takes imagination and courage to picture what would happen to the West (and to anthropology) if its temporal fortress were suddenly invaded by the Time of the Other” (Fabian 2002: 35).

The West often casts Muslims as poor social actors (or “citizens”), a view based on the idea that a pan-Islamic culture dominates Muslim thinking and stymies their participation in civil society. While it is true that some European Muslims have challenges integrating into society, what Tariq Ramadan calls “in the west but outside the west,” this is the consequence of a myriad of issues from racist governmental policies to self-ghettoization, and is not a pan-Islamic identity (Ramadan 2004: 106). Assimilation issues are complex, rooted in history, identity politics, and social policy, which is one reason Muslims in the United States have a very different situation than French, British, or Swedish Muslims. If assimilation were purely a problem of the Muslim condition, then the ghettoized Muslims seen in the northeast suburbs of Paris would be found everywhere.

Along with the modern state and the marketplace, the public sphere is a component of the “social imaginary of modernity” (Lee and LiPuma 2002: 194). Muslim bodies violate the idea of a secular public sphere. Charles Taylor defines modernity as

that historically unprecedented amalgam of new practices and institutional forms (science, technology, industrial production, urbanization), of new ways of living (individualism, secularization, instrumental rationality), and of new forms of malaise (alienation, meaninglessness, a sense of impending social dissolution) (Taylor 2002: 91).

As he states, this is a completely Western version of modernity, “inseparable” from the social imaginary (Taylor 2002: 91). The public sphere that is so central to this vision is an intentionally constructed space—it is its own social imaginary (Taylor 2002: 91). It is built by the West and does not tolerate difference. The spatialized language seen in discourse about Islam focuses on culturally significant objects attached to a family of symbolic meanings in an effort to exclude Muslims from the public space. Muslim bodies are particularly challenging because they complicate the notion that feminism and agency are located in the “liberation” or display of the body.

Public space, which often excludes Muslims from its boundaries, is an important part of the social imaginary about modernity. As Xing Li explains, “The questions of religion and state have to do with institutions and the spheres of activities that are appropriate for each. This is what is often claimed to be the modernity of the West—the separation between Church and state” (Li 2002: 409). However, as scholars of secularism have shown, public space does not reflect the realities of the world, but rather the social imagination of the West about itself.

In recent decades, American cinema has examined the social imagination in suburbia films like *Pleasantville* (1998), where the constructed world of white modernity (even when it is “retro” and placed in the 1950s) serves as a simulacrum of the social imagination. This is the world we want to live in but that doesn’t exist. As the creator of *The Truman Show* says while Truman steps on the liminal edge between the imaginary and reality, “I am the creator of a show that gives hope and joy to millions” (Dickinson 2006: 2004). In a darker version of the suburbia genre, *Edward Scissorhands* represents the monster that interrupts tranquility, normalcy, and heteronormativity. When he returns to his isolated castle modernity is safe once again.

Gendered norms are directly linked to racial ideologies. In the United States, masculinity and heteronormativity are linked to racial politics. In Europe, discussions about Islam are often linked to gender and nationhood. Without making sweeping claims that essentialize Europeans, it is a fact that numerous European states have issues with their Muslim populations. France, due to the visibility of Muslims and the

attention on the hijab debate, has become a kind of symbol of Europe's "Muslim problem." Of course, Europe is not a singular entity. The "Blue-and-Yellow-Islam" practiced by some Muslims in Sweden, for example, is radically different from the more stringent and orthodox style of Islam adopted by French North Africans in the ghettos on the outskirts of Paris (Olson 2009: 284-5).

Sexual democracy, the validation of citizenship and belonging through religion and race, is enforced in both Europe and the United States. As Gail Bederman argues, "linking whiteness to male power is nothing new. White Americans had long associated powerful manhood with white supremacy" (Bederman 1995: 20). In Europe, the associations with race and nationhood are present despite claims to secularism as seen in citizenship laws, restrictions on Muslim dress, and other symptoms of sexual democracy. Sexual democracy is embedded in a cultural system of white, Christian nationhood. In Europe's case, there is a tension between claiming a secular identity and a Christian one, although both seem to be linked to European ethnogenesis—an identity based on European origins. As Olivier Roy points out, this is rather ironic given the identity struggles Europe has: "Islam is the negative identity of a Europe that is unable to forge a common—much less positive—identity for itself" (Roy 2013: 12).

Sexual democracy is one way the modern secular state differentiates itself from Islamic states. It is what characterizes a proper "national identity" through values like "sexual liberty and equality" that identify the female body as an object of contention, the thing that pre-moderns (Muslims) and moderns (Americans, French, and other white moderns) fight over (Fassin 2010: 512). By doing this, liberals, including French government officials, American feminists, and others, utilize and exploit the Muslim body, aligning themselves with those they claim to be liberating those bodies from.

For Muslims living in the West, differing constructions of Muslim femininity may compete. These tensions are often seen in the public sphere. Gender is performed, constructed, and controlled by social forces defined by masculinity and heterosexuality. As Judith Butler argues, "Masculine disembodiment is only possible on the condition that women occupy their bodies as their essential and enslaving identities" (Butler 2004: 28). In other words, women are defined vis-à-vis masculinity. This is true in both Muslim-majority and -minority states. In the West, Muslim women often fail to conform to notions of femininity and liberation situated in liberalism, Western feminism, and Euro-American culture. To choose a different way of being is radical. The act of wearing the veil then becomes a radical act. It

denies the objectification, sexualization, and commodification of the female body on which Western society rests. Islam also violates the norms of religion in modernity, which is supposed to be privatized, not publically displayed.

The veil functions in a Western system of symbols that signifies difference. This simple piece of cloth is attached to a number of meanings, many of them contradictory—including power, agency, submission, oppression, sexuality, desire, colonialism, and Islamism. It is often identified as an obstacle to patriotism and citizenship. Some Muslims even view it as a barrier to assimilation. In Poland, Muslims have described the hijab as a symbol of the “Arab zeal of the immigrants” (Gorak-Sosnowska 2013: 99).

Muslim bodies function as trophies in the imaginary battle between East and West. Consider the rhetoric surrounding the veil in France, in which the female body is understood as the object through which liberal, secular values can be achieved. The relegation of French Muslim females to this level—as subjugated bodies—erases their agency, but it also suggests that French women who are not Muslim are completely free, something exemplified in sexual liberty. In one case, a female politician removed her jacket and bared her shoulders as a proclamation of her feminist commitment (Tissot 2011: 45).

For many in the West, Islam is the racialized identity that defines this difference. As Jasbir Puar explains,

“The Muslim,” summarily dismissed from its place as one subject of multiculturalism, is an emergent, incipient Race, the Muslim Race. The ascendancy (rising up, evolutionary dominance) of whiteness is complemented and supplemented by the manufacture of Muslim as race (Puar 2007: 160-1).

The veil is a symbol that is not only gendered but also racialized. This is why white Muslims, either those of European descent or recent converts, are seldom shown wearing the veil. As we shall see, these presentations are directly involved with ideas of race, nationalism, and identity.

Race and National Identity

The identification of national identity with whiteness helps to explain why Muslims are typically represented as foreign (non-white) interlopers, even if their community has been entrenched in Europe or North America for long periods of time. The idea

that Islam is a foreign culture is dominant, influenced by Orientalism's view that the Orient (East/Islam) is the opposite of the Occident (West/Christianity). Such a bifurcation doesn't work in a globalized world with amorphous borders, transient communities, and transnational political movements—all aided by an emerging digital media and other developing technologies.

While Muslim immigrant populations have grown in size over the past century, a trend not dissimilar from immigration patterns at large, Islam has had a presence in Europe and North America for much longer. Europe and North America have very different Islamic histories. France, for example, has a population of Muslims who are immigrants from former French colonies in North Africa. The United States has a diverse population of Muslims, the majority of whom are African-American, followed by various immigrant communities from all over the globe. Despite the historical presence of these communities, objects like the veil and minaret are treated as foreign symbols and incursions into Western space.

The exclusion of Muslims from public space follows the same logic as Islamists who insist on a bifurcation of the world into *dar al Islam* (the abode of Islam) and *dar al harb* (the abode of war, or non-Muslim territory). In reality, there is no “here” or “there”; rather, Muslims live all over the world, not within a few distinct borders.

This exclusion relies on a vision of public space that is particular to Christian sensibilities, “Unlike Christianity, Islam has never limited itself to the realm of personal faith and private life. Rather, it was concerned with politics and governance from the very beginning in seeking a just society and political order” (Li 2002: 410). One of the legacies of the colonial era, which saw the development of fields like Orientalism and anthropology, is the compartmentalization of knowledge and experience. For many Christians in the West, religion is something to be experienced on Sundays and holidays, not in one's everyday life—it is interiorized. As Talal Asad reminds us, “It is preeminently the Christian church that has occupied itself with identifying, cultivating, and testing belief as a verbalizable inner condition of true religion” (Asad 1993: 48).

Holding that Muslims are a recent arrival in the West denies history. In Europe, Muslims have had a presence since the medieval period. Some of the oldest and largest Muslim communities in Europe are located in former Ottoman territories such as the Balkans (dating to 1463) (Donia and Fine 1994: 34). Further west, Muslims have also maintained a long presence. In Britain, for example, Muslims have been present since as early as the eighth century as settlers, traders, and merchants. As one example, “Selbach mac Fherchair Fota, High King of Dal Riada in the early 700s (a

territory encompassing parts of northern Ireland and western Scotland) was a Muslim, as were a number of his subjects” (Hellyer 2007: 226-7). In another case, we have the Ballycotin cross, which had an Arabic inscription on it (Hellyer 2007: 227). In later centuries, Britain saw a steady influx of traders, merchants, prisoners, and others, followed by colonial subjects and more recently, people from former British colonies. The more recent immigration trend in Europe is largely a consequence of colonization, where the formerly colonized peoples (“postcolonial immigrants”) of Africa, the Middle East, and other regions have immigrated to Europe in large numbers. In Europe, Muslim immigrants constitute a doubly racialized category of the unwanted—first as Muslims, secondly as a “suspect race” based on the idea of immigrant otherness (a category in itself) (Silverstein 2005: 366).

In the United States, Islam is constructed as a foreign religion despite the fact that the earliest large community of Muslims and the current largest group of Muslims is African-American. Most Americans are unaware of this history, which is not surprising given the media’s continued focus on immigrant Muslims and complete refusal to highlight African-American Muslims. Except for popular icons like Malcolm X and Muhammad Ali, most Americans would be hard pressed to name an African-American Muslim, let alone renowned scholars and activists like Amina Wadud, Sherman Jackson, or Zaid Shakir. In an interesting twist, the conflation of “immigrant” and “black” Muslim came together in the 2008 election, when Barack Obama was labeled a foreign, subversive, communist Muslim, a complicated set of false associations that were situated in his blackness and his Muslim name. Obama’s “transnational American blackness” challenges the notion of a white America that is so central to American identity (Giardina 2010: 151).

Long before movements like the NOI (Nation of Islam), the United States had Muslim African-American communities. The first African Muslim known to have visited the Americas was Estevan, a Moroccan guide who arrived in Florida in 1527 (Chande 2008: 222). There is an absence of a Muslim record in the Americas until the antebellum period, although there is ample evidence of Africans who served in conquistador armies in the early sixteenth century and onward (Restall 2000: 173). Africans who were kidnapped and enslaved in the eighteenth and nineteenth centuries included Muslims, a lost history that is now only beginning to be uncovered. In South America, scholars have identified maroon communities, some of them like Palmares, that were quite significant in size (Rashid 1999: 353). In North America, Muslim slaves were recorded as performing salat, at times with the consent of slave owners (Gomez 1994: 692). In some cases, a Muslim identity was obscured by

circumstances, such as in the case of Umar ibn Said, a famous Muslim former slave of the nineteenth century. When he was jailed as a fugitive slave in Fayetteville, he scrawled Arabic prayers on the jail wall, after which the jailer encouraged him to write more—it was only later that his writings were identified as Arabic (Parramore 2000: 135). In the following decades numerous Muslim communities emerged, ranging from the Moorish Science Temple movement established by Noble Drew Ali (who died in 1929) to the building of the United State’s first mosque in Cedar Rapids in 1934 (Parramore 2000: 135). Over the past century, Muslims have also immigrated to the United States, although these groups are significantly smaller than indigenous Muslims of African descent.

Why is Islam placed in these zones of otherness? In modernity, time is used to construct geographies of space—secular “regular” time and “religious” time. For Muslims, private and public spheres may both be considered sacred, something that presents itself sartorially.

The public and private spheres of Islam are not considered two separate realms, but instead there is a flexibility that fosters the creation of a sacred space around oneself in the public sphere. By wearing the veil, a woman’s bodily space is marked as specifically Muslim and sacred, even in public spaces (Siraj 2011: 720).

For this reason, the hijab is the primary focus in debates surrounding Islam and modernity. Modern Islam is “ambiguity—or rather, modernity with a difference” (Ammann 2002: 278). Hegemonic systems of power don’t like difference, even if it is located in a small piece of cloth.

The Veil

Liberals, feminists, and others seem to have a fixation on the Muslim female. In part, this is a product of the commodification and exploitation of girls and women in general, something that is seen in bras for pre-pubescent girls, the pornography business, and other forms of sexual exploitation. Western feminism is situated in bodily liberation. Orientalism’s focus on the exotic and erotic still has a strong hold on the Western imagination. Muslim women are commonly described as oppressed and subjugated, denying them agency due to their dress, even when it is their choice to veil. Legal battles over Muslim women’s dress are often cast as a matter of Islam versus freedom, when it is often an outsider— a school administrator, an employer,

or the state—attempting to control a woman’s body against her will, effectively curtailing her personal liberty.

The Muslim woman is the dominant symbol in the Islam/modernity debate, typically identified as the icon of “Islamic cultural difference” (Chin 2010: 558). According to Western liberalism, contact with non-Muslims in the form of cultural assimilation (removing the veil) or religious conversion (becoming Christian) can free women from their subjugated position and lead them to achieve broader egalitarian gender relations (Chin 2010: 567-8). This argument closely resembles Medieval and early modern narratives about Muslims converting to Christianity, in which their bodies would miraculously become white, or in less dramatic cases, when their lives would simply improve. The notion of “saving” Muslim woman is apparent in many places, including the 2009 Dutch law that proposes prison sentences for men who “force” women to wear burqa/niqab (Chin 2010: 567-8). Such laws are also a reaction to the decline of Christianity alongside a revival of Islam—something that has created somewhat of an identity crisis for Europeans who claim “Islam” violates a “European” identity that they insist is not Christian, but secular and liberative (Doyle 2011: 485).

Western feminism insists that Muslim women are only granted agency if they make certain choices—choices that fit into a particular notion of modernity. In the case of France, this position has been taken so far that the bodies of Muslim females are controlled by the state, which insists it is offering the women a choice—of Islam or the republic of France (Chin 2010: 579). The female body functions as the dominant symbol in conversations about Islam and modernity, demonstrating that girls and women are used as symbols in political debates, something that has been in place for centuries. The Oriental woman is “an occasion and an opportunity” for the West, which has made her a contested object, now a focus of Islamists and other colonial reactionaries (Said 1978: 187).

Both Islamists and Western liberals use the hijab in their political programs. This piece of clothing functions as both a symbol of Islamic piety and oppression, depending on one’s point of view. According to some traditionalist Muslims, veiling is necessary because men cannot control their libido, thus women must wear hijab to counter the lack of control exhibited by their male counterparts. According to this point of view, “a woman’s entire body is imbued with sexuality: bodily movements and the style, shape and colour of female clothing have the potency to instigate male sexual arousal” (Siraj 2011: 717). This position not only makes females responsible

for male behavior, it strips agency from both genders—one has no control over his actions and the other has no sexual agency of her own.

Not all Muslims maintain this line of reasoning, however. Arab reformists like Qasim Amin, Taher Al-Haddad, and Habib Bourguiba have suggested the veil is a sign of patriarchy and Islamic inferiority (Haddad 2007: 257). In their view, the insistence that Muslim women remove the veil is just another example of men legislating women's bodies. In some contexts, we find interesting negotiations around the question of hijab and the policing of women's bodies. One online hijab seller had to offer a double marketing strategy, one in which mannequins were used (so as not to offend devout Muslims) and another in which human models were used (to counter criticisms that his mannequins were dehumanized) (Tarlo 2010: 220-1).

Europeans who insist on unveiling also take a position that compromises Muslim female agency. In Europe, the veil represents subjugation and rebellion, as in the Dutch case.

Face-veiling causes a strong sense of discomfort with the Dutch majority public because this public simultaneously defines face-veiling Muslim women as victims of gender subordination and as provocative agents challenging mainstream Dutch normativities (Moors 2011: 98).

