Exonerating Islam: Mahsa Amini's Death, Biopolitics and Islamic Feminism in Iran

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Abstract- The study seeks to exonerate Islam from the misconceptions, misinterpretations, and misapprehensions about Sharia laws that are based on the Quran and Sunnah. The death of Mahsa Amini during police custody, who was arrested on the suspicion of failure in wearing the 'correct' *hijab* under Sharia standards, is analyzed using the theoretical framework of biopolitics, a synthesis of religious and political discourses. Michel Foucault theorizes biopolitics as a collusion of disciplinary power, sovereign power, and biopower. The current humanist crises in Iran can be viewed as how biopolitics violates human rights and reduces people to mere social bodies instead of independent individuals. As an outcome of the political application of Sharia rules in Iran, Islamic feminists demand the abolition of Sharia laws and the reinterpretation of the Quran and Hadith to redefine gender roles in Islam. The struggle between Islamist politicians and Islamic feminists has affected the universality of Islam. The study finds that the civil disciplinary laws in Iran are formulated according to their socio-political agendas. However, Islam is a religion of peace, and it protects the fundamental rights of human beings irrespective of their social, religious, cultural and political backgrounds.

Index Terms- Hijab, Islam, Quran, Hadith, Biopolitics, Islamic Feminism, Sharia

I. INTRODUCTION

Mahsa Amini, a 22-year-old woman, died on September 13, 2022, in police custody. The circumstances surrounding her death have come under criticism and cast doubts on the appropriateness and legitimacy of the Islamist government in the Islamic Republic of Iran. Mahsa Amini was detained by Iran's Morality Police (Ghast-E-Ershad) at a train station for not wearing *hijab* (head covering) "properly". According to reports, she was wearing a headdress and a jacket to protect her body while travelling with her brother (*Mahram*), but it was rumoured that she was also showing two strands of hair. Insisting that she was innocent and had broken neither a state law nor a religious one, her brother fought back against the police officers. However, she was merely required to attend the one-hour moral class, according to the Morality Guards. Amini was detained before being taken to the police station in a police van. Her brother arrived at the station after following the police car.

He claimed that Amini had been severely beaten. While waiting outside the inquiry room, he could hear her sobbing and cry. [1] In addition, Amini's fellow female prisoners saw how she resisted the officers' beatings until they rendered her unconscious while travelling to the police station in the prison van. The police informed him that she had been taken to the hospital after the moral instruction because she had experienced an abrupt heart attack during the class, and they did so after the moral lesson. Amini's relatives learned afterwards that she had passed away from cardiac failure. Amini's family, particularly her father, refused to believe the police version of events surrounding her death. He accused that she was tortured in the cell and was unable to survive due to severe spinal and head injuries.

Islam and Sharia are now being blamed for Amini's death because she was detained on suspicion of promoting indecency and disobeying the Hijab code of Islam. Assertions made by her father that Amini was being persecuted in the name of Islam and Sharia while she was in police detention have brought up important issues regarding the politics of the Islamist regime, the ramifications of Sharia law, and the status of women in Iran. "Your [version of] Islam denounced her, now you have come to pray over her?" the father of Amini said in a now-viral video, rejecting the

use of any Islamic prayers during his daughter's funeral. Don't you feel ashamed of yourself? You murdered her for just two hairs! [2] Take your Islam and go" The strict and mandatory *hijab* law and its practice, as well as the politically-driven interpretation of Iranian Islam, are abhorred by Amini's father. The stuttering words made by her father about Islam pose concerns, such as whether or not gendered politics are permitted in Islamic states and whether Islam gives one person the absolute right to decide the lives and deaths of others. How are Muslim women reacting to the patriarchal and conservative rules of the government?

Due to the ongoing political and feminist crises in Iran, Islam is being denigrated and criticised in both the Islamic Republic of Iran and the West. Because Western democracies do not embrace the political ideology of Islam and its implementation. Islam and Sharia are the primary targets of this political criticism. The contemporary humanitarian crises and political unrest in Iran are being used as practical evidence to support the claim that Islam's political discourse does not transcend time and space, and it is insufficient to meet the issues facing modern humans. Therefore, to assure the provision of human rights in the modern Muslim world, western liberal, social, and political ideas ought to be adopted. However, it is a widespread misperception that Islam is a rigid and patriarchal religion. Islam, which signifies *salamti* (safety and security), is a religion of peace that encourages its adherents to uphold peace in the world. The term "Islamic Republic" is essentially a confusing umbrella term that disparages Islam, but protects the idea of western democracy.

