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Islamic Law and Women in Iran

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Islamic Law and Women in Iran

by Heera Narang

Introduction

I aimed to compare the Iranian regime's use of Islamic principles to justify repressive policies against women and the use of those principles by reformers and activists to support movements for women's rights.



Protestors holding a picture of Mahsa Amini
<https://briffly-media.s3.ap-south-1.amazonaws.com/s3fs-public/styles/large/public/article/2022-09/Mahsa%20Amini.PNG?tok=in-TvR4W>

Context

1979 Islamic Rev: monarchy overthrown, Ayatollah Khomeini establishes a theocracy

-Represented a pushback against growing western influence and the secularist policies of the shah

-New Islamic Republic of Iran (IRI) led by clerics - religious fundamentalists, generally conservative
-Stated goal to govern the country through traditional Islamic principles

-Rolled back many long-standing policies, especially those concerning family law

-Replacement of the 1967 Family Protection Bill

-Shift in legal status of women - repressive policies have been met with a string of protests over the years

-Introduction of mandatory veiling

Legal Framework

-The UN's Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) lays out an international baseline for women's human rights.

-The new IRI's stance on women's rights moved away from the international standard

-2021 - UN press release condemns Iran's treatment of women as "second-class citizens" ("Iran")

-In the view of religious conservatives (like Iran's Guardian Council) CEDAW represents western ideals and goes "against Islam" (Bakhshizadeh 2018)

-Attempt to ratify CEDAW passed by a reformist parliament, struck down by GC

-The two documents conflict on a fundamental level
-IRI const. does not provide for equal rights based on gender

-Rights are "in conformity with Islamic criteria" (Article 20)

-Discusses role of women only in regard to the family - mothers, wives, widows, etc.
-CEDAW calls for states to address gender inequality, regardless of culture or tradition and calls for the equal enjoyment of all human rights

-Several of the IRI's policies directly contradict rights laid out in CEDAW

-2007 quota system on the number of admitted female university students - CEDAW calls for equal access to education

-Article 638 of the IRI penal code establishes fines/imprisonment for "women, who appear in public places and roads without wearing an Islamic hijab" ("Islamic")

Methods/Limitations

Methods:

-Read and analyzed a variety of scholarly articles to understand the ongoing conversation around women's rights in Islamic law, as well as to situate it in Iran's broader women's movements

-Analyzed legal documents from both the UN and IRI (CEDAW and the constitution, respectively) to understand their respective official stances on women's rights

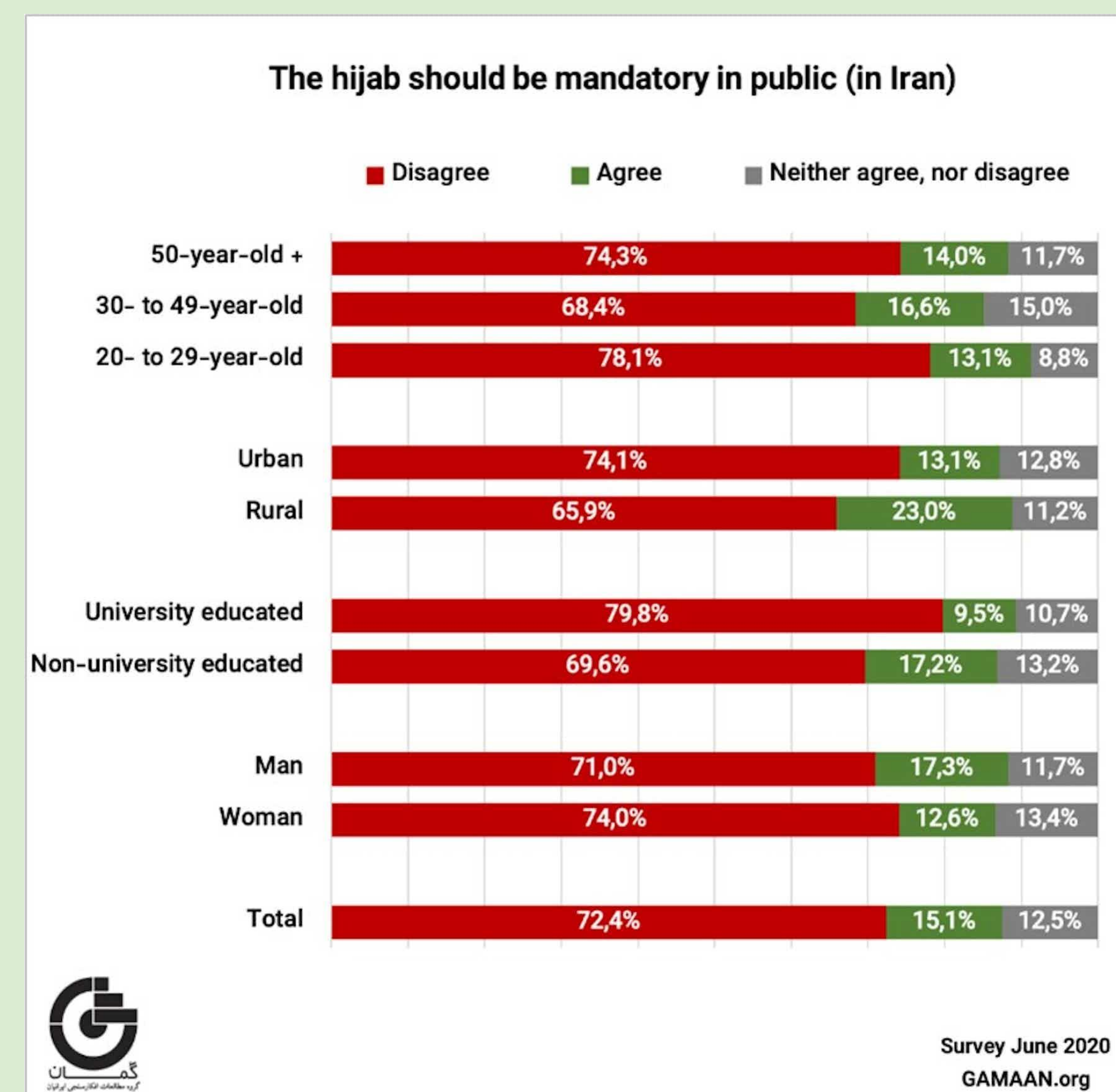
-Looked at recent news articles to gather information on the current protests