The anti-veiling campaigns in Europe are underpinned by a colonial ideology that sees the veil as anti-colonial—as the symbol of resistance in places like Algeria and Iran. Furthermore, the language of unveiling is strongly sexual.

For centuries, Muslim bodies have functioned as sites of desire, something that is maintained today through the rhetoric of Orientalism in media ranging from niqab porn to the less lascivious portrayals of Muslims in Hollywood films. Muslim women in particular represent sites of desire, “Aggressive and lusty, they fell in love with Christian knights and betrayed their fathers and husbands to help Christians fight against Muslims” (Haddad 2007: 258). Unveiling plays an important role in these narratives as the transitory moment to Christianity when the Muslim female is sexually conquered. In more recent centuries, the process of double conversion—by missionaries and by Western feminism—has helped to further colonial goals. As Haddad puts it, “American feminists are seen as complicit in affirming the view that American culture and values are universal and must be imposed on all people throughout the world” (Haddad 2007: 262).

Europe has a complex relationship with Islam. The long, tangled web of conflicts include the Crusades and a brutal colonial history that is apparent in its immigrant

populations (Indians and Pakistanis from the former South Asia British colonies, French Maghrebians from France's former occupation in North Africa), support for the state of Israel (viewed by many Muslims as the latest colony in a long list of colonies), and, more recently, Islamist attacks on European soil. This history has created a sticky situation for many European states that are now, partially out of guilt, hosts to postcolonial immigrants from a myriad of countries across Asia and Africa. At the same time, as Europe has become less Christian and more secular, Islam has seen a resurgence, leaving many Europeans of Christian descent (meaning, formerly Christian) confused about what identity to claim—European, secular, Christian, or all three? France has a particularly thorny situation with Islam in which symbols—especially the veil—play a dominant role. This is due in large part to France's own debate about secularism and freedom of religion.

Within the context of a general disengagement from established religion, the commitment to the principle of the state's secularity continues to be taken by some as synonymous with a rejection of all forms of institutionalized religious practices, if not of religious feelings per se. Much confusion exists regarding the definition of state neutrality. It is commonly interpreted as meaning that religion in France must be confined by law to private life, which in fact clashes with the freedom of worship enshrined in the law of 1905. In public opinion, state neutrality is often taken to be synonymous with official atheism (Doyle 2011: 278).

Islam receives more attention than other religions in France, in part due to its own colonial history (and thus, the large populations of Arabs in the country) and the visibility of Islam—particularly in Muslim dress such as the hijab. In France, the Islamic headscarf serves as the symbol of recent immigration trends that support “a much stronger assertion of cultural identity than had been possible in previous eras of immigration” (Doyle 2011: 479).

The situation of Muslims in Britain is perhaps less tense, seen in the positive visibility of Islam in fashion, entertainment, and other sectors. Fashionable British hijabis are common on the streets of London. At the same time, Britain also has an identity tied up with the Church of England, Englishness, and conflicted views of its own colonial history. British Muslims don't always fit into Englishness, especially when they present a challenge to national identity through dress, political opinion, or lifestyle. As I suggested earlier, this deviation from hegemony is not tolerated well, a point Talal Asad alludes to in this passage:

The notion (common certainly in Britain) that the population of a modern nation-state must be committed to “core values,” an essential

culture that must be shared by all if society is to hold together, belongs to a discourse about the limits of political society. It is easier to deploy in discourses that exclude particular differences than in those that describe what the core values of British culture are. The core values of nonwhite immigrants are not—so the hegemonic discourse goes—part of British culture, and therefore to live permanently in Britain they must—as political minorities—assimilate that culture (Asad 1993: 272-3).

In the United States, hijab also functions as a sign of otherness, a visual cue that signals Islam's growing public presence, much like the changing nature of American mosques, which "have become visually more 'Islamic,' incorporating more crescents, domes, and minarets" (Moore 2007: 239). Like protests over the building of new mosques, discomfort has been expressed surrounding muhajibat (women who wear hijab) in schools, the workplace, and other public sites. In one case, the ACLU filed a lawsuit against the city of Omaha when they restricted a woman from wearing hijab when accompanying her children to a public pool (Moore 2007: 243). In an Oklahoma case, a student was suspended from school for wearing hijab and the U.S. Department of Justice was forced to intercede and force the school to respect the student's religious freedoms. Both of these cases occurred in 2004 (Moore 2011: 244). More recently, a Muslim woman brought a discrimination suit against Abercrombie and Fitch when she was terminated for wearing hijab. These cases—a mother trying to take her children swimming, a student attending public school, and an employee at a clothing store—demonstrate that for some, the wearing of hijab constitutes an anti-American action.

Muslims are seen as new immigrants who cannot assimilate despite the fact that American Muslims assimilate quite well. While recent decades have seen the growth of certain populations (including refugees from conflicts in which the United States is deeply involved), the presence of Islam in the Americas, as discussed above, dates back to the age of exploration. American Muslims have not always pronounced their religion with loud voices and, at times, Islam has been a fluid identity, flexible to the variety of situations that Muslims have found themselves in, seen in the interchangeability of the Lord's Prayer and Al Fatiha—both used by African slaves as their daily prayers (GhaneaBassiri 2012: 173).

For non-Muslims, the hijab is a sign of otherness, but for Muslim females who choose to wear it, it functions as a proud marker of identity. What is important to remember in thinking about the veil is that its meaning is contextual. It is not always

oppressive. It is not always liberating. The veil also holds important social and political meanings for those who wear it, “While in France the veil may represent an expression of control in the midst of severe discrimination, the veil in the U.S. represents an expression of American identity. The veil is presented as one pathway to developing an American Islam” (Ajrouch 2007: 232).

Tied to Western feminism’s equation of bodily liberation with gender equity, this sentiment is also situated in a particular idea about American identity. Individuals choosing to wear hijab also question the sexism that is such an important part of American and European public culture. Refusing to uncover is a statement about culture and identity, one that is wrapped up in feminist sensibilities. In this way, the hijab symbolizes a failure to assimilate to American norms of dress and the fashion industry that targets females, from a very young age, to wear sexy, provocative clothing. The fact that in France “hijab porn” is a genre of film demonstrates that even religious clothing is up for grabs in the repertoire of commodifying and exploiting women’s bodies (Moors 2011: 132). Veiling is a way to re-sacralize what has been made profane.

The hijab means very different things to different people. As a symbol, it is attached to colonialism, Islamism, feminism, misogyny, and other ideologies. Often, these are meanings attached to the veil and its wearer by outsiders. What it means to the Muslim individual who wears it is another question. Agency may show itself as a choice to veil or unveil, challenging the various external forces exerted on female bodies by secular disciplinary practices. As Nadia Fadil puts it,

An interrogation of the hijab that fails to acknowledge the specific subjectivity model upon which it [secular modernity] rests risks, therefore, not only to sustain, but also to contribute to the hegemonic powers of the secular. This occurs not only by repressing the hijab, nor by prohibiting veiled women to work or attend classes, but merely by re-enacting the simple (and hegemonic) idea that not-veiling or unveiling remains the only “true” way to live as a liberated and emancipated (female) subject (Fadil 2011: 105).

New media provides a space for counter-narratives about Islam that challenge images of Muslim women situated in various types of patriarchy. The coercion, control, and exploitation of the female body is present in both Orientalism, which guides so much of the West’s ideologies about Muslim women, including liberalism and feminism, and in Islamism.

Orientalism and Islamism act as two contradictory poles of desire/affirmation and aversion/disorientation and help reinforce a structured ambivalence within the notion of the ideal Muslim Woman. Both poles essentialize the ideal Muslim Woman and reduce her to the same symbols and icons. Orientalism offers descriptive and devalued essentialist imagery of Islam as articles of faith. Islamists, in contrast, address contemporary women's needs and present Islamically inspired solutions through persuasion and at times coercion (Kahn 1998: 469).

The video clip *Niqabitch Shakes Paris* (2010) is an interesting example of this type of social commentary: Two young women walk around Paris in hijab and underwear with the hip-hop song *Hey Fuck You* playing as a soundtrack (Moors 2011: 129). The video garnered mixed reactions, from those who criticized their bare legs to others who expressed distaste for the anti-government message it espoused. The intentions of the artists are clear, however—to critique the men who control women's bodies, both Islamists and the French government. The fact that these artists are non-Muslim may be irrelevant because their point is that both Muslims and non-Muslims commodify women's bodies.

Muslim fashion is one arena in which individual choice is being expressed in new and interesting ways. Jakarta hosts an annual fashion week that follows the example of New York and Paris, and features couture Islamic clothing. Indonesia, which hosts the largest population of Muslims in the world (at approximately 230 million), also has a rich street style, reflecting a wide array of social, religious, political, and lifestyle (i.e., sexual preference) choices. Three of the most interesting modes of dress are called hijaber (females who wear fashionable hijab styles), indies (independent, hipster dressers), and scenesters (who represent the political or cultural underground) (Luvaas 2014: 68, 73, 77). Street fashion allows individuals to express their ideology, sentiment, or style in a way that is transformative—it influences others who also occupy public space in the process. These expressions, which deviate from the usual stereotypes about Muslim dress, range from Islamic feminism to punk to “subcultural cool” (Luvaas 2014: 75).

Princess Hijab also uses street art as social protest. Her act of hijabizing models on Paris billboards is not an overt religious act—something she has publicly made clear—but an act of feminism that aims to fight the “visual terrorism of market capitalism” (Moors 2011: 134). The fact that Princess Hijab obscures the face with a hijab but leaves the body untouched demonstrates that her activism is not about the control of women's bodies, but rather is a statement about the exploitation of women

that impacts the way society sees the female—as a commodified product rather than a sentient human being.

No Mosques Here: Architectural Semantics

Religious architecture is often located in public space—town squares, cities, and other loci of power.

Public space is conceptualized as a metaphorical terrain inscribed by meanings and significances ascribed by social groups. Public space is not neutral: rather it is 'filled' with attributed meanings and semantics, hard-won rights and claims for partaking by competing social groups (Baumann 2009: 143).

Churches, mosques, and other buildings are linked to political capital.

As one example, Cambridge University is a dominant symbol of English culture, as are popular London sites and Oxford, Stonehenge, and others. “The buildings of the university, such as King’s College Chapel or the area of pastoral land known as the ‘backs’ are often presented and consumed as a pastoral idyll symbolizing a tourist or heritage version of England” (Villis and Hebing 2014: 422). When plans for a new mosque at the university were proposed, the developers rejected the more typical Orientalist and Moorish styles of mosques and adopted the local English culture instead. Protests against the project included those who insisted the mosque would violate the Britishness of Cambridge, that it represented an “alien” culture, and was an example of the colonization of England by non-English (Villis and Hebing 2014: 425-7). These reactions reveal that even when Muslims try to enter public space by following the rules, style, and aesthetic of the society, they can be rejected.

In the minaret ban in Switzerland, the minaret functioned as the “architectural trope” that “became the lightning rod of pent-up angst” (Pratt 2013: 197). The minaret is an interesting case in part because it is absent from many mosques, yet, at least in the Swiss case, it is seen as “a symbol of power and the supposed Muslim desire to dominate” (Pratt 2013: 201). The fact that Muslims in Switzerland are considered aliens and cannot vote, coupled with the fact that they comprise a tiny percentage of the population (less than 5%) also erases Muslim agency. In this case, non-Muslim Swiss voted on a Muslim issue that affects Muslim communities in Switzerland while Swiss Muslims were “present, but talked about in the third person” (Pratt 2013: 196).

Similar debates over the construction of Muslim places of worship have taken place in the United States in recent years. Perhaps the best known of these is the community center proposed near the site of the Twin Towers. The hoopla surrounding the so-called “Ground Zero mosque,” which was never proposed as a mosque/masjid (space dedicated solely to Muslim prayer) and was not at Ground Zero but in the vicinity of the Twin Towers, represents the battle between those who believe Muslims can belong in the space of a city and those who do not. Eventually the community center (called Park 51) opened, but only after considerable debate about whether Muslims had the “right” to exist in a NYC neighborhood despite the large numbers of Muslims living in the city as well as the Muslims who died in the Twin Towers. “The rhetorical reduction of Park 51 to a ‘mosque’ was facilitated by cultural presumptions about Muslims that are widespread in contemporary American discourse” about “pre-modern” or “anti-modern” Muslims, who do not belong in the United State’s imagined community” (Guterman and Murphy 2014: 373).

Although the tensions within Muslim communities are not a focus of this chapter, Muslims have also restricted individuals in their own communities from utilizing religious space, especially women and queers. One way that Muslims have negotiated efforts to restrict access to mosques is by enacting their own physical and virtual spaces. Much like the efforts to restrict Muslim clothing and architecture, the efforts to silence women and queered individuals represents an affront to personal agency that many Muslims are rejecting through a variety of means.

New Muslim World

Efforts to control Muslim voices and bodies through restrictions on dress and sacred architecture have only been partially successful. As we have seen, in the United States, the courts often remedy discrimination against Muslim females who wear the veil. Efforts to stop the construction of mosques have had mixed results, but in several cases interfaith activists and progressive politicians have sided with Muslims. The situation in Europe has not been as hopeful, with bans on the veil in France, the Swiss minaret ban, and other governmental restrictions on Muslim religious expression. However, Muslims have fought back with pen, voice, and laptop.

Muslims have been challenging authority for hundreds of years, a consequence of the reformist idea of individual *ijtihad* (independent reasoning) that is marked by “the deconstruction of scholastic hierarchies and the concomitant promotion of a greater role for each individual believer” (Hofheinz 2011: 35). While Muslim dissent and protest are well established in the historical record, new media offers new spaces for

these actions of consciousness. Although revolutionary ideas and actions are very Islamic, there is some evidence that new technological platforms have altered the attitudinal character of large groups of people. As Albrecht Hofheinz argues,

It is the attitude that changes, the attitude of individual users towards authority, a disregard for the long chain of authority, for established hierarchies that used to structure decision making. We find this attitude all over the Arabic internet; it is deplored by people in authority and positively asserted by ever more young users themselves (Hofheinz 2011: 35).

In addition to Princess Hijab, women-only mosques, and virtual religious spaces, a large number of Muslim activists use new media like the Internet and social media to broadcast different articulations of Islam—counter-narratives that are post-colonial, activist, and at times queered. These actions take place in both Muslim-majority countries and societies where Muslims are in the minority. The Persian blogosphere is a rich place for activism, with a sizable number of blogs—around 700,000 (Khiabany and Sreberny 2007: 565). Even under the strict rules imposed by the Islamic Republic, bloggers write about everything from sex to politics, mobilize campaigns to release activists, and raise funds for national disasters, such as the \$4 million collected to aid victims after the Bam earthquake (Khiabany and Sreberny 2007: 577). The Iranian example disproves the Orientalist position that Muslims are complacent religious followers and reveals how technology aids in social struggles.

Samira Awad is a Palestinian German Berliner whose music would be best described as Muslim hip-hop. Awad, who chooses to wear the hijab, identifies as a feminist and sees herself as a role model for young Muslim Germans (Stehle 2012: 98). Her style, which blends transnational hip-hop culture, feminism, trendiness, and Islamic identity, “poses a very deliberate challenge to mainstream audiences, conservative Muslims, and Western feminists alike” (Stehle 2012: 98). Awad’s music is an intentional act to claim one’s own agency and disentangle her identity from competing social forces, ideologies, and religious systems that try to define who and what she is.

Conclusion

Muslim agency, while subjected to the ideological and political systems discussed in this chapter, has not been extinguished. The coercive nature of the Western definition of modernity is of concern to those who offer different articulations of the modern

condition. Talal Asad has famously remarked that we are all conscripted into modernity, soldiers in the cogs of capitalism, liberalism, and secularism. Islam is a symbol of the *refusenik* who refuses to serve in this army. Muslim theologians and philosophers, artists, and writers offer alternatives to the one vision of modernity that is held as sacred by many. Abdolkarim Soroush, Tariq Ramadan, Amina Wadud, Omid Safi, and many others have argued for an opening to the possibilities inherent in Islamic thought. Muslim voices offer an alternative to the modern condition—one that is hopeful, independent, and liberative. It is a chorus worth listening to.

