



Globale Zivilgesellschaft
IfS Analyse

Larissa Janz

Women Rights in Iran

How progress is bound in chains by a political and legal system

Institut für Sozialstrategie

Wrangelstrasse 51
10997 Berlin

www.institut-fuer-sozialstrategie.de
kontakt@institut-fuer-sozialstrategie.org

Februar 2014, Berlin

Abstract:

The Sharia-law, which builds the legal basis of the Islamic Republic of Iran up to the present day, severely limits Iranian Women and holds back the emancipation movement. Larissa Janz analyzes how the conservative social policy and the strictly religious Shari'a law affect the progress of women in Iran.

Das muslimische Shari'a Recht, das noch bis in die Gegenwart als Gesetzesgrundlage der islamischen Republik Iran dient, schränkt iranische Frauen und besonders deren Emanzipationstendenzen stark ein. Larissa Janz analysiert in ihrer IfS – Analyse, wie sich konservative Sozialpolitik in Kombination mit dem streng religiösen Shari'a Recht auf den Fortschritt der Frauen im Iran auswirkt.

Nowadays Iran is one of the very few countries in the world that has the Sharia law as its legal basis. When I think of this country the image of fully veiled women in black gowns pops up in my mind, and I start wondering how a political and legal system is able to keep 50 % of their population prisoners, hidden under rupush and rusari. I started wondering how it is possible to live with the law of a religion, which was founded decades ago, without neglecting the needs, wishes and individuality of the people in the contemporary world. Can a system do justice to people's changing desiderata without adapting and modernizing the laws?

Since 1979, after the collapse of the royal regime under the Western oriented Shah, Iran is called the „Islamic Republic of Iran“ and is strictly based on the Qur'an and Islamic rights. Since then, Ayatollah Khomeini, the head of the revolution, was the Supreme Leader of Iran until he died in 1989.

Currently, the state has a double executive consisting of the Supreme leader, the cleric Khamenei, who holds the most important office, and the president Rohani. President Rohani replaced the highly controversial president Ahmadinejad, who was known for his strict interpretation of Islam. Many people, especially women, put their hopes in the more liberal minded Rohani. But still, the question is: Will he change something for the better?

The former president Ahmadinejad didn't only come to a dubious fame because of his highly controversial debate about nuclear power, which he transformed into an issue of national dignity, no, his social policy, especially regarding women, raised many critical voices as well.

When it comes to tertiary education of women, Iran used to be the pioneer of the Middle East. 60 percent of all University students are women, but during his term in office, Ahmadinejad made a big step back in education policy: Women had been banned from certain fields of education, like engineering, education and chemistry. Even though the government cleverly left the decision to the single institution, certain motives become apparent. In the last years women had become more successful in competitive environments and had thus surpassed their fellow male students. The policy is supposed to recreate the balance between the sexes through limiting the university access of women. Another possible, very likely reason is that the government tries to stabilize its power by exploiting the education policy. It is proved that the majority of women who demonstrated against the president's re-election in 2009 were very educated. In general, there is a connection between education and political activism. This political measure shows, that Iran seems to be afraid that young educated and powerful women who are aware of their rights and frustrated about discrimination, break up the structures of decades of patriarchy.

Quite contrary to the high number of female university students, their participation in the labor market is peculiarly low. The international average rate of female labor participation is 57 %, whereas in Iran only 27 % of the women actively participate in the labor market.

Women have to face a series of difficulties in the labor market. Many of them have to leave their job due to low wages, violence, and unsuitable job conditions. Women normally receive less money for doing the same job and are very reluctantly hired and offered a long term contract. Since many women are forced to work in short-term positions to make the living for their family and to prevent themselves from poverty, this excludes them from many labor law protections.

President Ahmadinejad's administration had considered several proposals to reduce work hours for women. One proposal under discussion was to cut the work hours for women to 36 hours per week and eliminate any night shift work for women.

This would have, without doubt, resulted in even more discrimination against female workers in Iran. Those two political measures illustrate how the policy of the conservative president leads to more discrimination of women in every field. Laws - sometimes in the open, sometimes in hidden - aggravate the integration of women in Iran's public life.

But maybe there is hope for change. Since the more moderate president Rohani had been elected in 2013, you can observe positive tendencies in domestic as well as in foreign policies. Around 70 political activists who had been kept captive were freed under Rohani's rule; an agreement regarding the limitation of Iran's nuclear program has been made; and the government shows much more willingness to compromise. Tout court, Iran and the West seem to approximate – slowly but steadily - and maybe this will not only improve the economy, but also the situation for women.

Unfortunately there is one thing the president can't change: the constitution. Owing to the laws that are adhered in the constitution, an Iranian woman's freedom is severely limited. Many of the rules that are based on the Shari'a are no longer culturally appropriate and hold back progress and liberalization:

- According to Shari'a law, the marriage is a contract: The man has to maintain the wife and children, no matter what the financial circumstances are, while the woman has to render sexual favors, which makes marital rape non-existent.
- According to article 1108, the man has the right to the woman's obedience as well as the right to control her outside activities and prevent her from undertaking a profession when „incompatible with the dignity of the family or the dignity of himself or his wife“.
- While women often have to face hard financial and social sanctions if they seek for a divorce, the husband does only have to say “I divorce you” with one witness present.
- One problem that often stops women from seeking for a divorce is that the husband does automatically get the custody for the children. Even if that's not the case, the husband stays the legal guardian of the children, and is legally not allowed to live too far away from the children. In case of the husband's death, it's not the mother who gets custody, but the paternal grandfather.
- The nationality of the children is determined by the father, which makes it especially hard for women married to Iranian men.

This unequal perception of man and woman in Qur'an is seen as the “*natural result of differing but complementary biological and psychological disposition of men and women*” (Ziba Mir – Hossaini, 1993, p. 36). There is only little chance for emancipation until those laws aren't adapted to people's needs and desiderata. Even though the government makes big steps in the right direction, the legal and religious basis does still build the basis of the value system of a country.

In a few words, the policy and the legal basis have to work hand in hand to make men and women aware of the fact that they have the right to be treated equally, and that they have the right and chance to live a self-determined life.

LITERATURE:

Ziba Mir-Hossaini, Marriage on trial – A study of Islamic law, I.B Tauris, 1993

Marty&Appleby, the Fundamentalism Project, Fundamentalism and society, University of Chicago Press, 1993

S. Ebrahimi, Child Custody „(Hizanat) under Iranian Law: an Analytical Discussion, Family Law quarterly vol. 39, Issue 2 page 459, June 2005

Alle Rechte vorbehalten.

Abdruck oder vergleichbare Verwendung von Arbeiten des Instituts für Sozialstrategie ist auch in Auszügen nur mit vorheriger schriftlicher Genehmigung gestattet.

Publikationen des IfS unterliegen einem Begutachtungsverfahren durch Fachkolleginnen und -kollegen und durch die Institutsleitung. Sie geben ausschließlich die persönliche Auffassung der Autorinnen und Autoren wieder.