The study makes an effort to debunk the partial and conventional western narrative that Islam is authoritarian, patriarchal, and polarizing, and it encourages subjectivity, terror, and subjugation, particularly against women. After World War II (1939–1945), the majority of third-world nations, particularly those with a majority of Muslim population (Pakistan, Iran, Bangladesh, Egypt, Malaysia, Indonesia, and Turkey), modelled their political systems on those of the western secular democracies. Epistemologically, Muslim nations' civil laws are influenced by political and secular discourse in the west and the official names of these nations (the Islamic Republic of Iran, the Islamic Republic of Pakistan and the Islamic Republic of Egypt etc.) serve as evidence of this claim. The inconsistent degree of political westernisation of Islam in Muslim modern states undermines the legitimacy of the religion's core principles and Shariah laws. The essential principles of Islam conflict with western political philosophy, and the Foucauldian study of power and politics demonstrates how knowledge of religion, culture, or politics can be used to gain political power in a country following contemporary western political thought. The power structures serve as the political system's punitive, corrective, and regulatory instruments.[3] Islam's political discourse has become radicalized

during historical periods of dominance and subjectivity anchored in the nation's social, religious, and political realms.

The Islamist regime in Iran, which is founded on the western democratic system, employs a variety of means of power to maintain control over the populace and to strengthen its position. Since the Iranian Revolution of 1979, Iran's religious leadership has enacted religious laws for women in the fields of education, employment, marriage, divorce, dress code, child custody, nationality, travel, and inheritance. The country's post-revolutionary Islamic rule has historically been opposed by Iranian Muslim women. Both women and men have been fighting against these restrictions on them since the summer of 2022. The theocratic rule has required women to cover their heads in public and wear loose garments; those who have disobeyed the rule have been fined and imprisoned. Nevertheless, officials admit that they always face protests and resistance while enforcing it despite many years after the revolution. It is their outright failure to equally enforce the dress code at the margins and centre of the country.[4]

Iranian women accuse the country's long-standing religious discrimination against women of Amini's death: this has been the case since 1980 (the fall of Reza Shah Pahlavi and the rise of Islamists in Iran). They claim that the theocratic government engineered Islamic law (Sharia laws); which restricts women's participation in society, the economy, and politics. They see the fight for equality in terms of Islamic feminism. At both the national and international levels, the death of Mahsa Amini has sparked fierce feminist protests. Following the government's position that Amini's death was caused by her long-term cardiac issues, media reports show images of female protestors burning headdresses and shaving off their heads. "The Iranian government insisted that Amini died from a heart attack, but reports indicate she died from a skull fracture due to heavy blows to the head."[5] It seems that the incident has affected the Iranian youth and caused outbursts against the political and social restrictions in the country. The people refused to accept the state narrative of denying police involvement and demanded that the officers in custody be prosecuted. There were calls for the abolition of the morality police and an end to the Sharia regime in Iran. Many of the protests have been a sign of rebellion against the country's strict conservative laws (biopolitical application of Sharia laws).

The analysis delves into how the Islamist administration has used subjectivity to gain absolute political power by manipulating Islamic law, and biopolitics. This pursuit of absolute power is contrary to Islamic political thought and undermines the legitimacy, sustainability, and influence of Islam and Sharia over the world. Iranian women are the easy and main targets of this political deceit. They must deal with repression, misogyny,

subjectivity, and gender suffocation. The article analyses the probable consequences of the Islamists' oppressive and polarising rule over women in Iran, including the emergence of Islamic feminism and its demands. It also investigates how this feminist movement differs from mainstream or western feminism. Islamic feminism opposes postcolonial and western feminism in its concept, philosophy, and struggle. Western feminism demands justice and equality for women in the western world while postcolonial feminism talks about the problems and hardships faced by south Asian and African women in the postcolonial states.[6]

2. Biopolitics: Islam as Mechanism of Political Power

Biopolitics emerged from the concept of power as an art of modern government that is used to control the population in a state. Michel Foucault believed that the root of all issues is population. The liberal or theocratic political system seeks to control the populace through the use of biopolitics, which is founded on economic reality. Although there exist Islamic civilizations and people who conduct their daily lives under religious laws, the study asks why theology is used in politics in the name of re-Islamization in Muslim nations like Iran, Pakistan, Afghanistan, and Egypt. The liberation movements, which work for the reformation and advancement of societies, then fight back against these attempts at re-Islamization. "In short, we could call this the study of the rationalization of governmental practice in the exercise of political sovereignty".[7]

Foucault traced the historical development of various power mechanisms across the modern age and shed light on the techniques of power used in the domination and subjectivity process of a local population. Furthermore, he emphasized the ideas of sovereign authority, disciplinary systems, and biopolitics and provided multiple conceptualizations to further explain how power operates in contemporary western cultures. According to Foucault, these numerous power mechanisms have unique qualities and evolved at various historical turning points to carry out various responsibilities and functions. Biopower works as a formative force related to the government of societies in the western world; additionally, it establishes a means of power that is crucial for the protection and promotion of different forms of life. Moreover, sovereign and disciplinary power mechanisms are still relevant to the government of modern societies and serve key roles in the pursuit of biopolitical objectives.