References

- Ajrouch, Kristine J. "Global Contexts and the Veil: Muslim Integration in the United States and France." *Sociology of Religion* 68, no. 3 Muslim Integration in the United States and France (2007): 321-25.
- Ammann, Ludwig. "Islam in the Public Square." *Public Culture* 14, no. 1 (2002): 277-79.
- Asad, Talal. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore: The Johns Hopkins University Press, 1993.
- Baumann, Martin. "Temples, Cupolas, Minarets: Public Space as Contested Terrain in Contemporary Switzerland." *Religio* 17, no. 2 (2009): 141-53.
- Bederman, Gail. *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880-1917*. Chicago: University of Chicago Press, 1995.
- Butler, Judith. "Variations on Sex and Gender: Beauvoir, Wittig, Foucault (1987)." In *The Judith Butler Reader*, ed. Sara Salih and Judith Butler, 22-38. Malden, MA: Blackwell Publishing, 2004.
- Chande, Abdin. "Islam in the African American Community: Negotiating Between Black Nationalism and Historical Islam." *Islamic Studies* 47, no. 2 (2008): 221-41.
- Chidester, David. *Savage Systems: Colonialism and Comparative Religion in Southern Africa*. Charlottesville: University Press of Virginia, 1996.
- Chin, Rita. "Turkish Women, West German Feminists, and the Gendered Discourse on Muslim Cultural Difference." *Public Culture* 22, no. 3 (2010): 557-581.
- Coffey, John. "The Myth of Secular Tolerance." *The Spheres of Politics (Sfera Politicii)* 161 (2011): 13-20.
- Cox, Harvey. "The Market as God," *The Atlantic Monthly* 283, no. 3 (1999): 20-22.
- Dickinson, Greg. "The Pleasantville Effect: Nostalgia and the Visual Framing of (White) Suburbia." *Western Journal of Communication* 70, no. 3 (2006): 212-33.
- Donia, Robert J. and John V.A. Fine, Jr. *Bosnia and Hercegovina: A Tradition Betrayed*. New York: Columbia University Press, 1994.
- Doyle, Natalie. "Lessons from France: Popularist Anxiety and Veiled Fears of Islam." *Islam and Christian-Muslim Relations* 22, no. 4 (2011): 475-89.

- Dwyer, Claire. "The Geographies of Veiling: Muslim Women in Britain." *Geography* 93, no. 3 (2008): 140-47.
- Fabian, Johannes. *Time and the Other: How Anthropology Makes Its Object*. New York: Columbia University Press, 2002.
- Fadil, Nadia. "Not-/Unveiling As an Ethical Practice." *Feminist Review* 98, Islam in Europe (2011): 83-109.
- Fassin, Eric. "National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe." *Public Culture* 22, no. 3 (2010): 507-29.
- GhaneaBassiri, Kambiz. "Writing Histories of Western Muslims." *Review of Middle East Studies* 46, no. 2 (2012): 170-79.
- Giardina, Michael D. "Barack Obama, Islamophobia, and the 2008 U.S. Presidential Election Media Spectacle." *Counterpoints* 346, Teaching Against Islamophobia (2010): 135-57.
- Gomez, Michael A. "Muslims in Early America." *The Journal of Southern History* 60, no. 4 (1994): 671-710.
- Gorak-Sosnowska, Katarzyna and Michal Lyszcza. "Perspectives on Muslim Dress in Poland: A Tatar View." In *Islamic Fashion and Anti-Fashion: New Perspectives from Europe and North America*, edited by Emma Tarlo and Annelies Moors, 93-104. New York: Bloomsbury, 2013.
- Guterman, David S. and Andrew R. Murphy. "The 'Ground Zero Mosque': Sacred Space and the Boundaries of American Identity." *Politics, Groups, & Identities* 2, no. 3 (2014): 368-85.
- Haddad, Yvonne Yazbeck. "The Post-9/11 'Hijab' as Icon." *Sociology of Religion* 68, no. 3, Muslim Integration in the United States and France (2007): 253-67.
- Hansen, Randall. "The Two Faces of Liberalism: Islam in Contemporary Europe." *Journal of Ethnic and Migration Studies* 37, no. 6 (2011): 881-97.
- Hellyer, Hisham. "British Muslims: Past, Present and Future." *The Muslim World* 97, no. 2 (2007): 225-58.
- Hofheinz, Albrecht. "'Nextopia? Beyond Revolution 2.0'" *Oriente Moderno* 91, no. 1, Between Everyday Life and Political Revolution: The Social Web in the Middle East (2011): 23-39.
- Kahn, Shahnaz. "Muslim Women: Negotiations in the Third Space." *Signs* 23, no. 2 (1998): 463-94.
- Khiabany, Gholam and Annabelle Sreberny. "The Politics of/in Blogging in Iran." *Comparative Studies of South Asia, Africa and the Middle East* 27, no. 3 (2007): 563-79.
- Lee, Benjamin and Edward LiPuma. "Cultures of Circulation: The Imaginations of Modernity." *Public Culture* 14, no. 1 (2002): 191-213.
- Li, Xing. "Dichotomies and Paradoxes: The West and Islam." *Global Society* 16, no. 4 (2002): 401-18.
- Luvaas, Brent. "Shooting Street Style in Indonesia: A Photo Essay." *Clothing Cultures* 1, no. 1 (2014): 59-81.
- Moore, Kathleen M. "Visible through the Veil: The Regulation of Islam in American Law." *Sociology of Religion* 68, no. 3 Muslim Integration in the United States and France (2007): 237-51.

- Moors, Annelies. "NiqabBitch and Princess Hijab: Niqab Activism, Satire, and Street Art." *Feminist Review* 98, Islam in Europe (2011): 128-35.
- Olson, Susanne. "Religion in Public Space: 'Blue-and-Yellow-Islam' in Sweden." *Religion, State and Society* 37, no. 3 (2009): 277-89.
- Parramore, Thomas C. "Muslim Slave Aristocrats in North Carolina." *The North Carolina Historical Review* 77, no. 2 (2000): 127-50.
- Pratt, Douglas. "Swiss Shock: Minaret Rejection, European Values, and the Challenge of Tolerant Neutrality." *Politics, Religion & Ideology* 14, no. 2 (2013): 193-207.
- Puar, Jasbir K. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham: Duke University Press, 2007.
- Ramadan, Tariq. *Western Muslims and the Future of Islam*. New York: Oxford University Press, 2004.
- Ramadan, Tariq. *Radical Reform: Islamic Ethics and Liberation*. New York: Oxford University Press, 2009.
- Rashid, Samory. "Toward Understanding America's Islamic Legacy." *Islamic Studies* 38, no. 3 (1999): 343-66.
- Restall, Matthew. "Black Conquistadors: Armed Africans in Early Spanish America." *The Americas* 57, no. 2, The African Experience in Early Spanish America (2000): 171-205.
- Roy, Olivier. "Secularism and Islam: The Theological Predicament." *The International Spectator* 48, no. 1 (2013): 5-19.
- Said, Edward. *Orientalism*. New York: Vintage, 1978.
- Scott, David. *Conscripts of Modernity: The Tragedy of Colonial Enlightenment*. Durham: Duke University Press, 2004.
- Silverstein, Paul A. "Immigrant Racialization and the New Savage Slot: Race, Migration, and Immigration in the New Europe." *Annual Review of Anthropology* 34 (2005): 363-84.
- Siraj, Asifa. "Meanings of Modesty and Hijab Amongst Muslim Women in Glasgow, Scotland." *Gender, Place and Culture: A Journal of Feminist Geography* 18, no. 6 (2011): 716-31.
- Stehle, Maria. "Gender, Performance, and the Politics of Space: Germany and the Veil in Popular Culture." *Comparative Studies of South Asia, Africa and the Middle East* 32, no. 1 (2012): 89-101.
- Tarlo, Emma. "Hijab Online." *Interventions: International Journal of Postcolonial Studies* 12, no. 2 (2010): 209-25.
- Taylor, Charles. "Modern Social Imaginaries." *Public Culture* 14, no. 1 (2002): 91-124.
- Tissot, Sylvie. "Excluding Muslim Women: From Hijab to Niqab, from School to Public Space." *Public Culture* 23, no. 1 (2011): 39-46.
- Villis, Tom and Mireille Hebing. "Islam and Englishness: Issues of Culture and Identity in the Debate over Mosque Building in Cambridge." *Nationalism and Ethnic Politics* 20, no. 4 (2014): 415-37.

Islamic Feminisim

Is It Calling for a Non-Patriarchal Interpretation of the Qur'an or It Conveys that the Qur'an Remained Neutral to Patriarchy?

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Abstract

Since last two decades or so, a significant number of Muslim women and few Muslim men scholars have claimed that they are presenting an Islamic alternative to Feminism and they call it Islamic Feminism. Their main argument is that they shall be providing a non-patriarchal interpretation of the Qur'an as against the patriarchal interpretations of the Qur'an which have been presented by a number of Muslim men scholars ever since a long period of Muslim history. However, our research in this project of Islamic Feminism shows that the so-called Islamic feminists failed to provide the Islamic alternative to feminism because they seem to be more inclined towards feminism than to Islam in their endeavour. In this connection, in this article, we have focussed on some of the writings of one of the leading scholars of the so-called Islamic Feminism, Amina Wadud. Wadud herself stated that the Qur'an is neutral on the then existing patriarchy in the Arab world. Nonetheless, our research on this issue shows that the Qur'an both theoretically and practically demolished patriarchy from the Arab world both in family and in society and made men and women subservient to Allah SWT as His vicegerents.

Hence in this article, we have emphasized that one should be careful in talking about Islam and its main sources, the Qur'an and the Prophetic traditions. There

is a very big difference between Islam and the general practices of Muslims particularly on certain women's issues which reflects patriarchal culture in some Muslim societies which are interwoven by some patriarchal interpretations of some of the verses of the Qur'an by some Muslim scholars. Nevertheless, this does not mean that the Qur'an is either patriarchal or that it is neutral to patriarchy. Islam rejects patriarchy, male domination as well as matriarchy, female domination because basically Islam insists that men and women should submit to Allah SWT and hence should not be subjected to men or women in any aspect of their life. Apart from this, some of the contentions of Wadud on equality, equity, compatibility and LGBT do not reflect Islamic stance on these subjects and go nearer to the feminist arguments. Finally it is contended in the article that as far as women's issues are concerned, it seems incumbent on Muslim scholars to refer to the Qur'an and the Sunnah and the early Muslim history for protecting and promoting the rights of women. There is no need to play with hermeneutics in order to interpret the Qur'an while keeping feminism as the only rescue boat to safeguard the rights of Muslim women. It is futile to create this kind of Islamic Feminism which would fail to bring women to Islamic teachings and would instead push them towards feminism, a Western secular ideology which is established on the modern Western secular world-view which is ideologically and epistemologically different from Islam and Islamic world-view.

Keywords: : Islamic Feminism, Patriarchy, Shura, Equality, LGBTQI

Introduction

Intellectual discourse among Muslim scholars for providing Islamic alternatives to some Western concepts and theories which were developed on the Western epistemology is not a new phenomenon. Ever since it is realised that the Western concepts of development and modernization failed to arrest the degeneration of human civilization in general and unable to rescue the non – Western communities in particular, some Muslim scholars seem preoccupied in presenting Islamic alternatives in this connection. However the main focus of these kinds of alternative projects has been to establish the main tenets of the Qur'an and the Sunnah at the centre so that the problems of the Muslim societies in particular and humanity in general may be addressed and some beneficial solutions may be provided for the well-being of all.

It is nevertheless crucial to see whether all such intellectual endeavours of Muslim scholars for providing Islamic alternatives to each and every Western concept and theory is worthwhile and truly serving the purpose or it is proving impractical rather

harmful to the Muslim community. For this purpose, in this article, we shall critically look into some assertions and arguments of the so-called Islamic Feminism, a new nomenclature which is developed and promoted since last two to three decades. For this, we shall specifically look into the views of Amina Wadud, one of the leading scholars of Islamic Feminism. We shall present two critical observations on Wadud's thought on women's issues -- firstly, on her main assertions that the Qur'an remained 'neutral' to the Arab patriarchal society; secondly, on her views on equality, equity, compatibility, and LGBT in general. Finally we have concluded that there is hardly any Islam in the so-called Islamic Feminism and therefore it cannot be considered as an alternative to feminism for Muslim women. The article comprises two sections including a conclusion.

Section One

Wadud in her book, *Qur'an and Women: Re-reading the Sacred Text from Women's Perspective* has pointed out the biological differences and the subsequent functional differences between men and women in certain areas of work which apparently shows that she agrees with the complementarities of gender roles in family. She writes: "The Qur'an does not attempt to annihilate the differences between men and women or to erase the significance of functional gender distinctions which help every society to run smoothly and fulfil its needs. In fact, compatible mutually supportive functional relationships between men and women can be seen as part of the goal of the Qur'an with regard to society."¹ But at some other place in the same book, Wadud describes the compatible gender roles as patriarchal in nature. She writes: "With regard to some practices, the Qur'an seems to have remained neutral: social patriarchy, marital patriarchy, economic hierarchy, the division of labour between males and females within a particular family."² After this, she raises this question:

*Some women activists today openly question this neutrality. Why didn't the Qur'an just explicitly prohibit these practices? If the evolution of the text and its overall objective is consumed under one-albeit important- aspect of social interaction, say consciousness raising with regard to women, then the Quran is made subservient to that aspect, rather than the other way around.*³

The first objection we raise here is the negative tone and disrespectful way in which she presented her views on the Qur'an and the way she raised a doubt in the question on the position of the Qur'an on patriarchy on behalf of some women activists. This style of Wadud is objectionable; no matter she raised this question on

behalf of others, because it raised doubt on the Qur'anic stance on the patriarchal Arab society.

Next, from the above cited statements of Wadud, it is clear that on one side she looks content with the compatible gender roles based on the gender differences as presented in the Qur'an, but on the other side she describes this arrangement as 'patriarchal'. Hence, it seems better firstly to discuss briefly the patriarchal trend in the Western thought and Western societies and then highlight the position of Islam on patriarchy to show that contrary to Wadud's claim, the Qur'an totally stands against patriarchy.

Generally, 'patriarchy' as a political theory with absolute male authority in family and in state is attributed to an important but contested work, *Patriarchia*, published in 1680, authored by an English political theorist, Robert Filmer, (1588-1653).⁴ Here, Filmer not only justified the absolute monarchy based on the theory of the Divine Right of Kings, but also argued that the institutions of family and state derive their power from the absolute and the autocratic male headship which should be traced back to the first man, Adam (p.b.u.h.) who enjoyed the sovereign power over his family. However, it is important to note that centuries before this work, *Patriarchia*, Western political thought, ever since the classical period is characterized as misogynistic, because of the low and inferior images that were presented by the prominent political philosophers in their important works including the known work, 'Politics' of Aristotle, where he contended that women are by nature inferior to men.⁵ Not only this, even in practical reality, women in some Western societies till late 19th century or in some cases till early 20th century faced gender discrimination and gender injustice in all spheres of life, education, economic, political and even in the institution of family on the basis of the patriarchal frame of mind dominant in the West.⁶ In fact, it is one of the reasons that few conscientious women writers started writing for the vindication of the rights of women that led to the rise of the theory of Feminism which in the beginning no doubt demanded many of those genuine rights of women which were otherwise deprived to them.⁷ Hence, we do not deny the problem of patriarchy in whatever form and dimension it exists in the West and in the East, because its basis is 'force', not 'freedom'; its principle is domination of men and subjection of women, not equal and mutual compatibility between men and women.

As for Islam, one of the inherent meanings of Islam is 'peace' which signifies that a willing submission to Allah (SWT) in all aspects of life guarantees peace.⁸ A complete and willing submission to Allah (SWT) denies all kinds of subjection of

man and all forms of domination of man over other man. Furthermore, submission to Allah (SWT) entails acceptance of the absolute, comprehensive and indivisible sovereignty of Allah (SWT). This shows that Islam and Patriarchy stand poles apart from each other, because in patriarchy all authority and sovereignty in family and in state rests on male headship whereas in Islam, sovereignty rests with Allah (SWT) alone and men and women become His vicegerents, the ones who submit to Allah (SWT) and follow His injunctions whether they are in the position of rulers or ruled in all social structures including family and state.

