

Article

# Women's Ijtihad and Lady Amin's Islamic Ethics on Womanhood and Motherhood

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**Abstract:** Women's position, identity, and value in Islam have been affected by androcentric interpretations of the Qur'an and hadith throughout Islamic history. Women's roles in society, as well as their position vis-à-vis Islamic sources and authority, have been shaped by these interpretations. In Shi'a Islam, due to the majority male clergy's resistance, women have rarely reached the highest loci of Shi'i authority and jurisprudence. However, there have been women scholars who have transgressed these normative frameworks. Lady Amin, who was one of the most prominent Iranian theologians of the 19th and 20th centuries, is a notable example. Lady Amin had great knowledge of jurisprudence and gained the status of *mujtahida* at the age of forty. Her scholarly work addressed not only interpretations of the Qur'an and hadith, but also women's issues and gender politics of her time. This study addresses women's ijtihad in Shi'a Islam and investigates Lady Amin's teachings on the topics of womanhood and motherhood. This study focuses on Lady Amin's book of Islamic ethics, titled *Ways of Happiness: Suggestions for Faithful Sisters*, written as a Shi'i source of guidance with a specific focus on women and gender in Shi'a Islam.

**Keywords:** Women's ijtihad; Islamic feminism; Lady Amin; motherhood; Shi'a Islam; womanhood

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## 1. Introduction: Shi'i Women's Ijtihad

The weak presence of women in the field of hadith transmission unites Sunnis and Shi'as (Mirshahvalad 2017, p. 87). The position, identity, and value of women in Islam have been historically determined by androcentric interpretations of the Qur'an, hadith (sayings by the Prophet of Islam and other holy figures), and sunnah (the Prophet and other holy figures' ways of life) (Davary 2013, pp. 19–20). Some religious scholars have suggested that it is sharia, which is the religious law of Islam, that constitutes the basis for the unequal status of women, while others have argued that it is fiqh that fails to address issues of gender in an egalitarian manner (for these viewpoints, see Davary 2013, p. 20; Kinselehto 2008, p. 9). Sharia is considered the religion itself in the form of the holy book, hadith, and sunnah, which offer a path to salvation, while fiqh is considered to be the interpretation of the content of sharia by religious scholars. Because fiqh is the human understanding of divine law, it is also perceived to be prone to both change and human error (Davary 2013). However, the separation is partly problematic, because even sharia, as a collection of discourses, narratives, texts, and historiographies, has always been the product of human agency and thus constructed through human experience and reflection (An-Na'im 2013, p. 402). Additionally, on the topic of women's ijtihad, both Shi'i sharia and fiqh contain teachings that could be used against women taking active roles in religious matters, from judging in an Islamic court to political and leading roles.<sup>1</sup>

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<sup>1</sup> For instance a hadith by the fifth Shi'i Imam, Mohamad Baqer (677–733), states, "the woman is neither to act as judge, nor as a leader", where leader is the literal translation of the word *Imarat*, which is used to refer to political leadership over group of people or a geographical entity. See also Zeinalabedin Najafi, "Women and Marja'iate Taghliid from Imamieh Standpoint," *A Quarterly for Shi'a Studies* 15, no. 60 (2016): 107–36 [in Farsi].

In Shi'a Islam, based on the patriarchal and male-dominated nature of the interpretations of scripture and as a result of the majority male clergy's resistance to change the classic traditions of interpretation, women have rarely reached the highest loci of Shi'i authority and jurisprudence. Women's general roles in society, as well as their position vis-à-vis Islamic sources and authority, have been shaped by these interpretations. However, there have been women scholars who have transgressed these normative frameworks. Lady (in Persian, *banoo*) Amin, who was perhaps the most prominent Iranian female theologian of the 19th and 20th centuries, is a notable example. Lady Amin had great knowledge of jurisprudence and gained the status of *mujtahida* (the official Islamic juristic authority) at the age of forty.<sup>2</sup> Her scholarly work addressed not only interpretations of the Qur'an and hadith, but also women's issues and gender politics. While there is growing attention on Lady Amin's writings, especially by feminist scholars interested in the re-interpretation of Shi'i sharia, most of her writings have remained largely understudied.

This article aims to investigate Lady Amin's Islamic ethics on Womanhood and Motherhood, with a specific focus on her views on women's roles in society. For this purpose, Lady Amin's book of Islamic ethics titled *Ways of Happiness: Suggestions for Faithful Sisters* was selected. This is the only book by Lady Amin that specifically targets women as its audience and is written in a style that makes it accessible to a public audience. *Ways of Happiness* was written in Farsi—unlike most of Lady Amin's scholarly works, which were written in Arabic—and was first published in 1970 in Isfahan (Ala'addin 2009). The book was written not only as a user-friendly and accessible source of guidance on general Shi'i jurisprudence, but also as a book of ethics and advice on gendered issues relevant for practicing and faithful Muslim women's lives in the family and society. The focus of the analysis on the content of the book is on Lady Amin's discussions on gender with a specific interest in definitions, descriptions, and prescriptive content on notions and ideals of womanhood and motherhood and/in their relationship to each other. After carefully reading and extracting the content, I present Lady Amin's thoughts within the context of existing Shi'i Islamic teachings on women and motherhood. This conscious choice in material has, in consequence, limited the analysis to Amin's less scholarly writing. I use quotations from the book to enrich the discussions and to illustrate the arguments. The translations of the quoted sections were conducted by the author—a native Farsi speaker—and in consultation with a Farsi-English translator.