Understanding power relations and biopolitics, for Foucault, needs to be analysed beyond governmentality and the state apparatus.[8] A genealogical approach, which is the primary methodology in Foucauldian analyses of power, is required for biopolitical power analysis. Sovereign power, disciplinary power,

and biopower have all been combined in the historical evolution of biopolitics. Foucault seeks to show how power is used as state machinery to suppress and govern human subjects as well as to reproduce particular forms of subjectivities, even though these ideas of power are not distinctive from one another. Historically, Foucault argues that the sovereign was viewed as the father of the Roman family during the ancient period[9] and had the right and authority to use repressive power over his subjects. Nevertheless, throughout the ancient era, the sovereign's power was limited to merely ordering his people to give their lives for the cause of defending his principality. In this regard, *The Prince of Machiavelli* and the *Leviathan* of Hobbes can be used as examples. Henceforth, the sovereign "wielded an 'indirect' power over them of life and death"[10] On the contrary hand, under certain situations, the sovereign still has an undisputed right to exercise power over his subjects. The sovereign takes action against those who pose a threat to his rule whenever he detects one.

Throughout the Islamist revolution, the Iranian populace experienced the development, practice, and manifestation of biopolitics. Reza Shah Pahlavi was opposed by Ayatollah Khomeini, other like-minded religious figures, and Marxist militants. After living in exile for decades, Ayatollah Khomeini conspired with leftist political groups to overthrow Ahmed Reza Shah Pahlavi's government. As the Shah started the White Revolution in 1963 and attempted to overthrow the feudal class, urbanise the country, and westernise it, the dissenters to the dynastic politics accused him of being an American puppet, anti-Islam, and pro-west. Despite fierce opposition from the west, Khomeini formed a theocratic government in Iran and created a false narrative about the re-Islamization of society to reverse the country's political, social, and economic advances. At both the national and international levels, opposition to the unilateral adoption of the Shiite sect of Islam emerged. It was during the Shia-Sunni split that Iran and Saudi Arabia both wanted to be the centres of the Islamic world. Iranian communist activists fought and denounced the spread of rigid Sharia laws governing society. The Islamist regime retaliated violently, executed and exiled thousands of its political adversaries.[11]

The Iranian Revolution against Reza Shah Pahlavi saw the participation of Iranian women. Their opposition to the monarchy was motivated by poverty, political oppression, and connection with Islamism. Although the women from the middle-class and working-class segments of Muslim society donned veils as a show of defiance to the decadence of the Pahlavi bourgeoisie or westernization, they never anticipated that veiling (Islamic modest clothing) would be declared a mandatory practice. Ironically, they were shocked when Ayatollah Khomeini declared veiling an integral part of female clothing. Middle-class socialist and liberal women could only muster a very small amount of

support for their protests and sit-ins. As a result, veiling was temporarily suspended. Women and leftist organisations were afterwards wiped from the political landscape of the nation by Islamist rule. "Cosmetics were also banned. Some young women who defied the new regulations and wore lipstick in public were treated to a novel punishment by the enforcers of public morality—removal of lipstick by razor blade"[12]

All significant advancements for women's rights made by the Pahlavi rule were completely reversed by the Islamist regime. The Family Law of 1967 and 1973, which outlawed polygamy, raised the marriageable age for females from 9 to 15 and gave women the right to divorce, was abolished. It also forbade women judges and discouraged women lawyers. However, the Islamist dictatorship established a family code based on the patriarchal application of sharia (religious law). Additionally, it reduced females' minimum age limit for marriage to 9 years, outlawed contraception, and excluded women from key positions in the economy, politics, and education. The regime started a significant ideological campaign that promoted their self-serving Islamic ideals, derided modernity, propagated women's exclusive responsibilities in the home, and proclaimed veiling to be necessary for the 're-Islamization' of Islamic society.