Furthermore, there is a big difference between the vicegerents and subjects. In the case of patriarchy, women become subjects of male sovereign who demands unquestionable obedience and submission to him. But in the case of Islam, men and women are regarded as vicegerents of Allah SWT. Hence, when men and women follow a head of any institution as vicegerents of Allah (SWT), be a family or a state, they follow the head as long as the laws and the rules and regulations do not contradict the injunctions of the Qur'an and the Sunnah. In this way, even here the submission is virtually to Allah (SWT), not to man, because the ultimate authority and sovereignty rests with Allah (SWT) alone.⁹

Not only at the theoretical level, in practical reality, Islam made revolutionary changes in the Arab patriarchal society through its egalitarian concepts on the relationship between men and women in family and in society. A passing glance can be taken here on how Islam transformed the patriarchal stance of the Arab society on women into egalitarian Islamic stance on the position and rights of women. For instance, female infanticide was rampant and girls faced all sorts of gender discrimination in family and in society in the Arab world. Islam condemned female infanticide as 'haram', forbidden, and girls are blessed with all rights for their security, dignity and happiness.¹⁰ Woman was perceived as a mere sex-object; a 'rattle' in the hands of men in the Arab society. Islam condemned all kinds of sexual interventions with women without marriage as 'haram', forbidden.¹¹ Marriage had no sexual sanctity for women; rather it was a mere inhuman transaction between woman and any number of men, one, two or a group of men. Islam sanctified marriage as a pure, respectful and central institution that alone renders sexual relations between husband and wife as legitimate and all pre-marital and extra-marital relationships were forbidden.¹² Polygyny was unrestricted and an honour for man was measured based on the number of wives he enjoyed with no regulations on it whatsoever. Instead, Islam restricted polygyny to four with several conditions, particularly justice, only as an option not as a norm¹³. Women had no rights for inheritance and property at all, and in fact they were treated as properties and were inherited by men against

their will. Instead, women were blessed with all genuine rights of inheritance and property¹⁴. Women were treated as domestic servants living only to serve men and children in the households, and instead Islam unburdened all those domestic chores from women and it was left to the choice of women to help men, children and the other members of their family for the sake of love and moral considerations only, not as obligations.¹⁵ Women were shut down in the corner and were never allowed to give their opinion on any issue on life inside or outside the family, and instead Islam made a common rule that all the affairs within all social institutions including family should be settled through, 'shura', consultation which include men and women¹⁶. Thus in short, Islam brought a big revolution in the mind-sets of people on women and in their practical attitude towards women and they were blessed with all genuine rights that make them live in equal footing with men while keeping the gender differences into consideration and with no slightest element of any sort of male domination and female subordination syndrome. Then on what basis, Wadud claims that the Qur'an remained neutral to the Arab patriarchal society? The Qur'an virtually accomplished de-patriarchalization of Arab family and society as a whole both in conceptual and practical terms.

Even in society, Islam has offered women all genuine rights possible without least gender discrimination to participate in social, economic and political spheres including wars during the time of the Prophet Mohammad (p.b.u.h.) and the period of the Rightly Guided Caliphate. ¹⁷There were women in early Muslim history who held responsible position in the market of Madinah; who offered their invaluable medical services to casualties during the war, besides providing them foods and water, and who even physically fought in the battles even with the Prophet (p.b.u.h.) and the male companions, (may Allah be pleased with them). And this kind of participation of Muslim women continued for a long time wherein we have examples of some Muslim women who were acknowledged even as the best teachers of great Muslim men scholars of the time.¹⁸ What does all these testify? The Qur'an and the authentic traditions of the Prophet (p.b.u.h.), Sunnah smashed the patriarchal thought and practices into pieces then and there in the Arab world as well as outside the Arab world wherever Islam reached and it replaced patriarchy with basic human equality of men and women.

It is also important to note in this discussion that one of the common arguments of the so-called Islamic feminists for labelling Islam 'patriarchal' lies in their perception of certain 'gender roles' in family, particularly the financial responsibility assigned to men and the position of men as 'qawwamoon' as stated in the Qur'anic verse, 4:34. Just recall here what Wadud said about 'social patriarchy', 'marital

patriarchy 'economic hierarchy',¹⁹ mentioned above and see what the Qur'an says in this connection:

*Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their means; therefore the righteous women are devoutly obedient (to Allah) and guard in the husband's absence what Allah orders them to guard.*²⁰

We would like to assert here that this is the only specific main distinction the Qur'an stated on male and female roles in family based on biological differences between men and women. The main reason behind exempting women from taking the financial responsibility of the family as something obligatory is biological, i.e. natural. For instance, women are biologically fitted for undergoing the long reproduction role of motherhood, not men. During this whole process, despite all the medical advances in reproduction technology, there are times when women need a very special treatment and care than the normal times. During this time, there are clear possibilities that women may or may not carry the financial burden especially if it is made obligatory on them. Hence, it is the question of justice that the financial responsibility should not be given to them as necessary obligation and for the same reason men are assigned the position of 'qawwamoon', 'maintainers' of women and children in family, so that they take care of the financial responsibility in family. According to some scholars the word 'qawwamoon' also includes the moral responsibility of men over women.²¹ This does not underline that women are morally inferior to men; rather it only implies that since men are generally physically stronger than women, it is morally binding on them to take care of women in full sense.

It may be however argued that women do not go under reproduction process all their life. This is true. However, it is important to put a question here: Has the Qur'an closed all the doors for women of taking any financial responsibility or any outside role all the time and in all circumstances? 'Never!' The above verse only gives the message that men are given the responsibility of 'maintainers' in the family because it is made obligatory on them to spend money on women. In no way it can be concluded from this that women are forbidden from any financial engagement or any professional work all their life and in all circumstances. So, where is patriarchy here in this arrangement? Does responsibility implies patriarchy, male domination over women? Male headship *per se* is not patriarchy; male despotism and male autocratic rule where women are made subjects of male sovereign is patriarchy.

Besides all these arguments, the academic justice demands that before one presents his or her final judgments on any subject, it is better for the person to look

into the 'central message' of the source to which one is referring to on the given subject, and in this context, to the Qur'an. What is the central and main message of the Qur'an on the relationship between husband and wife in family? The Qur'an says:

*And among His Signs is this that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.*²²

It is very clear from the above verse that the foundations of the relationship between husband and wife in a family that are pointed out in the Qur'an are 'love' and 'mercy' which Allah SWT Himself has put within them for each other. The purpose behind this is to let them seek peace and tranquillity in their companionship so that they may attain the ultimate goal behind this purpose, which is nothing but to see the 'signs' of Allah SWT, the Creator and Sovereign of mankind and the universe and submit to Him. The nature of relationship here is that of 'love' and 'mercy', not that of domination of men and subjection of women in any sense. This can be further elaborated with another verse of the Qur'an on the relationship between husband and wife:

*They are your garments and you are their garments.*²³

Here Allah SWT explains the relationship between husband and wife taking the parable of 'libas', 'garment' of each other which gives them coolness or warmth whatever they need and whenever they need. This further confirms that the relationship between husband and wife in Islam is based on 'equality'. In this kind of relationship, they equally protect each other as co-partners of life from any kind of harshness, hot or cold or whatever, from the environment following their assigned responsibilities with the compassion of togetherness sticking to themselves as close as the 'libas', dress of a person, rather than staying far from each other making one dominant over the other! The dress provides the person what one needs; the dress does not dominate the person to cause any 'harm' or any 'disrespect' or 'any oppression' or any 'ugliness' to the person; rather it does contrary to all these. Hence both these verses, (30:21; and 2:187) on the relationship between husband and wife are foundational and central and are absolutely free from all kinds of patriarchal underpinnings.

In addition to the above consideration, it seems also pertinent to keep in mind that Allah SWT being the Creator and the Sovereign of mankind and the whole universe, is well aware of the fact that human beings need a proper mechanism, a system which should help them to perform the necessary functions in any social institution,

including family. Hence, Allah SWT presented a unique system, called ‘shura’ for this purpose. The Qur’an says:

*And those who respond to their Lord, and pray regularly, and conduct their affairs by mutual consultation and give of what We have provided them.*²⁴

Hence, even for the weaning of the child, the Qur’an makes it clear that it should be decided on the basis of consultation between father and mother of the child. The Qur’an says:

*If they both decide on weaning, by mutual consent, and after due consultation, there is no sin on them.*²⁵

The above verses of the Qur’an which emphasize ‘shura’, consultation even in family stand opposite to the concept of patriarchy. Patriarchy totally negates all kinds of counselling mechanisms and instead imposes all kinds of force mechanisms for maintaining domination and subjection syndrome. If Allah SWT wanted male domination and female subjection, He would not have taught human beings how to conduct their affairs through ‘shura’.

Another important reason behind enjoining ‘shura’, in social institutions is the fact that Allah SWT never created human beings to submit themselves to each other; rather He created human beings that they work together as co-vicegerents with each other so that they submit to Him and follow Him in the best way possible. For this reason in all the social institutions, Allah SWT enjoined man in the Qur’an not only to adopt ‘shura’, but also made it binding on him that the members of the institution of ‘shura’ should consult the primary sources of Shariah, the Qur’an and the Sunnah so that they may take a right decision on the issues following these Islamic sources. Furthermore, this is also made very clear that the condition of obedience even to the head of the institution of shura is that they should be in conformity with the Qur’an and the Sunnah, since obedience ultimately is due only to Allah SWT and not to human beings, male or female.²⁶ This further shows that Allah SWT never wants that even the institution of ‘shura’ should end up in the domination of one group of people over the rest of the people. It is self-evident from this discussion that the Qur’an totally rejects patriarchy in family as well as in all social institutions and closed all the avenues of any sort of domination of man over man. Hence, all social institutions in Islam including family cannot be characterized as patriarchal because they are basically consultational, Shura-based. This, in short is the position of Islam on patriarchy.

This however does not mean that Muslim societies do not manifest signs of patriarchy in their social institutions, including family. Certainly, there are several norms and practices that are dominant in some Muslim families which manifest the signs of patriarchy, male domination over women which are somehow justified in some Muslim societies as 'gender roles' of women ordained in the Qur'an. But most of these so-called 'gender roles' that are forced upon women are not founded on the teachings of the Qur'an and the Sunnah; rather they are established on other sources including some ethnic cultural traditions and beliefs which are mostly based on the biased and prejudiced assumptions on women.

Hence, to make things clear in this connection, it seems better to categorize 'gender roles' into two – one, that are either ordained in the Qur'an and the Sunnah or are left to be decided through mutual consultation between husband and wife based on the Islamic spirit; two, the ones that are created and forced upon Muslim women by the social pressure. The first type of gender roles may be described as 'Islam based gender roles' and the second type may be described as 'culture based gender roles'. Now in order to make our view-point very clear and concrete, we would like to divide the first type of gender roles, i.e., 'Islam based gender roles' into three sub-types. The first sub-type may be referred to as 'Islam based common gender roles of husband/father and wife/mother'. This first sub-type, 'Islam based common gender roles', are those gender roles which should be shared by both husband and wife in common. For this, firstly, we should revise the important messages we get from the main verses of the Qur'an on the relationship between husband and wife, (30:21) and (2:187) as discussed above. It is conveyed in these verses that both husband and wife should be mindful of the 'love and 'mercy' that Allah SWT has put within them and that they should be intimate and caring companions to each other playing their role as husband and wife as 'libas' garments of each other. These are some common responsibilities of women and men as wives and as husbands. Hence, we categorize these common norms and roles as 'Islam based common norms and roles of husband and wife'.

The second sub-type of gender roles may be described as 'Islam based distinct but complementing gender roles of husband/father and wife/mother'. Here, firstly we should visit the verse, (4:34), which points out distinct but complementing responsibilities of men and women. We find that men are made 'qawwamoon', 'maintainers' of women because of their financial obligation towards their wives and their moral responsibility to protect them. It should be noted that women are exempted from the financial responsibility of the family as obligation. As far as some of the verses connected with parenthood, (2:233; 65:6-7.), it is clearly laid down that

along with love and care, men are expected to take the financial responsibility of their children as father and again here women are exempted from taking the financial responsibility of children as obligation. However, in the verse, (4:34), among other things, women are enjoined two important obligations --- that they should always remain obedient to Allah SWT and they should guard their chastity all their life even in the absence of their husbands. Besides these, women are expected to play an important role of motherhood for which the Qur'anic verse, (46:15) and several Prophetic traditions make special reference to them. Here, one of the Prophetic traditions can be cited as an example: The Prophet SAW had said: "I enjoin man about his mother. I enjoin man about his mother. I enjoin man about his mother. I enjoin man about his father."²⁷ Hence, we would include these distinct gender roles of men and women as 'Islam based distinct but complementary gender roles of husband/father and wife/mother' in family. Mind you, these are the only 'distinct and complementing gender roles' of husband/father and wife/mother which complement each other --- financial responsibility with men and motherhood with women. Even here although the financial responsibility is assigned to men as husbands/fathers, but women as wives/mothers are not put aside from this distinct role in all circumstances and at all times in their life. Similarly, in the distinct role of 'motherhood', men are not put totally outside from helping and sharing the house chores and child-care works.

The third sub-type may be described as 'Islam based distinct and complementary gender roles through shura'. Here it seems important to bear in mind that the institution of family is a comprehensive and complex institution which requires many functions to be fulfilled by the members of the family, including cooking, laundry, cleaning, washing, child-care and such other works. Hence, it is here and several such issues, the institution of 'shura comes in, because all these works can be settled through 'shura', mutual consultation of husband and wife with each other. We would like to make it clear here that our emphasis on 'shura' here is to make sure that women should not be forced to take any domestic chore as obligation failing which they should be criticized, condemned or should be made the victims of domestic abuse. There may be cases, where women may take all the domestic chores willingly for any reason, other than 'force' and we do not have objection against them or their families, because a 'willing choice' is important for the smooth running of the family. Shura, consultation is necessary when women and men like to come to terms on the distribution of all domestic chores based on their respective situations and circumstances and preferences so that women should not be over burdened. In such cases, they should also take the guidance from the family life of the Prophet

Mohammad (p.b.u.h.) who presented an excellent example of the best husband, the best father and the best grandfather in dealing with his wives and children with love, mutual care and understanding. In this connection, the following Prophetic tradition can be cited:

*Aswad bin Yazid narrates that: I asked 'Ayesha (r.a.): "What was the norm of the Prophet SAW at home?" She (Ayesha the sublime) replied: "He used to work for his family at home. Then, when he would hear the adhan (call to prayer) he would step out."'*²⁸

Based on all these considerations, it is important that husband and wife should mutually consult each other and take decisions regarding all the domestic chores of the family from big to small with no compulsion on each other and no over burdening of each other, rather complementing each other. Thus these gender roles which husband and wife decide for each other through 'shura', consultation may be referred to as 'Islam based distinct and complementing gender roles through shura'.

If all these three subtypes of 'Islam based gender roles' are fully taken care of, then that family may be defined as 'Islamic family' or 'mini-civilization', which is free from patriarchal norms and patriarchal culture and where members of the family learn their first lessons on a civilized living, living with civility and gentility on the spirit of the Qur'an and the Sunnah.

Now, we would like to discuss the second type of gender roles, which as mentioned before is referred to as 'culture based gender roles'. This second type, 'culture based gender roles' neither reflects teachings of the Islamic texts nor it functions on the basis of 'shura'. Here, each and every domestic chore of the family is rigidly demarcated as distinct gender role of woman as wife and as mother. For instance women are expected and ordered to serve their husbands as obligation on them in the name of 'distinct gender roles as 'wives' with cooking, washing, cleaning, laundry, even providing every needed thing to husbands from their dresses to their caps, shoes and socks and handkerchief or a 'hand tissue' on demand. Similarly, they are ordered to serve their children as 'distinct gender roles of mothers' from weaning to providing meals and proper education on hygiene and morals, changing diapers, taking care of them when they are sick and attending them all alone on every single work. Thus women in such cases are reduced to what we would call, 'domestic service machines 24/7'! Women are not treated as human beings; but they are looked down as 'soulless machines' since all the time they are made to run around either serving their husbands or serving their children. It is quite obvious that this kind of Muslim family manifests patriarchal norms and patriarchal culture. Hence this type

of family may be described as ‘Muslim patriarchal family’ or ‘mini-patriarchy’, which is totally different from ‘Islamic Family’ or ‘mini-civilization.’

‘Muslim patriarchal family’ may take different forms based on the hotchpotch mixture of Islamic teachings with the proportions of patriarchal norms and culture. If less patriarchal norms are mixed with more of Islamic teachings, then it may be described as ‘Muslim soft-core Patriarchal family’. By the same token, if more patriarchal norms are mixed with less of Islamic teachings, then it may be referred to as ‘Muslim hard-core Patriarchal Family’. Thus based on the mixture of the proportions of Islam and patriarchal norms and culture, more such categorization can be formed and defined. The bottom line to understand here is, an Islamic family is totally free from patriarchy while Muslim Patriarchal families vary in degrees based on the proportion of patriarchal norms and culture they incorporate in their families mixing them with some nominal selected Islamic teachings.

In short, this whole discussion clearly shows that Islam as such does not approve any kind of patriarchal norms and patriarchal culture, because in principle, the Qur’an emphasizes that the spousal relationship should be based on love and compassion and the Qur’an has presented the concept of ‘shura’ as central for any social institution, including family. But some Muslim families follow some patriarchal traditions and culture which are not founded on the Qur’an and the Sunnah, but they are masqueraded and represented as ‘Islamic families’. Hence, the problem here lies not in the Qur’an, but in their wrong perception of ‘Islamic family’.

Coming back to Wadud’s observations on the Qur’an in context with patriarchy, it is quite evident that they do not represent the true message of the Qur’an on the husband and wife relationships in the family. She fails to differentiate between ‘Islam-based gender roles’ and the ‘culture based gender roles’. For this reason, Wadud says very clearly that the Qur’an itself is neutral to patriarchy and she describes the complementarities of the gender roles, as ‘patriarchal’.