The goal of this research is not merely to determine whether Lady Amin's theological teachings were progressive, traditionalist, or feminist. I aim instead to do a feminist analysis and to find possible transgressive theological and socio-political potential in the work of Lady Amin as a *mujtahida*, on the one hand, and to position her theological perspectives on gender and motherhood within the context of Islamic feminism and gender issues in Shi'a Islam on the other. This research is relevant and important, not only to address the possible potential of women's *ijtihad*, but also to (re)evaluate theological frameworks of gender justice in Lady Amin's Islamic ethics on womanhood and motherhood.

## 2. Lady Nosrat Beygom Amin

Seyyede Nosrat Beygom Amin (i.e., Lady Amin, 1886–1983), perhaps the most prominent Iranian female theologian of the 19th and 20th centuries, was a Shi'i scholar who had great knowledge of hadith, fiqh, and usul, the principles of jurisprudence (Mirshahvalad 2017, p. 87). Lady Amin's parents, a well-off Isfahani family, sent their four-year-old daughter to a Qur'an school (*maktab*) to learn reading and writing, as well as Qur'an teachings, after which Lady Amin developed a strong interest in the scholarly study of religion and pursued religious studies with a private professor (*ostad*) (Rutner 2015). The young lady spent over ten years learning Arabic and then continued her study of religion, following the traditional curriculum of Arabic grammar, rhetoric, logic, and jurisprudence and its principles, hadith—the study of the Qur'an and Shi'i gnostic philosophy (*'erfan*) (Zadeh 2015, p. 299). Lady Amin was influenced and mentored by multiple (male) scholars, and by the time she was forty years old, prominent Shi'i *mujtahid*—such as Seyyed Ibrahim Hosseini Shirazi

<sup>2</sup> The *mujtahida* is the female form, and *mujtahid* is the male form in Arabic.

and Morteza Mazaheri Najafi Isfahani—granted her a certificate to practice *ijtihad* (Mirshahvalad 2017, p. 101). This coincided with the publication of her first book, among many, which were edited and published over the span of over fifty years of her lifetime. As a *mujtahida*, Lady Amin granted multiple prominent male and female scholars—such as Shahabaddin Hosseini Mar’ashi Najafi and Zinatossadat Alevi Homayooni—permission to transmit hadith (*ejazeh revayat*). Her *ijtihad* and her ability to pass on juristic authority with such agency were unprecedented in Shi’i jurisprudence.

In contrast to most women religious scholars in the history of Islam, Lady Amin gained certificates from prominent sources of authority who were unrelated to her. Before her, women scholars were usually given certificates by people related to them and were often not known by their own names but, rather, were referred to by their relationship to an important man in the family, usually their fathers and/or husbands. However, this does not mean that Lady Amin’s family was not influential in her trajectory. Coming from a higher-class family, her socio-economic background and her parents’ willingness to educate her provided the bedrock for her future development. At the age of fifteen, Lady Amin married her cousin, a well-off businessman, and later continued her studies with his support. It is known that she gave birth to eight children, of whom seven died during her lifetime. Lady Amin also outlived her husband by twenty years. While impacted deeply by the loss of her children, Lady Amin interpreted these events as divine trials (Cheraghi, n.d.).

*Ways of Happiness* is a particularly important work for this study, because Lady Amin’s other scholarly works did not address gender issues specifically. Other works by Amin include multiple hadith collections and exegesis in Arabic and a collection of Qur’anic *tafsir* (exegesis) in Farsi. The fifteen-volume collection of Qur’anic *tafsir* was one of her latest works, which was edited between 1957 and 1975. Despite being a well-known scholar, she did not publish her work under her true given name, supposedly because she disliked fame (Rutner 2015, p. 28). Even her later works, such as her Qur’anic exegesis, were published under a pseudonym.<sup>3</sup> Lady Amin’s impact went beyond her own scholarship. She influenced a wave of a new generation of female Shi’i scholars, such as Zinatossadat Alevi Homayooni and Effat Ol-Zaman Amin, both contemporary Shi’i scholars. Lady Amin’s influence was specifically prominent in her hometown of Isfahan. However, she is reported to have had a more far-reaching impact, as she received and guided not only Isfahani scholars, but also scholars from main Shi’i seminaries in Qom and Najaf (Salehi 2016).

Lady Amin was regarded highly during her lifetime, and it is possible that her conservative views on gender relations helped her reputation as a religious scholar among the leading scholars of her time (Rutner 2015). However, despite the respect she had from religious figures, and even after gaining the certificate of *ijtihad*, Amin was not entirely shielded from the classic, mainstream viewpoints on women’s *ijtihad*.<sup>4</sup> So, while she was granted *ijtihad* and she herself claimed the title, some scholars of the period said that she, in fact, could not practice *ijtihad* because of her gender, and they would cite the litany of female inferiorities to explain their viewpoints (Fischer 1980, p. 163). Lady Amin’s influence in comparison to male scholars was circumscribed to some degree by resistance among male *mujtahids* and a system of granting religious authority and positions that advantaged men (Rutner 2015, p. 24). Lady Amin lived most of her scholarly life at home and provided teaching at the institutions that she founded in the 1960s—an all-girls high school and a religious seminary (to which I will return in the following sections). She did not teach in the core educational centers of Shi’a Islam.

