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DOI

[10.3390/socsci14030188](https://doi.org/10.3390/socsci14030188)

Publication date

2025

Document Version

Final published version

Published in

Social Sciences

License

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Citation for published version (APA):

Rahbari, L. (2025). Reproductive Biopolitics, Demographic Anxieties, and Access to Safe Abortion: National Security and Pronatalism in the 'Family Protection and Youthful Population' Law in Iran. *Social Sciences*, 14(3), Article 188. <https://doi.org/10.3390/socsci14030188>

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Article

Reproductive Biopolitics, Demographic Anxieties, and Access to Safe Abortion: National Security and Pronatalism in the ‘Family Protection and Youthful Population’ Law in Iran

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Abstract: This paper examines the historical relationship between Shi’i jurisprudence and the Islamic Republic of Iran’s reproductive biopolitics. Using archival methods, the paper looks into the similarities and differences between religious interpretations and Iranian law. It then analyzes the implications of the recent ‘Family Protection and Youthful Population’ law, enacted in 2021 in response to fears of a looming ‘population crisis,’ and how it further restricts women’s access to abortion (care). The paper argues that reproductive policies are influenced not only by religious authorities and pronatalist patriarchal rationales but also by specific anxieties about a population crisis and decline considered a threat to the country’s national security. Reproductive policies exist within a moral framework at the intersection of demographic anxieties, biopolitics, and religious discourses that push women toward unpaid maternal labor and traditional gender roles.

Keywords: abortion; Iran; law; pronatalism; reproductive biopolitics; national security



Academic Editors: Michaela Kreyenfeld and Nigel Parton

Received: 20 December 2024

Revised: 27 February 2025

Accepted: 19 March 2025

Published: 20 March 2025

Citation: Rahbari, Ladan. 2025. Reproductive Biopolitics, Demographic Anxieties, and Access to Safe Abortion: National Security and Pronatalism in the ‘Family Protection and Youthful Population’ Law in Iran. *Social Sciences* 14: 188. <https://doi.org/10.3390/socsci14030188>

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1. Introduction

According to the Centre for Reproductive Rights—a global human rights organization—thirty-five percent of women of reproductive age live where abortion is permitted on request. These laws generally have gestational limits, though the rigidity of these requirements varies across countries. Twenty-five percent of women of reproductive age live in places where abortion is permitted based on broad social and economic factors, considering the pregnant person’s situation, financial circumstances, and well-being. Twelve percent live in areas where abortion is allowed only when the pregnancy poses a risk to their health. Twenty-two percent live in regions where abortion is allowed solely to preserve the pregnant person’s life. Meanwhile, six percent of women of reproductive age live in countries where abortion is entirely prohibited (The Centre for Reproductive Rights 2023). Iran falls into the category where abortion is only allowed to save the pregnant person’s life.

Limiting access to safe abortion is not only a characteristic of countries in the Global South, as some states in the USA and European countries like Poland have implemented either abortion bans or highly restrictive measures (Kulczycki 2023; Stein et al. 2023), while countries such as Cuba, Benin, and Uruguay have decriminalized and facilitated access to safe medical abortions (see, e.g., Samuels et al. 2023; Omondi et al. 2023; Galli 2020).

Religion has traditionally been used as an explanatory variable in social research around reproduction and fertility (Krishnan 1993; Pearce 2002; Merz and Liebroer 2012). In Christianity, Judaism, and the Hindu religion, attitudes toward abortion have been shown to have a relationship with both religious institutions and authorities (Kozłowska et al. 2016; Calkin and Kaminska 2020) and individual or community-level religious beliefs (Hess and

Rueb 2005; Remennick and Hetsroni 2001; Bhalotra et al. 2021; Anthony and Sterkens 2019). When it comes to Islam, there is also an assumed connection between identifying as Muslim and practices of family planning (Hackett 2017), resulting in Islam being considered a pronatalist religion in which women's bodies are seen dominantly, if not primarily, as procreative vessels (van Rooij et al. 2004; Pappano and Olwan 2016). Islam is, as a result, often associated with high levels of restriction on abortion. I will address this in detail in the next section.

Abortion politics, both pro- and antiabortion, are entangled with demographic anxieties across the globe, reflecting concerns about national identity, population growth, and economic stability. In 1970s France, discussions around legalizing abortion included concerns about the population's quantity and quality, that is to say, its demography and eugenics (Mousset 2024). In the 1990s, the Serbian Orthodox Church's antiabortion stance was justified by painting a picture of Serbs under a demographic threat of diminution and extinction (Takševa 2015). In contemporary Türkiye, the narrative of preventing a demographic crisis promoted by President Erdoğan has led to aggressive antiabortion rhetoric that has called abortion 'murder' and in opposition to the reproduction of the Turkish nation (Saluk 2023). In the US, the right-wing antiabortion stance has also been linked to the anxieties around not enough white babies being born, and the overruling of *Roe v. Wade* by the US Supreme Court (which meant losing the constitutional right to abortion) was declared a victory for white lives (Bracke 2024). Abortion, in such discourses, becomes a central point of dispute, with restrictions often advocated under the guise of boosting population or a specific population's numbers in fear of extinction or takeover by other less desired populations. Policies around abortion and family planning are, therefore, entangled with politico-demographic threats and security risks.