All of the aforementioned anti-women sharia rules were enacted as a result of the clerics' and petty-bourgeois men's demands, for domesticating females, to give women a sense of subjectivity in response to urban women's increasing public participation in the 1960s and 1970s. Iranian women, who are well-educated, advanced, and progressive, have been held responsible for the breakdown of the family structure, Islamic beliefs, and culture. Redefining gender roles was the goal of all efforts to rebuild Iranian 'culture', re-Islamize society through the requirement of the *burka*, and exclude women from business and politics. It was anticipated that the veiled domestic workers would stand for the moral and cultural reformation of society. It implies that the Islamists believed that women's disappearance and subjection, as well as the restoration of Islamic norms, were necessary for the revolution to be successful. Others refused to adhere to the oppressive Islamist policies, yet some women gladly accepted the perilous job.

No prominent or visible roles in the government's executive branch were given to the female supporters of Ayatollah Khomeini. The patriarchal structure and preponderance of Islamist clerics in the administration made it a patriarchal system. It demonstrated that the revolutionaries were focused on cultural and ideological issues related to the limitation of women's roles in society and the government. The societal effects of these anti-women laws became apparent in the census of 1986: the female fertility rate climbed, the female labour force decreased, especially

in industry, and the female literacy rate significantly decreased.[13] Notably, the Islamists' practice of biopolitics strengthened patriarchy, undermined the autonomy of women, and produced a set of gender relations marked by extreme inequality. Nevertheless, the transformations started occurring after Ayatollah Khomeini's death in 1989 and persisted throughout Hashemi Rafsanjani's administration (1989-1997). These modifications are associated with the country's incorporation into the international economy and economic liberalisation. Iranian civil society gradually advanced and created a vibrant women's press. The development and vigour of Iranian civil society as well as a movement for political and cultural reform were among the further changes that took place during President Mohammad Khatami's two administrations (1997–2005).

This is demonstrated by the situation involving Mahsa Amini, a resident of Iran, who claims that local security guards violated her human rights because she disobeyed the government's established rules for appropriate clothes. The protestors believe that what happened to Mahsa Amini was more than just an accident and involved violations of human rights perpetrated by the government, which ought to be the protector of the people. Of course, the occurrence that led to Mahsa Amini's death prompted sympathy from all people throughout the nation. Not only are the actions of the Iranian government concerning, but the rules and regulations that the government has passed have also come under harsh criticism from the international community since they are thought to violate the right to freedom, equality, and life, which is one of the cornerstones of Human Rights Law, as outlined by the UN in international declarations. The Iranian government should focus more on managing its nation's affairs as a member of the UN, as opposed to just letting the work of its state apparatus go.

3. Islamic Feminism: An Intellectual Retaliation to Biopolitics in Iran

The slogan "woman, life, and liberty" is currently being raised by Muslim women in Iran as a response to the challenges they are currently facing. The educated Iranian Muslim women rebel against the fundamental laws and denounce how Islam and Sharia are applied partially and patriarchally. They claim that throughout history, the Muslim population has lived in numerous monarchical and republican systems of governance without any discernible change or deterioration in their religious and cultural surroundings. Based on their patriarchal and political interpretations of Sharia, the Islamists fear that Muslim women will play important and rising roles in contemporary Iranian society and could pose a challenge to their system, which is already in disarray. The conservative 'Islamic order' in Iran ostensibly seeks to control society following Islam and Sharia, but in reality, it protects the interests and power of the religious clergy who are still loyal to the Iranian government.[14] It demonstrates the

political flaws and the inadequacies of their self-adaptive Sharia rules.

Islamic feminists in Iran demand that the government should review gender roles in Islam and Sharia after enduring the agony of the country's political climate. In addition to redefining women's rights in Islam, they also seek to reinterpret the sacred writings via the classical Islamic language of Islam (the Holy Quran and Hadith). They depart from the mainstream feminism movement and want an end to the stigmatisation of women as helpless and frail beings.[15] However, the Islamic fundamentalists associate this movement with the western phobia of liberal feminism and connect the movement with the paranoiac conjecture that Islamic feminists have connections with western feminists who want to destabilise Iran religiously, socially, and politically. According to Afsaneh Najmabadi, Iranian women from various religious and ethnic origins have made every attempt to reclaim the ground that has been lost to 're-Islamization' policies in Iran, whether they are wealthy or poor, religiously devout or secular, or have little or substantial education.[16] The demonstrators demand to be treated as first-class citizens. A new discourse on feminism and Islam may emerge as a result of the efforts of the hundreds of Iranian Muslim women who have put their lives, jobs, and families in peril to accomplish this difficult goal.