Lady Amin’s later life coincided with great political transformations in Iran, which changed the religious profile of the country dramatically. The establishment of a Shi’i state in Iran in 1979 resulted in many dramatic transformations in the areas of gender, family, and marriage politics, among other societal and political issues (L. Rahbari 2019, p. 39). The changes in laws regarding women motivated interest in Islamic perspectives on gender issues. Lady Amin witnessed the Islamic Revolution, but

<sup>3</sup> Her pseudonym was Banooye Irani (i.e., Iranian Lady). Ibid.

<sup>4</sup> *Ijtihad* in Shi’a fiqh is used to refer to the ability to understand and interpret fiqhi and religious rulings based on four types of evidence (in Persian, *adelleh*): the book of Qura’n, Sunnah, Consensus (in Persian, *ejma*), and reason. Narges Abdolhamid, “Interpretative Methodology of Lady Amin,” <http://banoamin.ir/wp-content/uploads/bano-amin.pdf> [in Farsi].

did not live under the newly established Islamic Republic of Iran for long. During the Revolution and her later years, she was hospitalized and could only follow the events on television. This means that she did not produce new scholarship under the emerging Shi'i doctrine of *velayat-e-faqih*.<sup>5</sup> *Velayat-e-faqih* was adopted by the Iranian state as the political and religious model of governance in the Islamic Revolution of Iran in 1979. Based on this model, according to Ayatollah Ruhollah Khomeini, known as the founder of the Islamic Republic of Iran, in the absence of the Shi'i Messiah—the twelfth Imam<sup>6</sup>—his functions should be performed by an Islamic jurist (i.e., the holder of *velayat-e-faqih*) who exercises absolute power and sovereignty over the affairs of the entire Muslim (Shi'i) world (Rizvi 2012, p. 113). It is reported that she was attracted to Imam Khomeini's mysticism and gnostic philosophy and read his books. With the lack of reliable information, it is, however, hard to speculate on what Lady Amin thought of post-revolutionary Islamic laws in Iran,<sup>7</sup> including the issue of compulsory veiling, codified in Iran since 1979.<sup>8</sup> Regardless, following her death and especially after the 1990s, after a period of indifference to her writings, Lady Amin's thoughts were rediscovered and instrumentalized to serve the narrower conservative gender agenda of post-revolutionary Iran (Rutner 2015, pp. 25–26).

This interest in Lady Amin's works after the Islamic Revolution was specifically heightened regarding Lady Amin's conservative viewpoints on women's virtues, piety, and veiling, and most of her other scholarly work has been bypassed (Rutner 2015). The increase in discussions on Islamic perspectives on women, gender relations, and piety laws that were core topics for the Islamic Republic's Shi'i nationalism sparked attention to literature that would support such viewpoints (Rahbari et al. 2019, p. 5). Lady Amin's depiction as a woman scholar has specifically served the Shi'a authorities in Iran by presenting a more female-friendly image of their viewpoints. In 2008, a non-profit organization, the Lady Amin Cultural Center, was founded, which has co-organized international congresses on Lady Amin's works in collaboration with *Jama'at-Al-Zahra*, the women's branch of Qom seminaries.<sup>9</sup> However, even after the rise in attention to Lady Amin's work, and despite the changes in women's positions in seminaries—as active students and teachers—Lady Amin's scholarly works are not widely available in religious seminaries in Shi'a centers in Iran, nor are they widely read as part of the seminary curriculum (Rutner 2015, p. 34). Despite this, Lady Amin's book *Ways of Happiness* has received enormous attention from the public. *Ways of Happiness* has reached its twelfth edition and is a popular book among devout Shi'a women in Iran. Due to this widespread interest in the book, the question arises whether Lady Amin's ideas about gender are fundamentally different from her past and present male counterparts and contemporary Islamic feminists. This question will be addressed in the analysis of the book.

Lady Amin's scholarly works are vast and cover different areas of Shi'i jurisprudence. She showed interest in women and gender-related issues and wrote *Ways of Happiness* on Shi'i Islamic ethics for the general public, but specially for faithful women as her main audience. Her thematic focus on ethics and piety in her exegetical and less scholarly works is believed to have been partly her response to what she perceived as moral decay (in Persian, *fesad*) during her lifetime (Rutner 2015,

<sup>5</sup> She was about 93 years old when the Revolution took place, and she passed away four years after the Islamic Republic was founded.

<sup>6</sup> Imam Mahdi—also known as Imam Zaman, the Hidden Imam, *Qa'em*—is the twelfth Imam of Imami or Twelver branch of Shi'a, who is hidden out of sight and will return on the day of judgment. See e.g., Seyyed Ali Hashemi, "Shi'a in Encounter with the Promised Appearance," *Mashreghe Mo'oud* 11, no. 42 (2017): 87–102 [in Farsi].

<sup>7</sup> It is reported that Lady Amin followed the Islamic Revolution on television and respected Imam Khomeini, the founder of the Islamic Republic of Iran. See e.g., Tayyebbe Cheraghi, "Banu Nosrat Beigom Amin," *Shi'i Women (Banovane Shi'eh)* 1 (2004). However, there is no substantial evidence or commentary by Lady Amin on the Islamic Revolution.