Wadud has made such negative comments specifically on the Qur’an and generally on Islam several times. In one interview, Wadud asserts: “Islam, its original articulation, is very patriarchal. There are aspects of Quranic articulation that corroborate the patriarchy of the time. Yet I do [not think] that patriarchy is an aspect of Islam's universality. I think it is a functional displacement, which allowed for it to fit into the time.”²⁹ One can easily see the layers of confusion in her presentation of the Qur’an as corroborating with patriarchy of the time. Here one may be reminded of an important comment of one of the known Muslim scholars on women’s issues,

Asma Berlas: "Readings of Islam as a religious patriarchy rest on a number of conceptual confusions."³⁰

Now we shall look into some of her views on other concepts -- equality, equity, complementarity, 'sexuality' and LGBT. On the concept of equality, Wadud apparently seems to agree with the basic equality of men and women while recognizing the gender differences, but eventually she gets confused with the terms, 'equality', 'equity' and 'complementarity'. For instance, in her book, *Inside the Gender Jihad*, she rightly observes: "All human beings are potentially servants and agents of Allah."³¹ She also writes "I do not adhere to a definition of equal that requires some feigned sameness in order to be applied. Sameness is extremely illusive and difficult to achieve."³² She further says that 'I support the notion of distinctions between women and men unequivocally' and says "-- I am likewise unequivocal about the notion of egalitarian family."³³ This clearly shows that Wadud perceives gender equality, as 'equality with difference', which keeps into considerations basic equality of men and women while appreciating their gender differences and some of their resultant gender roles which naturally complement each other. But later in an interview, Wadud makes fun of complementarities. She declares: "We have to look for equality. We cannot get confused. Equity means to the complementary. It is like a man who wears an unfinished dress."³⁴ This gives rise to several pertinent questions: If she agrees with certain gender differences, why she disagrees with certain gender roles which complement men and women each other? If she defines equity in terms of complementary, and equality in terms of equal humanity, don't we need both, 'equality' and 'equity'? Are not men and women 'equal' in terms of humanity but different identically in terms of biology to complement each other? Wadud has no answers for this, because as mentioned above, she demands 'equality' and warns us against 'equity' saying that it is like an 'unfinished dress of man.' But the reality is that demanding only equality for women while ignoring different identities of men and women that enable them to complement each other seems to be an unfinished identity of woman.

Besides these problems, Wadud creates another problem mentioning the new concepts of family - with or without heterosexual couples. She writes: "New configurations of family -- with or without the heterosexual couples -- must reconsider the ways that all the members of the family may play various roles in care-taking, protection, and provision."³⁵ This is a bit vague as to what she wants -- does she want to accept the new concepts of family with or without heterosexual couples or she wants something else? This vagueness goes off when we see that Wadud in one of her articles clearly says that she is an ally for LGBTIQ: "I could act as an ally to the

LGBTQI Muslims...”³⁶ She seems to be visiting many places for protecting the rights of LGBT. She writes: “I am currently in Cape Town South Africa at a Queer Muslim International Retreat. Next month I will go to Jakarta Indonesia for a workshop focused on the same agenda: reform in Muslim communities towards the lives of dignity for lesbian, gay, bi-sexual, transgender, Queer and Intersex Muslims.”³⁷

A crucial question arises here: Where do all these assertions of Wadud on the Qur’an, equality, equity, complementarity, and LGBT are leading to --- Islam or feminism?³⁸

Conclusion

It seems pertinent to mention here that besides all these reflections of Wadud on women’s issues as discussed above, there are some views of Wadud which can be shown as the best examples of the total misrepresentation of Islam. She contends that the Qur’an promotes male sexuality,³⁹ and she argues that the Qur’an never totally eliminated slavery and concubinage⁴⁰ and such others. From this whole discussion, a pertinent question arises: Where is Islam in Islamic feminism?

Two other crucial questions may be raised here: When Wadud says that the Qur’an is neutral to patriarchy, what does it convey? Does it convey that she is calling for a non-patriarchal interpretation of the Qur’an or it conveys that the Qur’an is patriarchal?⁴¹ It conveys that if Muslim women need liberation from patriarchal culture and certain other problems which they face in some Muslim societies, then they have no other choice than to refer to feminism as their ‘saviour’, because the Qur’an does not offer any solution to them being itself patriarchal in some of its articulation. (May Allah SWT forgive us.)

Besides Wadud, few eminent scholars of Islamic feminism, Margot Badran, Kecia Ali, Ziba Mir Hussaini and others claim that they seek inspiration from the egalitarian spirit of the Qur’an to unmask patriarchal interpretations of the Qur’an. But what we see is just contrary to what they declare. Ziba Mir Hosseini contends that she believes in the concept of justice which should be developed outside religion on the basis of rational understanding.⁴² Kecia Ali contends that Islam cannot be seen as a solution of every other problem and then gives the example of the problems of women in Afghanistan and asserts that Islam can hardly do anything positive in this situation.⁴³

We therefore argue that the so-called Islamic feminism failed bitterly to provide an Islamic alternative to Muslim women. It failed to realise that feminist ideas and

arguments occupy the central position in it, while the over-all image of the Qur'an depicted in it is either negative or hermeneutically constructed within the discourse of modernity; and it ignores the epistemological differences between Islam and feminism and overlooks that all the modern western ideologies are inherently laden with imperializing tendency. They try to convince people that they are the best for all cultures and civilizations irrespective of the ideological and civilizational differences between them and feminism is not an exception.

However, we would like to emphasize here that Islam should be presented as an alternative to feminism on the position and role of woman in family and society. But the present creation of the so called Islamic Feminism has not only failed to provide an Islamic alternative; rather it has distorted the image of Islam and is candidly serving Western imperialism. Given this situation, do we have to create a 'new' Islamic Feminism? "Never!" Perhaps it is the high time to understand that there is no need for the formation of any kind of 'Islamic Feminism' to provide an alternative to Muslim women. Islam in general and Islamic position on women's status and role in family and society in particular, are comprehensive and strong enough to protect and promote the rights of Muslim women without any sort of incorporation of feminism.

Note

1. Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from A Woman's Perspective*, Oxford University Press, 1999, p.8.
2. Amina Wadud, *Qur'an and Woman*, 1999, op.cit., p.9.
3. Amina Wadud, *Qur'an and Woman*, 1999, op.cit., p.9.
4. see Robert Filmer, Johann P. Sommerville, 'Patriarcha' and Other Writings, Cambridge University Press, 1991
5. See Zeenath Kausar, "Oikos/Polis Conflict in Western Political Thought and Feminism: Necessity of Islamization", *American Journal of Islamic Social Sciences (AJISS)*, Herndon: International Institute of Islamic Thought (IIIT), Vol. 13, No. 4, 1996, pp.475-496.
6. See Natalie Zemon Davis, Arlette Farge, and others edited, *History of Women in the West, Volume III: Renaissance and the Enlightenment*, Belknap Press of Harvard University Press, 1993

7. See Nancy F. Cott, *The Grounding of Modern Feminism*. New Haven: Yale University Press, 1987.
8. See Syed Naquib al Attas, *Islam and Secularism*, ABIM, Kuala Lumpur, 1978 .
9. See Ismaiel Rajhi al Faruqi, *Tawhid: Its Implications on Life and Thought*, International Institute of Islamic Thought, IIIT, Herndon, Virginia, 1992.
10. Al Qur'an, 81:8; 6:151
11. Al Qur'an, 17:32; 24:33
12. Al Qur'an, 13:38;30:21; 5:5
13. Al Qur'an,4:3
14. Al Qur'an, 4:7-12;4:29; 4:32
15. See M. Mazharuddin Siddiqui, *Woman in Islam*, Delhi, Adam Publishers, 1993, p.58. See also Hammudah Abd al Ati, *The Family Structure in Islam*, Indianapolis, American Trust Publications, 1977, p.169. See Zeenath Kausar, *Women in Feminism and Politics: New Directions towards Islamization*, Second Edition, Kuala lumpur, Leeds Publications, 2001. She presented a new definition of domestic work and argued for the 'Islamization of domestic work' and related issues; see pages 118-134.
16. Al Qur'an, 42:38; 3:159;2:233
17. Hasan Turabi, *Women in Islam and Muslim Society*. London: Milestone1991.
18. See Abdul Haleem M. Abu Shaqqah, *Tahreer al-Mara'ah fi Asr Ar Risalah*. It is also translated into Urdu. See its Urdu translation, Shu'bah Husanain Nadawi, *Khawateen Ki Azadi Ahd Risalat Mei*, 2008.
19. Amina Wadud, *Qur'an and Woman*, 1999, op.cit., p.9.
20. Al Qur'an, 4:34
21. Mohammad Asad, <http://muhammad-asad.com/Message-of-Quran.pdf>. p. 66
22. Al Qur'an,30:21
23. Al Qur'an, 2:187
24. Al Qur'an, 42:38
25. Al Qur'an, 2:233
26. Al Qur'an, 24:54; 31:15

27. Abi Abdullah Muhammad bin Yazid al-Qazuni, 1999. Sunan Ibn Majah. Sahih bin Abdul Aziz (ed.). Kitab al-Adab. Bab Birr al-Walidayn. Hadith no. 3658. Riyadh: Dar as Salaam li al-Nashr wa al-Tauzi', p. 525 .
28. Al-Bukhari, 1979. Sahih al-Bukhari, Kitab al-Natqat. Bab Khidmat al-Rasul fi Ahlihi. Hadith no. 5363. Vol 3, p. 427 .
29. Amina Wadud, Interview , Front Line, March, 2002. <http://www.pbs.org/wgbh/pages/frontline/shows/muslims/interviews/wadud.html>
30. Asma Berlas, Believing Women in Islam: Un-reading Patriarchal Interpretations of the Qur'an, University of Texas Press, 2002, p. 10.
31. Inside the Gender Jihad, op.cit, p. 155
32. Inside the Gender Jihad, op.cit, p. 155
33. Inside the Gender Jihad, op.cit., p.155
34. Amina Wadud, An interview by Azzurra Meringolo, Portrait of a Muslim feminist, Dialogues on Civilizations, Monday, 21 January 2013
35. Inside the gender Jihad, op.cit., p. 152
36. <https://feminismandreligion.com/2014/09/20/lgbtqi-muslims-and-international-movements-for-empowerment-by-amina-wadud/>
37. <https://feminismandreligion.com/2014/09/20/lgbtqi-muslims-and-international-movements-for-empowerment-by-amina-wadud/>
38. We would just like to mention here that there is a need to make a critical analysis of the so-called 'Hajar Paradigm' constructed by Wadud to elaborate her views on family. We would discuss it in some other article because here the space does not allow .
39. Amina Wadud, Inside the Gender Jihad, op.cit., p. 192
40. Amina Wadud, Inside the Gender Jihad, op.cit., p. 192
41. " It (Islamic feminism) unmaskes the inequalities and injustices that patriarchal thinking and practices perpetuate in the name of Islam" See Margot Badran, Islamic feminism in Spain and beyond, November 12, 2010, in Gender, State & Society <https://blogs.nd.edu/contendingmodernities/2010/11/12/islamic-feminism-in-spain-and-beyond/>
42. See Ziba Mir-Hosseini , Muslim Women's Quest for Equality: Between Islamic Law and Feminism, in Critical Inquiry, Vol. 32, No. 4 (Summer 2006), p.633. See <http://www.jstor.org/stable/10.1086/508085> . Accessed: 04/01/2011 16:24

43. Kecia Ali, Rethinking Women's Issues in Muslim Societies.
<https://www.brandeis.edu/projects/fse/muslim/mus-articles/ali-rethinking.pdf>

References

Al Quran

Al Bukhari

al Faruqi Ismaiel Rajhi, *Tawhid: Its Implications on Life and Thought*, International Institute of Islamic Thought, IIIT, Herndon, Virginia, 1992.

Ali Kecia, Rethinking Women's Issues in Muslim Societies.
<https://www.brandeis.edu/projects/fse/muslim/mus-articles/ali-rethinking.pdf>

Abd al Ati Hammudah, *The Family Structure in Islam*, Indianapolis, American Trust Publications, 1977

Al Attas Syed Naquib, *Islam and Secularism*, ABIM, Kuala Lumpur, 1978

Asad Mohammad, , <http://muhammad-asad.com/Message-of-Quran.pdf>. p. 66

Abu Shaaqah M Abdul Haleem, *Tahreer al-Mara'ah fi Asr Ar Risalah. It is also translated into Urdu. See its Urdu translation, Shu'bah Husanain Nadawi, Khawateen Ki Azadi Ahd Risalat Mei*, 2008.

Badawi Jamal, *Gender Equity in Islam: Basic Principles* American Trust Publications, 1995 .

Badran Margot, Islamic feminism in Spain and beyond, November 12, 2010, in *Gender, State & Society*
<https://blogs.nd.edu/contendingmodernities/2010/11/12/islamic-feminism-in-spain-and-beyond/>

Berlas Asma, *Believing Women in Islam: Un-reading Patriarchal Interpretations of the Qur'an*, University of Texas Press, 2002.

Chaudhri Mohammad Shareef, *Women's Rights in Islam*, Adam Publishers, 2003.

Cott Nancy F., *The Grounding of Modern Feminism*. New Haven: Yale University Press, 1987

Farge Arlette, Natalie Zemon Davis, and others edited, *History of Women in the West, Volume III: Renaissance and the Enlightenment*, Belknap Press of Harvard University Press, 1993.

Kausar Zeenath, *Women in Feminism and Politics: New Directions towards Islamization*, Second Edition, Kuala Lumpur, Leeds Publications, 2001.

Kausar Zeenath, "Oikos/Polis Conflict in Western Political Thought and Feminism: Necessity of Islamization", *American Journal of Islamic Social Sciences (AJISS)*, Herndon: International Institute of Islamic Thought (IIIT), Vol. 13, No. 4, 1996, pp.475-496 .

Kausar Zeenath, *Muslim Women at the Crossroads: Rights of Women in Islam and General Muslim Practices*, Kuala Lumpur: Thinker's Library, 2006 .

Kausar Zeenath, *Woman as Head of State in Islam?* 2nd revised edition, Kuala Lumpur: Thinker's Library. 2007.

Kausar Zeenath, Battle of Books! Diverse Trends in Muslim Thought on Women's Issues: Need Bias Cleansing, *Journal of International Women Studies, JIWS*, Bridgewater State University, USA, Vol.15, No.2, 2014, pp. 165-181.

Kausar Zeenath, *Women's Empowerment and Islam*, Dewan Bahasa Edition, 2015

Mir-Hosseini Ziba, Muslim Women's Quest for Equality: Between Islamic Law and Feminism, in *Critical Inquiry*, Vol. 32, No. 4 (Summer 2006)

P. Sommerville and Robert Filmer, *'Patriarchia' and Other Writings*, *Cambridge University Press*, 1991
Siddiqui, M. Mazharuddin, Woman in Islam, Delhi, Adam Publishers, 1993 .

Turabi Hasan, *Women in Islam and Muslim Society*. London: Milestone1991.

Wadud Amina, *Qur'an and Woman: Rereading the Sacred Text from A Woman's Perspective*, Oxford University Press, 1999, p.8.

Wadud Amina, Interview, Front Line, March, 2002.
<http://www.pbs.org/wgbh/pages/frontline/shows/muslims/interviews/wadud.html>

Wadud Amina, An interview by Azzurra Meringolo, Portrait of a Muslim feminist, *Dialogues on Civilizations*, Monday, 21 January 2013

Wadud Amina, *Inside the Gender Jihad: Women's Reform in Islam*, One World, Oxford, 2006.

Revisiting the Indian Vedic Tradition:

A Shariatian Approach

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Abstract

In this article, the author is attempting to inquire about Ali Shariati's approach toward Indian form of contemplation. Many scholars have looked at Shariati as the ideologue of the Iranian Revolution in 1979 but very few have inquired into other aspects of his magnum opus. In this article, I have tried to argue that it is possible to conceptualize Shariati's approach vis-à-vis the Indian philosophical tradition and based on this assumption to put forward what I have articulated as the Shariatian approach in Indological fields of studies. To put it differently, within the fields of Indological research there is a mainstream of eurocentric forms of conceptualizing India and her diverse intellectual traditions but other forms of reading and interpreting the Indian philosophical as well as religious traditions have always been suppressed or undertheorized. I think it is high time to change the tides and try to look for other vistas and panoramas as far as Indology is concerned and opt for non-eurocentric approaches. In this context, I think Ali Shariati's approach could be one of the most coherent forms of theorizing India, not as a nation-state, but as a form of contemplation which differs from the Hellenistic tradition as well as the Iranian form of life and the Chinese metaphysics.

Key Words Vedic Tradition, Shariati, Contemplation, Sufism, Knowledge by Presence.