Limitations:

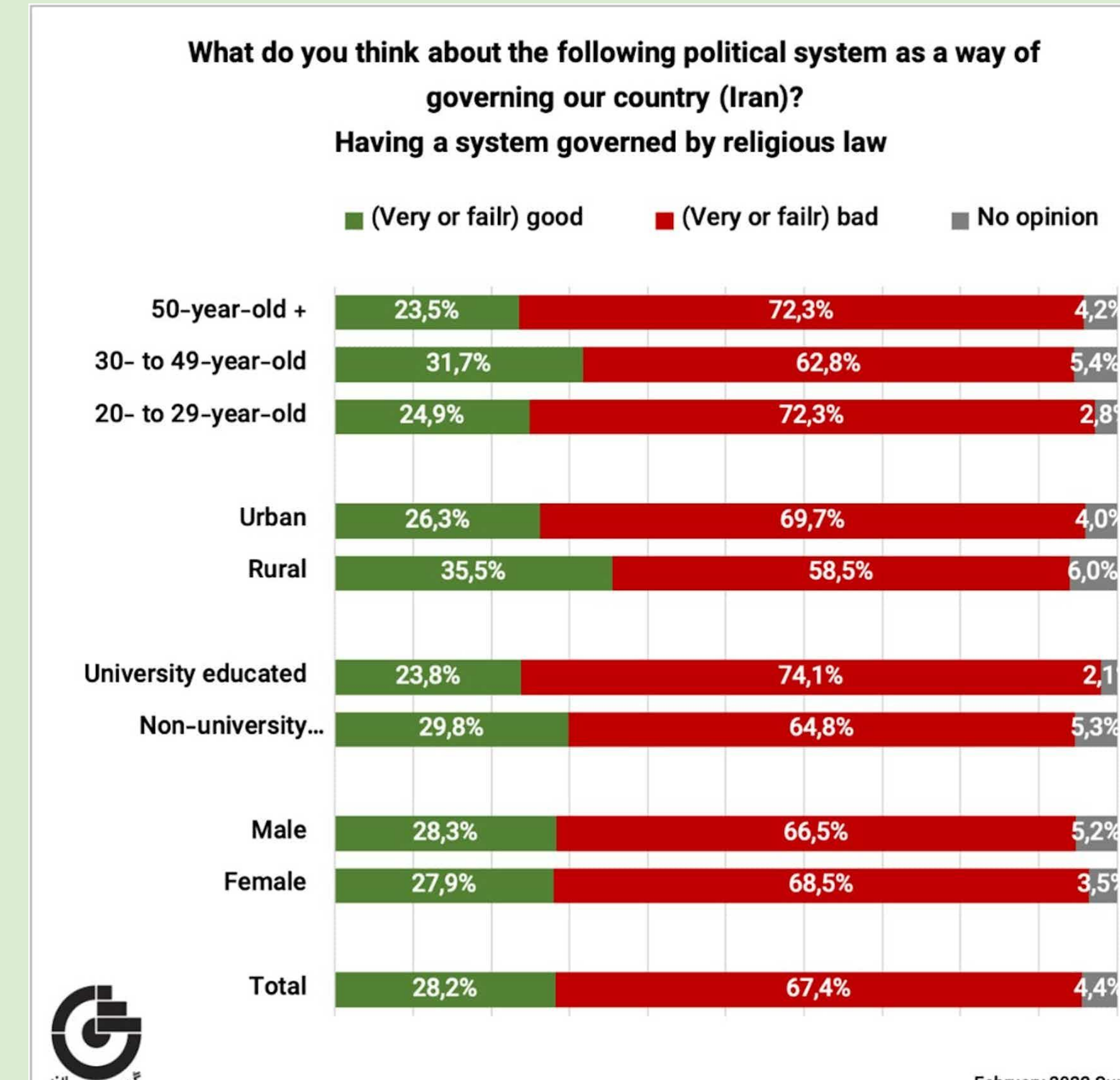
-Restricted to English language sources and/or translations where applicable