<sup>8</sup> The compulsory hijab policies in Iran that affect women over the age of eight go beyond covering the body and the hair and regulate the ways women's bodies do sports, perform, move, interact, etc. Ladan Rahbari, "Pushing Gender to Its Limits: Iranian Women Bodybuilders on Instagram," *Journal of Gender Studies* 28, no. 5 (2019): 2.

<sup>9</sup> In Persian, *Kanoone Farhangie Banoo Amin*; available at: <http://banoamin.ir/?p=1609>.

p. 27), and she seems to have been motivated by the growth in women's participation in the economy by working outside of their private homes (I will return to this topic later). As an advocate of women's domesticity, Lady Amin also addressed this issue in relation to her conceptualization of womanhood and motherhood roles in her book *Ways of Happiness*, which will be analyzed in the following sections.

### 3. *Ways of Happiness: Suggestions for Faithful Sisters*

Lady Amin's book *Ways of Happiness: Suggestions for Faithful Sisters* is different from most scholarly books on Islamic guidelines, because it is written in a language that is very accessible to people with no or little religious training. The book offers theological and practical guidance to—as it promises in the title—faithful women who want to find a path to happiness through Islamic ethics. The Persian word *khoshbakhti*, translated to happiness, is made up of two words *khosh*, meaning good, and *bakht*, meaning fate. While translatable to happiness and prosperity, the term points to having a good and long-lasting form of happiness rather than a momentary or temporary one. The book is thus made up of guidelines for women to achieve prosperity in both life and the afterlife according to Shi'i theology.

Lady Amin started her book by praising God, the Prophet, and the first Shi'i Imam, Ali Ibn Abi Taleb.<sup>10</sup> From the introduction, Lady Amin clearly addressed “women and [unmarried] girls” as her main audience and the recipients of her messages. She invited them to listen to her advice carefully, which began by acknowledging that happiness can neither be attained through material and physical experiences, nor via mere soul searching but, rather, through a combination of both. *Ways of Happiness* then continues in five chapters. The first chapter is dedicated to the pillars of Shi'a Islam (i.e., the belief in monotheism, the belief in divine justice, the belief in prophethood, accepting the succession of the Prophet by the Shi'i Imams, and the belief in the day of judgment). The second chapter presents the Qur'anic perspectives on gender equality, gender relations, and what she outlines as women's essential and spiritual traits. The third chapter discusses the mutual responsibilities of parents and children towards each other and gives advice on the Islamic upbringing of children. In the fourth chapter, women's characteristics and “identity”, as well as some specific women's issues, such as the hijab, are explained. In the final chapter, ethical advice and guidelines to reach happiness in life and the afterlife are given.

The book's writing style clearly shows that Lady Amin's viewpoints were somewhat reactionary. For instance, considering that she experienced the ban on veiling (1935–1941) firsthand, her thoughts and passionately expressed emotions on the hijab can only be understood when situated within the Iranian context of her time. In this case, as a part of the Pahlavi regime's (1925–1979) modernization and Westernization project, the government pressed women to unveil. Consequently, an official ban on veiling in public spaces took effect in 1935 and lasted until Reza Shah's<sup>11</sup> abdication in 1941 (Mir-Hosseini 2007, p. 4). The issue of the hijab comes up early in *Ways of Happiness*, where Lady Amin advised Muslim women who have unveiled, with a passionate plea:

O European-like and [supposedly] civilized woman, know that unveiling is just like tearing a page of the Qur'an! If you really are Muslim, know that this is not the ways of Muslims. If you are not Muslim, declare your irreligiosity so that your despicable actions do not embolden others. (B. Amin 2011.)

Lady Amin then highlighted the importance of the hijab as “what differentiates Muslims from Non-Muslims”. However, besides the context from which she spoke, what has perhaps been even more overlooked is that, while she considered veiling for women compulsory, she also maintained that the same rules of piety and veiling—from lowering and controlling one's gaze to covering one's head and body—are recommended for men. Men's modesty is promoted by Muslim scholars, but her referral to men's veiling is not popular. Lady Amin then began her in depth discussion on gender

<sup>10</sup> Imam Ali, the first of the Twelve Imams in the Twelver or *Emami* branch of Islam, was the Prophet's cousin who also married Fatima, the Prophet's only daughter (according to Shi'a).

<sup>11</sup> Reza Shah (1878–1944) was the first king and the founder of the Pahlavi monarchy.

issues in Islam by addressing women's responsibilities and offering interpretations of most verses of the Qur'an and hadith on women's veiling, polygamy, gender equality, education, etc. In the following, I first discuss Lady Amin's discussion in *Ways of Happiness* on womanhood, before turning to her writings on the notion and institution of motherhood.