Islam has been and remains an important part of the Iranian culture. The country's legal system remained seemingly secular until the 1979 Iranian Revolution and the foundation of an Islamic state that claimed to fully incorporate Islamic Shari'a in its laws (Rahbari 2022). On the surface, Iran's abortion law and population policies are based on Islamic perspectives on fertility and family making, but as I will attempt to show in this paper, in reality, political, demographic, and economic reasoning are very much at work in developing policies. Iran's most recent 'Family Protection and Youthful Population' law, which I will discuss in detail in this paper, was enacted in 2021 under the direct order of Iran's supreme leader, Ayatollah Khamenei. This law is strongly tied to Shi'i rulings on reproductive rights. I will, however, argue that, first, the approach to the rulings has been highly selective, and second, the reproductive policies in Iran have, much like the examples in the paragraph above, responded not only to religious structures and patriarchal norms but also to anxieties and moral panic around a 'population crisis' which has political, demographic, and economic dimensions.

The paper aims to answer the questions, 'How have the population and abortion access policies evolved throughout the Islamic Republic of Iran's history?' and 'How do concerns over national security reflect on population policies and access to safe abortion?' To answer these questions, I have employed an array of archival methods. These include literature review, policy analysis, media analysis, and research on repositories and archives reporting juristic guidelines issued by the country's high-ranking clerics. This paper builds on existing scholarship regarding the interactions between religious authorities and the state to illustrate how the Iranian state's approach to reproduction, including its restrictive measures on abortion, partly relies on the interpretation of Islamic Shi'a sources. Additionally, the paper aims to demonstrate how the state has adopted a selective approach to endorse fatwas (juristic rulings by high-ranking clerics that need to be adhered to by their followers) that align with its biopolitical population and reproductive policies. The

paper, therefore, offers a narrative description of past and present abortion policies through the lens of biopolitics. The focus will be on the most recent measure, the ‘Family Protection and Youthful Population’ law, approved in 2021, which banned the free distribution of contraceptives and family planning methods, including vasectomy and tubal ligation, and further restricted women’s access to legalized abortion services. I will explore how pronatalism, demographic moral panic, and national security concerns are reflected in the discourses surrounding this recent shift in the country’s reproductive policies.

In the following, I first engage with the literature on abortion biopolitics in Muslim contexts to clarify the role Islam plays in legal and social perspectives on abortion. I then outline a chronological history of abortion in pre-Revolution and post-Revolution Iran, explaining the interaction of Shi’i jurisprudence, Iranian law, and reproductive biopolitics in the country. The paper highlights the interactions between Shi’i and Iranian law and, by doing so, also reveals the interplay of demographic anxieties, population control politics, and religious discourses in the country. I have opted for the ‘illegalized/legalized’ terminology when referring to abortion practices in Iran instead of legal/illegal in order to draw attention to the institutional and political processes rendering people and practices illegal (Bauder 2014). I will then discuss the development of the ‘Family Protection and Youthful Population’ law (2021) and how it further limits women’s access to reproductive care. The paper concludes with a contextualized discussion of the interplay of demographic fearmongering and biopolitics in the country.

2. Abortion in Muslim Contexts

In Muslim contexts and countries with Islamic laws, approaches to women’s rights to terminate pregnancy vary (Kilshaw 2017). Muslims and Islamic law rely on interpretations of two main sources to establish laws: the Quran and the Sunnah (Shapiro 2014). While the Quran remains the main and primary source of Islamic law, the Sunnah offers additional resources about the practices of the prophet of Islam, offering a religio-cultural blueprint for Muslims to follow in their everyday lives. The Sunnah is additional to and is seen as a necessary exegetical supplement to and an explicator of the Quran (Duderija 2007) and includes the prophet’s teachings (Hadith) but also his behaviors, choices, and the implicit endorsements he provided to different practices. Importantly, since neither the Quran nor the Sunnah directly addresses termination of pregnancy, Islamic views on abortion have been shaped by relying on contemporary fatwas (juristic rulings by Muslim clerics) and jurisprudence, Islamic mysticism, and broader Islamic principles, perspectives of interest groups (i.e., Islamic bioethical and feminist movements), and commitments by transnational Islamic organizations (Shapiro 2014). The diversity of views on abortion in Islamic contexts has, therefore, been a result of diverging perspectives and interpretations and influenced by state (bio)politics and levels of conservatism and adherence to patriarchy.

This diversity means that, in practice, a homogeneous Islamic approach to abortion is non-existent. In Afghanistan, Iran, Egypt, Oman, Syria, and Yemen, the law enables abortion only for the sake of saving the mother’s life in the first trimester, while in Algeria, Jordan, Morocco, Pakistan, and Saudi Arabia, the law is slightly more relaxed and enables abortion for preserving the mother’s physical and mental health (Asman 2004). In Qatar, an abortion can be performed at any stage, if necessary, to save the life of the woman (Kilshaw 2017). The United Arab Emirates (in 2014) and Morocco (in 2017) extended the circumstances under which women can seek an abortion to include fetal impairment and, in Morocco, incest and rape (Maffi and Tønnessen 2023). Also, beyond the Middle East, in Muslim-majority countries such as Indonesia, Bangladesh, and Somalia, abortions are permitted only when the woman’s life is at risk (Buczynski 2022). Tunisia, which has the most progressive approach to abortion among Muslim-majority countries, legalized the

procedure in 1973 (Maffi and Tønnessen 2023). Feminist scholars, however, stress that even the impetus of proabortion fatwas has not necessarily been the promotion of women's rights (Hessini 2008) and has left some women out of the equation. For instance, the Grand Mufti in Egypt supported patriarchal norms by stating that rape victims should be allowed to have abortions but also suggesting that hymen reconstruction is needed to maintain a woman's marriageability and virginity (Shapiro 2014; Hessini 2008). In Morocco, although jurists have facilitated legal abortion, unmarried women were excluded from their consideration as they are perceived more as instigators of immoral behavior rather than individuals entitled to rights (Capelli 2019).