Iranian Muslim women are working to reframe Islamic and gender discourses and subvert the authority of the clergy. An epistemological innovation in the discourse of Islamic feminism, it sets them apart from other Muslim women's groups in Muslim nations who are battling against conventional theological and legal sources. Iran's political clergy tries to marginalise the daily life of a Muslim woman by requiring her to wear a veil, placing limits on her ability to work, and passing discriminating laws. Women are eliminated from the sectors of artistic invention, professional success, financial independence, and industrial institutions by these anti-women laws. In actuality, these anti-women policies pose existential dangers to Iranian Muslim women. The proposed solution to the problems of these women, for Islamic feminists, is the feminist approach to the Holy Quran and the Hadith. A new environment for the women's rights movement will consequently emerge. Even for those Iranian women who are not Muslims, the need for a new interpretation of these sources can contribute to the development of a diverse and inclusive society.[17]

The Holy Qur'an, Hadith, and Sharia cannot be utilised to exercise political influence or to oppress any gender, group, or society. Iranian Islamic feminists demand that Sharia laws should be reinterpreted following the feminist perspective and new legislation should meet the demands of the present society. Modern political theory and philosophy should serve as the foundation for this modification of Sharia.[18] Islamic feminists charge that the gendered readings of other Semitic religious texts oppress women and strengthen men, institutionalising as a result the social and economic discrimination against women. Islamic feminists emphasise the rebuilding of the Arabic language, which will be useful in the redefinition of gender, in their reinterpretations of the Holy Quran and Hadith.

Badran construes the feminist struggle of the Iranian women in the Egyptian context that the Egyptian women came to the streets to enter the 'male' professions and to maintain their identity. They worked for their liberation and intrinsically proved their worth and how much they were important to their country's advancement. Moreover, the Egyptian women symbolized a united front in the struggle against British colonialism. However, colonial rule has never existed in Iran. Iranian clerics want to re-Islamize Iran even though Iranians do not need to protect their "Persian identity" against the "western invasion."[19] The fundamentalists and the nationalists, however, are engaged in a political tug-of-war in this sphere of politics. Ironically, Islamic identity is undermined as Iranian Muslim women are forced into servile duties as the "guards" of Islam and its civilization.

The 1979 Iranian revolution was an anti-imperialist uprising that paved the way for the establishment of democracy. The clergy fought against Reza Shah Pahlavi's regime alongside nationalists and Marxists. For the sake of maintaining their "religious identity," only fundamentalists declared it to be anti-western. They asserted that the revolution was an effort to protect Islam from potential threats posed by western principles and ideologies. They now see the fight for equality being waged by Islamic feminists against Islamist rule as evidence of the influence of western values and concepts. Conversely, to survive in the modern era, Iranian Islamic feminism advocates for a bold approach to combat laws that place restrictions on women as well as a desire for a radical reading of the Holy writings. Islam does not resist modernity and change because these things are not contrary to its fundamental principles; nonetheless, Iranian clerics, who are possessive about their political power and driven by a desire for "eternal" control, see all the feminist demands or activities as threats to their rule. Thus, the inability of Iranian Muslim women to engage in commerce, trade, education, employment, and migration on their own is a barrier to the development of a diverse and prosperous Iranian society. Thus, the creation of state legislation may or may not comply with Islamic law. However, there is a controversial regulation about the ethics of dress for its citizens in the state laws created to control the continuity of people's lives in the country. The law's original intent was to preserve Muslims' sense of dignity; but when it was put into practice, it produced chaos instead of order.

4. CONCLUSION

All world religions teach their adherents that tolerance, peace, and humanism are necessary for human survival. Islam is a religion of peace, and its prophet, Hazrat Muhammad PBUH, literally taught the lessons of love, peace, and brotherhood while transforming the downtrodden and uncivilised tribes into peaceful and civilised nations. Now, fervently disseminating his message over the world is the obligation of all Muslims in general and Muslim intellectuals in particular. It urges all responsible governments and competent authorities at all levels to preserve international peace and refrain from distorting religious doctrine to accommodate their socio-political agendas. It prohibits the exploitation of basic human rights and the subjugation of any person, group, or party. Some political regimes exploit and manipulate religious beliefs to marginalise and enslave the populace. Rereading the specific verses of the holy Quran and the Hadiths (sayings of the Holy Prophet PBUH) on which the clerics base their anti-woman laws and policies is therefore important. The difficulty is that Iranian clergy want to re-Islamize society even though Iran is already an Islamic society. Resultantly, the Iranian people do not see a loss of the 'original Islam' in their daily lives because neither western secularism nor colonialism weakened Islam or their culture.

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