### 3.1. On Womanhood

The first section of *Ways of Happiness* that exclusively discusses women's issues, categorizes women's responsibilities into three types: responsibilities towards their husbands; responsibilities towards their children; and their responsibility towards others. Regarding the first responsibility, women are advised to be sexually exclusive as well as available and obedient to their husbands in some matters; for instance, they should not "leave the house, or practice non-compulsory (*mostahab*)<sup>12</sup> fasting, or travel" without their husband's permission (B. Amin 2011). Women's second responsibility is to perfect motherhood, and this role defines their ultimate goal in society. Their third responsibility is overshadowed by the first and second, as women are advised to stay home and raise children and be kind to their husbands as a form of *jihad*.<sup>13</sup> Lady Amin's gender philosophy does not substantially differ from and is, in fact, similar to other classic interpretations of gender relations in Islam.<sup>14</sup> It entails a fundamental difference between men and women based on innate and God-given natural qualities. In her delineation of women's characteristics, she stated five essential differences that make up what she considered to be women's identity:

The first God-given character in the woman's essence that brings her to the God's path is gentleness. This intrinsic characteristic of women, [their] gentleness, tender-heartedness and lachrymose quality [brings them] closer to God... The second privilege of women is emotions and instinctive kindness that is in her blood. See the kindness of the mother towards the child; the poor mother is satisfied if a thorn hurts her eye rather than her child's feet... The third is sacrifice, resilience in the face of hardship and patience... These heartfelt emotions, sensual feelings and physical tolerance make her willing and able to take care of children and the sick... Fourth, woman is stronger and more active than man in charitable affairs and has stronger emotions... Fifth, staying at home and retreating in seclusion that is one of the ways, paths and mediums of getting closer to God Almighty. (B. Amin 2011)

Two points are highlighted in this characterization of women: first, women are assumed to inherently be more spiritual and thus closer to God. Not only in Islam but across different religions, there is an association of feminine characteristics with higher degrees of spirituality. There are studies on gender differences in spirituality—spiritual tendencies, practices, and affiliations—that have tested these claims and confirmed them (Bryant 2007), but what Lady Amin's arguments do is to naturalize women's spiritual tendencies. This idea complements Lady Amin's ardent activism for women's religious education, which was not mainstream among her male counterparts. Secondly, women are defined by their relations to others and by familial bonds, as seen in the categorization of their responsibilities. Lady Amin stated this elsewhere with more clarity:

<sup>12</sup> *Mostahab* refers to practices that are not compulsory but highly recommended. For instance, while fasting during the Ramadan month is compulsory (for those who are healthy and able), fasting can also be performed on every day of the year except those on which it is not allowed (*haram*) or not recommended (*makrooh*) to observe a fast. Al-Islam, "Fasting," <https://www.al-islam.org/islamic-laws-ayatullah-ali-al-husayni-al-sistani/fasting-part-ii-ii#mustahab-fasts>.

<sup>13</sup> *Jihad* is different ways through which a Muslim person does their utmost effort to overcome their own and others' evil acts and inclinations and to stay in the path of God.

<sup>14</sup> The classic reading of gender differences maintains that there are differences between men and women in many aspects from natural identity, bodily delicacy, and sexual urge to functions, degree of dependency, and interest in surrender. Ahmad Shehu Abdulsalam, "Gender and Sexuality: An Islamic Perspective," *Sari: Jurnal Alam dan Tamadun Melayu* 24 (2006): 43.

Some scholars have introduced the identity and character of the woman: the original nature of a woman is made for performing the task of motherhood, marital duties, make the family life pleasant and attachment to others in sorrow and happiness. (B. Amin 2011)

Lady Amin's reading of women's nature goes beyond the Qur'anic views on family and mothering. The Qur'an does not define the content of mothering or fathering, except some obligations of the parents and the father's task of providing for the children; nor does it differentiate between the rights of the mother and father to the child (Barlas 2019, p. 173). Lady Amin, however, associated women strongly with mothering. She also presented mothering capacities as women's privilege over men's, just as she considered some supposedly male characteristics superior to those of women:

Although men are superior in some characteristics and activities over women, women too have characteristic that are superior to men. An emotional heart, being patient, sacrificial, altruist, kind of nurture, tender minded. The skillful [master] of the universe has created the woman in a way that she can bear the hardships of pregnancy, childbirth, breastfeeding, and nurturing not only the newborn but also children as long as they are young. (B. Amin 2011)

For Lady Amin, the essential differences between men and women are meant to complement each other. Men's "strength and power" makes them fit for earning a living outside of the house, while women's bodily and psychological qualities make them better fit for caretaking and internal domestic affairs and make them closer to God. However, while women and men are seen as different beings, they are not "different" in terms of their rights as human beings and their responsibilities towards each other. With respect to women's rights in comparison to those of their husbands, she stated:

The holy religion of Islam has made women and men equal in all aspects and this is a great grace from God to women who says in Surah Al-Baqarah [chapter 1], verse 228: "they (women) have rights similar (to those of their husbands) over them".<sup>15</sup> (B. Amin 2011)

To understand this notion of difference used by Lady Amin, *equity* versus *equality* perspectives could prove useful. Equity is used within mainstream Islamic perspectives instead of equality; the latter is understood as similarity of all rights in their specificity, while equity refers to a balanced system of justice where the totality of rights and responsibilities of genders are overall equal, but specific rights and responsibilities differ for men and women. While there are variations in specific items, the overall outcome is seen as a just and equal system (Chiroma et al. 2014). Lady Amin's approach is thus similar to the latter in that it believes in differences in terms of rights and responsibilities, while evaluating men and women as equal human beings. This conceptualization of difference is not unique to Lady Amin and has been held by many past and contemporary Islamic scholars.