Even though, as demonstrated above, the issue of varied interpretations of Islamic jurisprudence and its impact on legal perspectives in countries with Islamic law has been explored, the biopolitical reasoning behind these interpretations has received less scrutiny in the literature on reproductive policies in countries with Islamic law. As I explained before, in the lack of direct references to abortion in the two main sources of Islamic guidance, Islamic jurisprudence and Quranic traditions are deeply intertwined with the political contexts in which they emerge, indicating that these religious interpretations are not isolated from the broader socio-(bio)political landscape in which they are produced (Maffi and Tønnessen 2023).

Discussing Islam, or indeed any religion, while attempting to separate it from political institutions and states can lead to certain misunderstandings or misinterpretations. This is particularly true for Muslim countries where Islam plays a fundamental role within the legal system. Maffi and Tønnessen (2023) show that although Muslim scholars diverge notably in their theological reasoning with regard to abortion, the increasing power of Islamist parties in the Arab world has generated moral discourses, often juxtaposed to international rhetoric on sexual and reproductive health and rights, that reinforce an association between women's immoral conduct and restrictive abortion policies. Similarly, in Türkiye, as Saluk (2023) argues, capitalizing on the ambiguity of the beginning of life in Islamic doctrine, the ruling clergy has supported the ruling governments' abortion policies for long, by releasing fatwas in line with their contemporaneous political zeitgeist. The state approach to reproductive rights and demographic policies can, therefore, significantly impact religious institutions, as well as the country's reproductive biopolitics, by influencing policies, legal frameworks, and social attitudes toward reproductive rights and health through state manipulation and propaganda (Mason 2019). Such influences can be implemented either through direct state mechanisms such as policy measures (Roberti 2021; Machado et al. 2022) or through empowering influential non-state actors such as the media and non-governmental organizations (Koralewska and Zielińska 2022; Žuk and Žuk 2020).

In Iran, a country in which laws are highly influenced by specific interpretations of Islamic Shi'i Shari'a, abortion by choice is illegalized, and termination of pregnancy is allowed only under very specific conditions (I will address these conditions later) (Rahbari 2022). In spite of the existing evidence that restrictive abortion laws alone do not reduce abortion rates (Oberman 2022; Benagiano and Pera 2000), the Iranian state continues to limit access to abortion. Even under the high criminalization of abortion (care) and highly restrictive measures, and in the lack of official and reliable statistics, it is estimated that the daily abortion rate in Iran is close to two thousand cases per day, amounting to seven hundred thousand abortions annually in 2021 (BBC 2023b), only under ten percent of which are 'legal' abortions (Khabaronline 2023). The alarmingly high rate of illegalized abortions that take place outside of medical facilities and in unsafe environments is associated with the state's population control measures as well as the systematic criminalization of abortion (care) practices and practitioners. Research has shown that the criminalization of abortion (care)

leads to an increase in seeking medical help in the case of morbidity and complications after undergoing illegalized abortion (Rashidpouraie et al. 2021).

3. Biopolitical Approaches to Abortion in Iran

3.1. Pre-Revolution Period

For the majority of the twentieth century, abortion remained illegalized and was considered a criminal offense in Iran. In 1926, two decades following the establishment of a modern legal framework in the nation, abortion was criminalized under the country's Public Criminal Law, which foresaw the imposition of severe penalties for abortion, including heavy penalties for parents and medical professionals risking up to ten years in prison (Abbasi et al. 2014). For the first time, during the modernization and westernization efforts under Mohammad Reza Pahlavi's regime (widely known as the Shah, 1941–1979), the government made a progressive shift by promoting various family planning and contraceptive programs as part of broader health and social reforms (Hoodfar 2008).

Under such family planning initiatives, in 1973, one clause was added to the forty-second article of the Public Criminal Law of 1926 that decriminalized medical interventions and excluded these interventions from the list of crimes (Abbasi et al. 2014). Interestingly, the clergy played a role in this shift as well, since Ayatollah Beheshti—a significant conservative ideologue who played an important role in the 1979 Revolution and subsequent regime change in Iran and was assassinated in the early years of the Revolution—outlined a theological approach to abortion allowing its liberalization under the Shah in 1973 (Hoodfar 2008). Later, in 1976, an executive bylaw for this clause was ratified. Article three of this executive bylaw facilitated abortion, permitting it up to twelve weeks of gestation, based on the pregnant person's justified reasons, with the physician responsible for evaluating this justifiability.