-Finite timeframe - there is a tremendous amount of literature surrounding this topic, and there's a limit to how much one person could reasonably get through

-Most recent round of protests are ongoing - outcome is still unknown



<https://images.theconversation.com/files/486935/original/file-20220927-14-ata3qc.jpg?ixlib=rb-1.1.0&q=15&auto=format&w=600&h=589&fit=crop&dpr=3>



<https://images.theconversation.com/files/486936/original/file-20220927-14-ueltie.jpg?ixlib=rb-1.1.0&q=15&auto=format&w=600&h=584&fit=crop&dpr=3>

Reformist Arguments/Scholarly Conversation

-In modern times, a variety of arguments have been used to criticize the repressive policies of the regime

-In the view of many Islamic scholars, Islam and women's human rights are not mutually exclusive

-Nobel Prize Laureate Shirin Ebadi - no contradiction between "an Islamic republic, Islam, and women's rights" (Halper 2005)

-Several different challenges to the state use of Islam

-Abdol Karim Soroush - the Quran is a product of its social/historical context

-Ashraf Boroujerdi calls for a modern reinterpretation - claims it "makes no distinction between men and women" (Kian 2012)

-Lines up more with CEDAW

-Discrimination reflects "Arab era of ignorance," not Islamic traditions (Kian)

-Abdullahi Ahmed An-Naim - against idea of Islamic principles as official law - calls for a "secular state" (An-Naim 2008)

--Mehrangiz Kar- until Islam and the state are separated, there is "no hope for improvement" in women's rights (Kar 2008)

-Zanan takes inspiration from both Islam and western feminism

The Role of Education

-Khomeini's Islamization of universities made them more accessible to women from devoutly religious families

-In the same vein, mandatory veiling, though repressive, allowed for more public participation

-Ordinary Iranians are arguing against traditional gender roles and discriminatory laws

-In a recent survey, a majority said they opposed mandatory veiling

-Educated women are more likely to question the existing power structure

-Attitudes are shifting, however the regime continues to attempt to enforce a value system increasingly not shared by its citizenry

Women's Movements and Legal Change, Past and Present

-Iranians have been pushing back on the regime's repressive policies since nearly its inception

-1980 protests delayed the implementation of a mandatory veiling law for several months

-During the Rev, religious opponents of the Shah (including Khomeini) voiced their support for women's political mobilization
-Women had an undisputed place in the public sphere - shift in traditional attitudes

-Reformist arguments have been adopted by women's movements to push for legal reform, with varying degrees of success

-2007 Family Protection Bill - two contentious articles dropped after protests

-2009 elections - many candidates included gender-friendly policies in their platforms due to pressure from activists

-The regime has been more accepting of reform when it needs the support of women to stay in power

-An-Naim - primarily a political institution

-Continued enfranchisement of women post-Rev

-1980s - widows of military casualties kept custody of children

-However, overall reform has been limited - often countered at every turn by religious conservatives in gov't

-Activists are often persecuted

-Challenges to gender inequality are also challenges to the power structure



A demonstrator burning a hijab
https://ichef.bbci.co.uk/news/976/cpsprodpb/81f4/production/_126786233_mediaitem126786229.jpg

Works Cited



2022-23 Protests

-Today, disillusionment with reformers has "further radicalized the women's movement" (Kian)

-Significant change in rhetoric

-Before, protestors used Islamic justifications to work within the system laid out by the IRI

-Chants of "death to the dictator" in the weeks after Amini's death (Karadsheh 2022)

-Veiling as a protest symbol during the 1979 rev and the 2009 Green rev protests - Publicly burning hijabs in 2022

-Despite brutal government crackdowns - over 500 people have been killed and almost 20,000 detained - street demonstrations continue today

-Purportedly one of the "biggest challenges" to Iran's theocracy since the Revolution (Karadsheh)

-Today's protesters (predominantly young and educated) are challenging the very foundations of Iran's authoritarian state

-Driven by other frustrations

-Iranians are demanding all-out change, and women's rights are at the forefront