Despite Lady Amin's essentialist viewpoints on women's nature and consequent gender roles, she was a strong advocate for women's education. She was blessed with an early education and was later self-taught during a time of low female literacy (L. Rahbari 2016, p. 1005). She strove to educate other girls and women by initially teaching them at home and later at two educational institutions she founded in the 1960s (Rutner 2015, p. 25). Lady Amin made education her main agenda, specifically because of the Pahlavis' ban on the hijab, which meant that more conservative parents took their daughters out of school after the sixth grade, because the girls could not go to school with a veil and because some of the school teachers were men (Fischer 1980, p. 163). As a response to this, Lady Amin condemned the education of girls in a system where they were prohibited from wearing a veil (Mirshahvalad 2017, p. 102). To clarify her position on women's domesticity vis-à-vis education of women, she explained the following:

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<sup>15</sup> The translation of the Qur'anic verse is from <http://corpus.Qur'an.com/translation.jsp?chapter=2&verse=228>.

A woman's first task is to take care of internal [home] affairs, and then do tasks that are not against her chastity and pudency... Do not get me wrong... staying at home without moral virtues, knowledge, faith, fear of God and spirituality will never provide us with happiness and blissfulness... modesty that is known among all scholars as a feminine virtue is a result of reason and whoever reasons better, is more modest. (B. Amin 2011)

To counter the effects of secularization in girls' education, Lady Amin first held private teaching sessions in her home, and by the mid-1960s, she had established two educational centers: a secondary school for girls named *Dabiristane Dokhtaraneye Amin* and a religious seminary named *Maktabe Fatemeh* (Rutner 2015, p. 28).

When it comes to other concerns about fiqhi views on women's rights, such as women's rights in the family, including divorce rights and submission to men, Lady Amin's rulings were diverse. For instance, although Lady Amin herself claimed the title of *mujtahida* and was in favor of women's education, she was inclined to the classic rulings on women's right to divorce, on the basis that women are more emotional and might make wrong decisions as a result.<sup>16</sup> Therefore in the case of divorce, she was aligned with her contemporary male counterparts. On the other hand, unlike those counterparts, Lady Amin seems to have been—albeit not explicitly expressed—not in favor of polygamy. In discussing the Qur'anic verses on polygamy, she explained that the conditions of polygamy in the Qur'an (to establish justice among the wives) means that men can rarely practice polygamy. She also considered men who think women are inferior and who disrespect women to be the source of all evil in society. Her ideas on women's domesticity as a virtue and her prioritization of caregiving and mothering over any other tasks were made clear by her continuous criticism of the rise in the number of women working outside of the house, to which she pointed several times in *Ways of Happiness*:

As it has been experienced, [there are] girls who have been deviated from their original nature and have been tricked by unexperienced people, and in gaining prestige and [financial] interest, they have not acquired a husband and have gotten busy working and earning a living for themselves, but after some time, they have come to understand that their happiness and blissfulness is in practicing motherhood, and in attachment to familial affairs. (B. Amin 2011)

As this section shows, Lady Amin's discussions on gender issues and women's natural and social characteristics associate womanhood with maternity and motherhood. This brings us to her direct references and viewpoints on motherhood in *Ways of Happiness*, which will be discussed in detail in the following section.

### 3.2. On Motherhood

*Ways of Happiness* makes many references to the roles, responsibilities, and rights of mothers and fathers. Many of these are shared between the parents, but others are distinctively associated with motherhood. Lady Amin considered fathers' participation in children's development crucial and did not consider women the sole responsible party in raising children. However, she considered women both more responsible and more aligned than men—physically and metaphysically—with domestic activities including the taking care of children. Lady Amin explained that women are not only biologically inclined towards reproduction, but also psychologically inclined to perform what she considered caring tasks, and thus deemed them fitter to be the primary source of nurture for children. Lady Amin's ideas are an example of gender essentialism in popular culture and are inherent in classic interpretations of Islamic sources.

Essentialism has long posed a challenge to ideas and theories on gender, as it theorizes gender as both a fixed identity and a mark of difference (DiQuinzio 1993, p. 1). Lady Amin's perspectives on womanhood and mothering are essentialist in that, for her, gender and sex were linked exclusively

<sup>16</sup> In this view, it is not impossible but substantially harder for women to ask for a divorce than men. For Lady Amin's view, see Fischer, *Iran: From Religious Dispute to Revolution*, 163.



with female mothering (DiQuinzio 1993, p. 9). She also glamorized the supposedly innate mothering capacity of women and interpreted it as a source of female power. Seeing maternal instincts as a source of power, Lady Amin criticized those who consider men superior to women for their corporeal characteristics:

Not only it is not possible for a man to bear children and breastfeed them, but one can say that taking care of a newborn is also not within his capacities. This clarifies that [developing] an important part of human life is women's responsibility. Then, how could one consider women insignificant and powerless? Ability is not only in the body size and muscle strength, but also in tactfulness in actions. (B. Amin 2011)

In light of women's natural tendency and religious obligation to bear and care for children, abandoning that role was perceived by Lady Amin as nothing short of a "catastrophe". However, Lady Amin did not believe that the catastrophe is caused by women but, rather, by society's and men's injustice towards women and/or lack of respect for women's God-given right to stay at home:

With the kindness that is placed in the heart of the mother, how is it that some mothers leave their beloved children under others' care, and get working in offices or shops? The reason for this catastrophe is that some men do not respect women's rights according to what the holy religions has ordered... (B. Amin 2011)