The consent of the pregnant person was considered enough, and the partner's/father's consent was not necessary. Article four of this bylaw addressed therapeutic abortion cases, including preventing physical or mental injury to the woman or the birth of a child with an incurable illness. In these situations, the physician was nominated as the decision-maker after obtaining diagnosis verification from two other doctors (Abbasi et al. 2014). Similarly, in such cases, only the pregnant person's consent was required, and the fetus had no gestational age limit. Contrary to the previous laws that were compatible with the traditional religious consensus on the justifiability of abortion in cases of saving the pregnant person's life, this new bylaw permitted unlimited abortion based on a parent's request and physicians' judgments (Abbasi et al. 2014).

The progressive turn was, however, short-lived. The revolutionary uprising that was partly led by conservative Muslim clerics such as Ayatollah Khomeini in Iran grew and posed a threat to the Shah. To mitigate the situation and in a desperate attempt to gain their favor, just a year before the Iranian Revolution, the Shah banned abortion in August 1978 (Fazaeli 2016; Tabari 1986). The 1979 Revolution, however, succeeded, and the Shah left Iran. The religious figure who took over after the Shah, Ayatollah Khomeini, had already publicly declared very conservative views on women's basic rights, including strong opposition to women's suffrage (Floor 1980). Unsurprisingly, after the Revolution, women's rights, including access to abortion, were one of the first areas that came under the attack of the new Islamic Republic of Iran (IRI).

3.2. Shi'i Jurisprudence

Following the 1979 Islamic Revolution, Iran adopted specific interpretations of Shi'i Islamic fiqh in order to inform the state laws and legal frameworks of the country (Rahbari 2020). In this and the following section, I will introduce Shi'i and legal approaches

separately to reveal their divergences and convergences. When it comes to the religious perspective, in spite of the widespread restrictions on access to abortion in many countries with Islamic law, the central and canonical texts of Islam, such as the Quran, Hadith, and Sunnah, are not clear-cut regarding the issue of abortion. In reality, they are quite ambiguous, with the Sunnah not explicitly referencing the intentional termination of pregnancy. References around the 'killing of a child' refer to infanticide, particularly female infanticide (Asman 2004) after birth. While abortion is mentioned in the Quran, these references are often symbolic. For example, the imagery of a mother aborting or ceasing to nurse a child is used to depict the horrors of the Day of Judgment (Quran, Chapter 22, Verse 2). These examples, therefore, hardly serve as practical guidelines or valid arguments against the termination of pregnancy, leaving an empty space for jurists to fill in with their interpretations.

According to rulings in Shi'i jurisprudence, ensoulment is an essential factor when it comes to maternal–fetal bio- and necropolitics. Despite the existing diversity of thoughts, the general consensus is that termination of pregnancy is not allowed at any point unless under specific circumstances (Fallahnejad et al. 2017). According to most Shi'a scholars, as long as ensoulment has not occurred (this is around the nineteenth week of pregnancy), there is a distinct hierarchy of the value of life between the pregnant person and the embryo, as the pregnant person is a full human being who has a soul, and the embryo is not (Mohseni 2005). Therefore, the maternal body comes into question not only in relation to the embryo but also as an independent entity. In the period before ensoulment, the pregnant person's life and well-being are to be prioritized, and the pregnancy can be terminated if the pregnant person may take severe or life-threatening risks as a result of the continuation of the pregnancy (Namazifar et al. 2011).

In the case of an ensouled fetus, according to many Shi'i scholars, it is no longer possible to prioritize the pregnant person or the child over the other as both are considered humans with equal rights to live in the eyes of God (Afshar and Mahmoudian 2013). This means that, according to most Shi'a scholars, termination of pregnancy after ensoulment is not allowed even though the pregnant person might suffer severe consequences as a result of carrying the child (Nemati and Omani Samani 2012). Based on this view, aborting a fetus is also considered punishable, whether it is practiced by the pregnant person, a medical practitioner, or any other party after ensoulment (Sadeghi et al. 2018). Ayatollah Khamenei's view (a high-ranking Shi'i cleric and the country's supreme leader after the death of Ayatollah Khomeini, the founder of the IRI) is representative of the approach that considers the pregnant person and the fetus equal after ensoulment:

'If the continuation of the pregnancy is considered by a specialist and reliable doctor to be a threat to the mother's life, then abortion before ensoulment is not prohibited, but it is not permissible after ensoulment. Even if the continuation of the pregnancy is dangerous for the mother's life, except if the continuation of the pregnancy threatens the life of both the mother and the fetus, and saving the child's life is not possible in any way, but saving the mother's life is only possible through abortion'. (Khamenei, quoted in Hedayatgar n.d.)

This fatwa provided a basis for the law that was ratified by Iran's Parliament in 2005 (discussed in the next section). This is, however, only one of the existing Shi'i rulings. Ayatollah Saanei, Ayatollah Tabrizi, and Ayatollah Mousavi Ardabili—all Shi'a scholars and sources with juristic authority—have ruled in favor of termination of pregnancy also after ensoulment in cases where the pregnant person's life is endangered by the pregnancy (Nemati and Omani Samani 2012). Ayatollah Saanei's fatwa on the termination of pregnancy after ensoulment declares:

‘If the existence of the fetus leads to the mother’s death, such as if it carries a disease that is transmitted to the mother and causes her death, to prevent the mother’s demise and on the condition that there is no other way, the mother can abort the fetus even after ensoulment’. (Ayatollah Saanei n.d.)