Introduction

Few scholars may be familiar with Ali Shariati's approach towards Indian philosophy and religious and intellectual traditions as he is more famous for being the ideologue of the Islamic Revolution of Iran in 1979. But he wrote a two-volume book entitled *History and Understanding of Religions* which were initially delivered as lectures in 1972 in Tehran and then compiled and edited as part of his 36 volumes collected works in Persian. His ninth lecture is on *Reconsidering the Insight and Soul of India* and there Shariati argues that

" ... to know the parameters of the spirit of India is not only important as a matter of one of the most boiling focal points of spirituality in the history of humanity, but it is of great significance in terms of one of the deepest forms of human dimensions as a species" (CW: 15. 2009, 51).

In this article, I shall try to look at different aspects of Shariati's understanding of the Indian Vedic tradition based on a close reading of his analyses as collected in his important work on *History and Understanding of Religions*. But before going any further, I should mention few words about Shariati's central thesis on the relationship between Sufism in the Muslim World and Indian Schools of Transcendent Philosophies. In other words, Shariati argues that

" ... if we see many idioms, terms, terminologies and concepts are similar between Sufism and Indian Schools of philosophies ... that should not surprise you at all as there are deep-seated similarities between these traditions ..." (CW: 15. 2009, 58).

I would not suggest that Shariati belongs to the school of 'Transcendent Unity of Religions' (Schuon, 1993) but there are ample evident that he tried to find out common grounds of world religions vis-à-vis modern western civilization which "has alienated humanity from the transcendent dimensions of being" (CW: 15. 2009, 51).

Veda as a special kind of awareness

Shariati does not talk about Vedas as holiest books of the Hindu religion or about four different kinds of Vedas such as the Rigveda, the Yajurveda, the Samaveda and the Atharvaveda. (Swami, 1994) On the contrary, he looks at what he conceptualizes as 'Indian Mode of Contemplation' as an antidote to the modern alienating forces which have obstructed humanity's aspirations for self-actualization. In his view, the Indian insight is based on

"... a particular kind of awareness ... and all principles of the Indian tradition is directed at awakening this specific form of consciousness. This specific form of consciousness is not rational awareness, artistic awareness, scientific awareness, technological awareness, and even ideological awareness ... but it is a form of illumination and self-realization or a kind of human self-actualization of philosophical type ... which is hard to fathom ... in particular ... it is impossible for those who cannot understand the multifaceted dimensions of reality but ... only through reason ..." (CW: 15. 2009, 57).

What is the name of this special kind of awareness? Shariati states that this insight and knowledge and special type of awareness is *Veda*,

" ... which could be termed as sacred intellect, true realization, gnosis (in contrast to science), Hekamt and Sophia (as it was known among ancient Greeks) ..." (CW: 15. 2009, 57).

In other words, he differentiates between the discursive knowledge and knowledge by presence. This is to argue that Shariati is of the belief that humanity has always attempted to overcome the shortcomings of various forms of cognitions which could be conceptualized as *Rational Cognition*, *Scientific Cognition*, *Technological Cognition*, *Cultural Cognition*, *Artistic Cognition*, and *Literary Cognition*. In other words, great world religions and prominent sages and lovers of wisdom have realized that these forms of consciousness do, in one way or the other, limit the horizons of human self-actualization and deep down in her/his true being

" ... human being could sense a higher form of awareness ... which if it could be attained then wo/man would have the power to remove all sensual forms of cognitions and be able to reach beyond ... and have the ability to realize the ultimate, mysterious, transcendent, and absolute reality" (CW: 15. 2009, 57).

To put it otherwise, Shariati contends that this form of

" ... consciousness is the kind of awareness which could understand eternity and realize the absolute and uncover the infinite as well as grasp the mystery of being and fathom that which is not-apparent ... but has always been the incessant concern of human self ..." (CW: 15. 2009, 57).

All forms of knowledge are, so to speak, unable to ignite in the soul of human being that special kind of 'luminosity' except 'Veda' which is an authentic form of 'knowledge'. That is to argue that

" ... except Veda ... all other forms of knowledge are fictitious. That is to say, they are either forms of knowledge which cannot grasp the truth or they are forms of knowledge which create misunderstandings ... and in so doing they mislead ... humanity. Even the form of knowledge which is correct ... that is also misleading because humanity is set to be the traveler of a more distant land ... but formal forms of knowledge drop off humanity in the mid-way ... and that is itself a form of aberration ... and that's why we argue that reason leads correctly ... but due to its inherent limit cannot lead humanity to the ultimate destination ... and instead drops off the halfway ... because reason as a faculty is not capable of doing the task ..." (CW: 15. 2009, 58).

When Shariati demonstrated the inability of reason to go beyond the discursive realms then he argues that

" ... this is why all traditions and denominations of Hinduism ... attempt to purify the source of awareness and the faculty which receives truths and experiences mysteries of noumena ... that lies in the primordial nature of human being ... but Avidya –ignorance, misconception and incorrect knowledge- deprives humanity from reaching the realm of perception" (CW: 15. 2009, 58).

In Shariati's reading, 'Veda' or 'Vidya' are from the same roots as 'Didan', 'Binesh' and 'Binaei' in Persian and even with the term of 'Voire' in French as all belong to the same family of languages and

" ... all, in one way or the other, refer to some kind of insight and inner realization which enables you to experience the truth directly. As Bergson rightly puts it ... knowledge by acquaintance is different from knowledge by presence ... as in the latter you experience the truth illuminatively rather than discursively" (CW: 15. 2009, 59).

In Shariati's word, Veda or Vidya

" ... is knowledge by presence. For instance, to have knowledge that sugar as a matter is sweet ... this form of knowledge is conceptualized as knowledge by presence but if you taste sugar yourself then this kind

of knowledge is of another order ... that is to state it is knowledge by presence. A scholar, for example, knows love as a concept and may discuss it conceptually and analytically in details but a person who is in love ... lives love existentially. In other words, the one who is in love, her/his awareness of love is not discursively but experientially ..." (CW: 15. 2009, 59).

Shariati discerns a similarities and continuities between Vedic mysticism and Sufism by arguing that

" ... knowledge by presence breaks the barriers between the knower and the known and cannot be construed in terms of subject-object epistemology and this debate has been an important part of our culture too" (CW: 15. 2009, 59).

The Path towards Redemption

In Shariati's view, the only alternative

" ... vis-à-vis reason which could deliver humanity from the terror of reason is Vidya and true knowledge" (CW: 15. 2009, 59).

The problem which we should understand when studying India is the question of 'I' or 'Le Moi'. This 'Le Moi'

" ... has a very pivotal place in psychology ... and one perceives her/his own self through it ... and in terms of individu –in its philosophical sense- i.e. it is not other ..." (CW: 15. 2009, 61).

Shariati argues that

" ... this le moi ... for the first time in its authentic sense of analytical order ... was presented in the Indian Vedic Tradition ... and issues which thinkers such as Heidegger talked about in existentialist discourses in the 20th century ... are rooted in the Vedic Tradition ... which were put forward in a more complex fashion more than 3000 years ago" (CW: 15. 2009, 61).

Le moi, in the Vedic perspective is

" ... the constellation of all relations and connections which an individual senses in relation to others and under the spells of false consciousness think of them as I and attributes to I In other words,

I is not an authentic reality. Self is a construction which is composed of thousands forms of relations and connections which we have construed in the course of life with others ... and what we sense as I is, as a matter of fact, a construction ... once you reach to the state of vidya then all appearances disappear and nothing will be there I is that nothing. This is what Heidegger conceptualizes as inauthentic being versus authentic being ..." (CW: 15. 2009, 62).

The First Doubt

In the history of ideas, it is customary to attribute the rise of 'first doubt' to Descartes (Scruton, 1994) but the deepest and most serious doubt was first formulated in India, says Shariati. He argues that the Cartesian Cogito attempts to establish the foundations of the subjectivity but

" ... the primary rebellion should be waged against the Cogito which is the greatest of all lies to humanity ... and this rebellion is the revolt of human being against Cogito. But how and in what fashion could this be achieved? The answer is ... through Vidya ... as it could bring us to the realms of truth and uncover the mysteries of life ... it could also deliver us from ignorance by making us aware of the true nature of reality" (CW: 15. 2009, 62-3).

All branches of knowledge are based on 'Cogito' but it is through 'Vidya' which one could discern the falseness and nothingness of self and

" ... help us to realize the reality which lies beneath Cogito ... as though it is buried under the earth and we do not have any understanding of the significant dimension of our authentic being ..." (CW: 15. 2009, 63).

In Shariati's view, there is a great similarity between the Vedic tradition on the importance of 'negation of self' and issues in Sufism which are expressed by concepts such as *Enniyat*, *Ananiyyat* and *Maniyyat*,

" ... which encourage you to deny yourself so you can reach O [= Him] ... which is the true reality of being and the true being of reality ..." (CW: 15. 2009, 63).

Annihilation of Self

If we realize that *Vidya* can dis-cover the true nature of self and

" ... if we understand that self is nothing but the accumulation of all connections and relations of ego with others and once we cut all these connections ... then ... and only then we can get rid of false selfhood ... then here the question of ascetic discipline comes up ..." (CW: 15. 2009, 64).

How does Shariati reformulate *ascetic discipline*? For him, the ascetic discipline is consisted of

" ... cutting all your connections from everyone and everything ... as these ... in one way or the other hold you in their diverse forms of enchainment. You are a pure and clean mirror which has got the reflections of all these dark things on your being and you wrongly think that you are composed of all these forms and colors ... but the reality is that you are none of them and you can only realize that if you could get rid of these false images and specters" (CW: 15. 2009, 64).

In other words, by the scissor of ascetic discipline, one can destroy the self. Shariati talks about Yoga,

" ... as one of the most efficient forms of discipline which in its simple forms ... could be seen as long fasting, gazing at a point for a long period of time ... practicing silence ... and any form of exercise which could help us to get detached from visible and invisible forms of attachments ..." (CW: 15. 2009, 64).

Shariati argues that Yoga is from the same root as "Yogh in Persian which means to bring the body under the control, observing the self, concentration ..." (CW: 15. 2009, 66). He argues that

" ... as long as you are as an individual form of cogito ... then you have no choice but be concerned with the external realities ... if you as an individual are confined to your own room for a day or so then you shall feel empty and scared ... why? Because you will see the emptiness of yourself fully ... and solitude is the greatest factor through which you can see your own void by That's why an empty person throws always her/himself into the midst of the crowd ... and feels alive while s/he is among the crowd ... and if the others are not present s/he does

not exist Because her/his cogito is exactly born out of the others and what they project onto her/him ... " (CW: 15. 2009, 66).

Shariati argues that those who are familiar

" ... with the Vedic Gnosticism ... through Yoga and self-discipline can find redemption and get emancipated and once you are able to look into your own inner world ... then you realize that individuality or cogito is nothing ... and is, indeed, based on a false consciousness ... and by realizing this then what you felt as self ... it disappears ... and Man (Cogito or I) turns into Atman ... " (CW: 15. 2009, 66).

Atman: A Conceptual Makeover

How does Shariati conceptualize Atman as a concept? Atman is

" ... that authentic self which exists in all people ... and is buried under all those false selves ... then ... once the ... false self is annihilated then I can feel that I am HE ... " (CW: 15. 2009, 67).

But here allow me to say few words about the pronoun which Shariati employs in Persian, i.e. "O" which is the third pronoun but in English we are obliged to use either 'He' or 'She' but this is not the case in Persian as the third pronoun is genderless in Persian language. At any rate, the question is that who is 'He'? 'He' is that real being which is of essential nature and is not

" ... either of an external nature or of contractual form ... on the contrary, HE is that reality which is present in all humanity ... " (CW: 15. 2009, 67).

Once you realize this truth then

" ... you are faced with a revolutionary mode in the deepest core of your being ... as before this realization ... you thought of yourself as an individual ... separated from others As a matter of fact, personality means to be separated from everyone ... i.e. insisting on all the factors which make me distinct and different from others ... but now you are aware that this perception is false and the cogito which is constructed in this fashion is an illusion ... and then you realize that ... unlike before ... now you are a part of others and others are present in you ... " (CW: 15. 2009, 67).

This is to argue that

" ... while in the past I was connected to others in an external fashion but internally I felt antagonized and alienated from others and felt my own self is an individualized form as a monad against other monads ... but now that I have been able to cut my external relations ... then ... and now and only now ... I can feel one with the whole humanity In other words, thanks to this grand inner leap ... I have reached Atman ... i.e. a state where one does not desire anything for her/himself ... as the self which wanted everything for her/himself greedily and posed oneself in opposition to others ... now that one ... feels as a sense of relationship and one feels towards all human beings, all races and all colors a kind of inner love and solidarity ... " (CW: 15. 2009, 67).

Shariati interprets Veda as true knowledge and argues that

" ... once humanity becomes aware ... through true knowledge (i.e. Veda) ... and ascetic discipline ... as well as harnessing of the passions through Yoga ... then human being is able to manage the false modality of self ... and gradually get closer to the shores of Great Selfhood ... or General I-ness i.e. the source of all I-nesses namely Atman ... and even one can incarnate in it ... and once live and die in ... it But Atman ... can pass through various levels of being ... and reach to a place where there is no place and that is Brahman ... " (CW: 15. 2009, 68-69).

Revisiting the Notion of Brahman

How does Shariati read the concept of Brahman? Surely there are different classical and modern interpretations of the idea of 'Brahman' both as a concept and as a state of being but here I am interested in Shariati's reading of 'Brahman'. In other words, I would like to find out how a contemporary Iranian social theorist approached the question of religion in India and in what fashion he has conceptualized the notion of 'Brahman' as a pivotal concept in Hinduism. Shariati states that Brahman

" ... is the absolute truth ... it is the soul of everything ... it is the conscience of the world and the eternal spirit of being Atman is a false reality vis-à-vis the authentic reality of Brahman ... in the same manner that Self is a false consciousness in front of Atman. In Brahman ... one does not only feel one with humanity but in unity with the whole

gamut of being and reality in all its manifestations ... at this stage there is no trace of Self or Atman ... but all have been transformed into Brahman" (CW: 15. 2009, 69).

Shariati argues that this marvelous sojourn of self towards Atman and from the world of Atman into Brahman is marked by a

" ... zenith ... and that is where there is a unification between Atman and Brahman ... which is the absolute truth" (CW: 15. 2009, 69).

Here, i.e. the unification of Atman and Brahman which is the final stage of being, Shariati discerns a kind of similarity between Sufism (in the school of Unity of Being as expressed by Hallaj) and Vedic philosophy (Flood, 1996, 35) by arguing that

" ... it is at this stage which Hallaj says: I am God and in my garment there is nothing but HE In other words, ... for crossing through the stage of Self into Atman and from the latter into Brahman and from Brahman to the peak of eternity i.e. Krishna ... the highest form of being and the unity of being ... you need to go through the stages of Samsara (the phenomenal world), Karma (the incarnation) and Nirvana (redemption) ... " (CW: 15. 2009, 69-71).

Last but not least, I could conclude that it seems Shariati reads the *Indian Mode of Contemplation* (Banerjee, & Chatterjee, 2018) in terms of Sufism and views, on the other hand, Sufism as a form of Indian contemplative approach but it would be wrong to assume that the concept of 'India' or 'Hind' in Shariati's frame of reference is equivalent to India as a nation-state. On the contrary, India in the Shariatian frame of reference is an ideal-type which represents a form of being and a type of spirituality in the history of mankind. Of course, there could be many empirical data which one may gather to disprove Shariati's approach but his interpretation of *Indian mode of contemplation* deserves to be studied and reflected upon even today.

References

- Banerjee, R. & Chatterjee, A. *Indian Philosophy and Meditation: Perspectives on Consciousness*. Routledge, 2018.
- Flood, G. *An Introduction to Hinduism*. Cambridge University Press, 1996.
- Schuon, F. *The Transcendent Unity of Religions*. Revised Edition, The Theosophical Publishing House, 1993.
- Scruton, R. *Modern Philosophy: An Introduction and Survey*. London: Penguin Books, 1994.
- Shariati, A. *History and Understanding of Religions*. Sherkat Sahami Enteshar. Collected Works: 15; 2009.
- Swami, B. *Essentials of Hinduism*, Viveka Press, 1994.

Analyse comparative des protagonistes gidiens et al-e ahmadiens:

du personnage au vrai soi

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Résumé

Dans les recherches menées en Iran, on a beaucoup travaillé sur les idées sociales et politiques de Djalâl Al-e Ahmad¹ et l'influence considérable qu'il a exercée sur les nouvelles générations; mais personne, à notre connaissance, n'a encore effectué une étude approfondie de ses œuvres afin de déchiffrer les secrets de ses écrits et surtout l'influence qu'il a subie des écrivains étrangers et notamment français.

De même, la lecture attentive de la quasi-totalité de ses œuvres, nous a convaincus des traces laissées par les écrivains français, surtout André Gide, sur son écriture. Ces influences ne s'avèrent pas du tout incongrues et aléatoires, car Al-e Ahmad a lui-même choisi quelques œuvres de ce dernier pour les traduire en persan.