Lady Amin elaborated further on women's absolute right to dedicate themselves to mothering and caring activities by exonerating them completely, even of their biological functions, such as breastfeeding. Lady Amin explained that while breastfeeding is important, it does not have to be performed by the biological mother. The Qur'an is very clear on this, as it states, "...if you wish to have your children nursed by a substitute, there is no blame upon you as long as you give payment according to what is acceptable" [Chapter 2: 233]. A wet-nurse can replace a mother, and according to Lady Amin, because the "milk has a physical and metaphysical effect on the child" (B. Amin 2011), it is necessary that the nurse avoids eating food that might be *haram* or *najes*.<sup>17</sup> Lady Amin held the father responsible for providing replacements if the wife decides not to breastfeed the baby:

The man does not have the right to ask the woman to work; even if [the mother] does not want to breastfeed the child, the man should hire a wet-nurse or pay for milk [replacement] and the husband should pay for the woman's expenses without considering it a liability. (B. Amin 2011)

Therefore, according to Amin, besides giving birth, the prominent responsibilities of a mother for which she is largely held accountable in Islam are connected to women's nurturing and emotional and moral upbringing of the child. According to Lady Amin, a mother's responsibility "in nurturing children and [laying] the moral foundations for the child is more than a father", and women have "a comprehensive role in the child's morality". *Ways of Happiness* does not refer in detail to the responsibilities of fathers, but this could be the result of the book being specifically written for a female audience. Lady Amin's idea on women's fitness for nurturing children is not unique and is close to that of other Shi'i scholars, such as Imam Khomeini, who stated that the mother has "the greatest responsibility" in regard to nurturing and caring for the child.<sup>18</sup> Because of the higher influence and responsibility allocated to them, women also are held more accountable than fathers in the upbringing of the child:

<sup>17</sup> *Haram* food includes not only different types of food that are banned in Islam (e.g., bacon, drinks and food containing alcohol), but also animal products that have been produced from abused animals and food that has been purchased with *haram* money. *Najes* means impure; for types of *najes*, see <https://www.al-islam.org/ritual-and-spiritual-purity-sayyid-muhammad-rizvi/i-najasat-taharat>.

<sup>18</sup> Seyyed Mohammad Mousavi and Batool Mehrgan, "The Study of Non-Financial Rights and Obligations of Couples, Based on Family Interests within the Viewpoint of Imam Khomeini," *Matin Journal* 19, no. 76 (2017): 7.

Women should know that if they do not accustom their children to good manners, they commit a great sin. Because the mother's nurture affects the child miraculously and every man who has reached the peaks of virtue and dignity owes it to their early training and nurture. And in the lack of good nurture, if [a person] commits a great sin, then the responsibility lies on the mother who had not hindered it. (B. Amin 2011)

Lady Amin's viewpoints on women's responsibilities towards children highlight that, according to her, a mother and child's fates are connected. A failure in mothering is a sin for the mother and leads the child to going astray, while the success of the mother is greatly rewarded and leads the child to the right path:

The first class [in the school] of nurturing humanity is the mother's skirt. When humans set foot in this world, their nature is like a blank slate. Mother's nurture and what is impressed to the child by her is like carving on stone. It penetrates the heart of the child and the child's happiness or adversity is already ingrained. (B. Amin 2011)

While valuing motherhood, this model of accountability can create an enormous amount of pressure for mothers. Because of the high responsibility and burden borne by mothers, the reward in motherhood, according to Lady Amin's teachings, is also raised to the highest levels. Burdening women with responsibility with a promise of heaven is a consistent trend in Islamic perspectives that has been revealed by studies on motherhood (see e.g., Schleifer 1996). Lady Amin used the famous hadith by the Prophet to highlight this by stating that "the holy religion [of Islam] states, 'the paradise is under mothers' feet' and allocated so much rewards and virtues to those who are kind and affectionate towards their father and mother" (B. Amin 2011). Lady Amin's ideas on motherhood were not a dramatic departure from the already mainstream theological viewpoints on the significance of motherhood in defining women's position and role in Islamic society. While narrow, Lady Amin's perception of motherhood does however offer a path to spiritual perfection and eventually reaching eternal salvation, but it does not attempt to emancipate women from the classic notions, burdens, and responsibilities surrounding the institution of motherhood.

#### 4. Women's Ijtihad and Islamic Feminism

Islamic feminism focuses on the process of unmasking the principles of Islam from the confines of patriarchal traditions and the extending of feminism to include the faith position instead of a total rejection of it (Kinselehto 2008, p. 10). Islamic feminists, both globally and in Lady Amin's home country Iran, have successfully unraveled the existing patriarchal undertones in some classic Islamic teachings. Prominent Islamic scholars, such as Amina Wadud, have suggested that scholars of Islam must address the persistent sub-standard status of women under Muslim laws and in Muslim cultures, countries, and communities and must re-interpret Islamic scripture to change the existing patriarchal foundations from within (Wadud 2009, pp. 95–112). To return to my research aim to explore the "transgressive theological and socio-political potential" of *Ways of Happiness*, it is possible to argue that by theologically positioning women predominantly as mothers, Lady Amin mostly placed women within prescriptive Islam, which associates women too much with their female reproductive functions (Torab 2006). Lady Amin's scholarship certainly follows some of the patriarchal mainstream ideas of her time and bases itself upon the assumption of fundamental gender differences.