The pregnant person’s survival, therefore, in this latter viewpoint, is prioritized over that of the fetus, no matter the stage of the pregnancy. It is noteworthy that Ayatollah Saanei’s reformist rulings, such as this ruling on abortion—as well as other rulings regarding temporary marriage, women’s inheritance, and rights—are considered ‘too progressive’ and have sparked criticism from political and religious conservatives who claim that his interpretations are examples of religious heresy (Rahbari 2020). In practice, this means that, while the ruling stays valid for the followers of Ayatollah Saanei, it is practically dismissed in the realm of politics and lawmaking in Iran, which I will address in the next section.

3.3. *The Iranian Law*

With one of the highest abortion prevalence rates in the region, the country has also been ruled by some of the most conservative Muslim clerics (Hessini 2007) since the 1979 Iranian Revolution and the establishment of the Islamic Republic of Iran (IRI). The new state, which regarded itself as primarily Islamic, reversed the approach to abortion to a more conservative and restrictive one, and new religio-legal concepts such as ‘ensoulment’—as discussed in the previous section—entered the legal debates around abortion (Abbasi et al. 2014). The new restrictive approach was well-fitting within the state’s pronatalist biopolitics, which actively played into traditionalist concepts of femininity and womanhood that entail a naturalized and normative notion of maternity (Rahbari 2021).

Based on this new approach to population and body control, the progressive family planning program, which was kickstarted under the Shah, was suspended shortly after the Islamic Revolution, and childrearing was encouraged (Izadi et al. 2023). Only four months after the Revolution, the Ministry of Health received fatwas from Ayatollah Khomeini, the founder of the IRI, that it is permissible for couples to use modern contraceptives (Mehryar et al. 2007). The 1976 bylaw that permitted unrestricted abortion was one of the first regulations to be disvalued by the Guardian Council in 1982, and post-ensoulment abortion was criminalized in 1984 only when the pregnant person’s life was in danger (Abbasi et al. 2014). The new government encouraged population growth, viewing it as a means to strengthen the country, and therefore, besides the abortion law, this period saw a reversal of the Shah’s family planning policies. The new pronatalist regime and its head, Ayatollah Khomeini, called Iranians to reproduce in order to raise an army that could come to the defense of the IRI and, to boost the population, child subsidies for lower-class households were introduced (Hoodfar and Assadpour 2000). As a result of this paradigm shift, the legal and social environment became much more restrictive, with severe penalties for those found guilty of performing or undergoing abortion.

In the mid-1980s, however, the Iranian state once again shifted its family planning program and moved toward promoting birth control policies by appealing to top-ranking clerics to modify their fatwas that stated that birth control and contraceptive use were inconsistent with Islamic tenets (Mahmoodi et al. 2015). The religious leadership became convinced by its expert advisors that, after the end of the war with Iraq and with massive youth unemployment, lower fertility would be in the best interest of the country (Lutz et al. 2010). In 1997, for the first time, permission for abortion was issued but only for fetal major thalassemia and anencephaly cases before ensoulment, which was estimated to be around the nineteenth week of pregnancy. In 2002, the National Committee of Abortion approved a regulation that limited the number of definitive maternal and fetal indications suggested for therapeutic abortion (Mahdavi et al. 2020). A directive issued in 2003,

which became law in 2005, legalized abortion before ensoulment under specific conditions, such as serious and incurable diseases that threaten the pregnant person or fetus's life. Fifty-one conditions were recognized, with twenty-two pertaining to maternal health and twenty-nine to fetal health (Rahimparvar et al. 2019).

This 2005 law, called 'Therapeutic Abortion,' made termination of pregnancy accessible to pregnant people upon the approval of three specialist doctors and the final confirmation of the Iranian Legal Medicine Organization:

'Therapeutic abortion is permissible with the definitive diagnosis of three specialist doctors and the confirmation of the Iranian Legal Medicine Organization based on the fetus's illness, which due to retardation or being malformed causes hardship for the mother, or the mother's illness that is life-threatening before the ensoulment (four months) with the woman's consent, and no penalty or liability shall befall the attending physician'. (Shojaei 2013)

The 'Therapeutic Abortion' law notably acknowledges the pregnant person's consent as sufficient for proceeding with an abortion, marking a significant distinction from other perspectives in which additional approvals, specifically from the male father, might be considered necessary. In practice, this law probably¹ reduced the number of illegalized abortions to some extent, as the number of registered legalized abortions, called 'medical' abortions, saw an increase, with evidence suggesting that abortion was permitted up to the gestational age of nineteen weeks. Licenses for abortions were more readily issued up until the end of the eighteenth week, but only half of the applications received approval. Many women applied after eighteen weeks, hoping for approval, with applications citing fetal conditions being more likely to be granted than those for maternal conditions, which were the most commonly submitted (Rahimparvar et al. 2019).

Over the following years, after the populist and religiously conservative president Mahmoud Ahmadinejad came to power, population policy discourse in the country was reinvigorated (Asadisarvestani and Sobotka 2023). Among the measures being debated were eliminating the family planning program in the Ministry of Health, prohibiting the promotion of contraception, stricter enforcement of the law against abortion, tightening rules governing sterilization, and increasing public support for young couples, new mothers, and large families (Khamenei 2014).