Cette recherche a pour objectif de mettre en lumière les similitudes entre les personnages de Gide et ceux de Al-e Ahmad afin de trouver la raison essentielle de ces ressemblances. Les résultats obtenus nous rapprocheraient petit à petit au vrai soi de l'écrivain.

«La subjectivité de l'auteur», «l'aspect biographique» et «l'antagonisme et la dualité» sont les trois termes essentiels pour trouver la subtilité de cette image gidienne dans la création de l'œuvre romanesque al-e ahmadienne. Quant à la méthode sur laquelle repose cette recherche, elle s'inscrit dans le cadre d'une étude comparative et analytique. Mais, il ne s'agira évidemment pas pour nous dans les limites de cette recherche, d'évoquer un processus

spécifique de la comparaison, mais plutôt de rendre compte des traits communs, notamment en ce qui concerne l'apparition des idées croisées.

Mots-clés : Personnages, dualité, subjectivité, autobiographie, comparaison, similitude.

Introduction

A l'époque où André Gide était attiré par l'art et la littérature des Persanophones, les chercheurs iraniens ignoraient complètement cet écrivain français. Les Iraniens fréquentaient les pays occidentaux depuis des siècles, mais à cette époque, il n'était pas encore temps pour eux de se familiariser avec les mouvements littéraires de l'Occident.

En réalité, le nom d'André Gide apparaît pour la première fois, le 21 mars 1921 dans une revue bilingue iranienne *Pars (la Perse)*. Peu après, cette revue est également diffusée en dehors des frontières iraniennes, à Istanbul notamment. Son directeur, Abolghassem Lahouti, était un poète qui avait passé la moitié de sa vie en Russie et le rédacteur en chef s'appelait Ali Norouz (Hassan Moghaddam). Ce dernier dramaturge d'ailleurs avait fait ses études universitaires tour à tour en France et en Suisse. Il essayait donc de jeter un pont culturel et littéraire entre la France et l'Iran. Afin de réaliser ses projets, il avait demandé la collaboration de quelques iranologues et écrivains français, tel qu'André Gide.

Mais André Gide, sans avoir formellement accepté cette demande, avait envoyé une lettre à la rédaction qu'on avait fait publier dans la revue *Pars*. Cette lettre contenait, entre autres, son jugement sur les traductions françaises faites des œuvres des poètes persans en Occident. Gide y avait profondément admiré les poètes iraniens tels que : Hafiz, Saadi, Ferdowsi et Khayyâm.

Vingt-cinq ans plus tard, en 1945, immédiatement après la guerre, le nom de Gide-avec celui de Paul Valéry- a été cité pour la deuxième fois dans un magazine iranien.

En juillet 1945, Jean Richard Bloch, auteur du livre *La Nuit kurde* a fait un entretien avec le directeur de la revue *Sokhane (Le Discours)*. Lors de ce débat, Bloch critique violemment le style gidien durant la Seconde guerre mondiale en ce qui touche les formules et les tournures finales de ses discours ; ainsi envoie-t-il un message à Sadegh Hedayat qui s'était presque effacé à l'époque des milieux littéraires.

Depuis soixante ans, l'influence de Gide est de plus en plus sensible chez les jeunes poètes. A examiner de près la poésie persane moderne, nous pouvons constater

que Gide, plus que n'importe quel écrivain français et étranger, a influencé la pensée du moins d'une génération de poètes persans.

Etant donné que Al-e Ahmad a lu et traduit certaines œuvres de Gide, pourrait-il bien échapper à son influence ? La traduction en persan par Al-e Ahmad des *Nourritures Terrestres* de Gide n'a-t-elle pas eu d'impact sur notre écrivain iranien ? Autrement dit cette similitude chez Al-e Ahmad est-elle une simple interférence ou a-t-elle bien été acquise via l'inspiration ?

Maintenant, nous allons relever étape par étape les ressemblances et les points communs entre ces deux écrivains, que ce soit dans leurs œuvres, ou dans leur vie; nous analyserons les données ainsi obtenues pour en dégager le secret qui aurait poussé ces auteurs à préférer une direction plus au moins semblable dans le choix des sujets, des techniques narratives voire des personnages romanesques.

Al-e Ahmad : écrivain inspiré

Durant les années où on n'avait publié que quelques pages choisies des *Nourritures Terrestres* dans les hebdomadaires de Téhéran(1954), on assistait à la publication des livres, inspirés totalement du livre de Gide.

Depuis la publication des *Nourritures Terrestres* on trouve des livres dont les auteurs s'y inspirent pour donner des titres à leurs ouvrages. Ainsi Forough Farokhzad a-t-elle écrit un couplet intitulé « *les Versets Terrestres* », après Forough Farokhzad c'est Forough Milani qui a publié *ses Espoirs Terrestres*, et puis viennent Mansour Owji avec *la Solitude de la Terre* et Djalâl Al-e Ahmad avec *L'Imprécation de la Terre*.

Le style vif de ce dernier qui est sans doute un devancier dans la présentation d'André Gide en Iran, est bien, du point de vue narratif, marqué par celui de Gide. Par exemple le style de *L'Épître de Saint-Paul aux écrivains* ressemble un peu à ce livre. En réalité, Al-e Ahmad a traduit cet essai syriaque en persan à l'aide d'un clerc et selon son propre aveu :

« *Le style de l'Évangile et sa présentation, mis à part les répétitions affirmatives des mots, des concepts et des verbes ou bien l'omission des verbes et des conjonctions, contient des comparaisons éloquentes, simples et primitives, tout cela existe en entier dans cet essai* » (Al-e Ahmad, Djalâl, 1371/1992B, 13)²

Le texte principal de cet essai contient quatre chapitres et chacun de ces chapitres se divise, comme les livres saints, en des versets.

Outre cette inspiration volontaire, nous avons pu dégager étape par étape et en superposant leurs textes les points communs et le réseau d'association des images obsédantes et involontaires qui se répètent presque partout dans les œuvres de Al-e Ahmad et d'André Gide.

Les protagonistes : image de l'auteur

En effet, si Gide et Al-e Ahmad prêtent attention aux problèmes de leur époque, c'est surtout leur propre personne qui, de manière narcissique se réfléchit dans le miroir de leurs œuvres. Tous leurs ouvrages constituent donc un espace autobiographique.

Les récits fictifs à la première personne entretiennent la confusion entre narrateur et auteur, car ils se nourrissent des expériences vécues par ce dernier. Par exemple chez Gide *L'Immoraliste* correspond à la découverte du plaisir et du corps : *La Porte étroite* rappelle à certains égards l'histoire du couple que l'auteur forme avec Madeleine. Dans le seul « roman » qu'il avoue avoir écrit, *Les Faux-monnayeurs*, il se projette dans le romancier Édouard et aussi dans les jeunes hommes, Olivier et Bernard, qui essaient d'échapper aux contraintes familiales. En réalité, *Les Faux-monnayeurs* sont une autobiographie du possible de Gide, mais aussi ce qui aurait pu lui arriver. Il y a différents aspects de sa personnalité incarnés par différents personnages ; mais ce à des moments différents de sa vie, l'obsession la plus profonde et les aspects contradictoires de la personnalité de Gide. N'oublions pas que *Les Faux-monnayeurs* constituent le nœud le plus important et le plus complexe des expériences de Gide. Outre les multiples investissements personnels, la plupart des personnages du roman plongent leur racine dans la réalité vécue par l'auteur.

Selon Claude Martin (*André Gide par lui-même*) repris par Loïs Linder, 1998), « *Chaque personnage des Faux-monnayeurs est pour Gide la représentation, dynamique et autonome, d'un des moments essentiels de la création romanesque* ».

Quant à Al-e Ahmad, le personnage principal du livre intitulé *Le Principal de l'école* n'est que l'incarnation de Al-e Ahmad lui-même. De même la majorité des personnages constituant ses récits, tels que Les Visites de nouvel an représentent ses diverses caractéristiques à des moments différents de sa vie.

Dans une partie de l'histoire des Minarets *et le firmament*, le héros-narrateur qui est un petit garçon dit :

« *On a fermé le cabinet de notaire de mon père. La prédication hebdomadaire était peu fréquentée (...) et la préparation du samanou*

était confiée aux gens de chez ma tante. » (Al-e Ahmad, Djalâl, 1371/1992,20)

D'après ce que nous savons de la vie de Al-e Ahmad, son père était notaire à côté de ses activités religieuses. (Taheri, 1377/1998, 6) En réalité la force du gouvernement et la tyrannie dominante dans la société ont énervé son père de sorte que sa conduite envers ses enfants était plutôt grossière qu'affectueuse. La fermeture de son cabinet de notaire l'a complètement transformé en un homme autoritaire. Djalâl peint habilement la conduite de son père dans des livres tels que : *Cinq contes*, *Les Visites de nouvel an* et surtout dans la nouvelle *La Cérémonie heureuse*. Il n'avait que huit ans lorsque son père est devenu si tyrannique. (Golchan Roghani, Djafar 1375/1996,12)

Le sujet principal de *Ma sœur et l'araignée* se focalise aussi sur la maladie d'une fille atteinte de cancer (la sœur du héros-narrateur). Et nous savons bien que l'une des sœurs de Al-e Ahmad était morte de la même maladie, et Djalâl fait *ainsi* allusion à cet événement dans *Une Pierre posée sur une tombe* :

« Cette ordonnance est très efficace dans notre famille, surtout pour ma sœur. Celle qui est morte de cancer. » (Al-e Ahmad, 1384/2005,40)

Mais quelque part dans la nouvelle *Ma sœur et l'araignée*, le narrateur raconte:

« Ces jours-là, nous passions l'examen de mathématiques auquel je ne m'étais pas bien préparé. Surtout que je m'étais disputé avec le professeur de mathématiques. Il allait me faire échouer au deuxième trimestre. Un jour, j'étais en train d'arranger mon cahier de films dans la classe, soudain il est entré et a jeté mon cahier par la fenêtre. Il venait de s'habiller à l'occidentale et il savait très bien que mon père était mullah. » (Al-e Ahmad, Djalâl, 1371/1992A, 59)

Il faut préciser que les deux écrivains recourent également aux différentes formes d'autobiographie: récit de voyages, souvenirs d'enfance etc. Par exemple dans *Si le grain ne meurt* et *Les Minarets et le firmament*; il s'agit du bilan de la vie conjugale des auteurs et de leur évolution religieuse.

Héros abattus

En abordant l'œuvre de Al-e Ahmad d'un certain point de vue psychanalytique c'est à dire en superposant ses nouvelles on en arrive curieusement à dégager quelques images et métaphores qui dominent partout ses histoires : c'est l'omniprésence

concrète ou abstraite d'un père autoritaire et acariâtre qui impose toujours le malheur au héros.

Les personnages féminins chez lui sont faibles, abattus et déçus ; et la plupart des récits se terminent mal. C'est le cas par exemple de *L'enfant des autres* et *Le mari américain*.

Le protagoniste dans *L'enfant des autres* décrit ainsi le moment où une mère a décidé d'abandonner tout exprès et par la force de son mari, son enfant de son premier mariage au coin de la rue :

« Quand mon petit enfant s'est retourné pour me regarder, je suis restée figée. C'est vrai que je ne voulais pas qu'il (son petit enfant) voie que je me sauvais, mais ce n'est pas pour ça que je suis restée sur place. J'étais comme une voleuse prise en flagrant délit. » (Traduit par Michel Cuypers, 1986, p. 41)

Le personnage principal du récit, *Le mari américain* qui en est, en même temps la narratrice, est une femme cultivée qui commence à expliquer la vie conjugale qu'elle avait vécue avec un Américain ; une alliance tournée en mal par le divorce :

« Je n'avais plus la moindre envie de le voir. J'étais bien décidée à ne pas rester une heure de plus avec lui. C'est bien pour ça qu'il a fini par lâcher l'enfant. Sans quoi, selon leur loi, il a le droit de la garder. Bien sûr, j'ai dû abandonner la dot. Qu'il crève avec son fric » (Al-e Ahmad, 2004, 76. Traduit par Balay)

Dans *Les Faux-Monnayeurs* aussi, les personnages tels qu'Olivier Molinier, Antoine, Marguerit Profitendieu et Oscar sont les incarnations des héros et héroïnes faibles et abattus.

Au premier abord, on ne pourrait pas aisément trouver la véritable raison de ces images récurrentes chez cet écrivain, celles qui ont probablement leurs racines dans son milieu familial et dans son enfance.

L'Antagonisme et la dualité

Un autre point commun entre les personnages de ces deux écrivains, est la dualité. Dans *Si le grain ne meurt* dont le titre est la traduction d'une phrase de Saint Jean, selon qui le grain doit mourir pour donner un fruit, Gide interprète cette phrase en disant que « l'oubli de tout bonheur particulier » mène à la « Résurrection de la vie totale » : il faut donc, pour vivre pleinement, dépasser les joies partielles. Dans ce livre, Gide, contrairement à ses ouvrages précédents où il transposait son existence

dans la fiction, écrit un récit d'enfance parfaitement autobiographique. Il raconte ses jeux, évoque ses lectures, analyse les conflits qu'il connaît entre la morale religieuse et l'attrait du plaisir. (Cf. *Itinéraires Littéraires du XX^e siècle*.121)

André Gide a été élevé par des parents aux positions morale, culturelle et familiale différentes. Cette situation le poussa à un dédoublement intérieur. Dans son *Si le grain ne meurt* aux tons autobiographiques, il décrit ainsi ce tableau :

« Rien de plus différent que ces deux familles ; rien de plus différent que ces deux provinces de France, qui conjuguent en moi leurs contradictoires influences. Souvent je me suis persuadé que j'avais été contraint à l'œuvre d'art, parce que je ne pouvais réaliser que par elle l'accord de ces éléments trop divers, qui sinon fussent restés à se combattre, ou tout au moins à dialoguer en moi. » (Gide, 1954:19)

En lisant *Le Pèlerinage* (Ziyarat) de Djalal, on peut faire facilement face à cette dualité. Le personnage principal est parti faire un pèlerinage, mais dès le début du voyage, lorsqu'il est dans l'autocar, il s'interroge sur le voyage qu'il va effectuer. Il décrit les apparences, la foi et une partie de la vie des voyageurs. Lorsqu'il arrive, il commence à accomplir son pèlerinage, mais il est tout à fait isolé des autres, il met profondément en doute leurs pratiques religieuses et se réduit à un simple spectateur. Ainsi termine-t-il sa nouvelle :

« Comme ils sont heureux ces morts !...J'aimerais beaucoup qu'on me traite de la même façon quand je serai mort. Et comme ça, personne n'aura plus peur de la mort. On fait tourner le mort autour d'un mausolée solennellement avec respect et, puis on en sort. L'odeur de camphre, remplit tout l'espace et ça me fait penser. Quoique je sois navré du fait qu'on ne permet plus d'enterrer les morts dans les mausolées, je me rappelle très bien que j'ai entendu d'un prédicateur musulman dire que les trois cent soixante kilomètres des alentours des mausolées comptent aussi dans cette limite et les deux anges des sépulcres n'ont plus l'autorité d'y entrer. Oui, je suis sûr qu'à ma mort, même si je l'indique sur mon testament, on ne pourrait m'enterrer dans le saint mausolée. Mais au moins, on me ferait enterrer dans un cimetière. Vraiment je n'ai plus peur de la mort. Si je mourrais maintenant !...mais non, j'ai oublié. Je n'ai pas encore fait mon testament afin d'indiquer mon lieu d'enterrement. En plus, insensé que je suis ! Je n'ai pas encore commandé mon linceul. C'est pourquoi, il vaut mieux d'abord, me le procurer, le faire tourner autour du

mausolée, faire mon testament et préciser le lieu de mon enterrement et enfin aller mourir ! » (Al-e Ahmad, Djalâl, 1372/1993A, 52-53)

Ce qui importe en plus dans cette histoire, c'est surtout l'état spirituel et la croyance du narrateur. On sent la dualité intérieure de son cœur. Cette instabilité du narrateur fait que, d'un côté, il n'arrive pas à se détacher de son milieu religieux et traditionnel, de ses aïeux et, de l'autre, elle le contraint à se méfier de ses croyances. Un argument semblable se développe également dans *Les Visites de nouvel an* où le narrateur est allé voir deux groupes, l'un traditionaliste et l'autre réformiste. Il faut préciser également que Al-e Ahmad condamne les fausses croyances des musulmans même dans *Un rien au Miqat* :

« Il (Djavad) est de ceux qui se prosternent cinq minutes, croyant s'être rapproché cinq kilomètres de plus de l'empyrée. Le pire c'est qu'il me contraint d'aller entendre ses prédications (...). Enfin j'y suis allé hier soir, sur la terrasse, il avait tellement troublé la délicatesse de l'air par ses sornettes sur « les doutes », « les ablutions », « la purification » et « les souillures » que j'ai eu envie de vomir. » (Al-e Ahmad, Djalâl, 1372/1993B, 65)

En réalité, dans les premières œuvres de cet écrivain, il existe une opposition fondamentale entre les protagonistes et les hommes religieux de l'époque. En effet la religion-telle que la professent les croyants de ces récits- n'est pas acceptée et approuvée par Al-e Ahmad. Le paradoxe philosophique et religieux est utilisé par cet écrivain comme un moyen d'attaquer les superstitions et le conformisme. Cette forme de satire est en réalité propre à Al-e Ahmad. Il cherche également des contradictions entre la foi et les attitudes telles que nous les remarquons dans le récit : *Samanoopazan* (préparation d'une gelée à base de germe de blé), *Le Setar*, *Jus de grenade, couleur de san*³ etc.