Islamic feminists, however, have also shown that women have been systematically erased from access to positions of Islamic authority and have highlighted the importance of claiming positions of power and authority in religion. From this point of view, despite her ijtihad certificate being brought under question, Lady Amin not only made it to the highest levels of Shi'i juristic authority, but she also educated many women at home and in the theological institutions she founded. The act of writing, the writing style, and the re-interpretations of Islamic perspectives on many gender issues addressed by Lady Amin could be read as informative and resourceful advice for women to gain knowledge and authority through religion. Based on this, I argue that any attempt to place Lady

Amin's whole body of work within either of the sides of the conservative–progressive binary would automatically and inevitably fail.

Today, the significance of reinterpreting religion and investigating women's authority in Shi'a jurisprudence is as high as ever, if not more. In Iran, forty years after the Islamic Revolution, younger Iranians who have undergone extensive Islamic education are increasingly globalized and seek alternative readings of gender within and/or outside of their religious identities (Rahbari and Longman 2018). Women who are restless under gender restrictions increasingly re-read the Qur'an in order to claim rights accorded to them by Islam (Badran 2008, p. 26). Although Islamic rulings do not necessarily discourage women from access to different levels of juristic authority such as *ijtihad*, in reality, the patriarchal foundations of religious institutions hinder women's access to them. As a result, women in *ijtihad* are not popular in Shi'i seminaries. Women's authority and activities are often limited to gendered spheres. For instance, in the case of leading congregational prayers, most Shi'i *mujtahid* believe that women should only lead women's prayers (Rajabi 2014). Similar rulings exist for women's *marja'iyat*.<sup>19</sup> This is despite the arguments by scholars of Shi'a Islam who have repeatedly shown that limiting women's authority in religion is not justifiable from a *fiqhi* point of view (see e.g., Izadi et al. 2012; M. Amin 2009).

This context makes Lady Amin's *ijtihad* and jurisprudence—and other female scholars—all the more important. However, Lady Amin's ideas on gender depart from those held by contemporary Islamic feminists specifically in that they stayed within the mainstream juristic viewpoints on gender and women's role in society. Despite this, Lady Amin's viewpoints on women's empowerment through religious education and on women's spirituality and closeness to God are examples of viewpoints that were different from some of the theological streams of her time.

Despite its accessible language, the writing of *Ways of Happiness*—while not explicitly written as such—should be read as a political text within its historical context. The writing style of Lady Amin in *Ways of Happiness* is powerful, sharply critical, and passionate. This style and discourse are interestingly far different from the qualities that Lady Amin herself associated in the book with women's behavior in general, including interest in isolation and dependency, as well as inability to take part in political affairs. Quite the contrary, one can sense the contention, frustration, and political and social motivation in Lady Amin's writing, as many of the examples that she offered refer to the political events and social conditions of her lifetime. The references to the ban on veiling and Muslim women's adoption of Western attire and attitudes as more “civilized” are a critique of the perceived colonial powers that affected Iranian political and social spheres from the beginning of the 19th century to the Iranian Revolution in 1979.

The political and ideological tensions in Iran influenced female activism in the 1970s—when Lady Amin's book was published—which was shaped by nationalist, leftist, and religious traditions. The anti-Pahlavi and anti-secularism groups committed to political struggle included female members, some of whom raised gender issues within those groups (De Groot 2010, p. 261). Not only were the writings and teachings of Lady Amin resistant to the Pahlavi regime's secularization and Westernization projects, but they were also in contrast to the dominantly secular forces that were driving women's rights movements in Iran (Zadeh 2015, p. 304). The publication of Lady Amin's book in 1970—nine years before the overthrowing of the Pahlavi regime—was thus not accidental and spoke to the ranks of religious political activists who opposed the women's movement that disregarded Iranian population's religiosity. The rise of political debate among religiously committed Iranians and these secular forces involved debates around female conduct and sexuality, in which anti-imperialist religious parties saw the secular feminist agenda as untrue to society's values and to Shi'a Islam (De Groot 2010, p. 261). While caught between religious patriarchal and secular forces, Amin's guidelines and advice to women offered women a pathway to spirituality and worldly merit at the same time.

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<sup>19</sup> In Twelver Shi'a, *marja'iyat* is a level of authority of a *mujtahid*, which makes them eligible to have followers. The *mujtahid* (called *marja*) becomes a viable source of *fiqh*, and as long as they live, they can be emulated.

This study reveals both the capacity and limitations of women's ijtihad in questioning the male-centric foundations of Islamic jurisprudence. It shows the potential in women's voices and theological authority to offer alternative readings and change in the existing epistemological and authoritative orders. It also reveals that being a woman did not shield Lady Amin against the internalization of patriarchal ideologies, indicating that women with authority could be active participants in promoting patriarchal and essentialist viewpoints on gender. However, Lady Amin's own perseverance and persistence in gaining theological authority within a system that rejected her ijtihad merely due to her gender can be considered an agentic act. Besides this, through her writing to women—albeit within the framework of essentialized womanhood—and with strong advocacy for women's education, Lady Amin's work offered women the possibility to gain power and knowledge in a structure where women's advocacy for rights could only pass through patriarchal or secular channels.

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