As a result of a continuous political campaign by Iran's conservative politicians backed by the supreme leader, the country's demographic and family planning policies saw a gradual shift. In 2021, the 'Family Protection and Youthful Population' law was approved by the Islamic Consultative Assembly. The new law imposes restrictions on access to family planning and reproductive health services and includes strict rules on fetal screening and abortion, which are likely to further increase the already high number of illegalized and unsafe abortions (Asadisarvestani and Sobotka 2023). The guidelines for the implementation of the 'Family Protection and Youthful Population' law explain the process of dealing with requests for legalized/therapeutic abortions as follows:

'All forensic medical centers in provincial capitals are required to immediately refer received requests to the Legal Abortion Commission. This commission, consisting of a special judge, a committed specialist doctor, and a forensic medicine specialist employed by the Legal Medicine Organization, shall be formed within a maximum of one week. The necessary verdict is issued by the judge member of the commission, observing the principle of not permitting abortion in cases of doubt (. . .) If, after obtaining the *guardian's* statement [emphasis added], all the following conditions are met: The mother's consent; Existence of hardship (severe unbearable difficulty) for the mother; The definitive presence of untreatable fetal

abnormalities, in cases where the hardship is related to the fetus's illness or defect; Lack of possibility for compensation or substitution for the mother's hardship; Absence of signs and indications of ensoulment; The fetus being less than four months old'. ([Ministry of Health and Medical Education 2021](#))

There are a number of major differences between the 2005 'Therapeutic Abortion' law and the 2021 'Family Protection and Youthful Population' law. The 2005 law, while restrictive, largely focused on the health of the pregnant person and severe fetal conditions. However, the enactment of the 2021 law marked a stricter stance on abortion. This law altered the composition of the decision-making commission to include a special judge, a committed specialist doctor, and a forensic medicine specialist from the Legal Medicine Organization. The committee was previously made up of three independent specialists and required a final confirmation by the Iranian Legal Medicine Organization. The new law, therefore, introduced more government oversight and less independence into the abortion approval process. In addition, the role of the Iranian Legal Medicine Organization has been scaled back; whereas it previously played a central role in permit issuance, it now functions more as a procedural step, as the recipient of applications, and is represented by one forensic medicine specialist ([Moghaddasi et al. 2022](#)).

In this reconfiguration, two of the three commission members are government employees, and there is an emphasis on the doctor's commitment in addition to them being a specialist. There is now also a special judge present in the committee, which represents the judicial system, which is one of the most conservative institutions within the IRI and overseen by the supreme leader ([Buchta 2000](#)). It is noteworthy that the deciding judge within this committee will be male. While more than a thousand female judges are working in the Iranian judiciary, women in the IRI can only preside in family court as the advisors to presiding clerics on special family courts; this means that they can draft the verdicts, but it is not accepted for women to give final verdicts, as the final ruling can only be signed by a male judge ([Mousavi Shiyadeh et al. 2023](#)).

Another significant difference between the 2005 and 2021 laws is in the issue of the guardian's consent. Guardianship is the legal authority over a child, and in Iranian law, it is the right of the father and, in his absence, the paternal grandfather ([Rahbari 2022](#)). In the 2005 law, the guardian was not mentioned in the guidelines at all, and the pregnant person's consent was considered adequate for evaluating the request for a medical abortion. In the 2021 law, however, the guardian's statement is considered a prerequisite to the consideration of the other conditions. While the formulation is vague (i.e., 'If, after obtaining the guardian's statement'), in practice, the father's consent is required for all abortions, with the exception of the pregnant person's life being at risk ([Ekhtebar 2023](#)). This reformulation of the abortion law re-establishes the institutionalized patriarchal control of the male partner over the health and reproductive choices of the pregnant person, as she cannot make decisions alone about aborting a fetus with health problems that may pose risks to the pregnant person.

The change of the committee and the process, therefore, signal both a turn toward more restrictive measures as well as a sign of a legislative distrust in previously issued permits ([Moghaddasi et al. 2022](#)) under the supervision of three medical specialists. The shift in the composition of the committee and the addition of a judge is also an indication that abortion is seen not only as a medical matter but as a legal and juristic one. The common aspect of the 2005 and 2021 laws is that none of them showed any regard for socioeconomic factors or personal choice and merely focused on medical conditions. This approach is in line with the majority view in Shi'i jurisprudence, discussed above.

4. National Security and Pronatalist Biopolitics in Iran

In the two decades before the Iranian Revolution, Iran's population grew steadily. This growth was amplified after the Revolution, as large families were promoted in the 1980s. This was a baby boom period with a fertility rate of around 6–7 children per woman. In the 1990s, Iran introduced an effective family planning program, leading to the fertility rate dropping to around 2 children per woman by the late 1990s. In the 2000s and 2010s, population growth slowed down even more, raising concerns over an aging population. The country then shifted to pronatalist policies in the 2020s, including restrictions and rewards such as boosting maternity benefits, limiting access to contraception, and adding even more restrictive measures on abortion (as I explained in the previous section).