Reflet de l'éducation religieuse de l'auteur chez les personnages

Parmi les traducteurs iraniens, c'est Al-e Ahmad qui a le premier entrepris de traduire les *Nourritures Terrestres* de Gide. Cette œuvre divisée en huit livres où se mêlent chants, récits et méditations, imite *la Bible* par son ambiance orientale, ses paraboles, ses images et sa volonté d'enseignement. Mais Gide vise surtout à détourner de l'emprise de la religion, en rédigeant « un manuel d'évasion, de délivrance ». Le titre : *les Nourritures Terrestres*, indique qu'il faut rechercher le bonheur sur terre, que le paradis est ici-bas. Gide veut faire partager au lecteur le plaisir qu'il a

découvert en Afrique du Nord ; lecteur auquel il s'adresse en utilisant le prénom Nathanaël (qui, en hébreu, signifie don de Dieu).

Il est à signaler que Gide perdit son père tendre et discret à onze ans et ce fut sa mère qui joua un rôle considérable dans sa formation, en particulier en imposant sa conception protestante de la moralité à travers la religion réformée. L'image de la mère et le climat protestant furent à l'origine de conflits, ouverts ou latents, conscients ou refoulés, qui formèrent sa psychologie et présentèrent de lui deux portraits soigneusement contrastés. « *Ma mère restant d'avis que l'enfant doit se soumettre sans chercher à comprendre, mon père gardant toujours une tendance à tout m'expliquer.* » (Gide, 1954, 14). Il y eut donc deux êtres en Gide : l'un jouissant du charme, de la gaieté, de la tolérance, de la culture intellectuelle, et l'autre, d'une gravité un peu lourde, d'austérité et de morale. Tandis que pour Al-e Ahmad, écrivain musulman et engagé, sa carrière se poursuit avec la publication d'*Un rien au Miqat*, œuvre dont le déroulement ininterrompu des phrases évoque l'inspiration religieuse des prophètes. Ainsi trouve-t-il refuge dans la foi en faisant un pèlerinage à la Mecque.

En réalité, la pensée de Al-e Ahmad et son cheminement sont déconcertants. D'abord élève de l'Ecole coranique à Najaf pour devenir un Religieux comme son père, communiste, puis marxiste, laïc puis musulman, révolutionnaire et traditionaliste, Djalâl déroute par ses apparentes contradictions. Cette pensée a-t-elle donc sa cohérence ? Sans doute, mais cette cohérence n'est pas d'ordre conceptuel. En fait la pensée même de Djalâl est passionnelle : elle tient à sa fascination devant toutes les grandes causes ; dès lors qu'il s'agit de les défendre avec noblesse et intransigeance, comme les héros et les martyrs. En réalité le personnage principal du livre intitulé *Noun. Par le Calame*, Mirza Assadollah, est l'incarnation fidèle de Al-e Ahmad, car il prend à la fin du roman le chemin qui aboutit au martyr. Il décide de se battre contre l'injustice en se sacrifiant.

« Pour moi, écrit-il, le moyen le plus efficace de résistance à l'égard de l'oppression n'est que le martyr. Quoique je ne le mérite pas. Jusqu'au moment où l'oppression règne sur le pays, nous ne pouvons rien faire. On ne peut sauvegarder la vérité que par le souvenir des martyres » (Al-e Ahmad, Djalâl, 1383/2004, 195)

Influence du milieu familial sur Gide et Al-e Ahmad

En comparant l'enfance et l'éducation de ces deux écrivains, on remarque qu'ils ont grandi tous deux dans des familles croyantes et ont été élevés par des parents plutôt

intolérants, voire puritains. C'est pourquoi, ils se sont éloignés peu à peu de cette croyance vénérée par leurs parents. Ainsi, leur personnalité est-elle marquée par leurs origines, leur éducation et leurs valeurs familiales.

Notons par ailleurs que, Gide est le fils unique d'une protestante austère; ses parents ont été présentés l'un à l'autre par un pasteur. Ainsi le père était-il professeur de droit romain à la Faculté de Paris, auteur d'une *Histoire de la condition privée de la femme dans le droit ancien et moderne*, et la mère une riche héritière qui s'est consacrée avec dévouement à son fils.

Le père est mort, brusquement emporté, alors qu'André n'avait pas encore onze ans. Il était pour l'enfant la part du jeu, du rire, de l'aventure, des livres aussi, et de la grâce, tandis que la mère incarnait la loi, le devoir :

« Elle apparaît comme une incarnation de la vertu sans grâce, de la morale sans complaisance et de la religion sans amour. C'est la mère romaine des Anciens, la mère cornélienne des classiques, la mère virile des psychanalystes, qui donnera par réaction à son fils l'horreur des vertus romaines, de Corneille et de l'autorité. D'un mot, elle est la puritaine. » (Delay, Jean, 1956, 92)

Avec la disparition du père, la famille se reforme sur la relation mère-fils qu'André éprouve aussitôt comme étouffante :

« Je me sentis soudain tout enveloppé par cet amour, qui désormais se refermait sur moi. » (Gide, André, 1949, 410)

En 1895, sa mère meurt. Et lui, qui avait tant regimbé contre sa tutelle et le poids de sa sollicitude, le voici angoissé devant cette liberté qui l'effraie :

« Je me sentais, pareil au prisonnier brusquement élargi, pris de vertige, pareil au cerf-volant dont on a soudain coupé la corde, à la barque en rupture d'amarre, à l'épave dont le vent et le flot vont jouer. » (Ibid., 612)

"Gide voulait refléter, ont souligné les auteurs de *L'art gidien à la recherche de l'identité perdue, la complexion de son âme et sa contradiction intérieure dans autrui*". Le cas des *Faux-Monnayeurs*. (2010, n°58)

Ainsi, l'art gidien, dans son roman *Les Faux-Monnayeurs* révèle une technique originale, celle de la mise en abyme, qui multiplie les personnages en incarnant la multiplicité du moi par le jeu des miroirs qui reflètent à l'infini son image. Cette diversité des personnages agit comme la projection des "moi" virtuels et ouvre la voie à une nouvelle analyse psychologique de l'œuvre gidienne. Cela suggère une quête

de l'identité qui se confond avec l'élaboration artistique d'une œuvre d'art; cette forme d'auto-construction pourrait être en soi une expression de la recherche de l'identité perdue.

Gide semble donc être un écrivain psychanalyste qui essaie de se sauver de l'absence d'identification grâce à la nouveauté de sa technique narrative et sa réflexion dans autrui, ce qui lui permet de créer un nouveau monde, subjectif et en accord avec l'identité retrouvée.

Quant à Al-e Ahmad, il est né le 2 décembre 1923, dans le quartier Pâchenar, l'un des quatre grands quartiers de Téhéran à l'époque. Issu d'une famille cléricale: son père Seyed Ahmad Hossein Orazani Taléghani, était Imam de la mosquée du quartier. Outre son grand-père et son frère aîné, Seyed Mohammad Taghi, l'un de ses gendres portait l'habit des mullahs (Abbâ). Al-e Ahmad a été élevé dans ce milieu religieux et l'on peut bien remarquer l'effet de cette *religiosité* dans deux de ses livres à savoir: *Guitare à trois cordes (Se tar)* (1948) et *Les Visites de nouvel an (Did-o bâzdid)* (1945). Entre 1929 et 1935, il effectue ses études primaires aux écoles Kamalyyé et Soraya. Le récit *Les Minarets et le firmament (Goldast-é va Falak)*, l'une des nouvelles constituant *Cinq Histoires (Pandj Dâstan)*, raconte plutôt les souvenirs et les états d'âme d'un écolier à l'époque où le jeune Djalâl faisait ses études primaires à l'école Soraya.

Il est à signaler que les premières œuvres de Al-e Ahmad, aussi bien du point de vue du style que du contenu, reflètent l'influence familiale, sociale et religieuse qu'il a subie pendant sa jeunesse et son enfance. Les exemples les plus évidents sont *Le Pèlerinage, Le Setar* et *Samanoupazan*. On y voit une sorte de haine et d'étouffement à l'égard de la religion. Mais, peu à peu, son engagement dans les activités politiques et sociales l'éloigne complètement des problèmes qu'il avait dans sa famille et dans la société. Il n'arrive pas quand même à se détacher entièrement de l'islam de cette religion héritée de son père; et malgré son analyse de sujets divers tels que l'éducation (*Le Principal de l'école*), les superstitions, le fanatisme (*Les Visites de nouvel an*), il n'arrive pas à se débarrasser de la religion imprégnée des souvenirs de son enfance et cela de manière que la religion et les problèmes familiaux apparaissent sous une forme tout à fait différente; comme dans ses œuvres ultérieures *Ma sœur et l'araignée* ou encore *Jus de grenade, couleur de sang*⁴.

Bref, tous les deux écrivains ont des attitudes contradictoires et parfois inconciliables. Al-e Ahmad était, tantôt violent, nerveux et de mauvaise humeur, tantôt doux, gentil et de bonne humeur. Il était alors comme Gide un homme vacillant entre un espoir vague et un désespoir amer, entre la foi et le doute.

Conclusion

Nos hypothèses de recherche, cherchaient à mettre en évidence les ressemblances existantes entre les personnages gidiens et al-e Ahmadiens pour arriver à un raisonnement convaincant. Pour mener à bien cet objectif, nous avons basé notre recherche sur une étude comparative. Ce qui nous a permis de montrer que les facteurs psychiques et psychologiques personnels de l'écrivain sont à l'origine de son inspiration littéraire, incarnés dans les personnages. Cette recherche a donc permis d'analyser les deux écrivains à travers leurs personnages qui incarnent leurs personnalités inconscientes.

L'analyse des personnages principaux a été privilégiée pour orienter davantage notre réflexion sur le sujet. La superposition des textes montre « la dualité et l'antagonisme des personnages ». A cela s'ajoutent « des personnages faibles » qui vacillent entre la religion et le refus de la religion. Ces réseaux obsessionnels sont involontaires; ils nous permettent de repérer leurs mythes personnels assimilables.

D'après nos constats, le premier élément ayant été à l'origine de la présence de ces personnages similaires dans ces œuvres romanesques est l'influence du milieu familial : Al-e Ahmad et Gide ont été élevés tous les deux par des parents autoritaires et religieux, ce qui explique le choix des titres des romans chez les deux écrivains. A cela s'ajoute également l'interprétation des éléments biographiques qui confirment nos hypothèses. Une vie monoparentale conséquence de la mort prématurée du père explique aussi la formation d'une personnalité inconsciente chez Gide.

A l'occasion de la première édition des *Nourritures terrestres* en persan, Mehdi Akhavan Salès a écrit un bon article sur Gide ; article qui nous donne en quelques lignes beaucoup d'informations sur les caractéristiques de cet écrivain :

« ...*Un homme impassible qui a montré non seulement dans sa vie mais aussi dans ses œuvres qu'il n'acceptait jamais les paroles vaines et frivoles et qu'il ne pouvait même pas écouter les conseils. [...] En réalité, la vie et le monde nous donnent les mêmes conseils que Gide nous a donnés auparavant.* » (Akhavan Salès, 1956,2-3)

Ne serait-on pas en droit après tout de parler des assimilations entre les attitudes de Gide mentionnées ci-dessus et celles de Al-e Ahmad? Lesquelles pourraient faire pousser ces écrivains à préférer une direction plus au moins semblable dans le choix des sujets, des techniques narratives voire de l'écriture.

L'analyse donnée ici dans cet article n'a pas pour autant la prétention d'avoir atteint à l'exhaustivité ; elle devra, bien entendu, être complétée, dans une étude

ultérieure, par la recherche des aspects sociologiques des œuvres de Gide et de Al-e Ahmad, et cela tout en ayant recourt à la méthode sociocritique de Lukacs, afin de dégager les complexes culturels et l'inconscient collectif ; ce qui permettrait, croyons-nous, de compléter l'interprétation psychanalytique des œuvres de ces deux écrivains.

Note

1. La graphie (Al-e Ahmad) adoptée dans cet article est celle utilisée par Christophe Balaÿ dans la traduction du *Mari américain* et Michel Cuypers dans celle de *L'enfant des autres*.
2. Toutes les citations et la plupart des passages et extraits cités sont traduits par les auteurs de l'article.
3. Cet équivalent est donné pour la première fois par Seyyed Fazlollah Ghodsi. «Jus de grenade, couleur de sang », *Le pont* 7, été 2009, 33.
4. Cette nouvelle est récemment traduite par Seyed Fazlollah Ghodsi, professeur de l'Université Azad.

References

- Alluin, Bernard.(1991). *Itinéraires Littéraires du 20^e siècle*. Paris : Hatier., 121.
- Al-e Ahmad, Djalâl. (1345/1966). « Une promenade et une conduite dans le désordre », *Le Bilan de trois années*. Téhéran : Bina.
- Al-e Ahmad, Djalâl. (1371/1992A) « L'araignée et ma sœur », *Cinq histoires*. Téhéran : Ferdows.
- Al-e Ahmad, Djalâl. (1371/1992B). « Comme une traduction (l'essai du prophète Paulus aux écrivains) », *La Femme de trop*. Téhéran: Ferdows.
- Al-e Ahmad, Djalâl. (1371/1992C) « Les Minarets et le firmament », *Cinq histoires*. Téhéran : Ferdows.
- Al-e Ahmad, Djalâl. (1372/1993A). « Le pèlerinage », *Les Visites de nouvel an*. Téhéran : Ferdows.
- Al-e Ahmad, Djalâl. (1372/1993B). *Un rien au Miqat*. Téhéran: Ferdows.
- Al-e Ahmad, Djalâl. (1378/1999)« Comme ma biographie », *Le Mémorial de Al-e Ahmad*. Recueil assemblé par Ali Dehbach. Teheran: Shahab Sagheb, Behdid, 18.
- Al-e Ahmad, Djalâl. (1383/2004). *Noun. Par le Calame*. Téhéran : Gahbod.
- Al-e Ahmad, Djalâl. (2004). « Le mari américain », *Missive*, Paris : Commission paritaire des publications et agences de presse.

- Al-e Ahmad, Djalâl. (1384/2005). *Une Pierre posée sur une tombe*. Téhéran : Djamedaran.
- Akhavan Salès, Mehdi. " Hommage d'André Gide", *Notre Iran*, N°281.Le29 tir 1335/1956,2-3.
- Askarian Amiri, Atefeh ; Ghafouri, Leila.(2010). "L'art gidien à la recherche de l'identité perdue : le cas des *Faux-Monnayeurs*", *Revue de Téhéran* 58.
- Cuypers, Michel. (1986). « L'enfant des autres», *Luqman*, traduction en français, deuxième année, Printemps-été.
- Delay, Jean. (1956). *La jeunesse d'André Gide*. T.1, Paris : Gallimard,
- Gide, André. (1924). *Corydon*. Paris : Gallimard.
- Gide, André. (1947). *Journal intime*, Paris : French& European Pubns.
- Gide, André. (1954). *Si le grain ne meurt*. Paris : Gallimard.
- Gide, André. (2007). *Les Nourritures Terrestres*. Paris : Gallimard.
- Golchan Roghani, Djafar. «Az Khassi dar mighat ta Kassi dar miad», *Iran*.2^e année, N°464, 1375/1996,12.
- Kahnamouipour, Jaleh. (1381/2002). « Le Pêché », *Les Différents genres de prose littéraire*.
Traduit par Gilbert Lazard .Téhéran : SAMT, 65-66
- Kahnamouipour, Jaleh ; Khatat, Nasrine. (1383/2004). *La critique littéraire*. Téhéran :SAMT.
- Taheri, Masoumeh. (1998). « Un souvenir de Djalal Al-e Ahmad», *Jomhouri-e Eslami*, Shahrivar.
- Keita, Mohamed. (2011). *Approche psychocritique de l'oeuvre Romanesque de Tierno Monenembo*. Thèse de Doctorat. Paris: université Paris-Est.