Feminist scholarship has engaged with abortion as a fundamental right. While the prochoice and proprivacy individualistic approach has become popular, there is also a feminist critique that views facilitating access to abortion not only as an issue of private choice but as a state responsibility (Smyth 2002). States play an important role, both through institutions and policies, in shaping the affordances and possibilities as well as public opinion on (access to) abortion. As Shana Griffin argues, in the case of black women, the politics of reproductive violence entail the ways in which interlocking policies, institutions, and systems of oppression operate to control and dominate women's bodies, reproduction, sexuality, and motherhood (Griffin and Woods 2009). Griffin clarifies that reproductive violence can occur through various forms of regulation, criminalization, and segregation practices embedded in reproductive and sexual health policies, but also in other policies such as welfare and housing, as regulation of bodies and reproduction can happen through indirect forms of systematic deprivation. Borrowing this same rationale, reproductive violence in Iran happens on different fronts, but the denial of abortion is one of the starkest examples of it (Chadwick and Mavuso 2021).

In the previous sections, I presented a brief history of abortion access in Iran and how the religious shift in the state's legal framework after the 1979 Revolution created serious obstacles to the slowly progressing women's right to abortion and beyond. The state's selective adherence to religious jurisprudence highlights the futility of seeking progressive fatwas from religious authorities other than Iran's supreme leader. In practice, only Khamenei's rulings carry weight with the country's institutions, rendering appeals to other clerics ineffective. The coercive reproductive policies of the IRI are a direct result of a 'population crisis' panic, declared by Iran's supreme leader in 2011 when he stated,

'The population of the country is seventy-five million. I believe that our country, with the capabilities that we have, can have a population of one hundred fifty million people. I believe in a large population. Any action that slows or stops population growth should only be done after we reach one hundred fifty million people'. (Quoted in Ranjpour 2020)

Khamenei continued to call for action in 2012 by referring to Iran's historic 'mistake' of ever promoting family planning (Karami 2012). In 2013, the general policies of 'resistance economy' were issued by Khamenei (Poorolajal 2017) and repeatedly emphasized the urgency of shifting the country's population policies, including in 2014 (Khamenei 2014). The IRI's concern over Iran's fertility rate is justified. The replacement fertility level of 2.1 children per woman had already been reached in the year 2000. The country's total fertility rate (TFR) has since fallen to 1.68 in 2022. This downward trend is expected to worsen in the coming years (Bizaer 2022). The demographic shift gives Iran's already stringent laws a boost to assert control over women's bodies by trying to exert even more control over fertility plans and the demographic composition of the nation. By adopting a coercive and punitive approach, the country's authorities show no interest in exploring

the complicated reasons behind falling fertility rates, such as economic insecurity and worsening cost of living conditions (Rajabi and Hasheminya 2013).

Fears of an impending 'population crisis,' especially in authoritarian states, can result in policies that limit access to contraception and abortion, stigmatize or marginalize specific population groups, including unmarried and childless people, and promote a conservative family model that is detrimental to women's autonomy and gender equality (Asadisarvestani and Sobotka 2023). This is precisely what has been happening in Iran, with the revival of an even more conservative approach to population control, worsening the already highly patriarchal control over women's bodies and reproductive choices.

Following the official announcement of the call for a shift in population policies by Ayatollah Khamenei in 2014, the government abolished the national family planning budget and terminated the provision of free contraceptives and family planning education programs for the general population (Asadisarvestani and Sobotka 2023). For instance, a course from the post-secondary curriculum that was called 'Population and Family Planning' was replaced with a new one titled 'Knowledge of Family and Population,' which focuses on marriage and family formation, spousal emotional relationships, and childbearing and rearing rather than sexual and reproductive health risks and contraceptive methods that were taught to students taking the former course (Erfani 2017).

With this new wave of biopolitical pronatalist interventions, including further barring access, criminalizing abortion (Iran Wire 2022), and placing severe restrictions on when and how it can be legally performed, the Iranian state, on the one hand, exposes women to serious medical risks and bodily harm and, on the other hand, effectively relegates them to traditional roles tied to motherhood and caretaking (Farvardin 2020). The country's authorities have never been shy of openly declaring motherhood as the main role of women. In fact, Khamenei described women's 'fundamental job' as 'housekeeping, childbearing, and motherhood' in a public speech in 2023 (BBC 2023a), reiterating one of the main and consistent tenets of Iran's gendered (bio)politics and patriarchal laws. Unsurprisingly, two years after the implementation of the 'Family Protection and Youthful Population' law, according to Iran's Ministry of Health, the current state of abortions in Iran is 'catastrophic,' with ninety-five percent of abortion cases in the country being carried out illegally and more than seventy to eighty percent of all illegalized abortions performed outside medical centers and under unsafe conditions (Radio Farda 2024).

After the Iranian supreme leader's emphasis on population growth as a marker of the country's strength and power, other clerics have followed suit. Hojjatoleslam Seyed Hossein Mousavi, a cleric interviewed by the Iranian press, stated, 'If we don't wake up today, by the year 1420 [2041 in the Gregorian calendar], we won't have young people to defend the country's security(!), to want to go to Syria, and to defend the security, if any military issue threatens the country' (Tasnimnews 2021). This narrative concerning national security resonates with Ayatollah Khomeini's remarks, the founder of the Islamic Republic, about Iran's potential to mobilize a '20-million army' thanks to its '20 million youth population' (Khomeini's Official Website n.d.). Consequently, the young demographic is perceived as an asset for safeguarding the nation against perceived and imagined adversaries.

The moral panic around population decline in Iran has been expressed by the state-run Iranian media or the country's political and religious authorities as a 'hypercrisis' (Mehrnews 2023a) and a huge threat to Iran's 'integrity' and 'civilization' (Bornanews 2022) for which 'danger sirens' are ringing (Mehrnews 2023c). But beyond emphasizing the alarming nature of population developments in Iran, what is noteworthy is the propaganda around the culprits of the crisis. As it is in the nature of moral panics, 'folk devils' are needed to blame for the crisis (Goode and Ben-Yehuda 1994). In the public discourse in Iran, these folk devils have often been characterized as living a 'non-religious lifestyle,' 'Ameri-

can lifestyle, and Western consumerism,' 'modern' or 'Western lifestyle' (Mehrnews 2023b; Irna 2023; Tasnimnews 2021). This Westernization is not a natural phenomenon but a long-standing Western ploy to weaken the country by reducing its population (Bornanews 2022). Population decline is, therefore, associated with the West as the archenemy of the Iranian state (Rahbari 2023) and is also considered a major danger to Iran's demography and national security.

5. Discussion: From Demographic Moral Panics to National Security

In this paper, I first outline how abortion policies in Iran have evolved parallel to the country's changing demography and politics. I also explored how pronatalism, demographic moral panic, and national security concerns are reflected in the discourses surrounding this recent shift in the country's population policies in general and abortion access in particular. I showed that Iran has gradually shifted toward more restrictive abortion measures, which align with the country's population policies developed after the supreme leader of Iran declared earlier population control policies a mistake and called for the country's authorities to work toward creating a significantly larger population. While Iran's abortion laws seem to be rooted in Islamic jurisprudence, I showed that political factors also play a crucial role in shaping population policies and the approach to family planning and abortion access.

Demography and national security are considered strongly intertwined, and boosting population for strategic and security reasons takes place globally (Kaufmann and Toft 2012). In Israel, for instance, the question of the growth of the Jewish population has been important for their national security. Israel's restrictions on immigration of non-Jews and infrequent but deliberate pogroms against non-Jewish populations during wartime, with the explicit aim of making non-Jews flee the state, has been one of the pursued population control strategies in direct connection to national security (Toft 2012). In a similar vein, in Türkiye, while women are encouraged to reproduce for the nation's continuity, the reproduction of 'othered' women is seen as a threat to national security (Saluk 2023). Russia and China, among other nations, have also mounted their efforts to increase population growth, partly in order to boost their military and security capacities (Haas 2012).

What is specific about the Iranian state's pronatalism and national security discourse, as I showed in the previous sections, is a (religious) moralization of reproductive policies through the interplay of demographic anxieties and population control politics, as well as patriarchal interpretations and selective handpicking of religious discourses. Both pronatalism and population growth, as well as the securitization and the defense of the nation discourse, are wrapped within Shi'i-inspired moral discourses. This moralization has a gendered nature and gender-specific consequences. Beyond the restriction of rights to abortion and well-documented exacerbation of harm to women's bodies and lives through forced reproduction or illegalized termination of pregnancy, abortion restrictions are also tied to paternalistic and traditionalist views on women's roles as mothers and caregivers. Women in Iran already occupy a precarious position in culture, society, economy, and politics (Farahzadi and Rahmati 2020; Rahbari 2016; Rahbari 2023; Tajali 2023). The shift in reproductive policies, I conclude, systematically funnels women further toward unpaid (maternal) labor and into traditional gender roles, as openly expressed by the country's top authorities (e.g., see Khamenei's remarks reported by BBC 2023a).

To conclude, in the broader context of Iran's biopolitical regime, restricting abortion access constitutes a form of reproductive violence that infringes upon women's rights and autonomy. Reproductive violence serves as part of the many mechanisms of state control over the population, where governance extends into the intimate and personal realms of reproductive choice and bodily autonomy. This control is not merely about reproductive

rights but is emblematic of a larger power dynamic, where the state's ideological objectives shape and constrain individual freedoms and rights.

This paper did not have the capacity to address the dramatic shift in the degree and modes of criminalization of illegalized abortion care. Parallel to changes in access to abortion and the handling of legalized abortion applications, there has been increased criminalization and the application of punitive, carceral logic to further punish seekers and providers of illegalized abortion (care) (United Nations 2021; Iran Wire 2022). This shift deserves further exploration as it has serious consequences for those seeking abortion (care), as well as those providing it. In addition, there are socioeconomic considerations in the population policy debate in Iran, which this paper did not address. Iran is the second fastest-aging country in the world in terms of the percentage point increase in the population aged 60 and over between 2015 and 2050. Iran also is expected to take 7th place in the world with the highest percentage point increase in the population age 65 and older between 2015 and 2050. The country is financially and institutionally ill-prepared for such a rapid population aging (Mehri et al. 2020).

I hope this paper not only contributes to the discourse on Iran's reproductive biopolitics but also offers insights into how demographic anxieties, national security concerns, and religious discourses are used in other countries to restrict minority and reproductive rights.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Data are contained within the article.

Conflicts of Interest: The author declares no conflict of interest.

Note

¹ Since official numbers do not exist, it is impossible to know to what degree and in which way this law influenced abortion rates.

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